

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on April 20, 2010, at 7 p.m. in the St. Cloud City Hall Council Chambers. Members present were Barkalow, Bright, Fandel, Long, Mathews, and Ohman. Ugochukwu was absent.

Approval of Minutes: Barkalow moved to approve the minutes of March 16, 2010. The motion was seconded by Ohman and carried by a vote of 5-0-1 (Long abstained as he was absent at the March meeting).

Request for Conditional Use Permit/Rick Schroeder of the Robert Muir Company on Behalf of St. Cloud Rainbow Village, LLC: Dave Broxmeyer, Senior Planner, explained that any shopping center over 100,000 sq. ft. in building floor area requires a conditional use permit. Applicant is requesting the addition be constructed on the south side of the existing Barnes & Noble building. The original request was for a 3,500 sq. ft. building addition, but that has been changed to 5,000 sq. ft. The addition would impact parking in the existing parking field to the south of the building with a net loss of three parking spaces. However, there will still be a surplus of parking according to code requirements. Broxmeyer stated that he completed an inventory of signs on the shopping center property. The proposed additional signage would be a ground mounted sign in the northeast corner of the property facing the intersection of Division St. and Hwy. 15. Chairperson Fandel said it was his understanding that the shopping center has a surplus of over 100 parking spaces, and Broxmeyer said that is correct. Long asked if the shopping center would still be within the sign square footage allowed, and Broxmeyer said it would be well under the permitted square footage. Mathews asked if the addition would be to the existing store so there would be no outside entrance. Broxmeyer clarified

that the addition will be new tenant space. Bright inquired as to why this proposal requires replatting in addition to the conditional use permit. Broxmeyer explained that the addition would cross an existing lot line. Chairperson Fandel opened the public hearing on a request from Rick Schroeder of the Robert Muir Company on behalf of St. Cloud Rainbow Village, LLC for approval of a conditional use permit for a 5,000 sq. ft. addition to the Barnes & Noble building and to add an additional 24" of brick on the planter wall at the NE corner of the site so tenant signage can be attached to the planter wall. (Location: 3940 Division Street) (CUP-2010-01). There being no one wishing to speak, the public hearing was closed. Barkalow moved to approve the conditional use permit for the 5,000 sq. ft. addition and additional 24" of brick on the planter wall at the northeast corner of the site for tenant signage subject to the following conditions: 1) The applicant's property should be replatted administratively to accommodate the 5,000 sq. ft. building addition and the necessary interior side yard setback; 2) The materials of the building addition should match the existing building materials; 3) Upon completion of the building construction project, the applicant must sign and return the Statement of Completion to the St. Cloud Planning & Zoning Department; and, 4) The site plan approved by the Zoning Board of Appeals shall be the only site plan approved for this property. Long seconded the motion. Long asked for an explanation of the statement in the staff memo regarding the landscape island that separates the parking area and the roadway through the shopping center property. Broxmeyer stated that under the original proposal, nothing in the south parking area would have to be changed. However, expanding the addition to 5,000 sq. ft. would require elimination of the sidewalk and affects the parking. In addition, the landscaping island would have to be narrowed slightly. The motion carried unanimously.

Variance Request/Tom Voigt: Dave Broxmeyer stated that applicant is requesting a variance from the interior side yard setback to construct a detached accessory building. The side yard setback requirement in the AG zoning district is 10'; applicant is requesting a 4' setback to avoid the septic drain field for the existing home. Applicant is proposing to eliminate the existing metal shed in the rear yard, and relocate another existing accessory structure from the patio area behind the

house to the area by the proposed accessory building (garage). Applicant submitted a similar request about six years ago for a similar size building with a 2' setback. The Zoning Board approved a 5' setback (5' variance). That is the reason why the Planning staff is again recommending approval of a 5' setback. Chairperson Fandel noted the letter from Dave Klaverkamp of 5341 40th St. So. who strongly opposes the request. Chairperson Fandel opened the public hearing and invited testimony on a request from Tom Voigt for approval of a variance from Article 7, Section 7.3, Table 7-2 - 10' minimum interior side yard setback for residential uses. The applicant is requesting to locate a 22' x 30' detached accessory building 4' from an interior side yard property line. (Location: 5423 40th Avenue South) (VAR-2010-04). The following persons testified:

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| Tom Voigt 5423 40 th St. So. | He wants to avoid getting too close to his drain field. A structure smaller than 22' x 32' would not be suitable for his use. The setback granted in 2004 gives him a little more space from his septic tank and drain field. |
| Susanne Barkalow Board member | She asked the size of the proposed building in the original request. |
| Tom Voigt | It was 18' x 24'. However, 18' is no longer adequate. |
| Tom Mathews Board member | He asked if there will be an overhead door on the garage. |
| Tom Voigt | Yes, there will be an overhead door. |
| Tom Mathews | He asked if the garage will look similar to the house. |
| Tom Voigt | Yes, it will. |
| Tom Mathews | He asked Mr. Voigt if he would agree to the provision of Article 15.5.A.10 of the Land Development Code which requires that the accessory structure be the same architecture and design of the principal structure. |
| Tom Voigt | That is acceptable. |

There being no one else wishing to speak, the public hearing was closed. Barkalow moved to approve the variance subject to the following conditions: 1) Approval of the setback variance does not exempt the property from meeting all other appropriate requirements; 2) Upon completion of the accessory building construction project, the applicant must sign and return the Statement of

Completion to the St. Cloud Planning & Zoning Department; 3) The site plan approved by the Zoning Board of Appeals shall be the only site plan approved for this property; and, 4) That the new accessory structure be consistent with the architecture and design of the principal building in conformance with Article 15.5.A.10 of the Land Development Code. Mathews seconded the motion and offered a friendly amendment to include an additional condition that approval be contingent upon removal of one of the two existing detached accessory buildings and if it is replaced that it comply with setback requirements. Barkalow was agreeable to the amendment. Voigt was also agreeable to the conditions. Long asked if the accessory building that is being relocated is legal. Broxmeyer responded that no building permit is required for buildings under 100 sq. ft. Mathews commented that he could not find the definition of garage in the Land Development Code (LDC). He said the closest definition he could find would be either an attached or detached accessory building. The reason he added the compatibility amendment is because this is an attractive development area. The motion carried by a vote of 5-1 (Long opposed).

Variance Request/Noel Johnson on Behalf of the Housing Coalition of the St. Cloud

Area: Dave Broxmeyer, Senior Planner, stated that this request is for the same property for which there was a variance request last month. Last month, the applicant was requesting conversion from a temporary shelter facility to a lodging house. That request was denied by the ZBA. Applicant's current request is to convert the house from a temporary shelter facility to a two-dwelling unit structure which eliminates the need for many of the variances that were necessary to convert to a lodging house. The only variance required for the two-dwelling unit structure is for the interior side yard setback on the south side where there is an 8' setback between the building and the property line (2' variance). Adequate parking is available on site. The use would require a minimum of four off-street parking spaces. Applicant intends to convert the former garage back into a garage. The rear yard could accommodate four parking spaces without a variance. Chairperson Fandel noted that the drawing shows gravel parking behind the house and asked if that is acceptable. Broxmeyer answered that the parking would be required to be paved in some manner such as asphalt, concrete, or interlocking

brick to be brought into compliance. Chairperson Fandel inquired if the City has any requirements with regard to the disrepair of the concrete block wall. Broxmeyer said the City does not, and is uncertain on whose property the wall is located. Chairperson Fandel said it is his understanding from testimony during the previous request that the wall is located on applicant's property and was damaged during snow removal. Broxmeyer added that there is no requirement for a fence in that location; therefore, the disposition of the fence is at applicant's discretion. Relative to the garage, Chairperson Fandel asked if the City inspects infiltration of exhaust fumes into the house. Broxmeyer stated that the Building Safety staff would be responsible for checking that at the time a building permit is requested. Chairperson Fandel noted there are several unsightly "rats nests" where services have been brought into the house. He asked if the City addresses those. Broxmeyer stated the City may be able to regulate the electrical service. However, the City could write a letter to the owner asking them to also address the phone and cable service. Chairperson Fandel stated there is a security light bolted to the house with pieces of wood and is plugged into a receptacle that is not an all weather receptacle. Broxmeyer believed that would be part of an inspection for a building permit and be addressed as life safety issues as part of the rental registration. Mathews noted that the site plan shows a 53' setback from the rear property line to the house. He asked if the minimum setback required is 35'. Broxmeyer responded that the diagram indicates it is a 53' setback; however, the regulatory setback is much less than that. Mathews asked if parking can be located in that setback area, and Broxmeyer answered that it can be located in the rear yard provided it does not exceed the rear yard lot coverage. Mathews asked if it exceeds the rear yard lot coverage; Broxmeyer stated that between the concrete patio and the gravel areas, he believes it exceeds the rear yard lot coverage. Barkalow asked the maximum number of occupants allowed in a duplex. Broxmeyer explained that is not specifically addressed by the LDC. Occupancy is handled through the housing code. The definition of family in the LDC is no more than four unrelated persons per dwelling unit. Chairperson Fandel asked the parking requirements if eight persons live on the property. Broxmeyer answered that the requirement is still four because it is based on the number of dwelling units, not the number of

occupants. Chairperson Fandel opened the public hearing on a request from Noel Johnson on behalf of the Housing Coalition of the St. Cloud area for approval of a variance from Article 8, Section 8.3, Table 8-2, interior side yard setback. The applicant is proposing to reuse a former temporary shelter facility as a two dwelling unit house which requires a variance to the building's interior side yard setback requirement (Location: 315 6th Avenue South) (VAR-2010-05). The following persons testified:

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| Noel Johnson 225 Alaina Pl. Sauk Rapids | The building has been used by the Housing Coalition with the ability to have 12 tenants on the property. The building would be limited to 8 tenants (4 per unit) if used as a duplex. The Housing Coalition was licensed for 12 short term renters. Typically, the duplex would have a one year lease. He owns rental properties in the SCSU area and has full time property managers, leasing agents, maintenance people, etc. He has hired a local security company to patrol his properties. The existing gravel areas in the rear of the property would accommodate between 6 and 7 stalls, and the garage could accommodate 1 car. |
| Susanne Barkalow Board member | She asked if there would be one dwelling unit in the basement and one unit above grade. |
| Noel Johnson | There would be one unit on the main floor and one on the second floor. The lower level that currently has a kitchen would be a common area to which both dwelling units could access the electrical panels and the laundry room. |
| Susanne Barkalow | She asked Johnson if a new kitchen would be installed on the second floor. |
| Noel Johnson | A new kitchen will be installed on the second floor above the first floor kitchen. Improvements to the property will range from \$35,000 to \$40,000. |
| Susanne Barkalow | She asked if there will be a separate entrance for the second floor unit. |
| Noel Johnson | There will be an entry door to the upper level at the top of the stairs. |
| Tom Mathews | He assumed this will be student housing. He asked how many cars will be generated by 8 unrelated adults. |
| Noel Johnson | There would probably be between 6 and 8 cars. |
| Tom Mathews | Mr. Johnson has indicated that the area in the rear of the property could accommodate 6 parking stalls. He asked Mr. Johnson if he would agree to pave an area for 6 parking stalls in the rear of the property. |

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| Noel Johnson | The plan would be to pave from the rear of the property all the way to the front if it would be allowed by the City. The current gravel area would allow for 7 parking stalls in the rear. |
| Bill Landwehr 308 7 th Ave. So. | He lives right behind the property in question. He asked if the fence on the back of the property will remain if the variance is approved. They have poured rock on the property that is not usually used to drive on. Many times students pick up those rocks and throw them. He is hoping they will be removed from around the perimeter. He would like the existing fence to remain as students sometimes misbehave. |
| Noel Johnson | He is not sure if the rear fence is on this property. If neighbors prefer that the fence remain, he will leave it. From what he has been told, the block wall to the north belongs to the neighboring property. His intention would be to remove anything that is unsightly and redo the fencing if necessary. |
| Chairperson Fandel | Mr. Landwehr said the block wall is on the subject property. |
| Noel Johnson | He would put asphalt in the back and will clean it up so there are no granite chunks. |
| Dorie Anderson 1016 9 th Ave. So. | She is confused as to how many parking places there will be. |
| Chairperson Fandel | There will be 6 in the back and 1 in the front. |
| Dorie Anderson | She would prefer there be 8 parking spaces to ensure all residents park on the property. |

There being no one else wishing to speak, the public hearing was closed. Mathews moved to approve the variance subject to the following conditions: 1) Revise the site plan to show the proposed location of a screened dumpster area; 2) A 2' variance to the 10' interior side yard setback on the south side of the property; 3) The existing gravel off-street parking and driveway must be paved according to the LDC standards. A minimum of seven off-street parking spaces must be provided on site, which includes six off-street parking spaces in the rear yard area and one parking space in the garage. Other LDC requirements such as drive aisle dimensions and rear yard open space must also be met; 4) Upon completion of the project, the applicant must sign and return the Statement of Completion to the St. Cloud Planning & Zoning Department; and, 5) The site plan approved by the Zoning Board of Appeals shall be the only site plan approved for this property. Long seconded the motion. He reiterated that the garage must be used to accommodate a parking space. He offered a

friendly amendment to include a "No Parking" sign be posted so that no one is allowed to park in front of the garage when a vehicle is parked in the garage and to require that the rear fence be maintained to meet City standards. Chairperson Fandel asked if a car can be parked in front of the garage. Broxmeyer stated that according to the LDC, the City cannot count parking located within the front yard setback as a legal parking stall. Chairperson Fandel asked if the City can issue a citation for parking in the front yard setback. Broxmeyer said citations could be issued. However, it consistently happens throughout the City; therefore, citations have not been issued. Long stated that he has called on several occasions about parking in a yard by the University, but the problem continues. Mathews only accepted Mr. Long's amendment that the fence in the rear yard must be maintained. The motion as amended carried unanimously.

Variance Request/Coborn's Inc. on Behalf of Hunstiger's Market, Inc.: This issue was tabled from the February 16, 2010, meeting, at which time a public hearing was held and closed. The ZBA has agreed to re-open the public hearing on the 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. The applicant is proposing to remove the two existing pump islands and canopy and install three pump islands, a larger canopy, and a step-in freezer all of which encroach into the required setbacks. (Location: 328 5th Avenue South) (VAR-2010-02). Dave Broxmeyer showed applicant's initial request. The canopy area has been modified, and the walk-in freezer which was proposed for the northeast corner has been eliminated on the revised plans. Applicant is proposing to enlarge the existing canopy area and expand from two pump islands to three pump islands. Broxmeyer showed the required 50' setback for service stations, the required rear yard setback from a single family home in an R7 district, and the rear yard setback from a multiple family structure in an R7 district. He stated that changing the shape of the canopy has slightly reduced the requested variance from the required 50' setback, and the pump island is still located within the 50' setback.

The parking along the eastern side of the property is located within the setback area. Broxmeyer noted that the adjustment to the canopy now meets the 15' setback requirement from the Ramsey Place and 5th Ave. So. rights-of-way. The drive aisles between the fuel pumps have been narrowed from 22' to 21'. Chairperson Fandel read questions and concerns that came up at the original meeting: the number of pumps and the space between the pumps – separation of 24' is ideal; distance from fire hydrant needs to be 15'; size of canopy and encroachment into setbacks; canopy lighting; color and aesthetics of canopy; garbage truck access to garbage receptacles on north side of property; screening of garbage receptacles; access to parking stalls near garbage receptacles; concern about cars accessing gas station from alley instead of driveways; no space on property to pile snow and that all snow needs to be removed from the property; traffic movement from parking spaces interfering with customers at gas pumps; maneuvering gas tanker trucks in and out of property and safety of automobiles and pedestrians; discussion of using a monument sign rather than a pylon sign; and, a question on the number of parking stalls. Chairperson Fandel stated that Article 14, Part U, of the LDC, relating to service station, requires 3 parking spaces per pump plus 1 which totals 19 for this site. Only 13 are available on this site. Chairperson Fandel opened the public hearing, and the following persons testified:

Stephanie Sundry
5655 Marsh Point Dr.
Shoreview, MN

She is representing Coborn's and Hunstiger's. She has worked with neighborhood groups showing them the revised plans. Another meeting was held last night. The number of pumps and circulation on the site is being addressed in collaboration with Holiday who has many stations statewide and elsewhere. Holiday has assured them there is room on the site for 3 pumps. The canopy provides protection from the elements and lighting for safety, etc. The size of the canopy is representative of the number of pumps. She was not aware that the number of parking stalls required is based on the number of pumps. They cannot fit 19 stalls on this site. There are 14 stalls on the revised site plan. Four neighborhood meetings were held. Hunstiger's Market is the property owner and applicant. 5th Ave. Live is not in privity of ownership or a lease arrangement of this property. This proposal is an improvement to what currently exists on that site. The property is being promoted as a Holiday Pantry which offers more than a typical convenience store. The neighbors expressed a desire for more landscaping and toning down of the sign. The light color of the facade was also a concern.

Murray Mack
Hagemeister Mack

He has been retained by 5th Ave. Live Partners to work on the broader master plan. He has not been involved with the details of the site plan for the Holiday station and therefore, cannot answer questions relating to setbacks, etc. He attended the Friday neighborhood meeting, and a representative of his firm was at last night's meeting. The new rendering looks more suburban in character. The new rendering indicates removal of the pylon sign. Staff recommended a monument sign, but Mack indicated that even the monument sign has been removed from the project. Landscaping has been introduced. The canopy color will be changed from a white color to a terra cotta color similar to the color of the proposed building behind the Holiday store. Rather than the pylon sign in the southwest corner, there will be a combination of brick pilasters and low maintenance vinyl fencing continuing along the south and west. The brick pilasters would match those at the canopy which would be approximately 8' in height. The existing brick on the building will be retained; however, the massing will be broken up with the use of EIFS material and a canopy element to give a variation in the height and color of the building. Older style lighting will be used on the building to tie into the character of the neighborhood. Additional landscaping will be added on the west side of the building. A façade similar to that on the west side would be extended to the south façade. As part of the master plan, a 6,000 sq. ft. building would be added to the north. The plan is to create a sidewalk cafe feel which would tie into the Holiday Pantry building and the 5th Ave. Live development across the street to the west.

Dave Masters
327 4th Ave. So.

His house is across the alley from the proposed gas station. He is impressed with the rendering shown by Murray Mack. He spoke in opposition to a third pump island and enlargement of the canopy. He is concerned about traffic flow, noise, and lighting. Granting the variances would allow 3 pump islands in an area that is too small to accommodate them. It is difficult to get in and out of the site. There is a power pole on the southeast corner of the site. It will be a challenge to plow the site and remove the snow. He would oppose the variances even though the building would be an asset.

Tom Mathews
Board member

He asked Mr. Masters how long he has lived in his home.

Dave Masters

He has lived there 20 yrs.

Tom Mathews

He asked Mr. Masters if his garage abuts the alley.

Dave Masters

Yes, it does.

Tom Mathews

It appears that the alley is used as an entrance to the parking area for the adjacent apartment building.

Dave Masters

That is correct.

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| Tom Mathews | He asked Mr. Masters if there is confusion with the alleyway and the parking area. |
| Dave Masters | He understands that the proposal is to place parking stalls abutting the alley. Only the width of the alley would separate that parking from the existing apartment building parking area. He believes that could cause traffic issues with cars moving both directions in that alley space. Given the fencing, he questions if there is adequate space to access the property. The curb cut on the east end is continuous to his driveway and is concerned they may cut across his driveway to enter the gas station property. |
| Allen Bright Board member | The two biggest issues are the size of the canopy and the number of pumps. Murray Mack's plan shows 5 cars. However, the original Holiday station drawing appears to have at least 25 cars. He would like to know the number of cars that would realistically be on the site at one time. |
| Murray Mack | He doesn't know how much more traffic would be generated by the new gas station than by the existing gas station. |
| Allen Bright | He believes cleaning up the site and putting a Holiday station on that site will attract more customers. It was his understanding that Chris Coborn had stated at a meeting that 3 pumps were not a necessity, because the primary sales would be from the store. Therefore, he was surprised there were 3 pumps on the drawing. |
| Stephanie Sundry | She heard the comment that 3 pumps were not necessary. However, it became apparent that the project had no chance of being approved if the aesthetics of the site were not significantly improved. Therefore, a certain sales volume is needed to justify the upgrades on the building and the site itself. |
| Bob Long Board member | He asked if Holiday believes that 3 pump islands will make the project viable but that 2 will not. |
| Stephanie Sundry | The third pump is a factor in whether the site and building improvements are justified. |
| Bob Long | He believes the strength of the site will be in the Holiday Pantry, not the gas pumps. Therefore, the 3 pumps may not be necessary. |
| Valerie Ohman Board member | She asked if the e-mail from Mike Post from the Fire Dept. should be introduced. |
| Chairperson Fandel | He read the e-mail from Mike Post which stated that he believes the reconfiguration of the site from 2 east-west islands to 3 north-south islands with a larger canopy compounds the ZBA member's concern about the fuel delivery truck striking the utility pole on the east side of the property. He suggested that the design consider some impact protection measures or reconfiguring the path for the fuel tanker trucks. |

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| Juliana Elchert 513 7 th Ave. So. | She attended last night's meeting. Although this gas station site came up, the meeting pertained primarily to the overall 5th Ave. Live development. She asked if the existing structure on the property meets current LDC requirements. |
| Dave Broxmeyer | It does with the exception of 1-2' on the eastern side which has been that way since it was built in 1988. |
| Juliana Elchert | It appears applicant is seeking four variances. |
| Dave Broxmeyer | Variances are needed for the pump island, canopy (setback related), parking within the setback, and number of parking spaces required. |
| Juliana Elchert | The number of variances indicates that applicant intends to intensify the use beyond what is intended by the zoning. Applicant is asking for more than what should be allowed. It is unreasonable to expect that residential housing to the east should have to carry that burden. Parking is a major issue. The housing across the street to the west will have 460 tenants, and parking will not be provided for every person living there. Reducing required parking on this site only worsens that problem. Economic issues cannot be a consideration in making a determination on a variance request. The ZBA must consider how the request impacts adjoining property owners and those who will be using the property. If the use is too intense for the site, it should be denied. |
| Dan Hollenhorst 513 7 th Ave. So. | The project has many assets. However, too much is planned for the size of the property. What needs to be considered is whether the variance meets the test of the criteria and if granted, whether it would create a problematic precedent that would undermine the LDC. He encouraged denial of the request. |
| Dorie Anderson 1016 9 th Ave. So. | She concurs with the comments made by Elchert and Hollenhorst. She thought the purpose of the 3 pumps was economics. However, economics is not to be a consideration in granting a variance. Mack's rendering is an improvement to the previous plan, but believes 2 pumps are adequate as well as a smaller canopy. She is opposed to the white canopy. |
| Dave Masters | This project has been in flux for about a year. The rendering looks great, but he is not sure if it will be the end product. The 2 pump islands were sufficient for the business to make it on that site for 20 years. |
| Stephanie Sundry | Originally, there were 3 pumps on this site. The 3 pumps are necessary to pay for the extras on the building and for the site improvements. If applicant makes no aesthetic enhancements to the site and they maintain the 2 pumps and existing canopy, no variances would be necessary. |

There being no one else wishing to speak, the public hearing was closed. Broxmeyer clarified how the required number of off-street parking spaces are calculated. The use is considered a light commercial use, using a parking ratio of 1 off-street parking space for every 300 sq. ft. of commercial floor area. Applicant's building is 3,936 sq. ft.; therefore, a minimum of 13 off-street parking spaces would be required. Broxmeyer added that the service station requirement is not used. The service station requirement refers to 3 spaces per service stall (service bay). The difference in the number of trips generated between 2 and 3 pumps is 55 trips for 2 pumps at peak hours to 80 trips at peak hours for 3 pumps. Chairperson Fandel pointed out that staff's memo directs the ZBA to refer to Section U, Service Stations, yet staff is not considering the service station parking requirements. Broxmeyer stated that if it is not looked at as a service station, then there is no 50' setback requirement for the canopy or the pump islands, but rather a 35' setback. Staff was erring on the side of caution for the canopy and pump island setbacks. Relative to calculating parking, the light commercial standard has been used for the past 10 years for convenience store locations. Chairperson Fandel asked if existing gas stations wanting to expand/renovate or new gas stations are subject to Article 14, Part U, Service Station. Broxmeyer answered that for the purposes of setbacks, the service station standards are being used when fuel is being sold. Matt Glaesman, Planning Director, explained that the LDC definition of service station is broad, ranging from selling fuel to automobile repair. The parking formula is calculated based on 3 parking spaces per service bay, and it states that each bay needs one employee. The primary use of this site will be for retail; therefore, parking required would be based on 1 space for every 300 sq. ft. of retail space in addition to one space for each vehicle dispensing fuel. If the service station definition were used, it would assume four parking spaces for each fuel pump which would be excessive and would not be consistent with good planning principles.

Mathews moved to approve the variance requests subject to the following conditions as recommended by staff: 1) No vehicle service station on a site contiguous to any residential district may be operated between the hours of 11 p.m. and 6 a.m.; 2) Increase the amount of open space by landscaping the property located between the west side of the building and the sidewalk along 5th

Ave. So. and the southwestern corner of the property (near the new sign).; 3) The exterior lighting must conform to the standards found in the LDC; 4) Upon completion of the building construction project, the applicant must sign and return the Statement of Completion to the St. Cloud Planning & Zoning Dept.; and, 5) The site plan approved by the ZBA shall be the only site plan approved for this property. The motion was seconded by Long. Bright offered a friendly amendment to include Mike Post's e-mail with the variance if approved. The amendment was agreeable to the maker of the motion and the seconder. Barkalow asked which site plan would be the approved site plan. Stephanie Sundry stated that they would like the Holiday Pantry logo placed on the angled southwest corner of the fence. Mathews and Long agreed to that and the revised site plan as submitted to include the architect's rendering. Chairperson Fandel clarified that the project would approve 3 pumps (6 gas dispensers) and the larger canopy. Mathews noted that in Article 14, U. Service Station, there is a requirement for construction of interior curbs of no less than 6" in height to separate driving surfaces from sidewalks, landscaped areas and streets. He asked if the alleyway will be curbed, and Broxmeyer answered that it will remain as is. However, a short fence or traffic bollard could be installed to protect the driving surface and parking area. Mathews stated that the use on this property with 3 fuel dispensing islands is highly dense. Mathews moved to amend his motion to limit the number of fuel dispensing islands to 2 instead of 3. Long, as the seconder, agreed to that but asked if the size of the canopy will also be reduced in accordance with the reduction in the number of islands. Mathews assumed the canopy would be sized proportionately to the two dispensing islands, but is more concerned about the density on the property. Barkalow noted her concern is the number of pedestrian and vehicular visits for the convenience goods and the safety issue it presents. She stated that she has done research on neighborhood gas station/convenience stores. She drove by five gas stations/convenience stores on the way to tonight's meeting. Two of them had 2 islands (4 pumps), and the others had 1 island (2 pumps). She pulled city records on several of them to determine property size and building size. None of those buildings were nearly as large as the proposed building. At the ZBA's request, she named the sites she drove by: 3rd St. and 22nd Ave.

No. which has 4 pumps; Schmidty's at 3rd St. and 16th Ave. No. which has 2 pumps; 9th Ave. Speedstop at 9th Ave. and and 7th St. So. which has two pumps; Go For It Gas at 9th Ave. and University Dr. which has 2 islands (4 pumps); and the Campus Shell Station by Halenbeck Hall which has 2 pumps. She only researched 3 of the stations. The percentage of building to land for this site is 21+% which is within the range of the 3 sites she researched. The sites ranged from 10% to 26% lot coverage. Her concern about this property was safety of people getting in and out of the building and is not convinced that 3 islands are necessary. The sites she researched are successful and have fewer pump islands and smaller convenience stores. Mathews stated that shrinking of the canopy should reduce the hazard addressed by Mr. Post. Long said he will not support the motion as he believes the request addresses Holiday's needs, but not the neighborhood needs. Stephanie Sundry said she will withdraw the application if only 2 pump islands are allowed because it makes the variances unnecessary. Glaesman explained that applicant can proceed with 2 pumps as a nonconforming use and can renovate the building and put up a new canopy meeting the setbacks without a variance. Applicant would like the ZBA to act on the request with revisions with the 3 pump islands. They do not wish to withdraw their request as it would eliminate their right to appeal a negative decision by the Zoning Board. Mathews rescinded his original motion with amendments, and Long withdrew his second. Mathews moved to approve the variance with revisions to the initial site plan as submitted by applicant subject to conditions 1-5. Long seconded the motion. The motion failed by a vote of 2-4 (Fandel and Bright in favor; Barkalow, Long, Mathews and Ohman opposed).

Other Business : Chairperson Fandel stated that the terms of Bright and Long will expire the end of April and that this is their last official meeting. He thanked them for their years of service on the Board and to the City.

Adjournment: There being no further business, the meeting was adjourned at 8:50 p.m.

Chuks Ugochukwu, Secretary