

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on September 20, 2011, at 7 p.m. in the St. Cloud City Hall Council Chambers. Members present were Barkalow, Bright, Fandel, Larson, Newman, Ugochukwu and Zenzen.

**Approval of Minutes:** Bright moved to approve the minutes of the August 16, 2011 Zoning Board of Appeals meeting. Barkalow seconded the motion which carried unanimously.

**Conditional Use Permit Request/Thomas Austad and Michael Stalboerger on Behalf of The Haven Halfway House, LLC:** Dave Broxmeyer, Senior Planner, stated that a residential facility with 13 or more persons in an R5 district requires a conditional use permit (CUP). A CUP was approved in 2006 to serve 24 people. At that time, the facility included a dwelling unit for a staff member. Applicants are proposing to eliminate its use by a staff member so that they can increase the number of residents from 24 to 27; therefore, a CUP amendment is required. Staff recommends approval on the conditions that one additional off-street parking space be provided and that the site plan be updated. Chairperson Fandel asked why an updated site plan is necessary if the footprint of the building is unchanged. Broxmeyer responded that the minimum setback for a residential facility is 10'. The initial approval included a condition that the minimum setback be increased to 20'. Therefore, an updated site plan showing the 20' setback plus the additional parking stall should be a condition of approval. Bright asked if staff is aware of any issues with neighbors since the original CUP was issued. Broxmeyer said he is not aware of any problems. Chairperson Fandel opened the public hearing on a request from Thomas Austad and Michael Stalboerger on behalf of The Haven Halfway House, LLC for the approval of a conditional use permit to increase the maximum number of clients permitted in the existing residential facility. In 2006, the applicants were approved to operate a

residential facility for men who have completed chemical dependence treatment. The CUP limited the maximum number of clients at 24. The applicants are requesting to increase the maximum number of clients to 27. The proposed increase in clients would not result in a building addition. (Location: 1425 East St. Germain Street) (CUP-2011-05). The following persons testified:

- |  |  |
|--|--|
| Thomas Austad<br>1816 Prairie Hill Rd. | He is a co-owner of The Haven Halfway House. There have been no issues with neighbors since they were issued their CUP. They have received positive feedback from people who refer individuals to their program. A staff member was living at the facility but will no longer live there. There is a demand for more client space. |
| Allen Bright                           | He asked if the original CUP required any staff to live on site.   |
| Dave Broxmeyer                         | No, that was not a requirement.  |
| James Newman                           | He asked how the primary job responsibilities will be handled if there are no staff on site.   |
| Thomas Austad                          | Staff will still be on site, but they will not be living there. The facility has 24 hour supervision; there is always one awake staff member.  |

There being no one else wishing to speak, the public hearing was closed. Barkalow moved to approve the conditional use permit subject to the following conditions: 1) Provide a minimum of seven off-street parking spaces, including one “van” handicapped accessible parking space; 2) Provide an updated site plan prior to the issuance of a building permit; 3) Upon completion of the 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. The motion was seconded by Bright and carried unanimously.

**Conditional Use Permit Request/Joe Seifert on Behalf of Clara’s House (David Larson):**

Dave Broxmeyer, Senior Planner, explained that as part of the CentraCare Plaza PUD, any new physical addition to the property requires a conditional use permit (CUP). In 2004, the PUD was amended to allow construction of Clara's House. The Sleep Center was approved in 2007 under a CUP. Applicant is proposing a 65' x 132' addition to the east side of the existing Clara's House building as well as 20 additional off-street parking spaces. Staff recommends approval of the request. Chairperson Fandel opened the public hearing on a request from Joe Seifert on behalf of Clara's

House (David Larson) for the approval of a conditional use permit for a 65' x 132' addition to the east side of the existing building and an additional 20 off-street parking spaces to the existing lot. In 2004, the CentraCare Planned Unit Development was amended to allow a building for child and adolescent services. The terms of the General Development Plan require any building additions receive a conditional use permit. (Location: 1564 County Road 134) (CUP-2011-06) The following persons testified:

Dave Larson CentraCare Health Systems & St. Cloud Hospital 1406 6 <sup>th</sup> Ave. No.	He is the Facilities Director for CentraCare and St. Cloud Hospital. He is present to answer questions. He clarified that ACC in the St. Cloud Hospital ACC Plat stands for "Ambulatory Care Center."
---	---

There being no one else wishing to speak, the public hearing was closed. Bright moved to approve the conditional use permit subject to the following recommendations: 1) Upon completion of the project, the applicant must sign and return the Statement of Completion to the St. Cloud Planning & Zoning Department; and, 2) The site plan approved by the Zoning Board of Appeals shall be the only site plan approved for this property. Zenzen seconded the motion which carried unanimously.

**Conditional Use Permit Request/Brian Luethmers on Behalf of American Heritage**

**National Bank:** Dave Broxmeyer, Senior Planner, explained that since adoption of the LDC, a conditional use permit (CUP) is needed for new or expanding automobile dealerships. The site for the proposed dealership is the former Roster's building fronting on Roosevelt Rd./Hwy. 75 with Sunridge Dr. to the north. Applicant is proposing to use approximately 1,200 sq. ft. of the southern part of the existing structure that would be remodeled to accommodate the automotive dealership and retaining the balance of the building to be leased to a potential future restaurant. The site plan reserves parking spaces for the potential restaurant. It also provides for employee parking for the automotive dealership with the balance of parking to be used for the "for sale" vehicles for the automotive dealership. Chairperson Fandel opened the public hearing on a request from Brian Luethmers on behalf of American Heritage National Bank for the approval of a conditional use permit to operate a used auto dealership at 1004 Sun Ridge Drive. The St. Cloud Land Development Code requires any

new or expanding automotive dealerships to obtain a Conditional Use Permit prior to operation.

(Location: 1004 Sun Ridge Drive) (CUP-2011-07) The following persons testified:

Brian Luethmers 1715 Red River Trail	He would like to convert the old Roster's building into a car dealership on about half the lot with potential leasing for a coffee shop or a restaurant on the remainder. He would not lease to any use that would involve liquor sales. Another option would be to expand the auto dealership to the entire building if they are successful with auto sales.
Ronald Zenzen	He asked if purchase of the property is pending.
Brian Luethmers	The purchase is contingent on approval of this request.
Ronald Zenzen	He asked if any vehicle repair is planned on the property.
Brian Luethmers	No; not at this time. It will just be a retail facility.
Evan Larson	He asked if there might be a conflict between the cars for sale in the parking lot and potential future restaurant customers.
Brian Luethmers	They will focus on the south end of the site for the auto dealership entrance and parking. The second entrance will be for the future lessee of the remainder of the building. There are already handicapped spaces in front of the main door. Eventually, they will put in a barrier to separate the businesses.
Allen Bright	He stated that if approved, the conditional use permit would be for an automotive dealership for the entire property. He asked if an amendment to the conditional use permit would be necessary if the other part of the building is leased in the future.
Dave Broxmeyer	The CUP would be approved for the entire parcel. He does not anticipate a change in use would present a problem as the existing building complied with restaurant requirements including minimum parking requirements.

There being no one else wishing to speak, the public hearing was closed. Bright moved to approve the conditional use permit subject to the following conditions: 1) Upon completion of the construction project, the applicant must sign and return the Statement of Completion to the St. Cloud Planning and Zoning Department; and, 2) The site plan approved by the Zoning Board of Appeals shall be the only site plan approved for this property. Barkalow seconded the motion which carried unanimously.

**Variance Request/Mark Henry on Behalf of Office Furniture Solutions:** Dave Broxmeyer, Senior Planner, stated that the property is zoned I3, Planned Industrial District (PID), which has a 20' street side yard and interior side yard setback requirement. He stated that the railroad spur line that ran west and north of applicant's building was relocated to the east side of the building because it interfered with construction plans for the 44th Ave. No. roadway. That effectively cut off access from 44th Ave. Fifth St. No. was purchased and installed to give vehicular access to the property. The existing entrance door to the business is on the northeastern corner of the building. Applicant is proposing to move the entrance to the existing door on the south side of the building. However, there are currently no landing or steps to use that door. Applicant is requesting to build a 10' wide landing that projects 7' from the existing building and seven steps down to a concrete landing that would be accessible from the street. Staff recommends approval of the setback variance because the situation was not created by the applicant but rather a result of street improvements. Chairperson Fandel asked if there would be a handicapped access. Broxmeyer answered that he is not certain, but it could be at the same door with a ramp up to the door. Another alternative would be to turn the existing entrance on the north side into a handicapped access. The handicapped access would be a building code requirement. Barkalow asked where parking for the general public would be located. Broxmeyer responded that parking would be located on the east side of the building. On-street parking is also permitted. Accessing the proposed entrance would be a little difficult due to the location of the loading dock area. Chairperson Fandel opened the public hearing on a request from Mark Henry on behalf of Office Furniture Solutions for approval of a variance from Article 10 - Industrial Districts, Section 10.3 Bulk and Setback Regulations, Table 10-2: Industrial Districts Bulk and Setback Regulations, street side yard setback. The applicant is seeking to construct a new entrance and landing on the south side of the building, which encroaches 13.5' into the 20' street side yard setback requirement. (Location: 4121 5th Street North) (VAR-2011-10) The following persons testified:

Mark Henry 2008 6 <sup>th</sup> Ave. No. Sartell, MN	He is the owner of the property. The plan was to open up the existing door on the south side of the building to make an easier access and to keep people out of harm's way when there is truck traffic around the loading dock area. The new entrance will work well for accessibility and visibility from 44 <sup>th</sup> Ave. He believes it will be safe.
Chairperson Fandel	He asked applicant if he is concerned about the ability of customers to park on the east and go around the loading dock to access this new entrance.
Mark Henry	Parking on street won't create an issue because there is very little traffic. Customers could still access the building on the east side. The current building sign on the west side will clearly indicate that the entrance to the building is on the south side.
Evan Larson	He asked about the plans for handicapped accessible entry and parking.
Mark Henry	They have the ability for the handicapped entrance to be on the south side but would convert the existing entrance on the east side for handicapped access.
Evan Larson	He asked if there would be a sidewalk connection between the parking lot and the new entrance.
Mark Henry	He responded that there is no existing sidewalk and asked for clarification of the question.
Evan Larson	There would be no way currently for customers to walk on a sidewalk between the new entrance to the parking lot.
Mark Henry	That is correct; they would have to walk across the parking lot.

There being no one else wishing to speak, the public hearing was closed. Bright moved to approve the variance from the street side yard setback requirement subject to the following conditions: 1) Approval of the variance is contingent upon the applicant striping the parking lot according to the minimum standards found in Article 16 of the Land Development Code; 2) The applicant must obtain all necessary permits from the City of St. Cloud; 3) Upon completion of the 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 Ugochukwu and carried unanimously.

**Election of Zoning Board of Appeals Officers:** Ugochukwu nominated Fandel to continue serving as Chair. There being no further nominations, nominations for Chair were closed. Ugochukwu nominated Barkalow to continue serving as Vice-Chair. There being no further nominations, nominations for Vice-Chair were closed. Barkalow nominated Ugochukwu to continue serving as Secretary. There being no further nominations, nominations for Secretary were closed. The Board unanimously approved the slate of officers.

**Adjournment:** There being no further business, Ugochukwu moved that the meeting be adjourned. The meeting was adjourned at 7:35 p.m.

---

Chuks Ugochukwu, Secretary