

PROCEEDINGS OF THE ST. CLOUD PLANNING COMMISSION

A meeting of the St. Cloud Planning Commission was held on June 14, 2011, at 6 p.m. in the St. Cloud City Hall Council Chambers. Members present were Anderson, Andzenge, Chirhart, DeVine, Holtberg and Thometz. Radaich was absent. Councilmember Libert was in attendance for City Council representative Goerger. In the absence of Chair Radaich, Vice-Chair Anderson chaired the meeting.

Open Forum: Linden Scott Hall, 3001 8th St. No., explained that he attempted to apply for a permit to erect an antenna behind his house as he is an amateur radio operator. However, he discovered that amateur radio towers are excluded from the LDC. Staff suggested he contact his national organization and get some sample ordinances regarding amateur radio towers from other cities. Hall said he is federally licensed to use amateur radio not only as a hobby but as a public service. He stated there are approximately 150 HAMS in the St. Cloud area. There are several others that would like to put up a tower. He asked for permission to bring sample ordinances back to the Planning Commission. Chirhart asked staff for an explanation of the process for a potential ordinance amendment. Matt Glaesman, Planning Director, stated that wireless telecommunication towers were addressed during LDC discussions; however, they were in reference to commercial operations, not antenna/towers for HAM operators. Glaesman stated that operators may initiate an amendment upon submission of the application and fee, or they could ask the Planning Commission to initiate an amendment. The operators helped the City draft an ordinance in 1998, but that ordinance was not adopted. Andzenge stated there are already a number of disch antennas in the city and asked if they would be covered under the same regulations. Glaesman explained that the existing ordinance deals with small and large antennas/towers, but not the mid-range. Chirhart

moved to study HAM radio operator towers for inclusion in the LDC. DeVine seconded the motion, and it carried unanimously.

Manuel Madrid, 400 Hwy. 10 So., stated that he is requesting that the Planning Commission support an amendment to the LDC on behalf of the Salvation Army to increase the number of days that clients can stay in an emergency shelter from 45 to 90. The Salvation Army emergency shelter has experienced unprecedented success. However, their clients who do find jobs find it difficult to put together the financial resources to pay their deposit and first month's rent. The Salvation Army provides classes and education for their clients that has improved their lives and resulted in many clients finding jobs. The Salvation Army installed a six computer resource center for the shelter clients and has someone that assists clients in looking for jobs, housing, etc. and connect with other agencies that will give them assistance. They work with Legal Services twice a month and have a financial fitness class once a month in conjunction with Tri-Cap. The clients are also taught responsibilities associated with renting housing. Project Heal provides free medical care to clients twice a month and whenever needed. Interviewing skill classes are provided by a business owner volunteer from the community. Madrid reiterated that clients need time to save money for rent once they find employment. That is the reason for the request for the amendment to allow clients to stay in the temporary shelter for up to 90 days rather than the current 45. Madrid stated that over 1,500 individuals were served in their emergency shelter program last year with 15,000 nights of shelter. He noted that about 18% of those people became employed, and the majority continue to succeed once they find employment. DeVine asked staff the Commission's options for this request. Glaesman stated that the Salvation Army can act as the applicant for the ordinance amendment or the Planning Commission could initiate the amendment. Glaesman added that staff could provide more information next month prior to the Commission deciding to initiate an amendment. Chirhart asked for discussion about how the City charges non-profits for such a request. Holtberg moved that staff provide more information to the Commission, and it was seconded by DeVine. The motion carried by a vote of 5-0-1 (Andzenge abstaining).

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

Acceptance of staff reports for June 14, 2011, as part of the official record.

Approval of minutes from the April 12, 2011, and May 10, 2011, Planning Commission meetings.

The motion was seconded by Chirhart and carried unanimously.

Amendment to LDC Related to Flood Plain Regulations: Matt Glaesman, Planning Director, stated that the City has been in discussions with the DNR and FEMA about the Flood Plain Regulations over the past few years. The FIRM (Flood Insurance Rate Maps) that were developed years ago were not very accurate. The revised maps are up to date and are based on surveyed information making it much easier for local governments and property owners to determine where the boundary lies and what impact the districts have on insurance and site development. The DNR and FEMA brought forward changes in regulations that coincide with the new mapping. Section 12.1 adopts new maps. The ordinance amendment must be adopted by August 16. Glaesman stated that the proposed ordinance is acceptable to the DNR and FEMA. Many properties are positively impacted by the changes in Flood Plain and Floodway boundaries. Vice-Chair Anderson opened the public hearing and invited testimony on the amendments to the Flood Plain Regulations. There being no one wishing to speak, the public hearing was closed. Chirhart moved to recommend to the City Council approval of the ordinance relating to the flood plain regulations by amending Article 3 - Residential Districts, Section 3.3 Public Notice, D. Mailed Notice, 2.; Article 4 - Land Use Applications and Enforcement, Section 4.1 Text Amendment and Rezoning, C. Authority, 3.; Article 5 - Subdivision Application and Approval, Section 5.11 Additional Environmental Regulations, C., 1.; Article 6 - Zoning Districts, Section 6.4 Annexations and Section 6.6 Boundary Lines; Article 12 - Overlay Districts and Designated Areas, Section 12.1 Floodplain Overlay District; Article 20 - Nonconformities, Section 20.2 General Standards of Applicability and Section 20.4 Nonconforming Structure; Article 21 - Definitions, Section 21.5 General Terms Definitions. The motion was seconded by Andzenge. Chirhart stated that in Section 4.2.E.8, there seems to be an inconsistency between the existing language and the

added language in the required proof for granting a variance. The findings of fact existing language requires a hardship to the owner, but the new language requires an exceptional hardship. Glaesman stated that because of FEMA's requirement to provide flood insurance and cover the cost of damages, the City is required to adopt their variance procedure. Their requirements are stricter than the City or State regulations. Chirhart assumed that for variances for properties located in the flood plain, the ZBA would only be considering the regulations under 4.2.E.8; Glaesman stated that is correct. The motion carried unanimously.

Request from Cooperative Network Services LLC for 5-Year Lease for Communications

Building: Matt Glaesman, Planning Director, explained that the City was approached by Cooperative Network Services LLC, a fiber optic company, about making a 50' x 50' area in the southwest corner of Heritage Park adjacent to Hwy. 15 available for a communications building. Staff has negotiated a lease agreement with the company with an annual payment of approximately \$625 with the provision that the City may back out of this arrangement. Glaesman stated that it is a non-buildable parcel that is only used for the purpose of moving equipment from the public roadway on 18th St. So. to the far south end of the property. Chirhart pointed out a typo in #10 of the lease. It should read that the lease shall terminate on June 30, 2016, rather than 2015. He asked if there is a City policy with respect to snowplowing of property which is leased by the City. Glaesman answered that City Code prohibits private property owners from maintaining public properties, but this lease would give them the right to do that. Snow removal by the City would not be an issue since there is a trail used by the City to access the City building on the south edge of the property. Holtberg asked if plans for 22nd St. over the next few years will impact this property; Glaesman answered that it will not. DeVine asked how the lease rate was determined. Glaesman responded that it was based on comparable lease values and the ability of the City to force removal of the structure in a fairly short period of time. DeVine then asked if the City will plow all around the building or just enough to give them access to their building. Glaesman stated that the building will be fairly close to the existing public trail maintained by the City, but the lessee would be responsible for plowing from the trail to

their building. DeVine suggested that should be clarified in the lease agreement. DeVine expressed concern about 10.c. which provides that if the lessee abandons the premises for three days, the City is responsible for removal of the building. DeVine asked if there are any required design features, and Glaesman said there are not. Andzenge moved approve of the five-year lease agreement with Cooperative Network Systems for a 50' x 50' area in Heritage Park. The motion was seconded by DeVine and carried unanimously.

Discussion of Complete Streets Resolution Recently Adopted by the St. Cloud Area

Planning Organization (APO) Policy Board. Matt Glaesman, Planning Director, stated that the resolution on the Complete Streets Policy was adopted by the APO Board referring to the objective of promoting complete streets throughout the area. The City's complete streets policy differs in that it addresses more of the specific approaches to implementing the plan locally. Glaesman noted that the cities of Bloomington and Rochester were the first to adopt complete streets policy and that the current draft utilizes much of that early work. Chirhart said he would like to have a chance to review it further. He added that developers will complain about the cost of implementing complete street features. Holtberg said he also would like to look at the policy further before adopting it. He asked staff if the four major City projects would look different if a complete streets policy were in place. Glaesman answered that the City has been doing fairly well over the last few years in incorporating complete street elements, and the current four City projects all have some complete street elements incorporated in them. DeVine, a member of the APO Policy Board, informed the Commission that all the members were in favor with the exception of one. Anderson asked if each project will have two options – one with a bike/pedestrian element and one without. Due to additional cost, he assumes that the option without the bike/pedestrian element would be chosen. Glaesman stated that the Council and staff are often faced with removing elements due to property owner opposition or because of the cost. Anderson asked if, for example, a project provides a vital link for a trail and is a high priority, would cost be the top priority or if it is open to interpretation by the decision makers. Glaesman pointed out that complete streets is a policy document only, but that it sets a clear vision to

incorporate those elements. DeVine moved to table the complete streets policy resolution for a month for further review. The motion was seconded by Thometz and carried unanimously.

Potential Street Renaming in the Vicinity of the Current County Road 134 - Sauk River

Crossing: Matt Glaesman, Planning Director, stated that as a result of the West Metro Corridor project, a number of properties will no longer have direct access to Co. Rd. 134. Therefore, addressing of those properties must be considered. In the past, the Planning Commission has held public hearings on street name changes and its recommendation was forwarded to the City Council. Glaesman recommended that prior to a public hearing, an informational meeting should be held with property owners. Several options are available: 1) Keep the existing street name and addresses; 2) Change the address for a portion of the properties to Chestnut Ct.; or, 3) Change the street name and addresses of all of the properties. Holtberg asked if the 19 affected property owners have been contacted regarding their preferences. Glaesman noted that eight of the properties have been acquired leaving 11 affected properties. No discussions have occurred to this point regarding street name change. Chirhart asked why the Planning Commission is addressing this issue. Glaesman responded that the Planning Commission deals with platting and street naming; therefore, there is a logical connection with other street name changes. Anderson said he would favor a public informational meeting with the affected property owners. Andzenge asked how streets are typically named in St. Cloud. Glaesman stated that a metro street naming policy was adopted years ago, which establishes a naming grid and encourages the use of street numbers rather than alpha based names.

Holtberg commented that the Miracle baseball field and the Skate Park are great facilities and commended those who had a part in those projects.

Adjournment: There being no further business, the meeting was adjourned at 7:06 p.m.

Dick Andzenge, Secretary