

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on July 19, 2011, at 7:00 p.m. in the City Hall Council Chambers. Members present were Barkalow, Bright, Fandel, Larson, Newman and Zenzen. Ugochukwu was absent.

**Approval of Minutes:** Bright moved to approve the minutes of the May 17, 2011, Zoning Board of Appeals meeting. Barkalow seconded the motion, and it carried unanimously.

**Variance Request/Panera Bread LLC on Behalf of Epic Properties/Partners V. LLC:** Dave Broxmeyer, Senior Planner, explained that the entire zoning lot includes Panera plus the associated retail complex. He said he checked the records to determine how the original parking calculations were made. Originally, the exterior seating at Panera was not included in the calculations. The required number of stalls was 98; they were able to provide 100. The number of stalls proposed to be eliminated is 11 stalls, and the variance request is for 18 less stalls than what is required. The difference of 7 relates to the outdoor seating. Broxmeyer stated that applicant is proposing to eliminate the entire row of parking on the south side of the building to accommodate the drive-thru lane which would be placed in the current green space on the east side of the building. The drive-thru would exit into the parking lot on the north side of the building. Staff's recommendation at the June meeting was to deny the request based on concerns about parking generated by Panera and also some of the design concerns. Since the June meeting, applicant has provided information on a study done for Monroe County, NY, relating to overall parking demand and the average number of trips for this Panera with dine-in vs. take out orders. As a result of that information, staff has changed its recommendation to approval subject to a change in the design into the north parking lot. Applicant has submitted a

revised plan which shows a small piece of curbing which is intended to direct traffic into the parking field to the north. Because staff felt that the tight turning radius onto 28<sup>th</sup> Ave. could create pedestrian conflicts, a sign will be erected prohibiting right turns onto 28<sup>th</sup> Ave. Also, if a vehicle were to attempt to turn south on 28<sup>th</sup> Ave., the vehicle could have a front end impact with northbound trips. Staff recommends moving the traffic away from the sidewalk and up to the alley driveway where a vehicle could square up more easily with 28<sup>th</sup> Ave. This would offer better viewsheds for both drivers and pedestrians. Drivers would also have the option of using the alley to access 29<sup>th</sup> Ave. Chairperson Fandel asked if there is currently a curb cut at the north edge of the building where it meets 28<sup>th</sup> Ave. Broxmeyer responded that the current driveway to the north would remain open. Barkalow asked if the City Engineering Dept. finds the plan acceptable. Broxmeyer answered that Steve Foss, City Engineer, indicated that his major concern was exiting from the parking area. Mr. Foss would prefer that the concrete be moved further to the west so that a vehicle could enter the street at a more perpendicular alignment. Barkalow noted that could impact additional parking stalls. Broxmeyer said it could result in a variance for more parking stalls. He pointed out that the LDC requires drive thrus to have a minimum of two stacking spaces and that no credit for off-street parking is given for any of the spaces in the drive thru lane. Bright inquired about the traffic counts on 28<sup>th</sup> and 29<sup>th</sup> Aves. Broxmeyer answered that the ADT for 29<sup>th</sup> Ave. is 1,600, but doesn't have the figures for 28<sup>th</sup> Ave. He assumed trips on 28<sup>th</sup> Ave. would be lower because it is a non-signalized intersection. Bright commented that if the drive thru extends on a pathway to the north that would meet the alley, there is a power pole that may present a hazard. Broxmeyer stated that has not been considered. Broxmeyer stated that the plan also needs to maintain access to the existing loading dock and garbage areas. Larson noted that Engineering had a concern about the elimination of the boulevard and its impact on snow storage and pedestrian access. Broxmeyer stated that the power of the ZBA is related to the property itself. Any improvement in the public right-of-way must be approved by the City Engineer and the City Council. Bright said

he believes Engineering's recommendation and City Council approval should come prior to ZBA action. Broxmeyer explained that a concern would be that the 60-day requirement has already been extended to 120 days. Bright said it could be done if applicant agrees to it.

Chairperson Fandel opened the public hearing on a request from Panera Bread LLC on behalf of Epic Properties/Partners V. LLC for approval of a variance from Article 16. Off-Street Parking and Loading, Section 16.3 Required Off-Street Parking Spaces, Table 16-3 Required Off-Street Parking - Restaurants. The applicant is proposing to eliminate 11 off-street parking spaces to make room for a proposed drive thru lane. (2801 Division Street) (VAR-2011-04).

The following persons testified:

Julie Perrus  
Larkin Hoffman Atty.  
Bloomington, MN

She distributed an updated site plan to address some of staff's concerns. The revised site plan directs traffic to the alley to make an appropriate exit out of the parking lot. The northern curb cut onto 28<sup>th</sup> Ave. would be closed to alleviate the concerns of City staff and direct traffic past the telephone pole and then out to the to the alley. The updated site plan was recommended by the Engineering Dept. for consideration. An additional 4-5 parking stalls would be lost, but it would alleviate safety issues. The Addition of the drive thru mitigates the on-site parking needs. The study from Monroe County, NY is one of very few documented analyses of drive thru impacts on a restaurant of Panera's size. The study compared uses of donut/bagel/coffee shops of Panera's square footage. It indicated a reduction in parking demand of 40% for those shops with drive thrus. Panera's customer base made up of 58% dine in and 42% carry out would indicate that Panera will not have such a high demand for parking spaces because of the people going through the drive thru, particularly during the lunch time rush. She stated that no permits can be issued until all issues have been addressed. Therefore, delaying a recommendation from the Planning Commission to get City Council action will not change the path this process will take. The LDC does not take into consideration that parking demand will decrease because of the drive-thru. The revised site plan is beneficial to the entire site.

Susanne Barkalow

She asked the tentative construction timeline.

Tony Disanza  
Panera Bread  
St. Louis, MO

It should be a 7 week process from start to finish.



the addition would project slightly in front of the garage. He stated that the addition would be almost even with the front plane of the house to the north. Zenzen asked staff if they received any negative comments from the adjacent neighbors, and Broxmeyer answered that they did not.

Chairperson Fandel opened the public hearing and invited testimony on a request from Jay Smith and Sara Undesser for approval of a variance from Article 8. Residential Districts, Section 8.3 Bulk and Setback Regulations, Table 16-2 Residential Districts Bulk and Setback Regulations. The applicants are proposing to construct an 8' x 22' entry addition to the north side of their home. The proposed addition encroaches 2' into the 10' interior side yard setback (1124 8<sup>th</sup> Ave. SE) (VAR-2011-05). The following persons testified:

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| Sara Undesser      | She is the owner of the property.  |
| Chairperson Fandel | He asked applicant if she has had any conversations with the neighbor to the north about their proposal.   |
| Sara Undesser      | The owner of that house was in California and came back yesterday. It is rented to college students. The owner did not object when they added their garage, so she doesn't think he would be opposed to this addition. |
| Ronald Zenzen      | He asked if the sidewalk would be added to the back of the house.  |
| Sara Undesser      | Yes, they will be adding sidewalk.   |
| Susanne Barkalow   | She asked if the entry will be finished.   |
| Sara Undesser      | She said it will be finished.  |
| Susanne Barkalow   | She asked why an 8' width is needed as opposed to 6'.  |
| Sara Undesser      | They want to have room to put closets in the entry as well as benches so people can sit down to put on or take off shoes.  |

There being no one else wishing to speak, the public hearing was closed. Bright moved approval of the variance subject to the following conditions: 1) A 2' variance to the 10' interior side yard setback on the north side of the property; 2) The applicant must obtain all necessary permits, such as a building permit, from the St. Cloud Building Safety Department; 3) Upon

completion of the interior renovation project, the applicant must sign and return the Statement of Completion to the St. Cloud Planning and Zoning Department; and, 4) The site plan approved by the Zoning Board of Appeals shall be the only site plan approved for this property. The motion was seconded by Barkalow and carried unanimously.

**Conditional Use Permit Request/Pride Martial Arts and Fitness, LLC on Behalf of Prime Industrial Properties, LLC:** Chairperson Fandel stated that the request from Pride Martial Arts and Fitness, LLC on behalf of Prime Industrial Properties, LLC for approval of a conditional use permit to operate a martial arts studio and exercise business at 3900 Roosevelt Road has been withdrawn.

**Other Business:** Barkalow moved to adjourn the meeting. The meeting was adjourned at 7:32 p.m.

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Chuks Ugochukwu, Secretary