

## PROCEEDINGS OF THE ST. CLOUD PLANNING COMMISSION

A meeting of the St. Cloud Planning Commission was held on Thursday, August 16, 2012, at 6 p.m. in the City Hall Council Chambers. Members present were Anderson, DeVine, Holtberg, and Radaich. Andzenge and Chirhart were absent. City Council representative Goerger was present.

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

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

Acceptance of staff reports for August 16, 2012, as part of the official record.

Approval of minutes from the July 10, 2012 Planning Commission meeting.

The motion was seconded by DeVine and carried unanimously.

**David Larson/St. Cloud Hospital:** Matt Glaesman, Planning Director, stated that the General Development Plan was amended in 2004 to accommodate a child and adolescent services building (Clara's House). The 2011 PUD amendment provided for an expansion off the eastern edge of the building. Currently, the PUD with past amendments allows for a day services building for children and adolescents. The reason for the current request is to allow a new structure to be built on the site to be used for residential accommodations. Staff recommends approval of the request as the residential use would not create additional demand on public infrastructure and is adequately set back from the Sauk River. Chairperson Anderson opened the public hearing and invited testimony on a request from David Larson on behalf of St. Cloud Hospital (CentraCare Plaza) to amend the Highway 15 Planned Unit Development (PUD) General Development Plan to permit construction of a 13,350 sq. ft. building providing lodging for clients of the existing child and adolescent services building. The clients would be limited to a maximum stay of up to three months (location: 1900 CentraCare Circle, 1564 & 1586 Co. Rd. 134, 3820 Co. Rd. 120, and 4200 White Dr.) (DPA-2012-01). The following person spoke:

Dave Larson  
CentraCare Health System  
St. Cloud Hospital  
1406 6<sup>th</sup> Ave. No.

He said he is representing St. Cloud Hospital on behalf of the project. The architect and the program director for the services that will be provided in the facility are also present to answer any questions.

There being no one else wishing to speak, the public hearing was closed. Radaich asked if the new building will be connected to the current facility. Larson answered that there will not be a physical connection, but the sidewalks and parking lot will be shared with Clara's House and the Sleep Center. Radaich stated that #6 of the questions that should be considered in making a recommendation asks if the amendment will be beneficial to the neighborhood and the community. He noted that there is no mention of the effect on the neighborhood. Radaich stated that although he believes this particular project would have little impact on the neighborhood, he pointed out as the development intensifies, an increase in traffic is inevitable. He asked if visitors will be allowed at the new residential building. Jim Forsting, Director of Recovery Plus Addiction and Mental Health Services, commented that the children that would stay at the new facility are already in the program at Clara's House. There may be about five additional staff. Although they have a very strong family program, visits are limited to Saturday and Sunday afternoons and evenings.

Devine moved to recommend to the City Council approval of the Development Plan Amendment to expand the child and adolescent services use to include residential accommodations. The motion was seconded by Holtberg. Goerger asked the rationale for prohibiting overnight occupancy when the PUD was first put into place. Glaesman responded that was included due to the uncertainty of whether this would become the location for a second hospital facility or relocation of existing hospital services to that site. He stated that trip generation should be fairly low for the new building. The motion carried unanimously.

**Catholic Charities/St. Cloud Children's Home**: Matt Glaesman, Planning Director, stated that the Children's Home property is located in the Scenic Rivers District; however, the proposed new structure would be above the bluff and located further back than the required setback, approximately 650' from the Mississippi River. The PUD currently allows a maximum of 85 occupants, with 9 of

those being secured beds. The 2005 PUD amendment didn't increase the maximum number of occupants, but increased the number of secured beds to 25. The Children's Home never utilized the maximum number allowed. The current request is to construct an expansion to the north of Cottage 2 currently used by the secure mental health based treatment program which has a capacity for 9 beds. The new building will provide 16 secure beds. Glaesman stated that staff is in support of the request. Chairperson Anderson opened the public hearing and invited testimony on a request from Catholic Charities on behalf of the Diocese of St. Cloud to amend the Children's Home Residential Planned Unit Development (PUD) to construct a new building to replace an existing structure currently being used as a secure mental health base treatment program for at-risk adolescents. The current PUD allows for a maximum of up to 85 resident-patients, which includes up to 25 resident-patients in the secured mental health treatment program. The applicants are requesting to replace the existing secured facility that contains 9 beds, with a new building that contains a total of 16 beds. The applicants are not requesting to increase the number of resident-patients in the secured mental health treatment program (location: 1726 7<sup>th</sup> Ave. So. and 375 16<sup>th</sup> St. So.) (DPA-2012-02). The following persons testified:

Steve Bresnahan  
Director, Catholic Charities  
911 18<sup>th</sup> St. No.

He gave an overview of Catholic Charities and the Children's Home history. He stated there are approximately 120 employees that work in the various programs that operate on the Children's Home site. The Children's Home was built in 1924 as an orphanage. The Children's Home has a total of 49 resident-patients, with that number fluctuating. A maximum of 85 are allowed. That number is expected to average 56 with the addition of the new building. They have had some meetings with the neighbors.

Tim Lieser  
Director, Residential Day Services  
Catholic Charities  
1726 7<sup>th</sup> Ave. So.

Catholic Charities is committed to equipping youth with skills for success in a safe environment. The secure unit provides a safe setting and is not built to keep the neighborhood safe from the kids; it is built to keep the kids secure and safe from themselves. The kids at the Children's Home have significant mental health issues. In 2005 the PUD was amended to allow up to 25 secure beds. At that time, a new building was constructed in Fergus Falls with an intensive treatment program almost identical to the program the Children's Home is planning. He said he understands the neighbors' concerns. However, there will be minimal impact on traffic flow and parking with approximately 1

additional staff person per shift. There may be a few more visitors to the site. There will also be minimal impact on activities on the site, and minimal impact on the appearance of the site. They wish to maintain the beauty of the campus. A very small percentage of kids in the secure program run away. The new structure will increase the safety of the kids. Construction noise will have a temporary impact on the neighborhood.

Emil Radaich  
Commission member

The Fergus Falls facility is referred to as a model for success. He asked if there are currently any residents that should be in the secure facility.

Steve Bresnahan

One of the cottages at the Children's Home is operated as a secure facility. He explained the layout of the Fergus Falls facility. They have been in Fergus Falls 6 years and have had only one police call. Catholic Charities wants the St. Cloud facility to be similar to the one in Fergus Falls.

Emil Radaich

He asked if they got negative feedback in meetings with the neighbors.

Tim Lieser

He stated that when he became director two years ago, his philosophy was that the kids need to know the neighborhood in which they live. He started an effort to have kids at the Children's Home help rake neighborhood yards. Several neighbors agreed, but the weather on the day of the event prohibited the kids from raking. The previous director was asked to speak to the neighbors when incidents had occurred in the neighborhood or on the Children's Home campus. Lieser said he was asked to come to the neighborhood party last year and talked about how they can continue to be good neighbors. His commitment is to communicate as proactively as possible. He sent information about the request to Paul Rooney, the contact for that neighborhood, and asked that he distribute it to the appropriate people and also brought it to the neighborhood picnic. At the picnic on August 7, he explained what the Children's Home was proposing to do. Several questions and concerns were raised. At that time, he also offered a fall cleanup in the neighborhood by residents and staff of the Children's Home. He has invited the neighbors to tour the Children's Home facility. He noted that secure mental health does not mean it is detention; it is a mental health program.

Jeff Goerger  
City Council representative

He asked if the kids end up at the Children's Home to be diagnosed or do they end up at the Children's Home because they have been diagnosed?

Tim Lieser

Kids can't be accepted into the Children's Home program unless they have had a diagnosis in the last 180 days by a mental health professional.

Jeff Goerger He asked where troubled kids end up if they don't go to the Children's Home.

Tim Lieser Currently, there are only 2 facilities in the State that provide secure mental health service. Many times the kids are detained in hospitals or due to lack of bed space, many kids continue down the wrong path and end up in a correctional facility if their mental health issues are not addressed.

Sheila DeVine  
Commission member She noted the letter of opposition from a neighbor in Park Place Addition and asked Mr. Lieser how far out into the neighborhood he goes to speak with people.

Tim Lieser The neighborhood he has met with would be directly adjacent to the St. Cloud Children's Home to the west and south closest to the residential campus.

Dr. Jon Maier  
2000 7<sup>th</sup> Ave. So. His house is right across the fence from the Children's Home. He presented a petition from neighbors opposing the request. He talked to June Kelly (702 No. Park Place) and read her letter stating her strong opposition to the request as the new facility would act as a secure prison. Maier said he has 3 main issues with the proposal - size, contents and impact. Information on the size of the new facility has not been provided. He assumes the facility would not be approved without knowing how big it would be. The new building is proposed to add a lobby area, education area, day room, dining area, two residential wings, a gymnasium and a secure outdoor space. His estimate is that it will be 20,000 to 40,000 sq. ft. in size. That will change the character of the Children's Home. He believes that the proposal constitutes a grotesque change in the purpose of the facility. He quoted the following comment from the application: "Our current facility was built as an orphanage 89 years ago. It was not built to be used as a secured residential treatment facility." The Children's Home is surrounded by residential neighborhoods for miles. This is changing the Children's Home into a prison which is incompatible in this location. The next issue for him is the "content" of the Children's Home. A suicidal child should be in a hospital, not a converted orphanage. He displayed the Children's Home admission form found on their website and discussed some of the criteria for admission. One of the criteria is fire setting. He stated that several years ago a boy from the Children's Home started a fire across the fence into his wood pile. Another criteria is reality perceptions distorted, strange ideas. Maier said that means schizophrenia to him; these are the kind of people who shoot up movie theaters. He stated that another criteria, vandalism, has already occurred on his property. A few years ago, two kids escaped from the Children's Home who were trying to get enough money to go back to Minneapolis. They broke into his camper and removed radios which they attempted to pawn off. This incident gives an indication of

Children's Home clientele; most of the seriously disturbed kids are from large cities; the kids are not well supervised; and, they are engaged in criminal activity. Regarding the legal history portion of the admission form, it talks about court ordered placement which means the kids are adjudicated juvenile delinquents. He referred to the initials E.J.J. on the form which according to the Hennepin County Social Services website stands for Extended Jurisdiction Juveniles. These are juveniles found guilty of committing serious and/or violent crimes. However, because a State prison is not a good place to put teenagers, they are sent to the Children's Home to see how they do to determine if they need to go to somewhere else. If the Children's Home is going to house children such as these but not be called a prison, he would like to know what a place that locks up criminals should be called. Relative to the issue of impact, he noted that #5 of staff's memo states: "Will the maximum potential use for the property be in keeping with the character of the neighborhood?" Staff's response is that it will be in keeping with the character of the neighborhood. He said he finds that to be monstrous. The neighborhood is residential, quiet and reasonably safe. Building a prison inside a city is relatively unheard of, and they belong in sparsely populated areas. He believes it is a violation of every concept of zoning law and appropriate land use which Planning Commissions are established to control. He claimed that the Children's Home is making this request because it is an opportunity for increased revenue for them. The Children's Home will not pay taxes to the City for the increased services that will be necessary such as police. St. Cloud will lose real estate taxes due to the decrease in property values in the area because of this facility. He stated that prisons don't belong in the middle of residential neighborhoods and asked that the Commission deny this outrageous proposal.

Steve Bresnahan

He strongly disagrees with some of the statements that were made by Dr. Maier. His reference to this facility being a prison is incorrect. It is licensed as a mental health facility which has very different operating requirements than a prison or correctional facility. The Children's Home is primarily funded by health care reimbursements. Staff works with the kids in a treatment mode, not a corrections mode.

Tim Lieser

The Children's Home is licensed by the State of MN to provide mental health. The statement claiming that the request is about raising revenues is incorrect. This is not a money making proposition. The open and secure units each have their own budget. The difference in per diem between the open beds and secure beds is 38%. The kids at the Children's Home have been in hospitals because of suicidal thoughts and suicide attempts. The Children's Home has never had a child commit suicide in either of their secure units. He stated that the 2012 statistics

indicate that there is a 44% increase in expenses to provide coverage for a secure unit as opposed to an open unit. They have no intention of putting the neighborhood in harm's way. At the neighborhood meeting, Mr. Maier commented to a City Council member about his camper being damaged. Lieser said he talked to the previous director, John Krueger, about the incident with the damaged camper. Mr. Krueger indicated that incident happened before his tenure. Lieser pointed out that Mr. Krueger started in 1992 as Director. Mr. Krueger said he discussed the incident with Mr. Maier and told him he would check to see if there were kids on the run from the Children's Home if Mr. Maier could tell him the time frame of that incident. Mr. Maier did not follow up on that offer. Referring to these kids as homicidal maniacs is not acceptable.

Steve Bresnahan

He pointed out that the intake form on the Children's Home website gathers information on someone who wants to enter the program. Quite often it serves as a means to rule out someone that is inappropriate for their program. He agrees that the neighborhood has changed over the last 30 years. The Children's Home also has concerns about people from the outside coming onto their grounds. He reiterated that the role of Catholic Charities is to serve people that need help.

There being no one else wishing to speak, the public hearing was closed. Radaich stated that he believes some of the terminology used was not a representation of the neighborhood's feelings but more of a means of instilling fear in the neighborhood. The comment made by Dr. Maier stating that "these are the kind of people who shoot up movie theaters" was especially offensive. He believes the Children's Home does a good job with troubled children and pointed out that they only want to expand the number of secure beds, not the total number of beds. Radaich said he would support the request and would like the neighborhood to work more closely with staff and the residents. Holtberg asked applicant about the size of the building, etc. Bresnahan said the new building would be between 16,000 and 20,000 sq. ft. The total building square footage on the Children's Home site is 95,000 sq. ft. There will still be ample green space. Murray Mack, architect, showed the floor plan of the Fergus Falls facility. Bresnahan pointed out that the two facilities will not be identical due to the different pieces of property. Bresnahan said there would be two wings that would have the rooms for the kids. They are single rooms designed with no corners. There will be complete visual control of every corridor with a central staff area with administrative offices behind it. The third corridor would

be classroom space as well as some areas for nursing, a library, etc. There will be a large day area space, a courtyard area, and a gym. The external lighting for the building would not be any different than the existing lighting around the Children's Home. Parking for the new facility will be integrated into the current parking. The road may be moved slightly, but traffic flows will not change. DeVine stated that applicant has not provided a building plan. Glaesman said it is unreasonable to require applicant to go to great expense to provide site plan and architectural details when the primary issue is the use itself. The building will be single story; therefore, the images provided give the Commission a representation of the physical massing. Glaesman said he would support a positive recommendation from the Commission on the requested PUD amendment acknowledging the use; attaching the approved site plan representations, and deferring final approval to staff. DeVine asked if there would be any benefit in tabling the request other than possible additional communication with the neighbors. Glaesman pointed out that there will be another public hearing on this request at a City Council meeting. There is a period of time between Planning Commission action and the City Council public hearing where additional discussion could be held between the applicant and the neighborhood. DeVine asked how staff determines the difference between a correctional facility and a recreational and educational use. Glaesman stated that the City works under the 1987 PUD with a residential facility definition, and the licensing is done by the State. DeVine commented that she grew up in that neighborhood and never recognized the Children's Home as a problem. She believes it is a well maintained and managed facility.

DeVine moved to recommend to the City Council approval of the PUD amendment subject to staff's recommended conditions as follows: 1) The proposed building addition must conform to the other conditions of the PUD's General Development Plan including, but not limited to, setback requirements and building height limitations; 2) No vegetative alteration is allowed upon the bluff or the required 10 foot setback; 3) Grading and storm water management plans must be approved by the City Engineer; and, 4) The applicant shall be restricted to the site plan approved by the Planning Commission and City Council. Any additional development or substantial change or alteration to the

site plan shall require an amendment to the PUD. The Planning Director will make the determination if an alteration to the site plan qualifies as a substantial change or not. The motion was seconded by Holtberg. Anderson emphasized that approval does not constitute an expansion of the facility even though it is a new building; it does not increase the number of secured beds allowed by the 2005 PUD amendment. The motion to approve carried unanimously.

**Vacation Request/Jon Nelson on Behalf of TCF National Bank:** Matt Glaesman, Planning Director, explained that it is common for two lots to be combined into a single zoning lot and vacating the middle easement to allow for a larger building window. In applicant's case, the lots have already been combined, but the easement was never vacated. Vacation of the easement would clear the title. A single family home was constructed over the common property line prior to the property being annexed into the City.

Holtberg moved to recommend to the City Council approval of the vacation of the 12' wide utility easement centered between Lots 5 and 6, Block 1, J.R. Acres (1815 38<sup>th</sup> St. So.). The motion was seconded by Radaich and carried unanimously.

**The Fairways Sixth Addition (Final Plat):** Matt Glaesman, Planning Director, stated that the Fairways development was platted in Minden Township and was annexed into the City. After private installation of the roadways and utilities, it was discovered that they were not included within the dedicated public right-of-way for the Fairways plat. Therefore, there were public improvements on private property. Staff has worked with the developer and the property owners to resolve that issue. The City has given up rights to compensation for the initial work on the utilities and roadway and connecting up as a sewer and water access charge in exchange for the property owners giving up the land on which the improvements exist. The City had not agreed to platting of the cul-de-sac that extends south from 2<sup>nd</sup> St. SE into the golf course (57<sup>th</sup> Ave. SE) into individual parcels for sale as single family homes until the infrastructure that would service that cul-de-sac was contained within a public right-of-way. Glaesman explained that approving this plat would create those 17 single family lots and dedicate the necessary right-of-way. He added that the neighbors in the Township have

agreed to plat their properties to encompass the utilities in a public right-of-way to give the City control of them.

Holtberg moved to recommend to the City Council approval of the final plat of Fairways Sixth Addition subject to changing the label of the street to the north from 22<sup>nd</sup> Street NE to 2<sup>nd</sup> Street NE and also subject to the conditions of the August 6, 2012 Engineering memo. Devine seconded the motion, and it carried unanimously.

**Discussion of 2013 Development Fund Budget Proposal:** Matt Glaesman, Planning Director, stated that the Planning Commission tabled this at last month's meeting. He noted some revisions to the previous memo. The audited January 1, 2012, fund balance is \$1,296,620. There have been several mid-year amendments to the Professional Services line item; that amount is \$151,000. The proposed January 1, 2013 fund balance is \$1,282,520. Since the last meeting, staff has received the Zucker Systems assessment with the primary recommendation being a new permitting system which would allow for cross department review and improvement to customer service. There is a City-wide need for upgrades of information technology systems which would be an approximate \$2.5 million dollar expense. The Professional Services 2013 budgeted amount is \$1,070,000 to assist in making the upgrades. In order to meet the \$2+ million expense, staff is proposing a Development Fund expenditure of \$1,000,000. A consultant has been hired to pursue grants for IT hardware/software with the City's share of that cost being \$4,000. Holtberg acknowledged that every year the Planning Commission authorizes expenditures for GIS maintenance. He said that although he would be in favor of upgrades, he is concerned about a \$1 million plus expenditure from the Development Fund. He said he is unsure what a healthy balance is for the Development Fund. Glaesman referred to the Development Fund policy which is over 10 years old that recommends a minimum balance of \$100,000. He said that may no longer be accurate and would invite discussion on that topic. DeVine would like more concrete information to justify such a significant expenditure. Glaesman responded that of the \$1,000,000, an estimated 40% would be spent on development related software and hardware and 60% for the broader City wide IT software

and hardware. DeVine suggested that all of the Planning Commission members should be in attendance when making this decision. Glaesman asked the Commission if there is any commitment in the hundreds of thousands of dollars range for improvements to IT as a local match. The Commission agreed they would be willing to make a substantial commitment, but not sure how substantial. DeVine questioned how the money spent will be replenished in light of the staff salaries that are being paid from the Development Fund and would like to know anticipated expenditures for the next three to five years. Chairperson Anderson cited the Zucker report which states that the City's building permit fees are quite low and questioned if a technology fee could be required to recoup some of the money expended by the Development Fund for technology improvements. Holtberg suggested a special meeting to discuss this issue; Glaesman said he will schedule a special meeting. Chairperson Anderson said he would like a commitment from staff that the solutions be multi-purpose and repurposable. Goerger noted that the Development Fund policy resolution states that "The City of St. Cloud allows for the expenditure of Development Fund monies only for such purposes as will advance the Master Plan for the physical development of the City as approved by the Planning Commission." He asked how the 60% of the million dollar expenditure that is not directly related to development is justified. Glaesman explained that the 40% relates to the permitting function. The remainder of the money would be for more broad based technology that is also used by the Department for things that will advance the Comprehensive Plan.

**Other Business:** Holtberg noted that Vicki Perske, Secretary, is retiring and thanked her for her years of service. The other Planning Commission members as well as Matt Glaesman, Planning Director, also thanked her.

**Adjournment:** There being no further business, the meeting was adjourned at 7:40 p.m.

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Emil Radaich, Secretary