

## PROCEEDINGS OF THE ST. CLOUD PLANNING COMMISSION

A meeting of the St. Cloud Planning Commission was held on Tuesday, October 9, 2012, at 6 p.m. in the City Hall Council Chambers. Members present were Anderson, DeVine, Holtberg, Andzenge, Chirhart and Radaich. City Council representative Goerger was absent.

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

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

Acceptance of staff reports for October 9, 2012, as part of the official record.

Approval of minutes from the September 11, 2012 Planning Commission meeting.

The motion was seconded by DeVine and carried unanimously.

**Johnson/Jubilee Worship Center Rezone at 3125 and 3143 Co Rd 74:** Matt Glaesman, Planning Director, explained that the city is proceeding toward construction at the interchange at Trunk Highway 15 and 33<sup>rd</sup> Street in 2014. The city intends to take bids in 2013 with construction to take place in 2014. A number of property owners are advancing their development interest beginning with platting and rezoning. The 2003 future land use map anticipated construction of this interchange and guided the area around the interchange for commercial uses that transition into residential as you get further away. The property in question served as the point of transition between the commercial and residential zoning. At this time, the property is zoned industrial and agricultural. The question that is presented is whether the entire property should be rezoned to commercial and the transition from commercial to residential occur further north. In the past, when rezoning, a plat would be required with the request to address access points, grading, right of way, etc. to meet the demand of the request. Glaesman explained that staff is supportive of the request to change the zoning to highway commercial. He suggests that the public hearing be held at this time but the item be tabled. Holtberg asked how long this request would remain on the table before the applicant and review board would need to start over. Glaesman responded that the request would need to be acted upon within a four month period. Radaich asked when the interchange construction project would begin.

Glaesman noted that the city is on a timeline that would allow the early site preparation to begin as soon as 2013. Radaich asked if the applicant would have appropriate time to supply the plats before the construction was projected to begin. Glaesman confirmed this would be possible for the applicant, but that the rezoning and platting should be considered simultaneously.

Chirhart moved to table the request for rezoning. The motion was seconded and carried unanimously.

**Request for Amendment/Aho Northwest LLC:** Matt Glaesman, Planning Director, explained that the 2003 Comprehensive Plan calls for a mixture of housing in each development depending on the size of the parcel. The original West Prairie Point PUD was 70 acres and three different types of housing were required. The western portion of the parcel was suggested to be townhouses/row houses. The first housing style is the single family detached homes throughout the site. The second housing type was to be two-unit buildings, but the City has approved an amendment allowing the owner to build either single family or two family through the southern central portion of the site. The proposed amendment would allow single family detached housing across the entire site removing the requirement for different type of product in the development. Glaesman believes the request is inconsistent with the Comprehensive Plan and is concerned about breaking away from the policy direction, although by changing the housing type the city is in a position to see more home construction. Glaesman stated that while the request is not supported by staff, the reasoning behind the developer's request is understood; their detached product has sold well.

Holtberg asked if city services have been extended to this portion. Glaesman indicated that this area does not have utilities or street infrastructure at this point. Holtberg asked what the choices would be for the developer if the request was not granted. Glaesman noted that the developer would be required to construct the townhouses/row houses. Anderson followed by asking when the infrastructure would be put in place. Glaesman stated that the furthest west portion would not be constructed until the developer brought it forward.

Holtberg noted that there are several areas in St. Cloud that are zoned as the larger single

family homes and asked if there were any requests to rezone them into the townhouse/row house style. Glaesman stated that there have not been any requests. There have been discussions regarding whether the townhouse/row house style is feasible in the current market condition but no one has come forward for the formal amendment.

Radaich verified the original platting was approved for row housing and the developer has asked for an amendment once already for more single family homes and are now asking for another amendment. Glaesman confirmed that this was the second amendment request. Andzenge asked if another public hearing would be beneficial to hear from the existing neighborhood that would be affected by the change. Glaesman indicated that a notice was issued to homes within the 500 feet but the entire development did not receive notice. Andzenge questioned whether there was opposition to the request by existing home owners. Glaesman explained that the greatest density of the homes is on the eastern portion of the site so the number of homes that received notice was few.

Holtberg asked what the developers options were if the request was denied. Glaesman stated the land would return to the original PUD zoning but the developer could appeal the decision. He suggested that if the request was allowed, it would be taken as an action to weaken the Comprehensive Plan. Glaesman explained the request is not supported as it would essentially be spot-zoning or giving the developer a variance. The following persons testified:

Loren Seppanen  
Aho Northwest, LLC

He said it seems that by zoning the property with townhouses/ row houses, the city was envisioning enough commercial growth in the vicinity to support this type of housing. He stated that it is Aho Northwest's belief that people who are interested in buying townhomes or attached homes are also interested in the amenities the area has to offer. He said it is not foreseeable that such amenities will be available any time in the near future, causing townhome buyers to look elsewhere. Aho Northwest believes that if townhomes are built, they would likely end up being purchased by investors, who would in turn manage the units as rentals.

There being no one else wishing to speak, the public hearing was closed. Chirhart asked when the last time a building permit was issued for townhouses and if there has been any townhouse construction in the general area. Glaesman said there have been few requests for townhouses to be

built. There is condo construction and townhomes in the Westwood development but the townhouse market has not caught on here yet as it has in other areas.

Anderson questioned if MTC serviced this particular area. Glaesman indicated that MTC does not service this area. Anderson stated that usually townhouses are marketed for lower/medium income families who would be more likely to use public transportation. Glaesman said that is true in urban core, high-density housing with certain amenities. There have been some cases where a Home Owners Association and reduced costs of smaller lots are desired outside the urban core in areas with green space and wetlands. The green space and wetlands that this site offers was considered in the original PUD that a row house project would work even though it does not have the same kind of amenities as the urban core.

DeVine asked what other option was available to the developers if the townhouse/row house was not the design. Glaesman explained that there would be no other options. The PUD is specific that this is a townhouse/row house attached product so an amendment would be required for any other kind of development. DeVine noted there are a number of single family lots that are yet to be built, which indicates approximately three to five years to fill in the second portion. She expressed the request may be premature as there is still growth that can take place with the single family housing at this location. DeVine suggested the request be looked at again as the single family products starts to diminish.

Anderson inquired about the nearest commercial properties to this location. Glaesman indicated the Northeast quadrant in the City of Sartell and the Southeast quadrant of 120/Veterans Drive is guided for neighborhood commercial amenities. Radaich noted that townhome owners and single family home owners would all be in need of amenities. He asked what the difference is between the two. Glaesman suggested that there is some validity to the claim that an attached, high density community typically comes with commercial amenities. He points out that although we are not an urban core area, there is interest in a higher density product in a less urban setting. He does not believe that commercial amenities are required to make the product feasible. Devine asked if patio

homes would be allowed since they are detached. Glaesman confirmed that patio homes would not be allowed. Radaich stated that he is agreement with DeVine's comment that there are still undeveloped lots and the request may be premature. He commented that a change in the Comprehensive Plan is in discussion. Radaich asked if the applicant were to bring this issue forward again, would it be possible to address the issue through the Comprehensive Plan if and when it is reworked. Glaesman stated that the Planning Commission would be in a position to introduce that discussion. He explained that the Commission could take action to deny this request but still give the property owner time to come forward to the City Council or bring the request back to the board as early as next year.

Radaich moved to approve the applicants request and was seconded by Andzenge. Holtberg stated he would vote against the motion because a change in the development has already been made once and he believes the Comprehensive Plan to have mixed uses on the property is still valid. Anderson recalled when the first amendment was brought to the commission and there was concern about what the next change to the Comprehensive Plan would be. He added that he is sympathetic to the applicant and understands what they are trying to do, but stated that the bigger picture needed to be looked at. Anderson called for a vote where the motion did not carry (0-6, all opposed).

**Request from the St. Cloud Planning Commission to amend Article 15:** Matt Glaesman, Planning Director, explained the request from the St. Cloud Planning Commission to amend Article 15, Section 15.5, B. to permit fences greater than 4' in height within the front yard setback area under certain conditions. He reminded the members of the discussion that took place in September regarding how high fences should be in residential front yards on major roadways, arterial and collector, with specific examples including homes on Roosevelt. A public hearing was scheduled and staff brought forward a proposed amendment with language to put the allowance in place. There are two draft ordinances, one suggesting allowance on specific roadways and the other suggesting a more broad definition of a 'principal or minor arterial street'. Anderson asked whether this matter was requested of the staff to review. Glaesman confirmed that the Zoning Board of Appeals denied a

variance request, however forwarded the matter to the Planning Commission for consideration of amendment of the ordinance.

Anderson opened the public hearing and seeing no one who wished to speak then closed the public hearing. Holtberg asked if other roadways, such as 33<sup>rd</sup> Street South, Cooper, Division, etc. should be included in the second draft. Glaesman confirmed there are other roadways that have one or two properties that would fit the description. DeVine was surprised that in the sample communities, excluding Rochester, no one allows for a front yard extension. She pointed out that the downfall of the second ordinance draft would be that home owners living on other roadways may be concerned as to why they will not be allowed this extension. She stated that while she has no opposition to the amendment, she does not know which ordinance draft would fit the best. Chirhart stated that if a change were to be made, he likes the second draft where the acceptable roadways are distinguished; however, he is not favorable for the change to be made and would be more inclined not to vote for either option. Holtberg followed by asking if the ZBA had an opinion on the matter and Glaesman explained that the ZBA only returned it to the commission for discussion and an amendment if appropriate. Holtberg inquired if there are many applications for this type of variance. Glaesman confirmed that there are one or two a year. Those cases had sound arguments, but the ZBA did not find those properties to be particularly unique. Anderson asked how many parcels would potentially be impacted by the first ordinance draft versus the second. Glaesman said this analysis would be possible but has not been completed at this time. Anderson expressed concern for what the unintended consequences would be between the first and second option and not making an amendment at all. DeVine commented on the sample communities and suggested that the need for a change is not necessary. Glaesman explained that the different communities were looked at to see how they compared to our situation and found that we were quite different from those on the list. Radaich asked for clarification on the current ordinance allowance for front yards. Glaesman stated that the ordinance allows for a 4' front yard fence anywhere in the city. Anderson expressed concern that there are only three current options, to open up the allowance, to limit the allowance or to not do

anything with the ordinance. Glaesman suggested other options that could be considered, including changing option one from principal or minor arterial streets to just principal arterials to test the change and limiting the number of properties effected. He also suggested that the Commission table the discussion so more research could be conducted. DeVine suggested another option might be to call out an intersection and limit the ordinance to properties within a certain number of feet of the intersection. Glaesman agreed that more research could help define the amendment. DeVine also stated that being there are so few requests, it may be more beneficial to leave it the way it is. Holtberg asked how far back the setback would need to be. Glaesman stated that it varies depending on what zoning district the property is in, but 25' is a common standard.

Holtberg moved to table for more research. Anderson asked if the Planning Department needed more direction and Glaesman denied the need for more direction. The motion was seconded by Andzenge and carried by a unanimous vote.

**Request from the St. Cloud Planning Commission to amend Article 4:** Matt Glaesman, Planning Director, explained the request from the St. Cloud Planning Commission to amend Article 4, Section 4.3, C. to permit the Zoning Administrator the authority to administratively approve changes to existing Conditional Use Permits, similar to the Administrative Variance process. He reminded the Commission of discussion that took place in September about minor changes to CUP's that would essentially have no impact on the surrounding property.

Holtberg asked if it would be considered to keep a log of any decisions that are made in this manner to present to the ZBA. Glaesman agreed and stated that this process is in place already with Administrative Variances. Anderson asked if upon issuing of the CUP, if the applicant could immediately be exempt from the process. Glaesman agreed that there would be opportunity for the ZBA to add on the condition that the Zoning Administrator may approve minor deviations to the approved site plan. Anderson commented that a benefit would be reduced cost of the applicant but asked if the action were objected to and went on to the full process, would the applicant then be subjected to the higher fee. Glaesman indicated that if this process was utilized there would be a

discussion about reduced application fees.

Anderson opened the public hearing and seeing no one who wished to speak then closed the public hearing. Radaich acknowledged that Glaesman would be the authority and Glaesman confirmed that he is the Zoning Administrator. DeVine asked for clarification on the ZBA adding to the CUP when issued. Glaesman explained that the ZBA could add a condition when issuing the CUP that the staff have discretion, which would be a second option to make the minor change. DeVine asked for clarification on how the process would work. Glaesman suggested that the third option be removed from consideration. The original ordinance says that the applicant would first go to the ZBA for the Conditional Use Permit. If there were any changes after the CUP was issued, the Zoning Administrator could either decide it is a minor change and make the decision or decide it is a major change and needs to go back to the ZBA. Chirhart expressed agreement to discard the third option because it does not allow for checks and balances. He said he believes the request is reasonable and he supports it. Chirhart motioned to approve the request and was seconded by Andzenge. Radaich commented that he has concerns that this action may expose the Zoning Administrator to criticism that is not anticipated but in the interest of reducing the government will vote to approve the action. Glaesman noted a provision in the draft ordinance that defines what actions the Zoning Administrator is allowed to make decision on. Anderson commented that he believed this action would be a good thing but asked if a noticed property owner objects, can they make any type of objection. Glaesman stated that regardless of the objection made, the change should then be forwarded on to the ZBA. Anderson asked if it is only the notified property owners that can make objections. Glaesman stated that any public party can make an objection and staff would be able to use some discretion in certain situations. Anderson called for a vote and the motion carried unanimously.

**Request for Vacation/Patricia Rose:** Matt Glaesman, Planning Director, explained the request for a vacation of an easement. The existing home has been on the property for a few decades and was allowed to cross an easement at the time of its original construction. The property

owners are now trying to clear the title and remove the easement that is underneath the building. Staff is supportive of this request.

A motion to approve the request was made and seconded. Anderson called for a vote and the motion was carried unanimously.

**2012 Development Fund Budget Amendment:** Matt Glaesman, Planning Director, explained the request for approval of a \$12,000 expenditure from the 2012 Development Fund budget to undertake an analysis of alternatives for extending the Lake Wobegon Trail system into St. Cloud's urban core. Two options exist including utilizing the allocation for miscellaneous planning initiatives within the approved 2013 Development Fund budget and approving an amendment of the 2012 budget providing \$12,000 specifically for the Lake Wobegon Trail project. Holtberg asked if the amendment was approved, would that still stay above the minimum balance for the year. Glaesman explained that at the end of 2013 the balance will be the same; it is just a matter of where throughout the year the money should come from. DeVine asked if this money was allocated to come out of the 2013 Development Fund budget. Glaesman stated it has not been decided upon where the 2013 Development Fund budget will be used. Anderson asked what the next step would be after the study is complete. Glaesman indicated that the study would determine the course and likely be undertaken by Federal or State funds, which would then trigger a full environmental review. Anderson asked which segments of the extension would be included in the study. Glaesman stated that segments 'B' and 'C' are options and options in segment 'D' are fairly limited due to existing development. Chirhart asked if the study was to cover just St. Cloud's portion of the extension. Glaesman confirmed that the study would include St. Cloud's & Waite Park's portion of the study. Chirhart followed by asking if Waite Park is contributing to this cost and Glaesman stated that Waite Park has not made that decision yet. Chirhart asked if Waite Park will need to contribute if St. Cloud apportions the full \$12,000. Glaesman stated that if Waite Park decided to contribute, there would be a discussion to whether that money would be added to the project to fund more study hours or if St. Cloud's portion would be reduced. Chirhart expressed concern that if St. Cloud offers to contribute the full \$12,000,

then Waite Park may not offer to contribute any funds. Holtberg inquired who conducts the study and Glaesman stated that the options have not yet been determined but either a consultant would be hired or APO staff would be considered.

Holtberg moved to approve the \$12,000 expenditure as an amendment to the 2012 budget and was seconded by DeVine. Anderson discussed the topic of including 3<sup>rd</sup> Street North as a potential segment and asked if that would be included in the study. Glaesman explained that the study would start from scratch and explore all possibilities. Anderson called for a vote and the motion carried unanimously.

**Discussion of Siting of the YMCA Facility at Whitney Park:** Matt Glaesman, Planning Director, explained that the YMCA was selected earlier this year as the preferred community based organization to partner with the City of St. Cloud on construction of a community aquatics facility. Staff is presenting information for initial discussion of the YMCA and Whitney Park siting concept. Holtberg asked if there has been serious consideration of any other site in St. Cloud. Glaesman stated that this site was narrowed in on from the perspective of the city and the YMCA conducted their own study which determined this was their top choice. Holtberg followed by asking if there was a reason the site was chosen in this location versus closer to the existing Whitney Center. Glaesman stated that they proposed the most likely location within the Whitney Park boundary. A lot of advantages were discussed, including using the intersection for a needed traffic signal. Chirhart expressed concern for how large the building will be and asked if the space will allow for the needed parking. Glaesman noted that the concept is very broad and is based on the earlier city aquatic study. There may be an opportunity to fit more parking in other locations when details are decided upon. Radaich expressed that logistically this location makes sense to him and asked for clarification that some fields will be relocated. Glaesman confirmed that some baseball and/or soccer fields will be relocated in the park. Radaich asked if the building would be one or two stories. Glaesman stated that the design has not yet been worked out. Holtberg asked if this site has bus stops nearby and if it has easy access to bicyclists, etc. and Glaesman confirmed that it has.

Anderson expressed he is supportive of the location but was concerned about not being closer to the recreation center. He asked if there was a way to move it adjacent to the recreation center so that people who want to take advantage of both buildings do not have to walk across parking lots. Glaesman explained that the photo brought to the commission at this time is not the final design, but a massing concept. DeVine expressed that she feels conceptually the building is in the correct area, near the senior center and the YMCA, although details will need to be worked out, such as traffic flow, placement of the building, etc. Radaich agreed with DeVine, stating that he thinks the location is ideal as long as the building is pleasing to the eye and not a box-style building.

Anderson asked if further action was needed or if this was just an informational discussion. Glaesman stated that this was informational to hear feedback on a possible site. Andzenge asked what type of activities will be taking place at this aquatic center. Glaesman indicated that suggestions were made in the initial study as to what activities would be best from all different stand points, including profit, stakeholders, etc. Andzenge asked for clarification that even though the project is named 'aquatics center' it may not have aquatics. Glaesman explained that based on the original study, aquatics was a strong part of the concept but the final details are unknown. Anderson commented that his only concern was the Northway traffic signal.

**Adjournment:** There being no further business, the meeting was adjourned at 7:29 p.m.

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Emil Radaich, Secretary