

PROCEEDINGS OF THE ST. CLOUD PLANNING COMMISSION

A meeting of the St. Cloud Planning Commission was held on September 13, 2011, at 6:00 p.m. in the St. Cloud City Hall Council Chambers. Members present were Anderson, Andzenge, Chirhart, Holtberg, Radaich, and Thometz. Council representative Goerger was also present. DeVine 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:

Acceptance of staff reports for September 13, 2011, as part of the official record.

Approval of minutes from the August 9, 2011 Planning Commission meeting.

Andzenge seconded the motion, and it carried unanimously.

Rezoning Request/Velmeir Companies on Behalf of the Dorothy Rose Haus Revocable Trust; Comprehensive Plan Amendment; and, Alley Vacation: Matt Glaesman, Planning Director, explained that the parcel proposed to be rezoned is a single parcel in the middle of the block. The purpose of the rezoning is to accommodate a larger redevelopment of the site. The properties to the north and west are already zoned C5 and in commercial use. Rezoning of the single lot would provide a site for parking and a transition between the single family homes and the commercial development. Glaesman stated that a Comprehensive Plan amendment is necessary as only the northern section of the block is currently guided toward commercial land use. The third action is for vacation of the unimproved portion of the north-south alley for inclusion into the redevelopment site plan. The remaining alley segment would provide access to the commercial parking lot and the three residential properties to the south. Glaesman pointed out that the request does not approve a specific site plan; it is only approving a zoning district which would allow any uses allowed in the C5 district

and its bulk requirements. Chairperson Radaich opened the public hearing on a request from Velmeir Companies on behalf of the Dorothy Rose Haus Revocable Trust to rezone the property located at 21 24th Avenue South from R2, Single Family and Two Family Residential District to C5, Highway Commercial District. The applicant's property along with Advanced Repair, Dairy Queen, and Mexican Village Too are proposed to be redeveloped into a CVS Pharmacy and new Dairy Queen (Location: 21 24th Avenue South) (REZ-2011-07). The following persons testified:

Marie Knott
2305 1st St. So.

Many other neighbors are not present because they think this public hearing is just a formality and that the property will be rezoned regardless of any opposition. She stated that the neighbors don't want to look into a parking lot. They object to the rezoning and want to keep the house as a buffer. They are concerned about lights shining into their houses.

Jon Lennander
Velmeier Companies
7201 W. 78th St.
Bloomington, MN

He is the project manager. The site plan could change, but at this time, it is the one they plan to follow. The existing buildings will be removed from the properties involved in the redevelopment. However, the existing Dairy Queen (DQ) will stay in operation until they close for the year. They will then relocate to the existing Mexican Village Too site to the south. A meeting was held with adjacent property owners last week. He has had several discussion with Ms. Knott and understands her concerns.

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 from R2 to C5. The motion was seconded by Holtberg. Chirhart asked staff for an explanation of the setbacks, etc. Glaesman responded that rezoning would allow any of the C5 district uses to be built to the standards of the district. The interior side yard setback for the R2 district is 5'; the C5 district setback requirement could be 0' if there were a common lot line or 5'. The mass of a commercial structure could be significantly greater than a residential structure. Relative to lot coverage, the R2 district allows a 30% lot coverage; the C5 allows 45%. However, that would be for the entire development site. Glaesman compared other development sites where the transition between land uses have worked out well. Holtberg asked if there are regulations regarding lighting and/or landscaping for the C5 district. Glaesman answered that there are dark sky requirements for lighting and directional standards so that lights don't shine into the residential areas. Landscaping standards were not adopted by the City Council with the LDC

adoption; therefore, the City must rely on the developer to make a responsible decision. Anderson asked if MnDOT has plans for expansion of Division St. in that area. Glaesman answered that the site plan takes into consideration the 25th Ave. improvements, and there are no expansion plans for Division St. at this time. The site plan allows for accommodation of boulevard area and any necessary future acquisition would result in acquisition of parking, not buildings. He pointed out that MnDOT will also be required to approve the plat for this development property. Chirhart stated that a C5 zoning would permit any of the uses listed in the C5 district. He asked staff if a rezoning to PUD was ever considered to give the City more control over the uses allowed on the site. Glaesman responded that the property owners already have significant right on the C5 parcels; therefore, the City cannot force them to rezone to PUD. In addition, the parcel proposed for rezoning is an accessory parcel that would provide overflow parking and some landscaping. Holtberg asked about access to the parcel and discouraging traffic from going through the residential neighborhood. Glaesman commented that the City and MnDOT will both consider access, and that can be done through the platting process. Access points will be reduced on the adjacent corridors. The current access between the DQ and the gas station is 70'+ wide; that will be reduced in width. Truck movements have also been reviewed to deter them from going into the neighborhood. Anderson asked Mr. Lennander what is being done to transition from the commercial development to the residential neighborhood. Lennander answered that they received input from the City and the neighbors about what features they would prefer to create an effective transition. The DQ will develop their site independently from the CVS Pharmacy development; CVS only provides them the pad site. However, if the City desires, there can be additional discussions with the DQ regarding their development. Andzenge asked what will happen to the residents of the home on the property proposed for rezoning. Glaesman answered that the property owner has a right to negotiate the terms with the buyer. Radaich pointed out to Ms. Knott that there will be three residences between her property and the proposed parking lot. The motion to rezone carried unanimously.

Chairperson Radaich opened the public hearing on a request from the St. Cloud Planning and Zoning Department to amend the 2003 Comprehensive Plan Future Land Use Map from Low Density Residential to Commercial for the properties located at 20 and 30 25th Ave. So. and 11 and 21 24th Ave. So. (CPA-2011-05). The following person testified:

Matt Glaesman Planning Director	Staff initiated the request to bring the Comprehensive Plan into compliance with the proposed rezoning.
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There being no one else wishing to speak, the public hearing was closed. Anderson moved to adopt an amendment to the Land Use Plan of the Comprehensive Plan to guide Lots 1 through 6, the north half of Lot 7 and the North 3' of Lot 25 and Lots 26 through 32, Block 5, Colonial Garden Addition, from Low Density Residential toward Commercial Land Use. The motion was seconded by Holtberg and carried unanimously.

Relative to the requested vacation, Glaesman noted that the existing alley would continue to provide access for the three residential homes to the south along 24th Ave. So. The only portion of the alley proposed for vacation is adjacent to the properties being incorporated into the project. Chirhart moved to recommend to the City Council approval of the requested vacation, and Anderson seconded the motion. Goerger noted that the Engineering Dept. memo states that the sewer line located within the easement may be transferred off the public system and into private ownership as a service line to the site. He asked staff if this is common practice, and Glaesman answered that it is. The motion to recommend vacation of the 14' wide alley located between Lots 1 thru 6 and the north half of Lot 7 and the north 3' of Lot 25 and Lots 26 through 32, Block 5, Colonial Gardens Addition (location: 20 25th Ave. So.; 9, 11 and 21 24th Ave. So.; and 2400 and 2424 Division St. (VAC-2011-04) carried unanimously.

Ordinance Amending Article 12 of the LDC to Incorporate Revised Flood Insurance Rate

Maps and Flood Insurance Study for Stearns County: Matt Glaesman, Planning Director, stated that FEMA has redone their maps to reflect greater technology that brings their maps to a survey level/elevation level. The Stearns County map came out this summer. The Planning Commission and

City Council have already adopted the Benton County and Sherburne County maps as well as an overdraft of the ordinance text. Glaesman explained the changes to the flood insurance maps which result in positive changes for most homeowners along the rivers. Chairperson Radaich opened the public hearing and invited testimony. There being no one wishing to speak, the public hearing was closed. Anderson moved to recommend to the City Council approval of the ordinance amending Article 12 - Overlay Districts and Designated Areas, Section 12.1, B., 2., a., i. and Section 12.1, B., 2., c. of the St. Cloud Land Development Code related to Flood Insurance Studies, Flood Boundary and Floodway Maps for the Stearns County portion of St. Cloud. Thometz seconded the motion. Chairperson Radaich asked if property owners were notified of this public hearing. Glaesman explained that the revision process has happened over the last two years. The Flood Insurance Rate Maps were presented, and FEMA was responsible for notification of the opportunity for property owners to view those maps. For two of those meetings, the City sent notice to all property owners abutting the Mississippi and Sauk Rivers in the city that are affected by the Floodplain Ordinance to advise them of the opportunity to review the Flood Insurance Rate maps with FEMA. Anderson asked if there are opportunities to challenge the maps. Glaesman stated that it would be difficult, but could be done through either a LOMA (Letter of Map Amendment) or a LOMR (Letter of Map Revision). The LOMR is used to prove the map is wrong, and the LOMA is used to prove that the property has been legally filled and has been brought out of the district. The motion carried unanimously.

Vacation Request/Walmart: Matt Glaesman, Planning Director, explained that the purpose of the vacation request is to redevelop the former Sam's Club property located at 3601 2nd St. So. (VAC-2011-05). The original platting of the property was in very small lots and blocks, and staff has been working with the property owner to combine them into a single redevelopment site. Although an ordinance was approved in 1990 vacating the 35th Ave. right-of-way and related utility easement, differences in the metes and bounds and lot/block legal descriptions used in the easement and vacating documents resulted in ambiguity as to whether the entire 1976 easement was vacated.

Therefore, staff is recommending vacation of a roadway and utility easement located between the former Sam's Club parking lot and Division Street to eliminate any incorrect interpretation. The easement crosses through the middle of the commercial development site, and the City has no need for that easement. Holtberg moved to recommend to the City Council approval of the ordinance vacating a portion of the permanent utility and roadway easement located on the south half of Lot 22, Block 1, Garden Acres. The motion was seconded by Anderson and carried unanimously.

Other Business: Glaesman reminded the Commission of the upcoming MNAPA conference in St. Cloud. He stated that these conferences are very informative and worthwhile and encouraged attendance by Commission members.

Adjournment: There being no further business, the meeting was adjourned at 6:52 p.m.

Dick Andzenge, Secretary