

PROCEEDINGS OF THE ST. CLOUD PLANNING COMMISSION

A meeting of the St. Cloud Planning Commission was held on September 14, 2010, at 6 p.m. in the St. Cloud City Hall Council Chambers. Members present were Anderson, Andzenge, Chirhart, DeVine, Goerger, Holtberg, Radaich, and Councilperson Libert in the absence of Council representative Pederson.

Open Forum: No one was present to speak at the open forum.

Consent Agenda: Goerger moved to approve the consent agenda as follows:

Acceptance of staff reports for September 14, 2010, as part of the official record.

Approval of minutes from the August 12, 2010, Planning Commission meeting.

The motion was seconded by DeVine and carried unanimously.

Resolution Supporting the St. Cloud Joint Planning District Board's Adoption of the St. Cloud Area Sustainability Framework Plan: Matt Glaesman, Planning Director, stated that the St. Cloud Joint Planning District Board charged its Sustainability Committee with the creation of a regional Sustainability Framework Plan that establishes a sustainability vision and toolbox of sustainability practices which can be utilized by area organizations and individuals as a common resource. Glaesman gave an overview of the Sustainability Framework Plan which offers specific recommendations in 17 best practice areas. The best practice areas are generally categorized into Energy & Buildings, Natural Systems & Planning, Products & Waste, and Community Policies. Glaesman noted that the Joint District Plan is over 10 years old and needs to be updated. That plan should be based upon sustainability principles. The City has applied for a HUD Sustainable Communities Grant that would provide funding to update the District Plan based on sustainability. As the comprehensive plans for the area cities are updated in the near future, the Sustainability

Framework Plan will be a resource for those updates. A regional Sustainability website will be created called "SustainableStCloud.com". Chairperson Andzenge asked what action is being asked of the Planning Commission. Glaesman explained that after the public hearing, staff is requesting that the Commission take action on the draft resolution of support. Chirhart asked why the Sustainability Framework Plan would not be considered as an addendum to the Comprehensive Plan. Glaesman responded that the Framework Plan would serve as a guide for the region. However, each City would adopt its own Comprehensive Plan incorporating the sustainability principles it chooses into its Plan. Anderson asked who will be in charge of the regional sustainability website, and Glaesman answered that it will be hosted by the City of St. Cloud. Anderson then asked who will manage the content of the site. Glaesman answered that the City of St. Cloud has a Sustainability Coordinator. Glaesman said he and the Coordinator are the staff to the Sustainability Committee. The Committee will guide the staff as to the content on that site. Chairperson Andzenge opened the public hearing and invited testimony. The following persons spoke:

Charlotte Stephens
23 Pandolfo Pl.

She was active on the planning committee almost from the beginning. The committee was a very broad based group and was much more than just an environmental initiative. The Plan provides a focus for the future that benefits not only the environment, but is also economically and socially beneficial. She encouraged approval of the resolution of support to the City Council.

Lowell Olson
23 Pandolfo Pl.

He was also a member of the planning committee. He said the broad diversity of the group was impressive. Also, the Plan is very regional in nature which is essential. All of the items in the tool box will save money over time although there will be costs involved to implement the ideas/concepts.

There being no one else wishing to speak, the public hearing was closed. DeVine suggested that the sustainability website have a tab that tells people how to get involved in the home and at work. She asked if other jurisdictions are involved in this plan. Glaesman answered that there has been broad representation throughout the process and believes that will continue. He added that the Joint District Board meets quarterly. At those meetings, the Sustainability Committee must give a report on its progress and activities. DeVine asked if new members can be added to the

Sustainability Committee. Glaesman answered that the Joint District Board did not establish a maximum membership. The Committee started with 10 members and has grown to 24. It will probably continue to grow. DeVine emphasized the need to constantly hear about and be updated about sustainability to keep it in the forefront of people's minds and habits. Goerger noted that when an item goes to the City Council, the staff memo addresses the item's "Relationship to City Goals". He suggested that the memo also address the agenda item's "Relationship to the Sustainability Framework Plan." Goerger said the goal in the resolution reads: "Preserve and manage all of the Region's natural resources, including but not limited to air, water, green spaces, natural areas and farmlands, through sustainable land use practices;". He asked if he owned farmland, what the word "manage" would mean and who would be "managing" the farmland. Glaesman explained that language is taken from the Joint District Plan and implies not only government regulation but also the responsibility of the property owner to be stewards of their own land and to manage crops and business in a sustainable manner. Goerger said his concern is that the language should not be overreaching or have enforcement implications, but rather that it should only be educational in nature. Anderson asked who makes decisions on what ideas and concepts are more legitimate than others; for example, use of ethanol and implementing light rail. Glaesman stated that is the reason for putting the Framework Plan under the Joint District Board. It is an advisory plan, not a regulatory document. The individual jurisdictions can decide what parts of the Plan they want to include in their own documents and report back to the Joint District Board. Radaich stated that it is his understanding that the words "Preserve and manage..." under the Goal in the resolution will not prevent rezoning or development of property. Chirhart moved to recommend to the City Council adoption of "A Resolution in Support of the St. Cloud Joint Planning District Regional Sustainability Framework Plan." Devine seconded the motion which carried unanimously.

Recommendation on a Request from the St. Cloud Planning Commission for Potential Amendments to the St. Cloud Land Development Code (LDC-2010-02): Matt Glaesman, Planning Director, suggested that these Land Development Code (LDC) amendments be acted on individually.

Glaesman explained that Section 1 of the proposed ordinance would amend Article 8 to allow on-site rental offices in the R3A district as a permitted use. Currently, they are not allowed. Andzenge opened the public hearing and invited testimony. There being no one wishing to testify, the public hearing was closed. Goerger moved to recommend to the City Council approval of Section 1 of the proposed ordinance amending the LDC, Article 8, Residential Districts, 8.2 – Permitted and Conditional Uses, Table 8-1: Residential Districts Permitted and Conditional Uses by adding on-site rental offices as a permitted use in the R3A zoning district. The motion was seconded by Anderson and carried unanimously.

Glaesman said Section 2 of the proposed ordinance relates to Article 9, Commercial Districts Permitted and Conditional Uses. The amendment would add convenience stores as a permitted use to the C2 through the C5 zoning districts; add massage facility to the C1 and C2 districts as a permitted use; remove retail goods establishment from the C1 district; and permit print shops to be located in C2 districts and remove plate width limitation (print shops are being redefined; large scale printing will not be called publishing). Chairperson Andzenge opened the public hearing and invited testimony. There being no one wishing to testify, the public hearing was closed. Anderson said that during the study session he recalled discussion about making the retail goods establishment a conditional use in the C1 district if it matched the hours of operation of the office building. Glaesman said his notes indicated that retail sales would be incidental to the business and limited to a small area. He assumed it could be left to staff's discretion in the existing definition to make that call. Holtberg asked what the process would be if a use in the C1 district wanted a small retail area. Glaesman answered that typically it would be caught in the building permit process. If it is added after the fact, it may come to the City's attention through a complaint or City inspection. Goerger moved to recommend to the City Council approval of Section 2 of the proposed ordinance which amends the LDC, Article 9, Commercial Districts, Section 9.2 Permitted and Conditional Uses, Table 9-1, by adding convenience stores as a permitted use in the C2 through C5 districts; adding massage facility as a permitted use in the C1 and C2 districts; removing retail goods establishment from the C1

district; and adding print shops in the C2 district as a permitted use and removing plate width limitation. The motion was seconded by Radaich. The Commission further discussed removal of the retail goods establishment from the C1 district. Anderson said he believes it would be more appropriate for it to be a conditional use rather than to be left to staff's discretion. The motion carried by a vote of 6-1 (Anderson opposed).

Glaesman stated that Section 3 of the proposed ordinance amendment addresses Article 10 Table 10-1. It replaces "print shops" with "publishing" and addresses the typographical error in the "wholesale" definition. As amended, it would read, Wholesale: (Excluding Bulk Petroleum, Gasoline or Explosives). Glaesman stated that bulk is not defined, and the definition would be left to staff. Chirhart asked how the proposed amendment would have affected the Planning Commission's recommendation several months ago on the construction of the large recycled oil storage tank on the East Side. Glaesman responded that because of the way the table was written and because staff interpreted that it was an error, the property was rezoned to a PUD rather than as a permitted or conditional use. In any other instances, applicants would also have to request a PUD. Staff could not think of any other locations within the City that would be appropriate for such a use. Chairperson Andzenge opened the public hearing and invited testimony. There being no one wishing to speak, the public hearing was closed. Chirhart moved to recommend to the City Council approval of Section 3 of the proposed ordinance amending the LDC, Article 10 Industrial Districts, Section 10.2 Permitted and Conditional Uses, Table 10-1: Industrial Districts Permitted and Conditional Uses, by replacing "print shops" with "publishing" (print shops are being redefined; large scale printing will now be called publishing); and clarify that "wholesale" uses may not include bulk petroleum, gasoline, explosives. The motion was seconded by Anderson and carried unanimously.

Glaesman stated that Section 4 of the proposed amendment addresses the Use Standards of Article 14 for Service Station. Convenience stores are not currently defined in the LDC. The amendment would define that term and include it in the operating standards that are currently in effect for service stations. The amendment also addresses canopy setback requirements for fuel

islands. Chirhart said he is in favor of including convenience stores in the service station operating standards. However, he questioned the requirement for service stations with service bays to have a minimum total site area twice that of a convenience store since there can be just as much traffic at a convenience store as at a service station with service bays. Chairperson Andzenge opened the public hearing and invited testimony. There being no one wishing to testify, the public hearing was closed. Goerger moved to recommend to the City Council approval of Section 3 of the proposed ordinance amending the LDC, Article 14 – Use Standards, 14.3 – Use Standards, U. Service Station, by expanding service station to include convenience stores with fuel sales and addressing canopy setback requirements for fuel islands. The motion was seconded by DeVine and carried unanimously.

Section 5 of the proposed ordinance amendment relates to Art. 15 On-Site Development Standards, Section 15.6 Permitted Obstructions, Table 15-4 Permitted Obstructions. Glaesman stated that the Commission, at the study session, discussed how to deal with green houses, trellises and arbors. The ordinance adds detached greenhouses as a permitted obstruction in the rear yard setback area. Arbors and trellises would be allowed in the rear yard. They would also be allowed in the front or street side setback and the interior side setback but would be restricted as to how far they could encroach into the required setback. Chairperson Andzenge opened the public hearing and invited testimony. There being no one wishing to testify, the public hearing was closed. Goerger moved to recommend to the City Council approval of Section 5 of the proposed ordinance relating to the LDC, Article 15 On-Site Development Standards, Section 15.6 Permitted Obstructions, Table 15-4. DeVine seconded the motion. Anderson asked if there is any height restriction associated with the arbor/trellis. Glaesman answered that detached accessory structures in the residential districts have a height restriction of 16'. The motion carried unanimously.

Glaesman stated that Section 6 of the proposed ordinance amendment refers to Article 16 – Off-Street Parking and Loading. The proposal is to change the word “churches” to “places of worship”. He explained that has been done throughout the LDC; however, this one was overlooked.

Chairperson Andzeng opened the public hearing and invited testimony. There being no one wishing to speak, the public hearing was closed. Chirhart moved to recommend to the City Council approval of Section 6 of the proposed ordinance amending the LDC, Article 16 – Off-Street Parking and Loading, 16.7 – Location of Off-Street Parking Spaces, E. Goerger seconded the motion, and it carried unanimously.

Glaesman noted that Section 7 of the proposed ordinance is also regarding Article 16. It makes reference to the appropriate Article of the Land Development Code with regard to landscaping of parking lots. Chairperson Andzeng opened the public hearing and invited testimony. There being no one wishing to testify, the public hearing was closed. Chirhart moved to recommend to the City Council approval of Section 7 of the proposed ordinance amending the LDC, Article 16 – Off-Street Parking and Loading, 16.8 – Design Standards, D. Landscaping and Screening. The motion was seconded by Goerger and carried unanimously.

Glaesman stated that Section 8 of the proposed ordinance deals with the required dimension of parallel parking spaces which currently is not defined. Staff stated that in researching different communities, the standards vary from 17' to 24'. Staff chose 21' as the standard. Chairperson Andzeng opened the public hearing and invited testimony. There being no one wishing to testify, the public hearing was closed. Goerger moved to recommend to the City Council approval of Section 8 of the proposed ordinance amending the LDC, Article 16 – Off-Street Parking and Loading, Section 16.9 Off-Street Parking Access, Figure 16-2 Dimensions, by increasing parallel parking space depth to 21'. The motion was seconded by Anderson. The motion carried by a vote of 5-2 (DeVine and Chirhart opposed). DeVine states that she is opposed because it will probably impact many commercial parking lots.

Glaesman stated that Section 9 of the proposed ordinance amendment amends Article 16 of the Land Development Code. He explained that the parking requirement for office space was changed when it was a stand alone use. However, there are a number of provisions where there is a shared use with a principal use, e.g., a manufacturing office with some dedicated office where the

requirement of 1 parking space per 250 sq. ft. from the old Zoning Ordinance was still being used rather than the 1 parking space per 300 sq. ft. that is the current requirement of the LDC. The proposed change is being made for consistency purposes. Chairperson Andzenge opened the public hearing and invited testimony. There being no one wishing to testify, the public hearing was closed. DeVine asked Glaesman for clarification of the proposed amendment. Glaesman explained that when the Zoning Ordinance was changed to the Land Development Code, the parking requirement for office space was reduced. Gross square footage of a building was used to determine the parking requirement, and it was argued that parking space should not have to be provided for bathrooms, copy room, kitchenette, etc. Therefore, in exchange for going to net square feet, it was agreed to keep gross square feet but that the ratio would be reduced. Staff's concern with going to net square feet was that net square feet could be continually changing, whereas gross square feet would be more consistent in calculating square footage for parking purposes. Radaich referred back to Section 8 of the proposed amending ordinance with regard to parallel parking depth. He asked if increasing the depth from 19' to 21' will make existing parking lots nonconforming. Glaesman answered that there may be some instances where there may be some lots that were credited for a certain number of spaces that could lose an off-street parking space due to the required dimension; however, it would grandfathered in for the time being. However, a change in use would require compliance with the off-street parking requirement. Goerger moved to recommend to the City Council approval of LDC, Article 16 – Off-Street Parking and Loading, Section 16.13 Required Off-Street Spaces, Table 16-3, which changes the parking requirement for accessory office space in places of assembly; mortuaries; manufacturing and assembly; and, warehousing, wholesaling, and distribution to one space per 300 sq. ft. of gross floor area. The motion was seconded by Holtberg and carried unanimously.

Glaesman noted that Section 10 of the proposed ordinance amendment addresses Article 17 of the LDC relating to Landscaping & Screening. The heightened standards that were discussed during the Land Development Code process were not included in the adoption of the LDC. This

amendment would put the standards of the Zoning Ordinance back in the LDC. Chairperson Andzenge opened the public hearing and invited testimony. There being no one wishing to testify, the public hearing was closed. Goerger moved to recommend to the City Council approval of Section 10 of the proposed ordinance amending LDC, Article 17 – Landscaping, Screening & Buffering – by adding purpose and enforcement paragraphs and adopting the same requirements found in the various sections of the former Zoning Ordinance. The motion was seconded by Chirhart. The motion carried unanimously.

Glaesman stated that Section 11 of the ordinance amendment relates to Article 21 – Definitions, by revising the definition of “print shop” and adding the definition of “publishing” and “convenience store.” Chairperson Andzenge opened the public hearing and invited testimony. There being no one wishing to testify, the public hearing was closed. Chirhart moved to recommend to the City Council approval of Section 11 of the ordinance amending Article 21 – Definitions, 21.4 Use Definitions, by revising the definition of “print shop” and adding a definition for “publishing” and “convenience store.” The motion was seconded by DeVine and carried unanimously.

Glaesman explained that Section 12 of the amending ordinance refers to Article 21 – Definitions, by adding a graphic to the floor area ratio definition and changes the height in the safety fence (pool) definition. Chairperson Andzenge opened the public hearing and invited testimony. There being no one wishing to testify, the public hearing was closed. Goerger moved to recommend to the City Council approval of Section 12 of the ordinance amending Article 21 – Definitions, Section 21.5 General Term Definitions, by adding a graphic to Floor Area Ratio (FAR) definition and changing the height in the safety fence (pool) definition from 4’ to 6’. The motion was seconded by Holtberg and carried unanimously.

West Prairie Point Plat Two (Preliminary and Final Plat) and Vacation Request/Rich Romness on Behalf of Melvin Aho: Matt Glaesman, Planning Director, explained that applicant is proposing to combine 40 lots into 28 larger lots in the West Prairie Point residential development in an attempt to create a greater interest in those lots for construction of single family detached housing

product. The second request is to vacate the drainage and utility easements that existed on those prior lot lines. Replatting would place those easements within the building area of the newly platted lots. Goerger inquired if there is a need to replace those easements. Glaesman responded that the proposed final plat will replace those easements along the new lot lines. Chirhart asked if the plat should be approved subject to the Engineering comments. Glaesman answered that it should include the Engineering comments. Due to the relocation of property lines, there will be redundant service lines that will need to be eliminated at a future date. In addition, service lines will now be near a side lot line as opposed to being near the center of the lot due to lot reconfiguration. The Engineering memo clarifies that the City will not be responsible for the cost of elimination of unused service lines or new connection costs. DeVine asked the applicant if he anticipates the changes that have been requested in this PUD will be beneficial in getting these lots developed. Bob Herges stated that he works in the Sales Dept. for Aho Northwest. He stated there is a market for patio homes. However, many of the buyers do not want the small two bedroom homes. They want a minimum of three bedrooms and a triple stall garage. The existing lots in the West Prairie Point development do not allow that size home. There is no demand for the smaller lots.

Chirhart moved to recommend to the City Council approval of the preliminary and final plat of West Prairie Point Plat Two subject to the Engineering memo dated September 13, 2010. The motion was seconded by DeVine and carried unanimously.

Chirhart moved to recommend to the City Council vacation of the 5' wide drainage and utility easement along the interior side yards of Lots 1-6, Block 8; Lots 1 & 2, 4 & 5, 7 & 8, and 10-13, Block 9; Lots 2 & 3, 6 & 7, 9-13, 16-20, and 22-27, Block 10; and Lots 1-4, Block 11 of West Prairie Point. (Location: 6738-7118 Northwood Lane and 6814-7014 22nd Street North) (VAC-2010-04). DeVine seconded the motion, and it carried unanimously.

Other Business: Goerger asked staff what recourse the Planning Commission has on the action they took relative to the change in the off-street parallel parking stall length. Glaesman answered that someone on the prevailing side would have to move to reconsider.

Goerger reported that he participated in the Mississippi River Renaissance bus tour which made four stops. The first one was the gathering area at the Stearns County Park north of Sartell. At that location the discussion centered around different zones – shoreline, shoreland, and the river corridor. They looked around the park at impacts of taking grass right to the riverbank and steps being taken in that park to stop erosion of the riverbank. The second stop was Fred Rupp's property in Pine Point north of Sartell where the group talked about natural shore. Mr. Rupp has placed part of his property into a conservation area. Not only the property owner benefits in the form of a tax break, but the environment and the people on the river who see a natural setting also benefit. The third stop on the bus tour was the Duane Rasmussen property in Via Riviera Addition north of Sartell which emphasized shoreline restoration. That property was experiencing erosion along the riverbank, and Mr. Rasmussen asked the County to help him restore the property at considerable expense. Through the negotiation process, the County and Mr. Rasmussen agreed to a 25' natural area down to the river. The approach to the boat and dock is angled so that the stormwater always catches part of the natural planting. It was a \$30,000 project of which the County paid 75%. The last stop on the tour was the John Perry property north of Sartell. This is a large tract of undeveloped wooded property along the river which the owner would like to develop at some point in the future. Conservation easements, conservation design and a conservation overlay district have been discussed for that property to allow development in a manner that respects the natural setting of the river. Goerger noted that this tour once again impressed upon him that the City of St. Cloud already implements many of these good planning practices. DeVine thanked Goerger for attending and asked him to share the written information with the Commission. Goerger pointed out that when the Planning Commission approved the vision statement for the Mississippi River Renaissance project, he questioned the omission of representation of landowners along the river. The new language which was drafted by staff acknowledging the existence/participation of property owners along the river was unanimously approved by the Planning Commission and City Council, and was also approved by the

other jurisdictions. Subsequently, the Mississippi River Renaissance group arbitrarily removed that language from their mission statement.

Radaich asked for an explanation of the process to reconsider the vote on the amendment to the LDC relating to off-street parallel parking stall length. Councilperson Libert said he would bring forward to the City Council that that section of the ordinance was discussed by the Commission and was not passed unanimously. Glaesman stated that the 21' reflects the Minnesota state aid design standard for on-street parking. He explained that during the winter months when snow accumulates at the end of a parallel parking stall, it shortens the parking stall length. Radaich stated that his concern in increasing the requirement from 19' to 21' is that it makes some existing conforming parallel parking spots nonconforming. Radaich moved to reconsider the motion to change the off-street parallel parking stall length to 21'. The motion was seconded by Chirhart. The motion to reconsider carried unanimously. Anderson asked if 21' is the State standard. Glaesman responded that 21' is the State standard for on-street parallel parking. Goerger asked how many parcels would be affected by this change. Chirhart stated that there are a number of areas in St. Cloud that have both diagonal parking and parallel parking. He said those are usually businesses that have difficulty meeting parking requirements. He questioned when the 21' State standard was adopted as it seems the length of vehicles has decreased. Holtberg asked if the standard applies only to off-street parking or if it also includes parallel parking within a parking lot. Glaesman stated that the state aid standards apply to public streets and state aid streets which are collectors or arterials carrying high traffic volumes. The intent is that traffic flow not be hindered by someone trying to maneuver in and out of a parallel parking space. The LDC only applies to off-street parking where the business' operation and/or customers' convenience are being impacted by the difficulty and amount of time it takes to get in or out of a small parallel parking space. He added that he is not sure when the State standard was adopted or how many parallel parking spaces would be affected by the amendment. Radaich moved to rescind the action to amend Article 16 – Off-Street Parking and Loading, 16.9 – Off-Street Parking Access, Figure 16-2, which would change the off-street parallel parking stall length from 19' to 21'.

The motion was seconded by Chirhart. Chirhart moved to table for additional information. The motion was seconded by Radaich and carried unanimously.

Adjournment: There being no further business, the meeting adjourned at 7:58 p.m.

Rick Holtberg, Secretary