

Zoning Board of Appeals
Tuesday, November 20, 2018
6:00 p.m.
St. Cloud City Hall Council Chambers

ROLL CALL

Members Present: Dick Andzenge, Susanne Barkalow, Drew Hultgren, John Mathews, Emil Radaich and Ryan Schleicher
Members Absent: Allen Bright
Staff Present: Dave Broxmeyer and Ashley Skaggs

CUP2018-07 / ST. CLOUD SURGICAL CENTER / 1526 NORTHWAY DR

ACTION TAKEN: Barkalow/Andzenge/Approved (4-1-1, Mathews opposed, Andzenge abstained)

Broxmeyer explained a request for a Conditional Use Permit (CUP) to construct a 36' x 164' building addition to the southern portion of the existing St. Cloud Surgical Center building. The current Planned Unit Development (PUD) requires all commercial and multiple-family properties to obtain a CUP. Approval of the CUP assumes approval of a 10' rear yard setback. Staff recommended approval of the request.

Hultgren asked about the removal of pine trees from the property. Broxmeyer stated there is no minimum standard for landscaping; however, it would be a reasonable condition to require additional landscaping. Hultgren asked about an expanded curb cut indicated on the site plan. Broxmeyer stated the curb cut would be limited to 30' wide. There are design alternatives to accommodate delivery vehicles in the general location of the indicated curb cut.

Mathews asked why a variance was not applied for at the same time as the CUP. Broxmeyer stated staff felt a variance request would be a duplication of the process and chose to address the setback reduction as a part of the CUP process. Mathews asked about parking on the site. Broxmeyer stated the property currently meets the off-street parking requirements. Reconfiguration of the addition could potentially cause an issue with parking on the site.

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

Brad Kompelien, St. Cloud Surgical Center – He is the Facilities Director for the St. Cloud Surgical Center. There are a couple rows of pine trees along the property that may be impacted, but he is not opposed to adding another type of buffer. There is also a short sidewalk used by facility staff that will be impacted. There is no issue meeting the 30' maximum for a curb cut, but the opening may need to be shifted to the north.

There being no one else wishing to speak, the public hearing was closed. Barkalow made a motion to approve the request subject to staff recommendations including the reduction and relocation of the curb cut and acknowledging the reduction to the rear yard setback. The motion was seconded by Andzenge.

Mathews stated that while the use seems acceptable, he cannot help but evaluate the setback reduction as a variance which does not meet the criteria for a practical difficulty. Barkalow asked if the board has considered a setback reduction during a CUP process in the past. Broxmeyer stated this situation has happened in the past.

Hultgren noted if the property were in a commercial district, the setback would be 0'. Because the zoning is a medical district PUD and there have been no objections, he will support the motion. Barkalow commented on the difficulty created regarding parking if the reduced setback is not approved and stated she is inclined to vote

in favor of the request. Mathews disagreed with the analysis and suggested the motion be amended to require the applicant to amend the PUD. Andzenge agreed that the PUD should be amended.

Hultgren called for a vote, and the motion to approve the request carried (4-1-1, Mathews opposed, Andzenge abstained).

CUP2018-08 / QUALITY INVESTMENTS INC DBA MIDTOWN SQUARE / 3333 DIVISION ST

ACTION TAKEN: Andzenge/Barkalow/Approved (5-0-1, Mathews abstained)

Mathews abstained from the discussion and voting of this item.

Broxmeyer explained a request for a Conditional Use Permit. The applicant is requesting to operate an auto rental facility on the west side of an existing shopping center, which includes utilizing an exterior door that faces the western parking lot. The Land Development Code (LDC) does not currently identify motor vehicle rental/leasing facilities in any of the City's conventional zoning districts. Staff concluded the closest similar use is motor vehicle dealerships, which are required to obtain a CUP when located in a C5 district. An amendment to the LDC is in process now to include motor vehicle rental/leasing facilities as a conditional use in the C5 district. The applicant is also requesting to remove an existing landscaped area on the west side of the building and replace it with angled parking that would be reserved for rental cars. The landscaped area would be relocated to the corner of 33rd Ave S and Division St.

Bakalow asked if the proposal will meet the parking requirements of the LDC. Broxmeyer stated the development has a surplus of approximately 50 parking spaces. Hultgren asked about restricting spaces at a shopping mall facility. Broxmeyer stated the LDC is silent on the issue. Schleicher suggested incorporating the landscaping to mask the traffic control mechanical boxes at the intersection.

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

Benjamin Copperthite, 3333 Division St – He received notification that Hertz was looking to relocate. One condition recommended by staff is to limit the number of spaces for fleet parking. One tenant is leaving the complex, and he would like to dedicate additional parking for the rental facility. Fleet parking will be restricted with signage.

Broxmeyer stated that the request for additional parking does not affect the recommendation for approval. There is adequate parking to accommodate the request.

Steve Sorensen, 102 34th Ave N – He asked that consideration be given to the traffic flow that will increase with the approval of the request. He asked about a vehicle maintenance area.

Copperthite noted the interior space will be office use only. There will be one dock near the dumpsters to be used for interior cleaning of vehicles. The dumpsters will remain. He does not think the impact on traffic will be substantial.

There being no one else wishing to speak, the public hearing was closed. Andzenge made a motion to approve the request subject to staff recommendations and allowing an additional 25 parking spaces. The motion was seconded by Barkalow and carried (5-0-1, Mathews abstained).

VAR2018-13 / FIRST PRESBYTERIAN CHURCH / 340 5TH AVE S

ACTION TAKEN: Mathews/Barkalow/Approved (3-2-1, Mathews and Radaich opposed, Andzenge abstained)

Andzenge abstained from the discussion and voting of this item.

Broxmeyer explained a request for a variance from Article 18, Section 18.3, which regulates the number and size of identification signs located within a residential district. There is an existing granite monument sign on the eastern side of the property along 4th Ave S. Over time and because of a change in road openings from TH23, the main entrance to the church has moved to 5th Ave S. The building is currently under construction of a new entrance addition to the west side of the building. The applicant is requesting to install three new signs: a canopy sign (reading “First Presbyterian Church”), a wall sign (a bible verse quote), and a double-sided electronic monument sign.

Additionally, the property is located within a historic district, requiring design approval from the Heritage Preservation Commission. The HPC Subcommittee reviewed the design and recommended approval of the request subject to the original granite sign remaining. Final HPC approval will take place on Tuesday, November 27. The requested variances would allow the applicant to have more than one identification sign which are collectively larger than the 30 sq. ft. permitted by the Land Development Code (LDC).

Mathews recited the definition of a sign from the LDC and questioned whether the bible verse constitutes a sign for the purposes of a variance. Radaich noted the commercial district directly across 5th Ave from the church but cautioned stretching the residential allowance. Mathews questioned the possibility of allowing the monument sign to be placed on the applicant’s commercially zoned property to the northwest and requiring a deed restriction.

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

Rodney Kadlec, 1014 11th Ave N – Ten years ago, 4th Ave was closed at Division St and 5th Ave became the new entrance to SCSU. Over the years, the church’s main entrance has transitioned to the west side of the building, and a new addition to the church is currently under construction. A site plan was presented showing the location of the proposed monument sign.

Jay Espelien, 314 8th Ave N – The older congregation members do not want to see the original sign on the east side of the building torn down. The proposed monument sign is going to be facing other businesses on 5th Ave so there should not be issues with light pollution. The same colors and brick work will be used as the new addition.

Hultgren asked for the signs to be prioritized in order of importance. Espelien stated he does not have the authority to make that decision.

Radaich noted a letter of opposition from a neighboring property owner and asked about illumination requirements. Broxmeyer stated the standard for electronic signs limits the illumination to 5,000 nits during the day and 500 nits at night. The Board has placed restrictions on hours of operation on other sign requests.

Hultgren asked if there is a way to modify the 4th Ave sign to make it more of a monument or historical marker. Broxmeyer stated the LDC does not address historical markers.

Mathews asked what about the property is unique to justify three signs. Kadlec stated the property has two frontages, and building is set back significantly on the 5th Ave side.

Darin Seaman, 404 15th St N, Sauk Rapids – He stated the church wants to be good neighbors and were intentional in choosing the bible verse to let everyone know that all are welcome.

There being no one else wishing to speak, the public hearing was closed. Mathews made a motion to approve the request subject to staff recommendations. The motion was seconded by Barkalow. Mathews commented that as a result of the way the area has been developed, there is a practical difficulty in terms of a front door without a sign and the HPC requiring the historic sign to remain. However, he questioned how much of a variance should be granted. While he does not believe the bible verse constitutes a sign, he does not see the need for two identification signs on 5th Ave. Hultgren agreed with Mathews, but noted he is not offended by the request since it abuts commercial property. He will support the motion. Schleicher noted the HPC's condition that the historic sign remains. He also does not feel the bible verse should be considered a sign for the purposes of a variance. He will support the motion. Barkalow commented that any place-of-worship should have signs: one for identification and one with the flexibility to change messages.

Barkalow made a friendly amendment to require the electronic message sign be turned off from 10:00 p.m. to 7:00 a.m. and to approve the presented site plan regarding sign location. Mathews accepted the amendment. Hultgren called for a vote, and the motion carried (3-2-1, Mathews and Radaich opposed, Andzenge abstained).

OTHER BUSINESS

ACTION TAKEN: Barkalow/Mathews/Resolution Adopted (6-0)

Barkalow made a motion to approve a resolution strongly recommending the Planning Commission and City Council amend the Land Development Code to allow a more appropriate amount of signage for places-of-worship in residential districts. The motion was seconded by Mathews. Board members expressed the need for one identifying sign and a sign along the thoroughfare with service information, etc. given the unique nature of a place-of-worship. Hultgren called for a vote, and the motion carried unanimously.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:27 p.m.