

PROCEEDINGS OF THE ST. CLOUD PLANNING COMMISSION

A meeting of the St. Cloud Planning Commission was held on January 11, 2011, at 6 p.m. in the City Hall Council Chambers. Members present were Anderson, Andzenge, Chirhart, DeVine, Holtberg, and Radaich. Council representative Goerger was also present.

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

Chairperson Radaich welcomed Councilman Goerger who will be the Council liaison to the Planning Commission.

Consent Agenda: Anderson moved to approve the minutes of the December 14, 2010, Planning Commission meeting. Andzenge seconded the motion, and it carried unanimously.

Anderson moved to approve acceptance of staff reports for January 11, 2011, as part of the official record. The motion was seconded by DeVine and carried unanimously.

Amendment to Sun Villa Estates PUD/Sauk River Estates, LLC on Behalf of Torborg Construction, LLC; and, Amendment to 2003 Comprehensive Plan Future Land Use Map/St.

Cloud Planning & Zoning Department: Matt Glaesman, Planning Director, explained that the property in question is a six acre parcel south of the intersection of 22nd St. So. and Co. Rd. 74. The site was rezoned to PUD in 2006. The property location within the PUD is the southernmost six acres. The property was originally planned to be constructed with 32 units of attached and detached single family housing. Applicant is requesting to change the use to a single apartment building with 100 housing units with detached garages to accommodate some of the off-street parking requirement as well as tuck-under parking. The second item under consideration is whether the project as requested is consistent with the Comprehensive Plan (CP). Glaesman stated that the CP designates

this property as low density mixed residential which would be a maximum of 6 units per acre across the development with housing types ranging from single family detached to apartments of 10 units or less. The proposed project would have a single apartment building with 100 units and change the density across the entire PUD to 6.23 units/acre. Glaesman pointed out that the CP also allows flexibility in deviating from the definitions in the low density classification if the Commission believes there is a tradeoff/public benefit from the project. The applicant has proposed enhanced landscaping and increased architectural design to justify the increase from 6 units per acre across the entire site and going from a 10 unit to a 100 unit building. Glaesman pointed out that the City converted its e-mail system from GroupWise to Outlook during the last weekend and there was a significant number of people (130+) who attempted to e-mail the Planning Office without success. However, the City was able to retrieve the e-mail addresses of those people. Glaesman noted the letters from 8 surrounding property owners opposing the request, which he assumed were indicative of concerns within the e-mails that could not be retrieved. He stated that staff is recommending approval of the request. Chairperson Radaich opened the public hearing on the request from Sauk River Estates, LLC on behalf of Torborg Construction, LLC to amend the Sun Villa Estates Planned Unit Development to change the use of the Outlot A, Sun Villa Estates and Lot 1, Block 2, Burns Estates from 32 future single family homes and townhome units to a 100 unit multiple family building. (Location: 4020 25th Street South and 2510 41st Avenue South) (DPA-2011-01) and the recommendation on a request from the St. Cloud Planning and Zoning Department to amend the 2003 Comprehensive Plan Future Land Use Map from Low Density Mixed Residential to High Density Mixed Residential for the properties located at 4020 25th Street South and 2510 41st Avenue South. (CPA-2011-01). The following persons testified:

Joe Torborg
Torborg Construction

This will be a significant growth area in the future with a new Highway 15 interchange. Current vacancy rates in other similar properties he owns is less than 5%. Utilities and roads are appropriately sized for this project. Architectural enhancements proposed are increased use of brick and stone accents, cladding or trimming of windows, gables and eaves, alternating roof lines, dormers, possible screening in of decks,

ornamental lighting, and tuck under parking which will help eliminate large expanses of asphalt. He will place the building on the east side of the property furthest from existing housing to minimize its impact. There will be a pond and garages between existing housing and the apartment building. He showed a picture of existing housing that would be similar to the proposed project. The backs of garages would have windows and dormers to make them more visually appealing to existing housing in the area. The economic downturn has been hard on development; this project would employ approximately 200 people from 80 different vendors.

- Tim Chirhart He asked if they are upscale apartments.
- Joe Torborg Yes, they are upscale apartments.
- Tim Chirhart He asked if they are one and two bedroom.
- JoeTorborg They will range from studio up to 3 bedroom.
- Tim Chirhart He asked how they will be marketed to the general public.
- Joe Torborg They will be marketed to young professionals, families, and older retired people. This is not student housing.
- Jeremy Bigaouette
2609 42nd Ave. So. He is a resident of Boulder Ridge and represents the people that are opposed to this development. He presented a petition of opposition with 85 signatures. They are concerned with the traffic that will come through their neighborhood as a result of this development. They like to use their sidewalks and roads and play outside. The traffic from the apartments will double the traffic in their neighborhood from 300 to 600 trips/day. According to a survey done by the City of St. Cloud on October 1, 2010, one bedroom apartment vacancy rates have almost tripled and two bedroom rates have almost doubled in the last two years. He asked if an environmental impact study has been done on this property; and if not, he would like to see a study done. He asked what the assumption of perceived benefits is vs. the impact on the surrounding neighbors.
- Roger Robinson
3243 Co. Rd. 74 He noted that approximately one-half mile south of the property in question is a development that has the potential to become rather large. If that hasn't developed after being zoned for high density residential for over three years, he is concerned that the proposed project will have a lower occupancy level or will influence the development of the property one-half mile away. The people in this area bought their properties based on the Comprehensive Plan and with the understanding that this would be a neighborhood with single family homes. He asked the Commission to take that into consideration.
- Robert Schmitt He signed the petition. When he talked to people in the neighborhood,

2447 41st Ave. So.

their concerns were about the proposed development's impact on traffic, the environment, and property values. He opposed changing the land use map from low density mixed residential to high density mixed residential. He purchased his townhome in 2005 because he thought it would be a safe, low traffic/low density neighborhood in which his family could live and grow. The applicant's proposal would make it more difficult to raise his family as he envisioned. The apartment building would likely lower his property value and the values of the properties around him.

Christie Young
2451 41st Ave. So.

She stated that she included her letter with the petition. Staff's memo states: "The single family attached and detached product has not proven to be marketable in recent times." She pointed out that is not unusual right now. Housing starts are down; land purchases are down; housing values are down. Therefore, she questioned why the needs of the company who purchased this property as an investment would be placed ahead of the needs of approximately 110 single family townhome owners who already live adjacent to the proposed development. There is no park for kids to play in; they only have their own back yards or the streets. If the entrance to this development is the intersection of 41st and 42nd, that places 660 trips per day on those roads, an increase of 350 trips per day which could be injurious and/or detrimental to the surrounding area and/or persons.

Victoria Helling
2423 41st Ave. So.

She questioned how using brick on the building is going to enhance what they currently view out their window, i.e., deer and trees.

Tom Iten
2602 42nd Ave. So.

This is a wonderful, peaceful neighborhood. He has environmental impact concerns. Also, this development would use the same road as the existing development. There would be two exits from the proposed development. There are many young people in this development with not many places to play. He thinks a lot of people will probably go past the first access when it gets busy and go onto the second one. He is concerned about safety.

Tanyele Kajer
2549 42nd Ave. So.

Traffic is a concern. Traffic from the apartment building will not be as aware of children in the single family neighborhood as those already living there.

Matt Glaesman
Planning Director

He addressed some of the questions that were raised. Relative to the environmental impact study, this project does not trigger state or federal environmental review requirements. The property or the woods that are on the site are not protected by the City's environmentally sensitive areas ordinance. The wetland delineation that was done with the original plat is more than 3 yrs old, and Stearns County has agreed to work with the developer to confirm that wetland delineation in the spring. The County is comfortable with the general concept going forward, but the building can be shifted or adjusted if there is a change in the spring. Park dedication is an issue. A parkland dedication was not required for Boulder Ridge and Sun Villa, but instead a right of way

along the Co. Rd. 74 corridor was dedicated. At the end of the cul-de-sac that comes out of the Sun Villa development is a 2-acre parcel in City ownership that is dedicated parkland. The City is recommending that the developer make an investment in the existing park property. Traffic will change in the area on both the 41st Ave. corridor and on the CR 74 corridor. The City required a 120' of dedication to allow for future expansion to 3 or 4 lanes. A traffic signal is anticipated at the end of 41st Ave. when warranted.

There being no one else wishing to speak, the public hearing was closed. Anderson questioned if there would, in fact, be a pond as indicated on the architect's rendering. Steve Foss, City Engineer, answered that there will be a pond; however, he is not sure of its exact configuration. Glaesman explained that if the Planning Commission believes applicant's proposed project is a significant deviation from the CP, then action on the CP should be considered first. If the Commission believes the project is generally in compliance with the CP, then the Commission should take action on the PUD amendment first. Holtberg requested a clarification of the density under the existing PUD and what it would be with the proposed change. Glaesman explained that the character of the housing in low density mixed residential ranges from single family detached homes to townhomes to 10 unit apartments. The proposed use is for a 100 unit apartment building. The second consideration is whether the overall density is greater than what is outlined by the Comprehensive Plan. When the development came forward initially, the CP would have allowed 148 units if it would have maximized its density rights; however, the PUD only allows 85 units. The proposed 100 unit apartment building plus the 54 platted lots results in a total of 154 units or 6 units more than what would have been allowed by the CP in 2006.

Anderson moved to amend the 2003 Comprehensive Plan Future Land Use Map from Low Density Mixed Residential to High Density Mixed Residential for the properties located at 4020 25th St. So. and 2510 41st Ave. So. (CPA-2011-01). The motion was seconded by Andzenge. Anderson said he will vote against the motion as he believes the neighborhood opposition is legitimate. He thinks there are other high density areas in the City where this apartment complex could be built. Anderson said he opposes this PUD amendment as the property owners in the area would not have anticipated

this change in density when they purchased their properties. Glaesman pointed out that the CP offers guidance to people who want to make an informed decision when considering making an investment in property. Chairperson Radaich commented that there is a very attractive Torborg apartment complex about 3/4 mi. from his house along Co. Rd. 120. That roadway is just busy in general and doesn't know if the Torborg development significantly increased traffic on that roadway or not. He commended the speakers for their input and stated that the Planning Commission is the first step in the process. The Commission will send a recommendation to the City Council. Andzenge asked applicant if he could address the concerns of the neighbors. Joe Torborg stated that when they proposed their project in Sartell, they faced much opposition to it, but were able to come to some consensus with the neighbors who became more accepting of the project. Torborg said he would be willing to work with the neighbors toward a compromise. However, a certain number of units are necessary to make the project economically feasible. Glaesman stated that approving the Comprehensive Plan amendment is an indication that the Commission believes that higher density is warranted on that property. The details of the project design are defined by the PUD amendment, if approved. DeVine pointed out there will only continue to be growth in the entire southwest region. When the Hwy. 15/33rd connection occurs, there will be increased traffic again. This subdivision is already a mixed use. DeVine said she does not believe the high density mixed residential use in that area is inappropriate with some controls. She asked Foss the likelihood of a signal light being installed. Foss answered that installation of signals are volume driven. They will be based on the thru traffic on Hwy. 74 and the delays on the side streets. He stated that the infrastructure has the capacity to handle the additional density. The motion carried by a vote of 5-1 (Anderson opposed).

Chirhart moved to table the request from Sauk River Estates, LLC on behalf of Torborg Construction, LLC to amend the Sun Villa Estates Planned Unit Development to change the use of Outlot A, Sun Villa Estates and Lot 1, Block 2, Burns Estates from 32 future single family homes and townhome units to a 100 unit multiple family building (location: 4020 25th St. So. and 2510 41st Ave.

So.) (DPA-2011-01). The motion was seconded by Andzenge. Chirhart explained that he wishes to table because he thinks the Planning Commission should pinpoint the issues between the neighbors and the developer prior to making a recommendation to the City Council. DeVine supports tabling with the condition that there is a meeting(s) between the developer and the neighbors and that it be tabled for no more than a month. Torborg stated that he would prefer that the Commission deny the request and that he meet with the neighbors prior to the City Council meeting. He added that tabling the request will push the timetable beyond the limits that he has placed with the seller. Andzenge said he would prefer to vote it down and ask that the developer meet with the neighbors prior to the City Council meeting. DeVine concurred with Andzenge. Chirhart believes it is the Commission's responsibility to make a recommendation to the City Council. Council representative Goerger stated that if the Planning Commission chooses to deny the request, he will convey to the City Council that the Planning Commission would expect changes to the applicant's proposal as a result of a meeting between the developer and the neighbors. Anderson supported tabling the item, but that if the motion fails, that the developer still meet with the neighborhood prior to the City Council meeting. The motion to table failed by a vote of 3-3 (Anderson, Radaich and Chirhart in favor; Andzenge, DeVine and Holtberg opposed).

Andzenge moved to recommend to the City Council approval of the amendment to the Sun Villa Estates Planned Unit Development to change the use of Outlot A, Sun Villa Estates and Lot 1, Block 2, Burns Estates from 32 future single family homes and townhome units to a 100 unit multiple family building (location: 4020 25th St. So. and 2510 41st Ave. So.) (DPA-2011-01). The motion was seconded by Chirhart. Holtberg said he believes the development will fit in that location, being placed as far to the east as proposed. Goerger said he believes the motion will fail and that it would be helpful to the developer and the City Council to state the reasons why they are opposed. Andzenge said the neighbors did not believe a development like this could occur on the property when they purchased their properties and believes they should have a voice in this development to make it more

acceptable to them. The motion to approve failed by a vote of 1-5 (Holtberg in favor; Anderson, Andzenge, Chirhart, DeVine, and Radaich opposed). Glaesman noted that there will be another public hearing before the City Council and that adjacent neighbors will once again be notified.

Rezoning Request/Charles Ward: Matt Glaesman, Planning Director, stated that the Comprehensive Plan (CP) guides this property and the surrounding area toward Office Business Park which is consistent with the current uses. The existing zoning is C1, Business Office District. No retail uses are allowed in that zoning designation. The requested rezoning of this single property to C2, Neighborhood Commercial District, would open the door to some retail operations. Glaesman stated that staff is recommending denial of the request due to the breadth of uses that would be allowed by-right and the impact on adjacent neighbors and traffic on adjacent roadways. Chirhart questioned if this would be considered spot zoning. Glaesman responded that it could be considered spot zoning; however, the Comprehensive Plan acknowledges that some retail amenities are appropriate in office business park settings. Staff believes that allowing the C2 uses is not appropriate and that there may be a compromise between the C1 and C2 uses. Chairperson Radaich opened the public hearing on the request from Charles Ward to rezone the building at 103 and 107 Doctor's Park from C1, Business Office District, to C2, Neighborhood Commercial District located at 103 & 107 Doctor's Park (REZ-2011-01). The following persons testified:

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| Ed Roos 910 Forest Dr. | He lives in Oak Knoll Addition, two blocks north of the old St. Cloud Orthopedic Clinic. If traffic leaves that property anywhere but on Northway Dr., it will be a hindrance to the residents of Oak Knoll. In addition, there is a school there and an eye dr. From 7 a.m until 9 a.m., it is very congested along 18 th St. No. He said he is confused on what impact the retail uses would have on 18 th St. No. |
| Matt Glaesman | Glaesman listed uses that would be allowed in the C2 zoning district, e.g., community center, places of worship, public recreation facilities, bakeries, convenience stores, day care, dry cleaners, financial institutions, massage facilities, retail goods establishment, print shops, restaurants with and without drive-thru facilities, service stations, shopping centers (20,000 sq. ft. or less). |
| Charles Ward | He is the property owner. He requested a straight zoning rather than a |

27635 Schulz Rd.

PUD because the parcel is very small. The building is only about 3,000 sq. ft., and because of the parcel configuration, a larger building could not be constructed. Many of the medical uses that were in that medical office park have moved out to Hwy. 15. Some of those buildings were vacant for several years. His building as well as some of the other buildings are very old and don't meet the current standards for medical buildings. There is currently 40% occupancy for commercial office buildings in St. Cloud.

There being no one else wishing to speak, the public hearing was closed. Chirhart moved to recommend to the City Council approval of the rezoning of 103 and 107 Doctor's Park from C1, Business Office District, to C2, Neighborhood Commercial District. The motion was seconded by Andzenge. Chirhart explained that he will vote against the motion because he believes it is a classic case of spot zoning. He stated that the Comprehensive Plan meant for this area to be developed as office space, and it is inappropriate to have retail in this location. Holtberg asked if hours of operation are unlimited with C2 uses. Glaesman answered that there are very few C2 uses that would have operational limitations. Anderson understands that this may be spot zoning but questioned the future of that area with some of the medical uses leaving. DeVine said she would oppose rezoning this property to C2 because it would open it up to uses that may not be appropriate. Holtberg stated that when he visited the site, it was his impression that this is a perfect location for the existing uses rather than C2 zoning. Radaich concurred due to the ambiguity of the application and because he would oppose any use that would generate more traffic at that location. Andzenge inquired if applicant has a particular use in mind for this property. Glaesman stated that applicant has not defined a specific use; he would like the range of uses allowed in the C2 district. Andzenge said it is troubling not to know how applicant wants to use the property. The motion to recommend approval failed unanimously.

Proposed Stormwater Improvements to the City's Southeastern Neighborhood: Matt Glaesman, Planning Director, introduced Lisa Vollbrecht, Assistant Public Utilities Director, and Noah Czech, Stormwater Compliance Specialist, from the City's Public Utilities Department. Lisa Vollbrecht stated that Stormwater Utility was established in 2003 and operates using a permit that allows the City to discharge stormwater to surface waters. The permit also requires the City to have a Stormwater

Pollution Prevention Program. One of the minimum control measures included in that program is post-construction runoff control (permanent best management practices for stormwater treatment, volume control, and handling). This minimum control measure required the City to do a non-degradation assessment to determine if the City is experiencing an increase in stormwater compared to the 1988 levels before the development boom. The level of runoff has increased since 1988; therefore, the City is implementing a volume control standard using bioretention as recommended by the MPCA. Vollbrecht stated that recently the LDC was amended to include infiltration standards for new development (1/2") and redevelopment (1/4"). Vollbrecht stated that Public Utility currently has seven styles of best management practices (BMPs) and 125 implementation projects. Noah Czech stated that in 2009 the Sherburne County Soil & Water Conservation District approached the City about partnering with them on a stormwater retrofit project. The Sherburne Co. SWCD received \$50,000 in grant monies to retrofit stormwater treatment in urban areas. City and County staff identified a specific subwatershed as the best suited project focus area. That area was further broken down into 14 catchments based on drainage patterns, and 3 of those were chosen as the 2011 project area. The goal was to direct street runoff from the 3 catchments into the right-of-way and install rain gardens, tree plantings, etc. that would result in an aesthetic value and educational benefit for the property owner as well as treat the runoff. Czech stated that a letter was sent to 145 property owners (165 properties) asking if they were interested in having a stormwater treatment practice, e.g., rain garden) installed on their property. Responses were received from 53 property owners representing 70 properties expressing an interest. Staff met with those property owners regarding the project details and their options. The project includes some park properties as well as some boulevard areas that were different from the residential properties that expressed interest. Czech noted that plans are to construct 25-30 rain gardens or bio-retention features; therefore, the City will have to prioritize which properties would receive these features based on getting the most benefit for the dollar. He noted that the grant requires a 35% match from the City which will come from staff's time. Holtberg

asked if this project will be completed this summer. Czech answered that the grant requires that the project be completed by July 31, 2011. Chirhart asked how St. Cloud was chosen to receive the grant money. Czech responded that it could probably be attributed to St. Cloud's proactive approach and the GIS data that is available. Chirhart then asked if the intent is to follow up with the Stearns Co. SWCD. Czech answered that Stearns Co. has funds available directly for the residents, and there are 10-12 residents currently interested in rain garden projects in Stearns Co. Anderson asked if the grant money came from the State. Czech answered that it is state money that was directed to the Metro Conservation Districts through the Minnesota Clean Water Fund Grant. DeVine commented that in addition to providing a stormwater management practice, it is providing beautification and educational benefits to the residents. DeVine referred to the concrete apron on 8th St. and asked if that is being done elsewhere. Czech answered that no areas were identified in this project for pervious concrete as a priority to get the most "bang for the buck". He added that just paving some of the alleys would prove to be a water quality benefit. Goerger asked what the City's opportunities are to take care of some of the other problem areas. Vollbrecht responded that the challenge for the City is being located in three counties. Stearns Co. prefers to work directly with the property owner rather than having the City be the link. However, the City has posted information on its website to educate property owners and inform them of their options. The City has not pursued Benton Co. to this point. Chirhart commented that it is obvious that funding for GIS has paid off in securing grants. Steve Foss, Director of Public Works, responded to DeVine's comment about pervious concrete aprons. He stated that the City has not installed additional pervious concrete aprons, but has installed some pervious sidewalk concrete pavements. DeVine asked if developers have shown an interest in using that material in parking lots to handle runoff. Foss reiterated that the City is requiring ½" runoff infiltration on all new development and ¼" on all redevelopment. He noted that underground infiltration was put in on the library site as well as on the 5th Ave. Live development. There is more of that happening than people are aware of because it is out of sight.

Other Business: Glaesman stated that tonight's agenda is an example of the importance the City Charter places on the Planning Commission's role in City operations. The recommendations on the general development plan amendment, comprehensive plan amendment, and rezoning are the usual actions that planning commissions are expected to make. However, the City of St. Cloud's Charter makes St. Cloud's Planning Commission unique because it states: "No street, park or other public way, ground or space, no public building or structure and no public utility, whether public or privately owned shall be constructed or authorized in the city, nor shall any real property be acquired by the City, until and unless the location and extent thereof shall have been submitted to and approved by the commission..." It further states that the same applies to the sale of any property and that the City Council may only overrule the Planning Commission's decision by an extraordinary (five-sevenths) vote. Glaesman pointed out another Charter provision that gives the Planning Commission the authority to approve expenditures from the Development Fund. He thanked the Commission members for volunteering to serve and acknowledged the importance of their role.

Holtberg requested an update on the census results and CDBG training. Glaesman stated that as a result of the census response rate, the State of Minnesota retained the seat in Washington by a very narrow margin. Relative to CDBG, there will be a public hearing at the March meeting where those who have applied for funding will state their case and the Planning Commission will make a recommendation to the City Council on CDBG funding for 2011. Prior to that meeting, a working session will be held with the Planning Commission on the rules and requirements of the CDBG program.

Adjournment: There being no further business, the meeting was adjourned at 8:16 p.m.

Dick Andzenge, Secretary

