

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A special meeting of the St. Cloud Zoning Board of Appeals was held on October 4, 2010, at 7 p.m. in the St. Cloud City Hall Council Chambers. Members present were Barkalow, Fandel, Jamnick, Larson, Ohman and Ugochukwu.

Variance Request/Eich Motors: Chairperson Fandel announced the request from Eich Motors for approval of a variance from Article 16, Section 16.7, F., parking within a setback on a commercial property when within 150' of a residential district. The St. Cloud Land Development Code (LDC) allows commercially and industrially zoned properties to park or store materials within the required building setbacks, unless the property is located within 150' of a residential district, which then must meet the same setback as required for the adjacent residential property. The single family homes on the north side of 1st St. No. have a 10' street side yard setback on the south side of their lots; therefore, this same setback is applied to the commercial property on the south side of the street. The applicant is requesting a 10' variance, which would allow the applicant to pave and park vehicles up to the property line along 1st St. No. Applicant is also requesting a 10' variance from Article 18, Section 18.6, C., sign within a setback on a commercial property within 100' of a residential district. Dave Broxmeyer, Senior Planner, explained that the LDC does not allow parking within the setback on a commercially zoned property adjacent to a residentially zoned property. A commercial property should supply a minimum 10' setback. Broxmeyer stated that applicant is proposing to remove some of the gravel within the boulevard area. Applicant has been working with the City Engineering Dept. on the specifications for the boulevard areas which will include sod and planting of 26 ornamental trees and miscellaneous plants. Staff recommends approval of applicant's request as staff believes it will be an improvement to the site and to the neighborhood. Barkalow asked the height of the

proposed signs. Broxmeyer answered that no specifications were given for the sign height. The sign proposed at 19 ½ Ave. will require a variance but will not interfere with visibility if it is less than 4' in height. Barkalow assumed the sign would still require a variance due to its proposed location. Broxmeyer stated that the other sign is proposed to be located within the public right-of-way of 19th Ave., and that location will require an encroachment agreement with the City. Larson asked how much area of the parking lot would contribute toward the rain garden purposes. Broxmeyer said he is not certain. Larson asked if there would be some regrading; Broxmeyer said that is his understanding. Larson stated that it appears that most of the paved and gravel areas are fairly close to the right-of-way line. The actual 15' grass area looks similar to what is now in most of those boulevards. Broxmeyer stated that the boulevard area is approximately 15' from the curb line on the two blocks east of 19 ½ Ave. The only real change would be at the far western side of the property. Currently applicant is parking on gravel right up to the curb. That would turn into green space, and the would be moved back to the property line, approximately 15'.

Chairperson Fandel opened the public hearing and invited testimony on the request. The following persons testified:

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| Kim Allen
1940 1 st St. No. | Her house is adjacent to applicant's property to the west of the alley. She asked if applicant is going to pave at the very end of the alley. |
| Dave Broxmeyer
Senior Planner | He explained that applicant can only pave the property on their side of the alley. |
| Carl Fasen
General Manager
Eich Motor | The signage will not be advertising in nature; it will be more directional or a notification of where the person is at. They have not picked out the type of stone that will be used in the signage. They know the height of the sign is restricted. Currently, water is draining south on the center block. They want to redesign it so that it is draining toward the boulevard so that water can be absorbed and they will not have the runoff which they are currently experiencing. It is currently Class II. If surface could be sloped more toward the boulevard, it could be more of a rain garden effect rather than having everything draining into the storm sewer. The neighbors approached Eich Motor asking if they would consider doing a beautification project, and Eich was looking to do something that would be acceptable to the City and the neighbors. He pointed out that further to the west along 1 st St. in the vicinity of the 2700 block, something similar is already being done with parking right up to the boulevard although they don't have a rain garden. Eich would put in |

parking blocks so they wouldn't drive up into the grass. Some parking would be sacrificed for the beautification project.

- Chairperson Fandel He asked if additional lighting would be installed that would impact the neighborhood.
- Carl Fasen No additional lighting is planned. There is the possibility in the future of running lighting off the building facing the north. However, there is no need for that at this time.
- Chairperson Fandel He asked if the monument signs would be lighted.
- Carl Fasen The landscaper told him that the concept would be to have a light on the ground pointing up at the sign. The block farthest to the west already has lighting. That has been adjusted to prevent light spillage into the residential area.
- Chairperson Fandel He asked Mr. Fasen if he has received any communication from the neighbors.
- Carl Fasen He said he hasn't other than two of the neighbors asking if some kind of a beautification project could be done.

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) The maximum height of the proposed ground monument signs shall not exceed 4'; 2) Upon completion of the construction, the applicant must sign and return the Statement of Completion to the St. Cloud Planning & Zoning Department; and, 3) The site plan approved by the Zoning Board of Appeals shall be the only site plan approved for this property. Ugochukwu seconded the motion, and it carried unanimously.

ZBA Rules of Order and Procedure: Chairperson Fandel stated that because this is a special meeting, this item will be delayed until the next regularly scheduled meeting.

Adjournment: There being no further business, the meeting was adjourned at 7:17 p.m.

Chuks Ugochukwu, Secretary
St. Cloud Zoning Board of Appeals