

PROCEEDINGS OF THE ST. CLOUD PLANNING COMMISSION

A meeting of the St. Cloud Planning Commission was held on March 13, 2012, at 6 p.m. in the City Hall Council Chambers. Members present were Anderson, Andzenge, Chirhart, DeVine, Holtberg and Radaich. Thometz was absent. Council representative Goerger was present

**Open Forum:** Tim Cavanaugh, General Manager of Federated Coops who owns the Cenex Convenience store at the intersection of Co. Rd. 75 and 33rd St. So. stated that there is ongoing discussion about a road project affecting that intersection. There are a number of businesses that would be impacted and asked that that issue be put on the agenda in the near future to allow input. He stated that the project would significantly impact accesses to businesses along that roadway.

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

Acceptance of staff reports for March 13, 2012, as part of the official record.

Approval of minutes from the February 14, 2012 Planning Commission meeting.

The motion was seconded by DeVine and carried unanimously.

**Rezoning Request/Randy Adams on Behalf of Good News Assembly of God:** Matt Glaesman, Planning Director, stated that applicant's property is two separate tax parcels that have existed as one for many years. Staff's analysis is based on the two lots combined. The future land use plan of the Comprehensive Plan guides this property for low density residential. The current zoning is R-2, Single and Two Family Residential. Applicant's request would expand the allowed uses to include multi-family dwellings. Glaesman stated that the church no longer wants to operate on that site and would like to sell the property. He reviewed the uses allowed in the R-2 District. (Andzenge arrived.) Staff supports some type of residential use in this building; however, there is a concern that the application includes very little detail. Staff suggests granting a preliminary approval

that would allow the property owners to market the property for residential uses. Chirhart asked how many units of housing would be permitted by right on the property if the building were demolished. Glaesman answered that 35-40 units would be allowed based on the standard of 2,000 sq. ft. of lot area per dwelling unit in an apartment structure. If it were to be developed as single family homes in the R-2 district, approximately 15-25 homes would be allowed. Chairperson Anderson opened the public hearing and invited testimony on a request from Randy Adams on behalf of Good News Assembly of God to rezone the property located at 712 17th Avenue South and 1602 7th Street South from R2, Single Family and Two Family Residential District, to Planned Unit Development (PUD). The applicants are proposing to rezone the property, the former Garfield Elementary School, which they currently occupy, to expand the types of permitted uses to include multi-family uses. (Location: 712 17th Avenue South and 1602 7th Street South) (REZ-2012-01). The following persons testified:

Paul Krebs

He is the realtor representing Good News. They are looking at up to 20 units retrofit to utilize the existing building. The plan is to turn the large classrooms into loft style apts. He estimated an average of 307 trips per day when being used for a church. Staff's memo indicates average daily trips for a market rate multi-family dwelling unit at 7. He used a worst case scenario and increased that to 14 trips per day. The resulting traffic count (280) would be less than the count for a place of worship. According to the City Assessor's Office, a multi-family development would increase the tax base by approximately \$15,000 annually.

Dan Brill  
1520 Garfield Ct.

It was his assumption that the purpose of zoning is to create livable communities where property rights are expected and people know what to expect from land use policy. He appeared before the Commission 12 years ago with a PUD request for Habitat for Humanity. That request included a specific plan for the property. Good News wants to maximize their profits, move out of the neighborhood, and allow an unknown developer to create a plan after the fact, leaving the neighborhood to deal with the consequences. Applicant purchased the property knowing it was zoned R-2, and the price reflected that zoning. There is no plan in place with this request. The neighborhood will change if the request is approved. The vision of a future developer is unknown. He believes many of the property owners in that neighborhood may leave that neighborhood if this is approved.

Gregory Schroeder  
804 17<sup>th</sup> Ave.

He spoke against the request for a PUD with no plan. He quoted staff's memo which states: "However, with no details available as part of this request, it is not possible to address site specific concerns and ensure compatibility with the surrounding neighborhood." The application

provides no detail on traffic, tax revenue, the impact on the neighborhood, or the impact on property values. He said the Analysis asks if the request is in accordance with the Comprehensive Plan (CP), but the response is not a concrete "yes". He added that another question asks if the rezoning will be beneficial to the neighborhood and the community, but there is no way to know because the application doesn't address that. He believes that staff's recommendation in the memo is reason not to approve the project at this time. This is a core neighborhood that should be protected. He believes it is premature to grant preliminary approval.

Karen Cyson  
728 Washington Memorial  
Dr.

This property was platted as low density neighborhood as long ago as 1914. The CP still guides the property toward low density residential. Her block is still denser than most neighborhoods because the lots are 38' wide. There has been a change in the neighborhood since she moved in. It has changed from all single family to many rentals. Increasing the density in the neighborhood will not increase quality of life and livability. Density should be spread throughout the City.

Gwen Pederson  
1531 8<sup>th</sup> St. So.

She stated that Mike Moline from the Police Department has compiled data from 4 areas in St. Cloud. Area 1 is near campus; Area 2 is a portion of the Lake George neighborhood that is only R-2 zoning; Area 3 is a more densely populated PUD neighborhood, and Area 4 is a mix of R-2 and PUD including a 503C facility. She compared the areas relative to population, the number of homes and the percentage of owner occupancy, and the number of police calls and how many were considered serious and theft. The conclusion was that crime increases as density increases and as owner occupancy decreases. It makes more sense for the person purchasing the property to request the rezoning rather than the church making the request. She asked for denial of the request.

Chairperson Anderson

He announced that all e-mails to staff regarding this issue were forwarded to the Planning Commission.

Jeff Bemboom  
1531 8<sup>th</sup> St. So.

He noted that he had submitted a letter regarding maximum lot coverage, green space, and groundwater runoff. He has had experience in the water and wastewater field for 16 years. He stated that the City has invested a lot of money in Lake George. The natural grass and green space in the park protects Lake George's water quality. There is more potential for contaminants in stormwater runoff with higher density.

Bruce Watkins  
Superintendent, ISD 742

This area is a central corridor for students between Tech and South. He is concerned about traffic and general safety and encouraged consideration of appropriate and compatible use of this property.

Tim Chirhart  
Board member

He asked if the School District sold Wilson School or if it is rented to All Saints Academy.

Bruce Watkins

The School District rents Wilson School to All Saints Academy.

Donald Stephen Justin  
805 17<sup>th</sup> Ave. So.

He stated that there is no place for the youth to go in this community. This would be a good location for a youth center. He asked that the future of our youth, grade school through high school, be considered.

Melissa Hanzsek Brill  
1520 Garfield Ct.

She said lack of detail in the plan is upsetting as she lives right across the street from the Good News property. She expressed concern about the impact on children. There are many kids that walk to both Tech and South. She does not object to students parking in the neighborhood. She asked that the request not be approved without a plan.

Maia Schroeder  
804 17<sup>th</sup> Ave. So.

In 2006, the City began revitalizing core neighborhoods in conjunction with the Healthy Neighborhoods Partnership Program. The Lake George neighborhood is a wonderful success story. This neighborhood has a variety of housing options. She said staff's recommendation indicates that the neighborhood surrounding the church already exceeds the density of 6 dwelling units/acre; the density is currently 8 dwelling units/acre. The Good News Church has been a part of the Lake George community by hosting neighborhood meetings, was a voting site, held summer block parties, allows parking for Tech students on its property, and was a food shelf location for many years. She did not believe it is in the best interest of the community for Good News to request rezoning of the property when they are leaving the neighborhood even though it would help them in selling the property. She does not think this request reflects the values invested in this neighborhood by the City, the neighborhood association, local businesses and non-profits. She urged the Planning Commission to deny the request as submitted.

Shannon Haws  
120 17<sup>th</sup> Ave. So.

She lives directly across from Good News Church. The neighborhood is well cared for with long term residents and families with children. She feels her neighborhood is safe. The high number of owner occupied homes are maintained with pride. Children from stable neighborhoods contribute to the solid base of our schools which are stressed both financially and socio-economically when compared to schools in newer development areas. She doesn't object to a change in use of the property, but there is no plan. Whatever that property is used for, it should enhance the neighborhood.

Marvin Chip Sauers  
1502 13<sup>th</sup> Ave. So.

He attends Good News Church. Applicant's goal is not to harm the neighborhood, They do not want to see the property deteriorate, but the sole reason for the rezoning request is not to maximize their profits. The rezoning could be approved subject to conditions to protect rights of people who live in that neighborhood. The Church cannot grow beyond its current size at that location.

Lynn Chevalier  
1617 8<sup>th</sup> St. So.

Her concern is that there will be no control over the property once it is sold if there is no plan. The block in which she lives is directly behind the Good News property. There are 4 houses on the block south of Good News. The lots are only 38' wide. There isn't much parking space on street for families on 38' wide lots. There is a lot of rental coming into the area, and she is not sure if they are all legal rentals. Most of them

don't provide ample parking off-street. She asked why rental units without parking space continue to be allowed. Good News Church has provided permits for up to 25 students to park in their lot. She questioned whether there is sewer capacity for a large number of rental units. She is concerned about the safety of the students and the younger children in the neighborhood. The area is already too dense. She objects to the request. She was also concerned that this property could end up in foreclosure and create more problems in the neighborhood.

Rhonda Wintheiser  
125 16<sup>th</sup> Ave. So.

She is concerned about safety issues. She requested the Commission deny the request without definite plans.

Todd Brehmer  
1022 Garfield Ct.

He lives on the corner across from the school and likes living in this older established neighborhood. Good News has been a very good neighbor; but, without a plan, this should not be approved. The neighborhood wants to be assured that whoever moves into that building will be a good neighbor.

Mary Dullinger  
801 14<sup>th</sup> Ave. So.

Many of her family members have lived or are living in that neighborhood. Rental units in the area have increased since the late '90's. Single family units have been the mainstay in that neighborhood.

Roxanne Ryan  
1527 8<sup>th</sup> St. So.

She is concerned that there isn't a plan for the property and shares previously mentioned concerns. The Lake George neighborhood has worked hard to become a safe and healthy neighborhood and wants that to continue with the new neighbor on that property. She wants the integrity of that neighborhood to be retained. She urged the Planning Commission to deny the request until more information is available.

Jason Hemphill  
805 13<sup>th</sup> Ave. So.

He is concerned about what kind of apartment building could go there and how it will affect surrounding property values. He has invested \$30,000 in his property. However, his property has decreased in value by \$20,000 in the last few years. He does not believe this rezoning should even be considered.

Jeanette Anderson  
113 17<sup>th</sup> Ave. So.

She is concerned about having to leave the neighborhood if this property is rezoned.

Paul Krebs

He complimented the neighbors for their involvement and concern about the neighborhood. Any future development of this property will require a rain garden which will improve water quality. He is proposing a condition of future development that 10,000 sq. ft. of this property be set aside for park which would be beneficial to the tenants as well as the neighborhood. Regarding objections that have been expressed about rentals, he pointed out that there are families that need homes. Rentals do not only consist of students or people with questionable behavior. He assured the neighbors that whoever develops the property does not want their investment destroyed. He said it is not possible to provide a floor plan because they do not have a buyer at this time. There will be ample parking space for 20 housing units.

- Gwen Pederson                      When they wanted to sell their home, it was for the safety of their children. They were told that if they sold their house, they could not control whether their house would be turned into a rental. Once the zoning changes, she believes the City, the neighborhood, and even Good News Church loses control over the property.
- Judy Scheleck  
111 17<sup>th</sup> Ave. So.                      The neighbors want to attract young families into the neighborhood. She is concerned that multiple family zoning will decrease their property values and is also concerned about safety. She pointed out that it takes good property owners to have good renters. She would like to see a plan for the Good News property because she fears the unknown.
- Randy Adams  
Good News Church                      He is the lead pastor at Good News and said they do not want to degrade the neighborhood. Staff's memo indicates that the parking surface is gravel. That is not correct. The Church spent \$85,000 in 2008 to pave the parking area. He is also concerned about who will go into the building because they would like to see it improved. The intent is to restrict redevelopment of the building for 18-20 units.
- Shannon Haws                      She asked if the church could sell the property as R-2 but make the sale contingent on the buyer being able to apply for a rezoning. At that time, the City and the neighborhood could decide whether it will enhance the neighborhood.
- Paul Krebs                      The challenge for the church is that several potential investors have stated that they want the property rezoned to PUD before they will give any further consideration to the property. He stated that there has been interest in using the building for an Islamic school, but that tends to be a higher traffic generator.

There being no one else wishing to speak, the public hearing was closed. Chirhart moved to recommend to the City Council approval of rezoning of the property to PUD. The motion was seconded by Radaich. Chirhart said this is not a transitional area. Chirhart also stated that the request to allow multiple family is not in accordance with the Comprehensive Plan which calls for Low Density Residential. He stated that the Church purchased the property which was zoned R2 knowing the uses are limited. If the request were approved, he believes it would only be for economic reasons in terms of the sale of the property; that is not a valid reason. Chirhart said he cannot support the request because he wants to preserve the integrity of the neighborhood. Holtberg said he will also vote against the motion as there is no concrete plan for the property. DeVine stated that there needs to be a General Development Plan with a PUD rezoning. Without one, she said she cannot support

the request. Also, the CP does not support a higher density use. This building will have high renovation costs which sometimes will raise the price of the property and be reflected in the rents. Radaich commented that he appreciated hearing the history of the neighborhood and also the passion the residents have for their neighborhood. He is a proponent of core neighborhoods and said he will vote against the request due to the absence of a specific plan. Andzenge commented that it seems that Good News and the neighborhood have a mutual respect and both value the neighborhood. The Lake George neighborhood has gone through significant revitalization. He urged the neighbors to anticipate a change in the use of this property in some manner. He stated that a change on this property could result in an improvement to the property and provide positive outcomes that would enhance the value of the neighborhood. He said he will vote against the request as submitted because of the need for more specifics. Chairperson Anderson concurred with the comments made by other Commission members. He pointed out that there will be a change in this building in some manner. If the building is not sold and not occupied, it could lead to a blighted property. However, a more concrete plan is necessary. The motion to approve failed unanimously. Chairperson Anderson announced that the Planning Commission action is only a recommendation to the City Council, and the Council will also hold a public hearing.

**Recommendations on the City of St. Cloud's Community Development Block Grant**

**Program - 2012 Annual Action Plan:** Matt Glaesman, Planning Director, stated that the presentations by the applicants were made at last month's meeting. The CDBG commitments to Program Administration and the Human Rights Office are approximately \$173,000, leaving \$341,896 remaining in uncommitted funds. The amount that can be allotted to the Public Service category is \$8,400. Staff has made a recommendation for funding. Chairperson Anderson opened the public hearing and invited testimony on the Community Development Block Grant Program 2012 Annual Action Plan. The following persons testified:

Carolyn Garven  
624 Riverside Dr. NE

Although staff has not recommended funding of the Whitney Senior Center request, she spoke on her own behalf as well as for Hazel Youngman who is in the hospital. Whitney Center

needs to replace the dividers in its east wing. There is only one room with wiring for the hearing impaired. She said she had a meeting in the adjacent room at the same time as a meeting of the deaf and hard of hearing. She stated that the dividers did not offer an effective sound barrier. Many of the groups that meet in those rooms have a need for confidentiality. Those divider replacements need to be done at some point.

Tony Kellen

Metro Bus is requesting \$75,000 toward elevator replacement in the former Tri-Cap building at 700 W. St. Germain. The intent is to do a major remodeling of both the first and second floors.

Mark Sakry

He distributed a handout regarding the Boys & Girls Club. His request is for \$175,000 of funding for the expansion project at the Boys & Girls Club at the Roosevelt School location. Although staff's recommendation for funding is much less than their request, they will make it work. It will be important to leverage private donor dollars by having CDBG funding approved and asked that that be passed on to the City Council. Their current kitchen is only 95 sq. ft. They are in need of a commercial kitchen because 70-80 kids are fed at this facility each day. They also need to expand their teen center. The St. Cloud Boys & Girls Club facilities make neighborhoods safer.

Mike Haehn

He is the Project Manager for the St. Cloud HRA. He thanked City staff for its recommendation to fund the majority of the HRA's request of \$183,896 for single family housing rehabilitation. The primary goal is health, safety and weatherization improvements. There are currently 25 families on their waiting list.

Amy Weson

She is representing Diversity Thru Colors and Promise Neighborhood. Although their request for funding for the Our Town program did not make staff's short list, they have approached Sherburne Co. for matching funds to expand their program.

Jessica Zniwski

She spoke on behalf of Lutheran Social Service St. Cloud Area Crisis Nursery which provides free emergency child care for birth to age 12 to families in crisis. They are located at the Southside Boys & Girls Club.

There being no one else wishing to speak, the public hearing was closed. Radaich moved to accept staff's recommendation for CDBG funding as follows: Program Administration - \$102,974; Human Rights Office - \$70,000; HRA for single family housing rehab - \$183,896; MTC for elevator improvements at 700 W. St. Germain - \$75,000; LSS-Crisis Nursery - \$8,000; and, Boys & Girls Club at 345 30<sup>th</sup> Ave. No. - \$75,000. The motion was seconded by Andzenge. Holtberg said he would

question the allocation for the elevator improvements for the MTC and asked how that will help the people that are being targeted through the CDBG program. Glaesman answered that the MTC benefits low/moderate income (LMI) persons. Chirhart said he was surprised by staff's recommendation to fully fund the MTC request. Their application stated that some Capital Improvement funds would be used toward their project and asked the amount of local Capital Improvement funds they have available for this project. Kellen answered that \$120,000 of local Capital Improvement funds are available. They are requesting \$75,000 of CDBG funding, and the remaining \$480,000 would be a grant from MnDOT. DeVine asked staff's reason for not recommending funding of the Raymond Park improvements. She felt that the Boys & Girls Club should be funded at more than 42% of their request by decreasing the amount awarded to the HRA. Glaesman answered that the benefit of a public parking lot at a public park facility was weighed against the other requests. The 92% award recommendation to the HRA is based on need. Chirhart commented that he has an issue with the 100% award to MTC in light of the fact that building or portions of buildings used for the general conduct of government are excluded from eligibility under the CDBG program and because Capital Improvement funds are available. Glaesman responded that the language in the criteria means that the City's Finance Dept. could not receive funding through the CDBG program. DeVine said her recommendation was 50% funding of the MTC request and the Boys & Girls Club at a 60% funding award. Radaich said it is his understanding that the MTC Capital Improvement budget will be spent. Holtberg said he is not totally comfortable with fully funding the MTC's request but would support the motion. Anderson stated that he also is not totally comfortable with the MTC receiving the full amount of its request. The motion carried by a vote of 4-2 (Radaich, Andzenge, Anderson and Holtberg in favor; Chirhart and DeVine opposed). DeVine suggested reducing the award to the MTC and adding it to the Boys and Girls Club share.

**Request from the St. Cloud Engineering Department to Acquire a 65' by 75' Piece of Property for the Relocation of Sanitary Sewer Lift Station #3:** Matt Glaesman, Planning Director, stated that replacement of the lift station on Northway Dr. has been identified in the 2012-2017 Capital

Improvements Program. This will require acquiring fee ownership of a 65' x 75' parcel located approximately 300' to the east of the existing lift station. Holtberg moved to approve the purchase of the property for relocation of Lift Station No. 3. The motion was seconded by Chirhart and carried unanimously.

**Approval of 2012 Development Fund Budget Amendment for Development**

**Process/Standards Analysis:** Matt Glaesman, Planning Director, stated that the balance in the Development Fund is over \$1 million. He said the City wants to be assured that its development process is the most conducive process possible. Communities are being compared to how easily and professionally people go through development processes. One of the initiatives to accomplish this involves hiring a third party consultant to look at our processes and compare them to other communities around the area. The City has discussed a proposal with Zucker Systems who has conducted similar reviews for numerous communities. Zucker's budget would be almost \$70,000 to review the City's process/permit analysis. Holtberg asked about the timeline for this review. Glaesman responded that there will probably be budget implications as a result of recommendations by Zucker. Zucker could be available within a few weeks in time for the 2013 budget discussions. Glaesman stated that staff has also requested Zucker to look at our zoning standards to determine whether they make the City non-competitive. Chirhart stated that he wants support from the City Council and Administration and referred to the lack of support by both the City Council and Administration on some of the recommendations from Camiros for the LDC. Glaesman pointed out that staff had asked Camiros for a state of the art Land Development Code which challenged the City to try different approaches. In this case, the City is asking for input on how to be more development friendly. The process will include critiques based on experiences of the public, developers, etc. DeVine would support this effort for the benefit of all parties involved. Glaesman stated that this is being brought forward by the Planning, Building, Fire, Health and Engineering staff. Holtberg moved to approve up to \$70,000 of Development Fund monies to undertake the development review process. The motion was seconded by DeVine and carried unanimously.

**Other Business:** Chairperson Anderson announced that there will be a public meeting for the MNDOT Statewide Bicycle Planning Study on Wednesday, March 14, from 4 p.m. to 6 p.m. at the Whitney Senior Center.

**Authorization of Expenditure of Development Fund Monies for Historic Photos at the River's Edge Convention Center (Add-On Agenda Item):** Matt Glaesman, Planning Director, stated that there are a number of open spaces on the second floor corridor of the River's Edge Convention Center. A number of the City's plans emphasize the importance of recognizing and promoting our historic and river assets and to have a cultural amenity facility. The proposal is for 12 large scale historic photos that would be inserted into the open spaces on the second floor. The photos would range from Lower Town photos to 1960's photos. Glaesman stated that the request is for \$11,000 of Development Fund monies for this project. The Civic Center is also going to install a technology based asset incorporating 60 historic videos including the river, neighborhoods, downtown, etc. as part of the Convention Center also being a cultural facility. Chirhart asked the amount of retainage funds as a result of the Convention Center expansion coming in under budget. Glaesman answered that he knows the balance is large enough to cover the technology portion of the project, but is not certain of the exact balance. Radaich moved to authorize expenditure of up to \$11,000 of Development Fund monies for historic photos for the Convention Center. The motion was seconded by DeVine and carried unanimously.

**Adjournment:** There being no further business, the meeting was adjourned at 8:34 p.m.

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Emil Radaich, Secretary