

PROCEEDINGS OF THE ST. CLOUD PLANNING COMMISSION

A meeting of the St. Cloud Planning Commission was held on Tuesday, December 11, 2012, at 6 p.m. in the City Hall Council Chambers. Members present were Anderson, DeVine, Holtberg, Andzenge and Radaich. Chirhart and City Council representative Goerger were 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 December 11, 2012, as part of the official record.

Approval of minutes from the November 13, 2012 Planning Commission meeting.

The motion was seconded by DeVine and carried unanimously.

Global Village, LLC/TR Fox Properties, LLC Rezone to PUD: Matt Glaesman, Planning Director, explained a request to rezone the properties located at 2868, 2870 and 2872 7th St N. The applicants are requesting to rezone from I2, General Industrial, to Planned Unit Development (PUD). Seventh St currently serves as the boundary between residential uses to the north and industrial uses to the south, which is also established in the 2003 Comprehensive Plan. The City's Lions Park is to the west of the subject property. There are several properties within the industrial zoning that have transitioned to commercial uses that are not necessarily allowed by right at this time. The applicant's request is directed toward the southern building of two on the property and is intended to allow for furniture sales, a meeting hall and other retail uses. Staff feels the transition to commercial uses is appropriate, but has concerns with the lack of details available; density can have a dramatic effect on traffic and parking. Narrowing of definitions, defining occupancy limits and addressing the off-street parking supply is necessary.

Anderson noted an e-mail that was received from Lisa Vouk on behalf of herself and Bonnie Goff from Bonnie's Printing stating that they oppose the rezoning request. Anderson opened the

public hearing and invited testimony. The following persons testified:

- Jerry Hettwer
Hettwer Real Estate
- He is representing the applicant. There are seven condos that are part of the project: three in the south building and four in a second building that lies to the north. He does not know the feelings of the property owners in the north building, although one response was received tonight from one of four owners of the north building. The intent is to rezone the property from I2 to a PUD because the I2 has outlived its usefulness in the area. The I2 zoning was prevalent years ago when the railroads were operating more but the zoning no longer fits the area. For example, next door to the property is an ambulance service, which is not a permitted use in an I2 zoning. The four condos in the north building consist of office space, commercial retail and wholesale. The three properties included in the application consist of the St. Cloud Municipal Band, a youth organization and a vacant space. The applicant is requesting the subject property be rezoned to allow for a meeting hall for the Somalian community. The balance of the building would be used for a furniture store. Total parking for both buildings is 65 spaces. He stated he would like to include the following commercially defined uses in the PUD: community center, school, convenience store, financial institution, office, retail goods establishment, shopping center and commercial wholesale.
- Chairperson Anderson
- He asked if the request applies to the south building or the north building.
- Jerry Hettwer
- The application was made for the building to the South only. Other property owners were met with, but not before the application as submitted. They are here tonight to speak their minds. Their uses are included in the request as to not exclude anyone.
- Chairperson Anderson
- He asked what list is being used to define the property uses.
- Jerry Hettwer
- Article 9: Commercial Districts Permitted and Conditional Uses.
- Chairperson Anderson
- He asked if the request is for a PUD, not commercial.
- Matt Glaesman
Planning Director
- Correct. Staff is trying to clarify the middle ground between the C5 zoning and the current I2 uses that are allowed. Staff's table noted its opinion as to those uses that are consistent and those that should be prohibited to provide guidance as to any particular use, given how intense it might be and whether it may be too intense for this area.
- Emil Radiach
Commission Member
- He asked if it is possible to include a property on the application after it has been submitted.
- Matt Glaesman
- At this point, the application is written in the name of the three units in the south building on the property. The Planning Commission is not in a position to take action on the northern building unless we hear differently from those owners tonight. The other property owners could sign on as co-applicants.

Steve Hanson
2208 13th St S

When driving past the old location there were approximately 25 vehicles parked in the lot. There were 3-4 vehicles that have not yet been removed from the snow. The concern is parking. When there is an assembly group, there will be a tremendous amount of parking needed. There are 65 stalls available. He stated he realizes he is not aware of what the busy times will be for parking.

Bonnie Goff
2856 7th St N

She has owned Bonnie's Printing in the north building for about 15 years. The parking could be a huge problem. It was a problem when the school was there, even though many students came in on busses. There is a children's park that backs up to the property. If there is too much traffic, there is concern for the safety of the children. A meeting hall or community center is very vague. Some meeting halls have cars parked in the lot all day long. Open parking is necessary to accommodate customers coming in and out. Customers are not in the building for more than 20 minutes most times. There is an accounting service that also requires available parking. At this time, rezoning would not benefit the rest of the businesses in the area.

Jill Fox
TR Fox Properties, LLC

She is the owner of the property in question. She would like to make the property as appealing as possible to future tenants or buyers. The property has been on the market for over 5 years. She stated she believes in providing community opportunities for groups and has three non-profit groups in the building now. There is a green space to the north side of the property and there is potential to put in additional parking. It is also possible to work with the condo association to provide rules and designated parking areas for businesses in the front so their customers would not be without parking. She stated she is not sure if the condo association has a rules/regulations handbook. Other associations use bylaws to address these issues. There are adjacent properties to the west and east that are unoccupied parking areas and there is opportunity to speak with those owners for off-street parking accommodations. There is a railroad to the south so there is no impact to that neighborhood. Since the building is already behind the north building, there should be minimal impact to the neighborhood to the north. Gold Cross is open 24 hours a day with numerous patrol cars coming in and out of the area so there is a high police presence. There is a bus stop on the corner of Lincoln Ave that is available. There should not be any impact on the neighborhood since 7th St N is a thru street. She stated she is trying to look at a beneficial solution for herself and for tenants in the front building.

Rick Holtberg
Commission Member

He asked if the condo association covers both the north and south buildings.

Jill Fox

Yes.

Rick Holtberg

He asked if there are stipulations within the association agreement about zoning and uses.

Jill Fox

She stated she has not reviewed the documents thoroughly. No one has addressed zoning issues to her knowledge. The buildings were

built by Ron Morton and she does not recall him addressing it.

Chairperson Anderson He asked how joint applicants would be addressed.

Matt Glaesman If there is interest, the item should be tabled and the public hearing left open. The notice would be republished so new testimony can be considered next month.

Arnold Kahara
2854 7th St N He owns the CPA office in the north building. He stated he would not be in favor of the rezoning until the parking issue is resolved.

Chairperson Anderson He asked Mr. Kahara if he is a property owner or a lease holder.

Arnold Kahara He is a property owner.

Chairperson Anderson He asked if he was interested in being a co-applicant for the PUD.

Arnold Kahara He stated not at this time.

Andzenge asked if the proposed PUD request meets the City's existing requirement for parking space. Glaesman stated that occupancy limits vary for each type of use. The maximum potential occupancy would over burden the area. If an enforceable occupancy limit was established it may not be an issue. Holtberg asked if other nearby property owners have spoken about this request, such as The St. Cloud Times or Gold Cross. Glaesman stated he is only aware of testimony submitted in writing or given tonight. Anderson asked, if another applicant decided to sign on after the request were sent to City Council, if the request would have to come back to the Planning Commission first. Glaesman stated that if the notice was republished for the City Council, the Council could then consider the request. Holtberg stated the area is a great transition point but asked if it were necessary to look at a different zoning for the entire area. Glaesman stated there are several businesses further east on the corridor that are not in compliance with the I2 standards. It is suspected that the question will continue to be posed. Rather than convene multiple public hearings to see if there is support for a change to the entire area, staff is faced with an application for a single property and must act upon it within the time limits provided by law. Holtberg commented that in the past there have been applications for PUD's that were denied because they were very vague in defining the intended uses. He added this seems like a similar situation where there are not specific uses defined. Glaesman stated it is possible to extend the review period to allow for further

discussion between the applicant and surrounding property owners or for staff to conduct additional research. If it is felt that an additional month would not be beneficial the request could go forward as it is today. Holtberg stated that tabling the request until next month might be the best option to allow more time for discussion with the other property owners.

Hettwer stated there are a number of properties that should be rezoned but he was not willing to take on the entire area on his own. He is in favor of tabling the item to further discuss with the parties involved and to possibly expand the area of change. DeVine commented that tabling would be the best option. It is typically known that the businesses and uses will fit the area when voting on a PUD. It is unusual because the property sits behind another property and the future of the entire parcel needs to be taken into account. It must be known that any decision is going to benefit all of the properties. Some of the uses need more discussion and parking is the number one concern. Holtberg asked if tabling the request would give the department enough time to work with the applicant about some of the issues presented. Glaesman stated the discussions would be led by the applicant and property owners.

Holtberg made a motion to table the request for one month until the January Planning Commission meeting. The motion was seconded by DeVine. Anderson stated that parking concerns, multiple partners, and intended uses need to be addressed. DeVine questioned how additional parking would affect the property and if there is room for it. She asked if the notice was sent to the appropriate requirement of property owners for the public hearing. Glaesman stated that it was. Anderson asked how additional applicants would impact the notification area. Glaesman stated that if the northern building property owners came on board, the notice area would be expanded. Anderson asked if parking was based on the entire parcel or only relevant to the applicant property. Glaesman stated that the understanding is the applicant owns a share of and has rights to the common space. The documents have not been reviewed because the property has been considered as a whole and parking needs to be addressed for both buildings. Radiach commented that more clarification is needed in regards to the potential parking issues and the land uses. DeVine added the condo

association also needs to be addressed. Anderson called for a vote and the motion to table carried unanimously.

Consideration to amend the 2003 Comprehensive Plan at 3153, 3163 and 3225 Co Rd 74

∴ Matt Glaesman, Planning Director, reminded Board members of a discussion that took place at the November Planning Commission meeting for a rezoning request from Jubilee Worship Center. The Planning Commission recommended to City Council not to rezone the property but to amend the 2003 Comprehensive Plan. Staff is supportive of the change to the Comprehensive Plan for the subject properties. The change is consistent with the reason an interchange is being built at 33rd St S and Highway 15, which is to promote development.

Anderson opened the public hearing and invited testimony. The following persons testified:

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| Larry Lahr
3163 Co Rd 74 | He is the owner of one of the parcels in question. His current tax statements show the property as commercial/industrial. He asked, if the property is zoned commercial, if it will the change take away the industrial portion. The property has retail and an industrial shop. |
| Chairperson Anderson | This change is to amend the Comprehensive Plan for future uses and is not actually rezoning the property. A property owner would need to initiate a change in zoning. |
| Matt Glaesman
Planning Director | The property tax statement refers to the existing use of the property for taxing purposes. It does not refer to the zoning of the property. Chair Anderson's statement is correct that the change tonight is for future development and does not change existing zoning. There are no rights lost as a result of this action. |
| Larry Lahr | He asked if he will lose his business as a result. |
| Matt Glaesman | He stated that a policy decision like the Comprehensive Plan does not change the use regulations. |

There being no one else wishing to speak, the public hearing was closed. Holtberg stated that changing the Comprehensive Plan for these properties is the proper thing to do and made a motion for approval. The motion was seconded by Radiach. DeVine added that it makes sense to continue commercial use and start planning for future development in this area. Anderson called for a vote and the motion carried unanimously.

Public Input Session #1 for 2014 - 2019 Capital Improvements Program: Matt

Glaesman, Planning Director, explained the Capital Improvements Program (CIP), a six year plan that is updated annually to reflect current needs. The CIP allows administration, officials and staff to make informed decisions. The City Charter directs responsibility of CIP preparation and adoption to the Planning Commission. Capital Projects are major non-recurring expenditures that are more than \$250,000 and have an anticipated life of five years. This year, there are three categories to which projects are prioritized: 1) Programmed Project: projects assigned an implementation year within the coming 5 years, 2) Unprogrammed Priority Project: projects anticipated to be undertaken in the coming 6 to 15 years, but the timing is unknown given their funding, need or other factors, and, 3) Illustrative Capital Improvement: projects anticipated to occur more than 15 years in the future and/or their actual implementation is yet to be decided.

Anderson opened the public hearing and invited testimony. The following persons testified:

James Garven
624 Riverside Dr NE

He asked for money to be used for an issue that was addressed in a 2007 study. Railroad Quiet Zones have been established in Sauk Rapids and the Southeast side but the area around Saint Germain and Wilson Avenue were not included. He would like to increase the livability in the Northeast/Wilson Park neighborhood. The Federal Railroad Administration ultimately has the final say as to whether this task can be completed however, funding and access, along with other factors, need to be considered first. Retractable medians or barriers could be used on East St. Germain St. A short survey has been conducted. He stated he believes there are several hundred people that are affected by the noise on the northeast side.

Dawn Newton
620 Riverside Dr NE

They live across from Wilson Park. She and her husband were asked to participate in a leadership training that was sponsored by the City and the Initiative Foundation. One of the meetings asked each neighborhood to make a list of priorities for changes. At the top of the list for the Northeast/Wilson Park neighborhood was the Quiet Zone. When they began meeting at NEWPNA, the neighborhood association, the Quiet Zone was on the top of the list again. They formed the Quiet Zone Committee to survey people in the neighborhood. 61 responses to the survey have been collected and they are continuing to gather information.

Sue Wakefield
1309 Cooper Ave S

She is concerned with options for Cooper Ave. There are no east/west connections for nearly a five mile stretch. Steve Foss has gone out of his way to study the area, and each time the information is presented, it is rejected. She stated she would like to ask for other alternate routes to be studied. There were some projects listed under the UPP, which may not be a reality for 10 to 15 years. It would be helpful if the City and County developed a Southside grid. The pairing of Steve Foss and Jodi

Teich would yield excellent results. The future of Co Rd 75 between 33rd St and Cooper Ave is concerning. There will likely be a full median down the road and therefore, more traffic will be diverted to Cooper Ave. She stated she attended the April Planning Commission meeting with regards to Cooper Ave. Mr. Chihart said there would be early involvement and she would like to know when and to what extent the area would be involved. She would like to see a traffic study to see where the cars are. There are several reasons that routes cannot go through in certain areas but those reasons are not published. She stated the main issue is livability and the neighborhood is at capacity the way it is. The area has never tried to shut off the traffic and would like to get the same consideration as other neighborhoods. There are many young children in the area and tragedies are inevitable. In the future, numerous roads should be opened up, but City wide involvement is necessary.

Chairperson Anderson He stated that tonight is only an input session and the Board is not problem solving. He thanked Wakefield for her feedback.

Lowell Olson
23 Pandolfo PI He thanked the Board for the opportunity to participate in the public input session. It is very important to make trail connections and extensions of existing regional trails including the Beaver Island Trail and Lake Wobegon Trail. It is important to connect these trails to establish another transportation system as well as recreational opportunities. It is important to include park land acquisition as a UPP. He stated he would like the City to work to leverage local dollars by applying for grants and collaborating with other jurisdictions on regional projects. It is important to find ways to focus on the Mississippi River as a community asset as projects are planned and implemented. He supports the City's work toward implementing the Complete Streets concept and all Sustainability initiatives.

Charlotte Stephens
23 Pandolfo PI She questioned the UPP category. She stated she thought projects in the UPP could possibly happen during the 5 year period.

Chairperson Anderson Certain projects could move out of UPP into the five year program based on funding and availability.

Matt Glaesman
Planning Director Adding the third category is intended to separate. The UPP will be more finely tuned to those projects that could quickly change to a Programmed Project.

Jill DeLong
1414 11th Ave N She stated she agrees with the comments about the Complete Streets program. There is a plan to extend the Beaver Island Trail to Hester Park but there are several other trails that end abruptly. There is no safe way for North side residents to get to downtown, the library or Lake George. Downtown should be better navigated for bike riders and pedestrians. There are bike paths that go through Sartell and the Westwood area but there is no way to get to the next path. More improvement is needed in gapped areas.

Cliff Borgerding The Lake Wobegon Trail has been in existence for nearly 15 years.

President of Lake Wobegon Trail Association There has been a tremendous increase in use of the trail. One project that has been in discussions since the initiation of the trail is to extend the trail to the St. Cloud area. There are a number of people that come to use the trail from the St. Cloud area that wonder when the connection will be made so they do not have to travel to use the trail. The future Camp Ripley Veterans Trail will connect to the Lake Wobegon Trail, which will then connect to several other trails. The trail is currently connected to the Central Lake Trail that continues to Fergus Falls and there will be a trail from the Richmond/Rockville area into Waite Park. There is a huge business opportunity for recreation and transportation. He asked to please keep the trail in mind.

There being no one else wishing to speak, the public hearing was closed. Holtberg commented that the CIP does not include projects that will be happening in 2013. The CIP is for projects starting in 2014. This process is recognized throughout the State of MN and has been shared with other city planners. There are a number of healthy neighborhood groups that are active and their input is welcome. Anderson noted that funds have been authorized for a study for a Lake Wobegon Trail extension through St. Cloud and the Beaver Island Trail is also in the works of an extension.

Pfeffer / Vacation at 2109 Pleasant Ave: Matt Glaesman, Planning Director, explained a request to vacate a 10' x 50' wide segment of a 15' wide utility easement that runs parallel to the western property line of the property located at 2109 Pleasant Ave. The applicant is intending to construct a detached garage to the farthest extent possible on the back property line. The property line has a 15' easement along it. They have asked for a 10' vacation to accommodate the plans for the detached garage. Staff is supportive of vacating the public rights to that portion of the easement. The property owner would be responsible for moving any private utility easements.

Holtberg moved to approve the vacation of the easement as presented. The motion was seconded by Andzenge and carried unanimously.

Approval of the construction of the Beaver Island Trail - Phase 3 project: Matt Glaesman, Planning Director, reminded Board members of a preliminary design of the Beaver Island Trail that was presented at the April meeting of the Planning Commission. There were concerns with the mass of structure required to come up the slope in the form of a switchback. Over the last six months, the image has been fine tuned to remove the switchback structure and replaced it with a

single rise that begins at the water's edge. This design offers significantly less environmental impact and a significant savings, with an anticipated project budget of \$4 million. The Planning Commission is required to take action on any public improvement project. Staff is asking for input on the revised design and the proposed funding scenario.

Holtberg stated he likes the revised concept and was happy to see the change in the rules for the trail grade. According to the information presented, half of the cost will be paid for with the local sales tax option. He asked how much money will actually be available from that option. Glaesman stated that the number presented for the local sales tax option is one that staff is comfortable will be available in the coming years. Anderson asked if there was an estimate on the cost to extend to Hester Park. He stated he had believed the concept idea on extending to Hester Park was to be completed in this phase. Glaesman stated that Phase 3 was originally presented as a corridor heading to Hester and to the back side of the Rivers Edge Convention Center. Due to budget and City Council decisions regarding design, the project has been divided into two phases. He noted that the concept opens the possibility of extending down to the river's edge at the bend in the bridge structure. DeVine commented that idea would not negate an access point to the roadway at 5th Ave N. Glaesman stated the concept considers what might be redeveloped in the area. DeVine stated she likes the redesigned concept as it is much more pleasing to the eye and has a much better financial solution.

Holtberg made a motion for approval of the design as presented and approval of the financing as presented. The motion was seconded by DeVine. Anderson asked if the design is a bridge structure. Glaesman stated the structure is built on piers which further minimizes the impact on the bluff. Anderson asked how long the structure is intended to last. Glaesman stated he does not know the exact standard, but the structure is being designed as a long term asset. Anderson asked, if the bridge were needed to be rebuilt, if the piers would remain and the decks be rebuilt, similar to a regular bridge. Glaesman stated that was correct. Anderson commented on the cost of the trail and asked how many surface trails could be applied with \$3 million. Glaesman did not have that

information but agreed that this is a very expensive connection given its design. Although it is expensive, it is a very important connection in the network of trails. Anderson commented on extending the trail to Hester and asked if that extension was still planned for 2014. Glaesman stated it is currently listed in the CIP for the year 2014 or 2015 and further discussion will take place in the coming weeks. Anderson stated he is concerned with the next phase, but he will support the motion. Anderson called for a vote and the motion carried unanimously.

Aquatic Center / YMCA project update: Matt Glaesman, Planning Director, informed the Commission that the City Council agreed that the proposed location for the Aquatic Center in Whitney Park is appropriate. Now that the proposed location is known, discussions are advancing about operations and how the project will be funded. Holtberg asked if this project would be figured into the CIP in the next six years or as an Unprogrammed Project. Glaesman stated that when the Request for Qualifications (RFQ) was issued, the project was anticipated for 2017; therefore the project would fall under the Programmed years. Radiach commented that he is excited about the Aquatic Center and is looking forward to architectural perspectives.

Other Business: DeVine commented that the minutes for the November Planning Commission meeting were very good.

Adjournment: There being no further business, the meeting was adjourned at 7:47 p.m.

Emil Radaich, Secretary