

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on February 16, 2010, at 7 p.m. in the St. Cloud City Hall Council Chambers. Members present were Barkalow, Bright, Fandel, Mathews, Ohman, and Ugochukwu. Long was absent.

Approval of Minutes: Barkalow moved to approve the minutes of January 19, 2010. Mathews seconded the motion, and it carried unanimously.

Variance Request/Coborn's Inc. on Behalf of Hunstiger's Market, Inc.: Dave Broxmeyer, Senior Planner, stated that the Board has copies of a revised staff memo that was written as a result of revised site plans that were submitted by the applicant today. Staff evaluated the new site plan and submitted a revised memo to the Zoning Board of Appeals. Applicant is requesting to install three pump islands under a larger canopy as well as a step-in freezer on the northeast corner of the site. Two different sections of the LDC apply to this request: setbacks for service stations and setbacks in the C-4 district when adjacent to a residential district. A 50' setback is required for the pump island and canopy for service stations. A 40' rear yard setback is required for a multiple family structure in the R7 zone; therefore, that same setback would be required on the portion of the site in the C-4 district that is adjacent to the apartment building in the residential district. The 35' is the rear yard setback for a single family home in the R7 district and would therefore, be the rear yard setback requirement on the portion of the site in the C-4 district that is adjacent to the single family home in the residential district. The original site plan placed the step-in freezer within the setback; the revised site plan would move the freezer up against the building negating the need for that setback variance. The revised site plan proposes to meet the canopy setbacks from the southern and western property lines by shifting it slightly to the north and eliminating the northwestern corner of the canopy. Applicant is also proposing to eliminate the southeastern corner of the canopy which would increase the canopy setback to 25'. Broxmeyer stated that staff believes the revised plan is an improvement, but that the entire canopy and three pump islands should be shifted an additional 10' to the west to

meet the required 35' setback on the east; it would reduce the setback for the canopy from 15' to 5' on the west; and, the north-south dimension would not change. He noted that if a building rather than a canopy were to be constructed on the site, the 35' setback would have to be met. Circulation in the southwestern corner of the site may be slightly difficult, but it is a compromise. Mathews said it appears the revised site plan would only eliminate the need for the variance for the step-in freezer. Broxmeyer clarified that if the canopy were shifted as recommended by staff, the canopy would be outside the rear yard setback, but not the service station setback.

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Chairperson Fandel opened the public hearing on a request from Coborn's Inc. on behalf of Hunstiger's Market, Inc. for approval of variances from Article 9, Section 9.2, Table 9-1, C4 - setback must be the same as required on the residential lot line and Article 14, Section 14.3, U. Service Station, 3. which requires a minimum of 50' from residential districts and at least 15' from any street right-of-way (Location: 328 5th Avenue South) (VAR-2010-02). The following persons testified:

- | | |
|---|--|
| Mike Wahlin
Director and Construction
Manager, Coborn's | He introduced Mike Schilling from the convenience store group and Joel Geil from the Holiday Station store group from the Twin Cities. They are not opposed to moving the pump island canopy 10', but it would push the westernmost pump close to the sidewalk. He suggested a compromise of moving it 5' to the east and narrowing the distance between the pumps to gain 7' of the 10' as suggested by staff. That would increase pedestrian safety on the west. |
| Chairperson Fandel | He asked if the easternmost pump would then be within the 50' setback or outside the setback. |
| Mike Wahlin | The easternmost pump would move 5' to the west; the middle one would move more than 5' to the west; and, the eastern one would also move to the west. |
| Chairperson Fandel | He asked if it would be 3' or 7' east of the required 40' setback. |
| Mike Wahlin | The eastern pump would move about 5' and then would gain a foot or so by tightening the area in between the pump islands, making it about 3' from the required setback. |
| Susanne Barkalow | She asked if the pump were moved 7' if it would be outside of the 35' |

Board member	single family setback.
Dave Broxmeyer Senior Planner	If the easternmost pump were moved 7' to the west, it would be located approximately 40' from the eastern property line.
Susanne Barkalow	She asked if it would then meet both the 35' and 40' setback requirements for the pump but not for the canopy.
Dave Broxmeyer	That is correct. However, it would not meet the 50' setback requirement for a service station.
Susanne Barkalow	She asked how much the canopy would encroach into the two setback requirements.
Dave Broxmeyer	Assuming it would be moved the 7', it would total 32' or 3' short of meeting the minimum setback.
Mike Wahlin	His concern about moving the pumps to the west to meet the eastern setback requirement was encroaching on pedestrian movement to the west.
Chuks Ugochukwu Board member	He asked the minimum required distance between pumps.
Dave Broxmeyer	The Land Development Code does not address that. The City doesn't have a standard for pump separation. Ideally, it would be 24'.
Chuks Ugochukwu	He asked the minimum setback from the fire hydrant on the western edge of the sidewalk on 5 th Ave. to the pump.
Dave Broxmeyer	The minimum would be 15'.
Tom Mathews <u>Zoning Board of Appeals – February 16, 2010</u>	He asked if there are two dispensers on the property.
Mike Wahlin	Originally, there were three, but the third one was useless if someone was parked at the outside pumps. The third pump island is needed to make it a viable operation.
Tom Mathews	The traffic volume will be increased on that site with six pumps.
Mike Wahlin	They are trying to space them so there is better traffic flow around the site.
Tom Mathews	The revision to the west seems dangerously close to the property line. However, the original proposal is also tight. He understands Coborn's is one of the principals of the 5th Ave. Live development project. It was his understanding that this site was in the third phase of the proposed development.

Mike Wahlin	He said he had no involvement in that project. It was a Coborn's Realty project with some other partners.
Tom Mathews	The subject parcel was in the third phase and appears that this kind of development indicates the redevelopment project is not going to happen or will need to be significantly altered. This project changes the whole dynamics of that redevelopment project.
Mike Wahlin	He apologized for not being able to address his concerns.
Dave Masters 327 4 th Ave. So.	His property is directly across the alley to the east of this property. He spoke in opposition to the variance. There are traffic flow pattern problems where the pumps are currently located; adding another pump will worsen that situation. He has lived in his home for almost 20 years and has never seen a third pump on this site. Currently cars entering the site go through the alley rather than the entrance to the gas station. Cars cut across his driveway at times to get to the site. There isn't a natural break between the alley, his property, and the gas station. This will add more traffic on his property. In the winter when the snow is plowed, there is quite a bit piled up next to the alley. A third pump may eliminate the ability to push the snow and pile it up; it would have to be removed instead. The Fifth Ave. Live development across 5 th Ave. will have 500 new residents and believed the proposal with the additional traffic could cause a safety concern. He stated that 10 months ago, the City Council voted approval of the Fifth Ave. Live development as a whole project. It concerns him that this is being brought forth without public awareness. Coborn's investment in the pumps will change the dynamics of the project. He believes the parking spaces in front of the store in relation to the pumps could be an issue with cars at the pumps driving directly forward and cars backing out from the convenience store. Currently, the pumps are horizontal allowing cars to exit the site without interfering with the parking spaces. He thinks that this proposal requires more thought and that a decision should not be hurried. The revised site plan needs to be analyzed.
Valerie Ohman	She asked what the vision was for the third phase.
Dave Masters	The neighbors were led to believe it was to look like the current 5th Ave. Live with retail at street level and market rate apartments on the upper floors. The plan was also for the First Methodist Church and gas station to be demolished as well as half of the block at City Hall to all be developed similar to the current 5 th Ave. Live construction project. There was no plan for a convenience store. It is his understanding that the purchase agreement with the church has not gone through. Therefore, the church is being sold on the market. The Coborn's group turned down the offer. Residents in the area were excited about rejuvenation of the area, but the plan has already changed and is very disappointing.

Tom Mathews	He assumes fuel trucks take up a large area when they offload.
Dave Masters	The tanker is large and must be carefully maneuvered to get it into the proper location to offload. Adding a third pump will make it difficult for him to have a residential home adjacent to it. He does not believe this gas station/convenience store will promote single family home ownership in the neighborhood.
Allen Bright Board member	He asked why revitalizing the current gas station site would change the dynamics of the area. Traffic patterns will control themselves. He would prefer to see the site revitalized rather than having the site unoccupied.
Dave Masters	He is disappointed that Coborn's wasn't upfront with their change in plans. He believes this will be a permanent use on the site. He feels applicant is attempting to squeeze too many pumps on that property. He is concerned about traffic flow and safety.
Allen Bright	Being in the commercial real estate business, he stated that he does not find the square footage of this site to be unusual for service stations, although the layout might be a little awkward.
Dave Masters	He disagreed. The plan is hurried, and the revision is a last minute submission. He requested that the variance be denied.
Paul Hunstiger 150 25 th Ave. So.	He and his sister-in-law are owners of the property. The property is not for sale. They have been in negotiations with Coborn's for almost a year on this site.
Tom Mathews	He asked if the proposed use is to be a transitional use.
Paul Hunstiger	No; it would be a long term lease. He has no plans to sell the property. When he had a business on 5 th Ave., the driveway was used more than the alley because of the proximity to the power pole. He spoke in favor of the request. He talked to Mary Mathews about the fact that there is no place in the neighborhood to pick up basic grocery items.

There being no one else wishing to speak, the public hearing was closed. Mathews said he e-mailed some questions to Mr. Broxmeyer. Mathews said one of his questions was regarding the site plan which indicates removal of the existing pylon sign and its replacement. He said there is no variance for the sign. However, Section 18.5A2 of the C-4 district states that no advertising sign may be erected within 200' of a residentially zoned property. This sign would be within 125' of a residentially zoned property. Broxmeyer clarified that the LDC defines an advertising sign as a billboard which would be off-premise advertising. The pylon sign would be defined as a business

sign. Mathews noted that the color rendering of the gas station/convenience store shows a Holiday sign with advertising something for sale below it. Broxmeyer stated it would be considered a business sign. Mathews stated that the canopy appears to be part of the sign. Broxmeyer clarified that the sign area would be totaled for the canopy plus the pylon sign. He estimated the sign surface area for the Holiday signage on the canopy to be approximately 36 sq. ft. for each sign on the canopy. The LDC allows 1 sq. ft. of pylon signage for every square foot of lot frontage. In this case, the narrowest part of the lot that faces a public right-of-way is 125'. Therefore, the site could have 125 sq. ft. of business signage. The sign on the building itself can be 15% of the wall area of the building.

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Mathews asked if the signage will be addressed separately from this request, and Broxmeyer said that is correct. Relative to parking requirements for the site, Mathews asked Broxmeyer why he stated that Section 16.13 of the LDC isn't controlling. That section requires 3 spaces per service stall and 1 space for each attendant. Broxmeyer explained that the LDC is still using terms from the 1970's. This is clearly a convenience store that also sells gasoline, but it is considered a service station for setback purposes. The section of the LDC referred to Mr. Mathews refers to service stalls and attendants. Broxmeyer stated that service stalls are repair bays, and attendants would be those employees working on the vehicles. Therefore, staff felt the light commercial requirement of 1 space for every 300 sq. ft. of floor area. Mathews urged staff to make those changes in the LDC. He asked Broxmeyer to clearly outline all the variances that are requested. Broxmeyer outlined the variances as follows: a variance to the 50' setback for the canopy and the new proposed gas island; secondly, there would be a variance to the rear yard setback requirement; step-in freezer would not be issue if it were moved adjacent to the building. The parking on the northwestern part of the site would also require a variance. The revised site plan eliminates the need for variances from the south and west property lines. Mathews asked if variances are needed for parking within the setback and also for the number of parking stalls. Broxmeyer stated that the number of parking stalls can be accommodated

adjacent to the alley even though they are within the setback area. Applicant can accommodate the 14 required parking stalls. Barkalow asked if any variances were required for the service station as it was used in the past. Broxmeyer answered that there were none in the Master Property file, and the Building Safety Dept. found nothing in their records. Broxmeyer stated that the location of the existing canopy and fuel pumps is just outside of the 50' service station setback. He believes they were located there intentionally. Barkalow assumed that the setback requirements have been in place long enough that if the previous use had required a variance, the property owner would have had to apply for the variance. Broxmeyer stated that the convenience store was built in 1988 and assumes the pumps went in at that time. Ugochukwu said there will still be an issue with vehicles pulling forward from the pump islands and people backing out of parking in front of the convenience store. Chairperson Fandel asked if garbage trucks will be able to access the garbage receptacles if the cars are parked in the stalls adjoining the alley on the east. Broxmeyer responded that it would be tight and anticipates that employees will park there. Regarding accessibility to the garbage receptacles, 20' should be adequate; a minimum of 12' would be necessary. Chairperson Fandel asked if the transport trucks will be required to stop in the alley to the east or if it will pull into the property. Joel Geil, Holiday, answered that the truck will pull in off Ramsey and park on north-south parallel with the alley; they would not park in the alley. The trucks will probably have to back up a bit to make the

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radius to get between the building and go back onto 5th Ave. Mathews asked if there are design guidelines in the Southside neighborhood. Broxmeyer stated that is in process but has not been completed. Relate to the vote, Bright asked which site plan is being considered. Broxmeyer stated that the Board should refer to a specific site plan in their motion. Mathews said he is not sure what they are voting on and would prefer to table it with applicant's consent to bring back a revised site plan. Mathews said if applicant is not agreeable to that, he will vote to deny it. Bright commented that he is in favor of the project but would like applicant to submit a revised plan. Mathews asked if the

requirement to act within 60 days of the application submittal date will be a problem if the issue is tabled. Broxmeyer stated that the 60 day period could be extended if the ZBA is requesting submittal of a revised site plan. Broxmeyer stated that action would have to be taken by March 30. Mathews stated that he would only accept tabling if applicant agrees to extend the 60 day requirement. Fandel asked applicant if he would be agreeable. Wahlin answered that he does not want it to be an open ended extension. Mathews moved to table the request until the March meeting. The motion was seconded by Barkalow and carried unanimously.

Other Business: Broxmeyer noted that terms of two of the Board members end in April. He asked the members to ask anyone they know who would be a good ZBA candidate to submit an application to the Mayor's Office.

Mathews complimented the City on the GIS information that is available to the public.

Broxmeyer stated that the Planning Office has been participating in the promotion of the 2010 Census and asked that the Board complete the census questionnaire when they receive it in the mail.

Adjournment: There being no further business, the meeting was adjourned at 7:58 p.m.

Chuks Ugochukwu, Secretary