

## PROCEEDINGS OF THE ST. CLOUD PLANNING COMMISSION

A meeting of the St. Cloud Planning Commission was held on March 8, 2011, at 6:00 p.m. in the St. Cloud City Hall Council Chambers. Members present were Anderson, Chirhart, DeVine, Holtberg, Radaich, and Councilmember Goerger. Andzenge was absent.

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

**Consent Agenda:** Anderson moved to approve the consent agenda as follows:

Approval of minutes from the January 11, 2011; February 17, 2011; and February 24, 2011 Planning Commission meetings.

Acceptance of staff reports for March 8, 2011, as part of the official record.

The motion was seconded by Holtberg and carried unanimously.

**Rezoning Request; Preliminary and Final Plats of Southgate Place/Robert Abel on behalf of 2903 Roosevelt Road LLC; Comprehensive Plan Amendment/St. Cloud Planning & Zoning Dept.:**

Matt Glaesman, Planning Director, stated that agenda item #5A, B, and C, the request from Robert Abel on behalf of 2903 Roosevelt Road LLC to rezone the property located at 2867 Roosevelt Rd. from C5 to PUD to allow construction of a 102 unit apartment building with a mixture of three, four and five bedroom dwelling units (location 2903 and 2867 Roosevelt Rd.) (REZ-2011-02); the Comprehensive Plan amendment; and, the preliminary and final plats of Southgate Place have been removed from the agenda. Glaesman also noted that agenda item #9a and b, **rezoning request from Mike Tadych on behalf of Stanley Brown and Carolyn and Peterson** to rezone the property located at 4055 Co. Rd. 74 from C2, Neighborhood Commercial District, to C5, Highway Commercial (REZ-2011-03) and **Comprehensive Plan** amendment have been removed from the agenda as the application was withdrawn by the applicant. If the applicants wish to submit new applications, property owners will receive mailed notice.

**Request to Amend Westwood Parkway Planned Unit Development (PUD) General Development Plan; Comprehensive Plan Amendment; and, Preliminary Plat of Westwood Parkway Plat 12/Cherrywood Advanced Living LLC on Behalf of Robert Coborn:**

Chirhart announced that he will abstain on this issue. Matt Glaesman, Planning Director, stated that the site is a 3 acre tract in the Westwood Parkway Planned Unit Development (PUD). The tract is located at the end of the temporary cul-de-sac of Voyageur St. The property was originally platted for construction of single family detached housing. Those 13 lots would be replaced with a 20 unit residential dwelling. The structure does not meet the definition of dwelling unit because each unit does not have its own kitchen; it has congregate dining facilities. Therefore, they are technically sleeping rooms. The facility would provide skilled care for the senior housing market. The building is single story with two wings coming off a common center area. Glaesman noted that the Comprehensive Plan guides the property

toward low density residential. The proposed use would require an amendment to the Comprehensive Plan. Chairperson Radaich stated that the Commission also needs to consider the preliminary plat. Chairperson Radaich opened the public hearing on the request from Cherrywood Advanced Living LLC on behalf of Robert Coborn to amend the Westwood Parkway Planned Unit Development (PUD) General Development Plan to change an area approved for single family lots to a single story 20 suite skilled nursing facility for the elderly (Location: western extent of Voyageur Street) (DPA-2011-02) and approval of the preliminary plat of Westwood Parkway Plat 12. The following persons testified:

Marshall Weems Cherrywood Advanced Living 1685 4 <sup>th</sup> Ave. No. Sauk Rapids, MN	The proposal is for a skilled nursing facility serving 20 residents 24 hrs./day 7 days/week. The typical resident is over 80 yrs. old, is a widow or widower, does not drive, and wants to remain in the community. The demand for this type of facility will increase. The building is angled to make it look a little smaller. There is adequate parking. The garage is for storage of the dumpster and for some seasonal items. The architecture of the structure is intended to make it look residential and fit into the character of the neighborhood. There is a back patio area. There is a congregate dining area with food prepped on site. The resident suites are 400 sq. ft. in size. There will be a great room located between the two building wings where people can gather for events that are too large to take place in the resident's room. There is a need for this type of facility as there are no other assisted living or nursing homes in the Westwood area. He believes it will be compatible with the neighborhood and vice versa and believes it is favorable to be located in a PUD. He does not believe it will be detrimental to neighboring property values. This is not a restorative type nursing home; it is intended to provide for long term residents up until end of life; therefore, the intent is to have the appearance of a residential building. The proposal will produce permanent jobs, and Cherrywood will pay property taxes. The City Engineering and Planning staffs recommend approval of both the PUD amendment and the plat.
Jake Anderson	He asked if this facility would have the same amount of parking as the Cherrywood facility in Richmond.
Marshall Weems	Yes; and they have no problem with parking there. They have the ability to add more parking spaces if necessary.
Councilperson Goerger	Mr. Weems stated there is a moratorium on new nursing home beds. He asked for an explanation of the difference between a skilled nursing facility and a nursing home and why this facility would be allowed as compared to a new nursing home.
Marshall Weems	There is a funding obligation from the state for nursing home beds. There are different licensing and building code requirements. Keeping the facility the size as proposed is important in getting licensed.
Councilperson Goerger	He asked if being a private facility is a distinguishing factor.
Marshall Weems	That is a factor in addition to the size and the building code.
Hemi Perlberg 1071 Voyageur St.	This is a nice quiet neighborhood. It is a residential neighborhood with many kids. There is a day care on Yosemite and another on Voyageur St. The children on Voyageur St. range in age from infant up to 13. She is completely opposed to the request. Mr. Weems stated that this facility is for residents to live in until the end of their lives. She said she works in a private pay facility within a nursing home which seems to be similar to the facility proposed by applicant. She stated that usually those residents don't make it to end of life in that section, but have to be moved to the nursing home because they need a higher level of care. She believes there are probably over 100 children in the neighborhood of Sequoia, Yosemite, Voyageur, and Manor Ct. She expressed concern about additional traffic with people visiting the residents as well

as delivery of food and medical supplies. She believes there are better locations in the Westwood area to place this facility. There isn't a bus route that comes down this street for transporting these people. She presented a petition of opposition from residents in the area.

Aaron Binsfeld  
6622 Yosemite St.

Older people deserve this type of facility. He asked what the property will be rezoned to or if it will remain R1.

Matt Glaesman  
Planning Director

He explained that the property is zoned PUD which allows specific uses for the site and specific rules for that use.

Aaron Binsfeld

He questioned whether the use fits with the current demographic of the neighborhood. He stated that the neighborhood is not quiet because of all the kids. Traffic is a concern. There will probably be more emergency vehicle trips in their neighborhood as a result of this facility. When he purchased his property, he was under the assumption that it would stay low density residential. He questioned if approving this request would open the door for apartments and other uses. When he bought his house, they were promised a nice park in the area, and that park was never developed. He would still like to see that happen.

Paula Monaghan  
6615 Yosemite St.

She was the first one to buy into that neighborhood when Croat Kerfeld owned it. She was told it would be an extension of Southwood Heights with property values of \$200,000 - \$ 300,000. She said her house cost \$205,000 to build. Croat Kerfeld sold some of the lots to Dean Croat and to Goulet. When those lots weren't being sold, the lot sizes were made smaller, and low income/affordable housing (houses valued under \$160,000) were constructed. Currently, her property is valued at \$140,000. She stated that real estate agents have indicated that her property value will decrease to \$120,000 if an assisted living facility is built on the proposed property. She is concerned that the surrounding property could change and be developed commercially. She stated that she would not have built her house in this location if she would have known her property value would decrease so significantly. She said there is HRA housing on one side of her property, affordable housing on another, and now an assisted living facility. Applicant indicated that the facility is for residents to stay until end of life. She said she talked to Weems on the telephone, and he mentioned the certification of the staff. She stated that certification of the staff would not allow them to operate this type of facility without an RN. The residents/staff of this facility should have close access to a bus route. Another concern would be socialization of residents without a bus route. She asked for some assurance that if this request is approved, the surrounding area will remain single family residential and not be developed commercially.

Chairperson Radaich

He explained that the Commission must consider what is on the agenda tonight and cannot make promises about future development.

There being no one else wishing to speak, the public hearing was closed. Anderson said he understands that the neighbors object to the proposed use because they believed the property was going to be developed as single family homes. However, in this case, the proposed use is less dense than that of 13 single family homes. Also, more trips would be generated by single family homes than by this facility. Therefore, Anderson said he would support the request. Holtberg asked staff to address land uses to the west and south of the property in question. Glaesman responded that the PUD is the statement of what future land uses will be, but any property owner has the right to request a change. The PUD General Development Plan should be a document for people to rely on in making property investments with the understanding that if a proposed change is requested, they will receive notification and have an opportunity to offer their input at a public hearing. Glaesman added

that the PUD for Westwood Parkway does indicate there should be a park in the southwest corner of the subject property. The preliminary plat is reflective of what the PUD calls for in this area, i.e., single family homes on fairly small lots. The property to the west across the section line is in St. Joe Township.

DeVine moved to recommend to the City Council approval of the Westwood Parkway PUD General Development Plan amendment to change property at the western extent of Voyageur St. from single family lots to a single story 20 suite skilled nursing facility for the elderly; approval of a Comprehensive Plan amendment; and approval of the preliminary plat of Westwood Parkway Plat 12 subject to the conditions of the Engineering memo dated March 3, 2011. The motion was seconded by Holtberg. DeVine stated that if the property were to remain R1, there could be at least 36 residents in the area rather than 20 plus 7 staff with the skilled nursing facility. She believes that even with delivery vehicles, the traffic concerns should be less than with single family residences. DeVine stated that although she understands the concerns of residents with younger children, interaction of children and the facility's older residents could be a good experience for both the children and the older residents. She added that intermixing these facilities with neighborhoods is very common and usually works well. DeVine asked what the density will be at the end of Manor Ct. when fully developed. Glaesman stated that those are 6 unit buildings. Bob Coborn, applicant and original developer of the Westwood Parkway plat, answered that there would be 72 when fully built. DeVine commented that she hopes there will be a park in the neighborhood of the subject parcel at some point. Holtberg noted that when Westwood Parkway was first platted, multiple types of housing were proposed. He said he feels the proposal fits with the overall scheme intended for Westwood Parkway and would support the motion for the reasons as defined by DeVine. Radaich stated that he believes this type of facility will become more and more common. He said he doesn't anticipate traffic being a problem. Council representative Goerger commented that he was surprised to see the number of houses for sale in the Westwood area. He said that property owners should be given an opportunity to find options for their properties that will work for them in today's real estate market. In regard to the properties along Manor Ct., Goerger stated that the undeveloped sites are owned by the St. Cloud HRA to be developed into 6-unit townhomes. Those townhomes are not selling. If the market doesn't change, there may be an opportunity to do something different with those properties. The motion carried by a vote of 4-0-1 (Chirhart abstaining).

**Recommendation to the City Council to Allocate Community Development Block Grant (CDBG) Funding - Program Year 2011 and Recommendation to the City Council to Adopt the City of St. Cloud Community Development Block Grant - Citizen Participation Plan:** Matt Glaesman, Planning Director, pointed out that all of the applicants provide a great service to the

community and have a great need. He stated that several weeks ago, the Commission was involved in a prioritization session with the applicants to receive their input on the needs of their particular agencies and make recommendations on how the available monies should be allocated. Staff's recommendation is consistent with the Consolidated Plan and the focus areas of that plan. Of the \$510,000 of available CDBG funds in 2011, \$102,000 is designated for Program Administration and \$70,000 for the St. Cloud Regional Human Rights Office. The remainder of approximately \$388,000 is available to be allocated. Glaesman outlined staff's recommendation: Whitney Senior Center reroof (\$70,000) and Seberger Park improvements (\$45,000) for the full amounts which have a community development benefit; HRA Single Family Rehab at a reduced amount (\$250,000 requested; \$150,000 recommended) which addresses affordable housing and maintains housing stock in core neighborhoods; Youth for Christ for security devices (\$5,000 - full amount+), Boys & Girls Club for air conditioning in Southside Park building (\$23,000 - reduction from requested amount); and St. Cloud Area Crisis Nursery (\$5,000), all three of which would meet services for youth in the community; New Beginnings for Year 2 of building upgrades (\$40,000 recommended; \$44,000 requested) which meets the homelessness criteria; in addition to the \$70,000 committed to the Regional Human Rights Office and \$102,000 for Program Administration. Chirhart noted that as a result of the prioritization activity, the stakeholders ranked a number of the projects higher than the projects recommended by staff, e.g. re-opening Landon Place (ReEntry Project) and Dream Center building improvements ranked higher than what staff recommended. Chirhart added that Seberger Park did not rank high with stakeholders. Glaesman acknowledged that the top two projects ranked by stakeholders are not included in staff's recommendation. Glaesman explained that this is simply a decision based on staff's understanding of the project need and the available resources for program year 2011. Hopefully, in the upcoming years, their needs can be met. In the case of Landon Place, their request for \$75,000 could be distributed across several projects that could serve a broader number of people within the community. Relative to the Dream Center, it is unknown how many more repairs will be needed beyond the requested \$25,500. The New Beginnings site is in Year 2 of 3 of a major renovation/repair. Therefore, staff did not feel ready at this time to take on what may be another multiple year project. Chairperson Radaich inquired if the Whitney Sr. Center reroof is part of a phased-in investment. Glaesman answered that it is one of a series of repairs that should carry the building through to potential future expansions. Chirhart noted that the Downtown Council's request is in the Consolidated Plan funding scenario, but no allocation is proposed by staff. Chirhart asked if that is intentional. Glaesman stated that was a conscious decision based upon the funds available. The Consolidated Plan suggested making \$10,000 available for elevator or accessibility improvements, while the 2011 request seeks \$60,000 for each building and the more than \$150,000

request for all downtown improvements. Chairperson Radaich stated that in the past, the HRA has received larger amounts of money for the single family rehab program, and the City has viewed that as a necessity. Glaesman explained that the recommendation is about half of what has typically been funded, but it still is a significant investment in core neighborhood areas. Chairperson Radaich opened the public hearing and invited testimony. The following persons testified:

Kelly Bartlow  
422 31<sup>st</sup> Ave. No.

She is representing the Seberger Roosevelt Neighborhood Assoc. She expressed support for the Seberger Park Improvements, and the HRA single family rehab program. For the 5 yrs. her neighborhood assoc. has been in existence, park improvements have consistently been identified as a high priority. In 2009, the neighborhood developed its own master plan for Seberger Park. One of the needs identified in that plan was for safer, more up-to-date playground equipment. The neighborhood assoc. has been involved in selecting the particular equipment that would be installed under this proposal. Purchasing the playground equipment is not possible without CDBG funds. Nearly 58% of the population in the Seberger Roosevelt neighborhood qualifies as low to moderate income households. A survey was conducted in the neighborhood last year, and better property upkeep was identified as a top priority. Many property owners in the neighborhood cannot afford to make the improvements without some financial assistance. She pointed out that improvements to one property often serve as the catalyst to improvements to surrounding properties. The single family rehab would not be possible without CDBG funds.

Maxine Barnett  
Anna Marie's Alliance

She was pleased with most of the projects that were recommended by staff, but was disappointed that the Landon Place project was not recommended because there is so much homelessness. The Central MN ReEntry Program was a high priority at the prioritization meeting. In the past, there was a 3-yr. plan showing who was proposed to be funded in each yr. so that the agencies knew how to plan ahead and support each other.

Scott Zlotnik  
St. Cloud Park & Red Dir.  
1101 7<sup>th</sup> St. So.

He commended the process and received many favorable comments from participants and applicants about the process. He supported staff's recommendation.

Tony Goddard  
Executive Director  
913 W. St. Germain

He stated that the Paramount Theater is important to the community. The Paramount lacks modern security devices. It has 50,000+ patrons/year. The Paramount is difficult to oversee due to its layout. A security system would enhance the safety of the facility and its users.

Louise Reis  
St. Cloud HRA

She requested support for the HRA's single family rehab program. The application was for \$250,000, and she thanked the City for its support of \$150,000. In a typical year, \$250,000 would allow them to rehab 10-12 owner occupied homes. The rehab is for health and safety and weatherization. Handicap accessibility and lead base paint removal is also considered. The maximum loan amount a homeowner can receive is \$20,000; however, if the amount they request is under that, the remaining amount is available for another homeowner. It is a 0% interest loan that is repayable at the time of sale or after 30 years, it must be repaid back into the CDBG program to be used again. The homeowner must be low to moderate income and must have less than \$25,000 in assets. Currently, the HRA has 18 homes they are working on in that program and have a waiting list of about 3 years with 16 individual homeowners on the list. This program has been in existence since 1976.

Patrick Bednarz  
Director, Central MN  
Re-Entry Project

He requested support for funding to reopen the homeless shelter known as Landon Place. Central MN Re-Entry project was started in 2005 to help create safer communities for ex-offenders living within the community that are homeless and ex-offenders that are coming back to the community that need housing. He asked that the voices of everyone

that supported their project at the Feb. 24 prioritization meeting be heard.

Barry Kirchoff  
Director, Central MN  
Region's Small Business  
Development Center

The Center serves over 300 small business clients throughout Central MN and provide over 3,500 hrs. of confidential consulting. They submitted a proposal for \$10,500 in funding to assist small business owners who meet income guidelines to provide them with a curriculum to put them through them a financial literacy course. If the Center receives the funding, they would spend 40 hrs. with the individuals after the training so that they have a complete understanding of the tools that are available to them to run their businesses.

Bruce Michaels  
Chair, Whitney Sr. Center  
Advisory Board

His request is for a new roof at the Whitney Senior Center. In the St. Cloud area, the over 65 population is expected to grow 127% between now and 2024. He stated that the City needs to act now to anticipate the needs of the growing over 65 population. The St. Cloud Community Facilities Assessment Study conducted in 2004 by SJA Architects indicated a doubling or tripling of current space will be needed by seniors by 2024. To keep the Whitney Sr. Center sound, a new roof is necessary.

Ann Bomstead Miller  
Northfield, MN  
Exec. Director, Spare Key

Spare Key works with families of critically ill and injured children to make a mortgage payment on their behalf while they are struggling with a loss of income while they are taking care of their sick children. They also get CDBG funding from Ramsey and Hennepin Counties. They are currently in this same part of the process in Plymouth. They were originally not part of their recommendation for funding; however, as they got a better picture of the money they would be getting from the Federal government, Plymouth found enough additional money in their General Fund to make one mortgage payment of \$1,200 for them. Spare Key served 150 families in 2010, and has had 66 applicants already in 2011. She emphasized that small amounts of funding go a long way.

Tom Wicks  
Boys & Girls Clubs of  
Central MN

The Boys & Girls Club has an application in for their South Side Club at 1205 6<sup>th</sup> Ave. So. It serves 200 children/day with an educational and recreational facility as well as a meal program in the evening. The improvement request is for air conditioning in the gymnasium. The proposal is for partial funding, and the Boys and Girls Club is committed to getting the remaining necessary funding.

Janice Stavros  
Whitney Senior Center

She spoke in support of the reroof for Clemens Hall which is the hub of the Whitney Senior Center and the location of the congregate dining.

Pegg Gustafson  
Exec. Director  
Downtown Council

She is speaking on behalf of three properties in the downtown for elevators. One is for a new elevator in Pioneer Place. They are unable to expand their business without the elevator. The other two properties were looking for replacement elevators that had to meet code. All three properties had matching funds. The average cost is \$150,000/elevator. She asked for consideration of the request or even partial funding.

Joan Miller  
Catholic Charities  
911 18<sup>th</sup> Ave. No.

She is representing Catholic Charities Hope Community which provides services and a safe place for individuals with persistent mental health issues. Their funding request is a tiered approach realizing that the funding was limited. They appreciated the prioritization and participation process. Hope Community provides a safe place for people that may be disruptive in the community. It provides employment training and other services for people that may not feel comfortable at a work force center. Some of the services they provide would impact the downtown area as well as many of the agencies that have applied for CDBG funding.

Carrie Reiber  
Program Director  
New Beginnings

New Beginnings is a transitional residential facility for at risk women - new moms between the ages of 14 and 25 and their babies. She is requesting funds for facilities improvements - \$44,000 for new plumbing fixtures in each resident room; funds for new flooring in the residents' kitchen and for painting. New Beginnings is willing to provide a partial match. They serve about 20 residents and their babies each year and an additional 15 residents off-site. They also do approximately 150 referrals each year.

Lisa Braun  
Interim Director for  
Whitney Senior Center &  
Director of The Retired &  
Senior Volunteer Program  
(RSVP)

RSVP is co-located at Whitney Senior Center. She expressed support for the new roof at Whitney Senior Center. The facility is a lifeline for the many seniors in the community.

Cari Dietman  
Junior Achievement  
3515 3<sup>rd</sup> St. No.

They have made a \$3,900 request to provide programs at Lincoln Elementary School. Lincoln is an at risk school. At risk schools are defined as schools where 40% of the students are eligible to receive reduced or free meals. Seventy percent of the students at Lincoln are eligible. Junior Achievement's mission is to educate and inspire kids to educate and inspire kids to succeed in our global economy and they recognize that at risk students have several barriers in their path that prevent them from always learning about and achieving personal and financial success. Junior Achievement's programs are designed to be age appropriate and focus on citizenship, financial literacy, ethics and character, leadership, business, economics, and entrepreneurship. It teaches elementary children about their roles as individuals, workers, and consumers in our society. They learn the difference between wants and needs. The curriculum is taught by volunteers from the business community.

Michael Laidlaw  
Dream Center

The Dream Center has requested \$25,000 for the building at 530 16th Ave. No. It is a non-profit, serving the chronic homeless population for the past 16 years. They leased the building for 9 years and just purchased it in 2010. They have been repairing the roof and have applied for 3 green grants but have been turned down. The request is split – approximately \$12,000 for the roof and \$12,000 for the windows. They have 7 paid employees and 14 residents. The residents are chronic long term homeless with mental health and chemical dependency issues.

Marshall Weems

He has been involved in CDBG programs since 1983. All the applicants have worthy projects. The CDBG funding should not be a replacement for a shortage of city dollars. CDBG funding should be for private, not public entities. He was surprised that the Re-Entry program was not supported. The beds that the Housing Coalition had have all been lost. Also, the HRA's request has been cut drastically with the City's recommendation. He asked that the Planning Commission listen to the recommendations of the people that participated in the prioritization activity.

There being no one else wishing to speak, the public hearing was closed. Anderson suggested reducing the amount given to New Beginnings by \$12,500 and give it to the Dream Center. Chirhart commented that he appreciated the prioritization activity. The stakeholders made the effort to review the projects, and two that ranked quite high, Landon House and the Dream Center, were cut by City staff. Chirhart said he disagrees with staff for not including those in their recommendation as those two projects fit in the focus area of affordable housing, fair housing and homelessness. Funding those two projects would fulfill the Commission's duties relative to the Consolidated Plan. Chirhart said he would take money from the Seberger project which didn't generate support from the stakeholders and put it toward Landon Place (Re-Entry Project) and the Dream Center. He added that he would reduce Whitney project monies by \$10,000 and distribute to other groups because stakeholders need to supply some matching funds. The consensus in his group at the prioritization activity was to spread money around as much as possible. Chirhart noted that HUD allocated up to \$75,000 in the Public Service category. Although he recognizes the value of a regional human rights

office, he expressed concern that the City Council had committed \$70,000 (5 year commitment) without even considering the other projects. Holtberg noted that the Whitney Senior Center and Seberger did not even make the list at the table he was at at the prioritization activity based on the fact that they could be paid for using City funds. Instead they recommended Landon Place, Small Business Administration and downtown elevators. DeVine commented that her table considered the sustainability of the project, if it met a larger need to a larger group, and organizations that worked together. Her group did not want to fund any type of mechanical issues. However, they supported partial funding of the Whitney Senior Center. Both Landon Place and the Dream Center were highly recommended. DeVine said she supported Anderson and Chirhart's comments about which projects' funding should be reduced and would support fully funding Landon Place and Dream Center. Anderson clarified that he hesitated in cutting a particular project because they are all deserving. Radaich said he agrees with all of the Commissioner's comments. He said he would not support funding of the air conditioning at the Boys & Girls Club. He is apprehensive about funding the roof at Whitney, or at least would require some kind of matching funding. Radaich said he is not familiar with the history of New Beginnings, but he believes some funding is appropriate. His table at the prioritization activity had representatives from the Re-Entry project, the Dream Center, and Youth for Christ and would support funding for them.

DeVine asked Glaesman if he expected the Commission to make a recommendation at this meeting. Glaesman stated that the Commission could make a recommendation tonight, table to a special meeting for further discussion and a recommendation or they could forward a recommendation with generalities but no specific funding amounts. Glaesman indicated that the latter option is not recommended. Anderson suggested having a special meeting with several funding scenarios for discussion purposes. Anderson moved to table the recommendation on the CDBG funding and the Citizen Participation Plan to a special meeting next week. The motion was seconded by Chirhart and carried unanimously.

**Rezoning from C1 to PUD/Charles Ward:** Matt Glaesman, Planning Director, reminded the Commission that this rezoning request was previously considered by the Planning Commission but has been returned to the Commission by the City Council. This request has been amended since it was originally considered by the Planning Commission. The original request from Charles Ward was to rezone the building at 103 and 107 Doctor's Park from C1, Business Office District to C2 with the intention of allowing uses other than just professional offices within the Doctor's Park and the southwesternmost property. After input from the Commission and City Council, applicant has revised his request to rezoning to Planned Unit Development (PUD) with a very limited number of allowed uses. Glaesman stated that the City's PUDs typically address site development in one of three ways:

1) refer to a specific site plan; 2) defer to a base zoning and its standards; 3) state that any expansion or demolition of a building must come back for a public hearing and consideration. Holtberg asked if the PUD would be limited to one use. Glaesman explained that the goal is to strike a balance between the objective desired by the applicant and the concerns of the neighbors and staff. Chirhart asked if the four uses proposed by the applicant – community center, retail goods establishment, print shop, and restaurant – have been narrowed further. Glaesman answered that the four uses is the narrowed request. Holtberg stated that based on discussion from the original request, he still believes this is spot zoning. He thinks this is an appropriate C-1 area and doesn't think anything has significantly changed. Goerger explained that he was the one that suggested this item come back to the Planning Commission because the original application that was denied by the Planning Commission was changed to these four uses when it came to the City Council. It still seemed to need to be more restrictive which is the reason he recommended that it be brought back to the Planning Commission. He was disappointed that applicant had not submitted any more information to help the Commission make a recommendation. Chairperson Radaich recalled from discussion during the original request that turning traffic from the 4-lane road was a big concern. Charlie Ward stated that he originally requested changing the zoning for the properties at 103 and 107 Doctor's Park from C1 to C2. He didn't have a site plan prepared because he never intended to change the building. He only wanted to change the use within the building. Any other change in use beyond the four uses requested would require him to come back before the Planning Commission and City Council. The building is fairly small. Dr. Ellis has stated that his business is suffering because there is not enough traffic in the area. There are buildings in that area that have been vacant for many years. He doesn't have a specific use in mind at this time. Although he would like to put a book store in that building, he is not sure that a book store is viable for more than a few years due to digital delivery. The building has been vacant for six months and would like some options to solicit tenants for that building. Chirhart asked Mr. Ward why he is asking for four different allowed uses if it his desire to use it for retail. Ward stated that the bookstore would open within 30 days after the rezoning. He would also attempt to open a Sullivan Learning Center in the building. Ward added that Dr. Ellis asked that he also leave the restaurant option open because of his clientele and the people that use the Whitney Senior Center which is located within a block. Dr. Ellis is interested in purchasing a portion of the building. Opening the bookstore soon is important because of the timing of the next term of classes ending. Chirhart stated that if it is going to be a PUD, it needs to be much more specific. Ward stated that the site would not change; therefore, a site plan should not be necessary. He pointed out that his request removes more than half of the allowed uses of the C2 district. He believes the uses that he has listed are good options for the site. Ward stated that both Whitney Center and the Technical

College sometimes do not have ample space and believes the community center use in this building could fulfill that need in the future. Anderson commented that it is difficult for him to support the change without something more concrete. DeVine asked staff if space in the subject building could currently be used as temporary space by the Technical College and/or Whitney Center. Glaesman answered that he doesn't think that would be allowed under professional office space, but will check.

Chirhart moved to approve the amended request for rezoning to PUD, and Anderson seconded the motion. In response to DeVine's question, Glaesman stated that after checking the LDC, the permitted uses in the C1 would include schools and Whitney. However, it could not be used for a bookstore (retail operation). The motion failed unanimously.

**Adjournment:** There being no further business, the meeting was adjourned at 8:19 p.m.

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Dick Andzenge, Secretary