

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on March 20, 2012, 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 the Minutes: Bright moved to approve the minutes of February 21, 2012. Zenzen seconded the motion, and it carried unanimously.

Conditional Use Permit Request/Gary Verkinnes of Cornerstone Construction, Inc. on Behalf of Brandl Automotive Group: Dave Broxmeyer, Senior Planner, explained that the Land Development Code (LDC) requires a conditional use permit for new or expanding automotive business within the C5 zoning district. He stated that a conditional use permit was approved in 2011 for construction of a 1,200 sq. ft. auto detailing building; however, that building was never constructed. The current request is for a CUP to allow construction of a 3,200 sq. ft. building for offices as well as auto detailing. Chairperson Fandel opened the public hearing and invited testimony on a request from Gary Verkinnes of Cornerstone Construction, Inc. on behalf of Brandl Automotive Group for the approval of a conditional use permit to construct a new 40' x 80' building that will include 1,600 sq. ft. of additional office space and 1,600 sq. ft. of auto detailing space. The St. Cloud Land Development Code requires any new or expanding automotive dealerships to obtain a Conditional Use Permit prior to construction. (Location: 559 Highway 10 South) (CUP-2012-01). There being no one wishing to speak, the public hearing was closed. Barkalow noted that one of the recommendations for approval of the CUP last year was that all graveled areas be paved. She asked if that recommendation also applies to this request. Broxmeyer answered that it is indicated on the site plan and is required as a part of the new construction. Barkalow 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 & Zoning Department; and, 2) 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.

Variance Request/Brian Schoenborn on Behalf of W 200 Block, LLC: Dave Broxmeyer, Senior Planner, explained that the Land Development Code (LDC) has separation requirements for advertising signs that are located in the C4 and C5 zoning districts. The subject property is zoned C4, and there is an existing advertising sign on the north side of Hwy. 23 which is about 150' from the proposed sign. The proposed four-sided sign tower would be located near the intersection of 2nd St. and 5th Ave. So. It would have space for four tenant signs on both the east and west sides as well as the electronic reader board, and the north and south sides of the sign would have the SCSU logo signs. Applicant has stated that the intent of the electronic reader boards are for advertising businesses, products and events related to the businesses within 5th Ave. Live as well as community events such as SCSU events. It would be considered an advertising sign because it is used to advertise off-premise events. The LDC also requires separation of advertising signs in the C4 district from residential zoning by 200'. City Hall and its parking lot directly to the east of the proposed sign location is zoned R7. Each of the spaces for tenant signage is 8 sq. ft. in area; the reader boards on the east and west sides are 35 sq. ft. in area; and he believes the logo signs would be 8-10 sq. ft. in area. Broxmeyer stated that the entire sign structure is proposed to be 27' in height with a clear zone on the lower portion to aid in visibility. The lowest sign would begin at 10'8" above grade level. The proposal would also include a lighted band around the top portion of the sign. The LDC does not regulate that as it contains no advertising or logos. Barkalow asked if this structure would be permitted under the LDC if there were no electronic reader boards which make this an advertising sign. Broxmeyer noted that logo signs are also advertising signs. Broxmeyer stated that if this structure were strictly used for business signage, the limitations would be 1 sq. ft. of sign area for every linear foot of frontage. That would be calculated along the shortest side of the property which in

this case would be 125' along 2nd St. So. Under that regulation, applicant would be allowed up to 125 sq. ft. of total business signage on this structure. Broxmeyer stated that applicant would be allowed to have a 50' high sign, but is requesting a 27' high sign. Newman asked if the sign tower could exist as depicted in the drawing if the reader boards were only used to advertise the businesses within 5th Ave. Live. Broxmeyer answered that would be permitted; however, the logo signs would still need to be addressed as they are considered advertising signs. Chairperson Fandel opened the public hearing on a request from the Brian Schoenborn on behalf of W 200 Block, LLC for a variance from Article 18: Signs, Section 18.5, A. 2., which requires a separation of 750' between advertising structures and a minimum setback of 200' from residentially zoned property. The applicant is proposing to construct a four-sided 27' tall sign tower which will contain four signs for the four on-premise businesses on the east and west faces of the tower and St. Cloud State University logo sign on the north and south faces of the tower. The applicant is also proposing to include 4'4" x 8' electronic reader boards on the east and west sides of the tower. The applicant is proposing to use the electronic reader boards to promote the on-site businesses and their products, which is permitted by the St. Cloud Land Development Code. The applicant is also proposing to advertise businesses, products and services within the Fifth Avenue Live development and events not located on the premise, which makes it an advertising sign. There is an existing advertising sign 150' to the north and a residential zoning district 45' to the east, which requires a 600' variance from the existing advertising sign and a 155' variance from a residential district. (Location: 211 5th Avenue South) (VAR-2012-02) The following persons testified:

Brian Schoenborn

He is a member of the Fifth Ave. Live Group and W 200 Block, LLC. He gave the history of how St. Cloud developed. Fifth Ave. was the original main street. He stated that two major economic entities, SCSU on the south side and CentraCare on the north side, developed in neighborhoods that abutted the Mississippi River. The connection between the neighborhood and those institutions has been challenging. CentraCare has expanded to the Plaza near Sartell; however, SCSU does not have that opportunity. SCSU just broke ground on the new national hockey and event center project which will serve as a multi-purpose event center for Central MN. In the last few years, 5th Ave. was reopened, connecting SCSU to the downtown and the River's Edge

Convention Center. A critical component of 5th Ave. Live is the monument at 5th Ave. and Division St. It will serve as a welcome sign to 5th Ave. Live, will serve as a pylon for the tenants on that block, and will pull the University into the community. The electronic reader boards will allow the event calendar to be updated. The lighted band at the top can change color. Fifth Ave. Live is leasing the property to SCSU, and the University Foundation is building the structure and will be a tenant on that block; therefore, their logo will be included on the structure. The City of St. Cloud and the Rivers Edge Convention Center will also be able to use the reader board for events.

Allen Bright
Board member

It seems usage of the sign space will be very selective. He believes it will be an unfair advantage for these businesses over other businesses downtown. He thinks this sign structure is overkill. SCSU does not own property all the way to Division St. He believes this is not compatible with the residences in that area.

Susanne Barkalow
Board member

She noted letters of opposition from 3 residents in the Southside neighborhood that would be impacted by any developments along 5th Ave. Live. She asked applicant if he had any meetings with the preservation group in that area as they were planning for this sign structure.

Brian Schoenborn

This plan has been discussed for quite some time, but they did not have a recent meeting with the neighborhood. The plan hasn't changed for about a year.

Susanne Barkalow

She asked if this signage was mentioned to the neighborhood at some point in time.

Brian Schoenborn

Yes, it was. The master plan and development agreement have always included some sort of figurative front door to SCSU. It is essential that it be on Division St. rather than on the south end of the campus. SCSU should have a connection to the downtown community. 5th Ave. Live was intended to focus activity on 5th Ave. and quiet the neighborhood. They were very sensitive to the neighborhood in the design. He pointed out that when President Potter came to St. Cloud for his interview for President, he was unable to find the University. The reader boards can be used for Convention Center events and the SCSU calendar.

Ronald Zenzen

He asked staff what kind of signage would be allowed without a variance.

Dave Broxmeyer

If it were limited to business signage, they could have a total of 125 sq. ft. The current request has approximately 67 sq. ft. of total signage.

Chuks Ugochukwo

He asked if the structure would still be allowed if it were for business signage only.

Dave Broxmeyer

Yes; it meets the necessary setbacks; it is not within the vision triangle; and, it is within the height and area limitations.

| | |
|--------------------|---|
| Chuks Ugochukwo | He asked if the SCSU logo and the reader boards are the factors that make it an advertising sign. |
| Dave Broxmeyer | Because the reader boards would advertise products, events, etc. that are offsite, it becomes an advertising sign. |
| Allen Bright | He reiterated that the reader board advertising would be limited to specific events/businesses. |
| Brian Schoenborn | The primary purpose of the reader boards is for 5 th Ave. Live, but SCSU is programming what appears on those boards. 5 th Ave. Live could present proposed signage to SCSU, but SCSU determines what can appear on the boards. The definition of 5 th Ave. Live is not specific; it includes people who are committed to the downtown and the University. For example, if CentraCare were having an annual meeting at the River's Edge Convention Center or if CentraCare were naming the new hockey and events center, then they may be involved in the signage on the reader board. He stated that 5 th Ave. Live is open to whatever restrictions are appropriate, but the intent is to tie signage into one single structure and maintain the original vision. |
| Chuks Ugochukwo | He asked if St. Cloud State is a tenant. |
| Brian Schoenborn | SCSU would be a tenant. For example, if the Holiday store would like their gas price displayed, that would not be allowed. |
| Dave Broxmeyer | It would not be allowed because it is considered advertising. |
| Brian Schoenborn | They have a commitment to signage for SCSU, Chipotle, Noodles & Co., and Verizon which would have to be documented. |
| Ronald Zenzen | He assumes SCSU is the owner of the sign. He asked staff if their ownership changes whether that is a business or advertising sign. |
| Dave Broxmeyer | That is not clearly defined in the LDC. Typically, the business must be physically located on the site to be considered a business sign. |
| Chairperson Fandel | He said he believes it would be considered advertising regardless of what is displayed on the reader board because SCSU is an off-site owner. He stated that SCSU may own the sign but is not physically present within blocks of the sign; therefore, that is a stumbling block. |
| Allen Bright | He asked how SCSU can be a tenant if they own the sign. |
| Brian Schoenborn | He stated that 5 th Ave. Live is leasing the land to SCSU, and SCSU is building the structure. It is a welcome to St. Cloud State monument. It just happens to be at the beginning of 5 th Ave. Live. SCSU owns the sign but is leasing the land to them. Therefore, SCSU is a tenant. |
| Dave Broxmeyer | He noted that SCSU is a tenant in the 5 th Ave. Live complex which includes the Welcome Center which is only a block and half from the |

proposed sign location. He just became aware tonight from testimony given that SCSU will be the owner of the sign structure.

Chuks Ugochukwu

He stated that the Southside neighborhood has been working on maintaining its character for quite some time. He noted letters from people in the neighborhood who are angry about the proposed signage. There was also controversy about the signage for the Holiday Station store on 5th Ave. St. Cloud has a history of being very ugly in regard to signs on Division St. He stated that the comment that President Potter could not find the University when he came for his interview for the President position speaks volumes. It may meet codes if it is considered a business sign; however, the issue is whether it is compatible in that location. He does not believe this will be a gateway to SCSU with the logo on the north and south sides of the sign. The primary roadway goes east and west. He would prefer that the logo appear on all 4 sides of the sign, but thinks the east and west sides would be the most important. There needs to be a standard for signage that unifies the Southside neighborhood. He stated that whether it is considered business signage or advertising signage is a moot point for him.

Brian Schoenborn

The original approved plan for 5th Ave. Live which involved input from a variety of people had two Welcome to St. Cloud State University arches that spanned 5th Ave. One would have been located by the City Hall corner, and the other would have been located by the Welcome Center. The SCSU logo signs will identify the front door of the campus.

Allen Bright

He said he believes the majority of people that visit the campus come from the south rather than the north side of the campus. He believes traffic counts would prove that.

Brian Schoenborn

The strategic reason for this sign is the vibrancy of the downtown and the connection to the University and National Hockey & Events Center, the community and the Convention Center. St. Cloud is a large college town, but SCSU is buried in the neighborhood.

Allen Bright

If this sign is intended to make a connection between SCSU and the downtown, he suggested that the reader board should be available to the Downtown Council and downtown businesses.

Brian Schoenborn

The usage has not been defined. 5th Ave. Live is part of downtown, and they want the downtown to be successful.

Allen Bright

He questioned whether 5th Ave. Live is part of downtown as Division St. has always been a divider between north and south. He would be more in favor of the sign structure if it is intended to be part of downtown and if the reader board were shared with downtown.

Brian Schoenborn

He is not opposed to that.

| | |
|---|--|
| Steve Ludwig Admin. Vice-Pres., SCSU 720 4 th Ave. So. | Spoke in favor of the request. The University has worked closely with 5 th Ave. Live Group on development of these properties in this area. From the outset, SCSU expected there would be some indication of the University at this intersection. Although there are other access points to the University, this intersection is significant for both vehicular and pedestrian traffic. SCSU supports 5 th Ave. Live as an extension of downtown to get commercial development that might be more friendly to pedestrians and students moving back and forth. The sign structure is an attractive opportunity for the overall development. The details of the signage and its usage can be influenced by the Planning Commission's input. He was involved in the planning of the intersections of both University Dr. and 5 th Ave. and Division St. /Hwy. 23 and 5 th Ave. Both of those intersections had similar traffic counts and are equally important relative to access to the campus. |
| Evan Larson | He asked Mr. Ludwig the intended use of the reader board. |
| Steve Ludwig | The exact details have not been finalized, but expects that it would recognize some of the businesses within the 5 th Ave. Live broader development and the University to recognize events. |
| Evan Larson | He said the SCSU events and Convention Center events on the reader board are fairly neutral community notifications; however, advertising businesses that do not have a Division St. presence is a different matter. He expressed concern about the lighted band operating 24 hours a day. |
| Steve Ludwig | SCSU is aware that the top band is lighted, but is unaware of any additional capabilities of that band. They are willing to discuss it. |
| Chairperson Fandel | He asked if the LDC would permit a remote business to own the sign and lease the land from 5 th Ave. Live. |
| Dave Broxmeyer | The LDC doesn't typically address ownership and tenants. It does address the type of signage. He said he is unsure whether the City is able to regulate the signage as SCSU is a state entity. Normally, the lower form of government (city) cannot regulate a higher form of government (state). He will address that issue with the Planning Director and the City Attorney. |
| Chairperson Fandel | He assumed any unit of government needs to comply with local zoning laws. He cited the example of the Public Works signage that was installed years ago that had to be changed because it was not in compliance with City regulations. |
| Susanne Barkalow | That was a case of the City regulating the City. In this case, the City can't regulate the State. |
| Allen Bright | He stated that this sign will have a significant cost. He assumes it will not be a taxable improvement to 5 th Ave. Live because it is owned by SCSU. If that is the case, businesses will be getting signage on a |

main intersection virtually free for whatever they pay the sign owner. He suggested that there are questions that need to be answered prior to making a decision.

Pegg Gustafson
President
Downtown Council

She requested the Planning Commission's support of this request. She said it fits in with the downtown strategic vision. The Downtown Council was also in support of the 5th Ave./Division St. gateway. The student population spends \$80-90 million annually in our community. Mr. Bright commented that Division St. divides the north and south. She believes this sign would bridge that gap to create a purposeful connection. As a former Chair of the St. Cloud Heritage Preservation Commission, she recalls that this property does not fall within the Southside Neighborhood Historic District.

Father Nathan Kroll
708 6th St. So.

He is pastor of Holy Myrrh Bearers Orthodox Church at 601 7th Ave. So. and teaches as an adjunct in the Geography and Planning Dept. at SCSU. As a Southside neighbor and resident stakeholder on several levels, he is not pleased with the sign structure. He agrees as a Southside resident that the University should have some dramatic visual method to portray the entrance to the neighborhood that is connected to the University. There are many problems on the Southside, and he is fighting to resolve some of those problems. He looks at this sign structure as just increasing the signage blight along Division St. He wants to be convinced that doing something to welcome people into the Southside and University neighborhood is the best that it can be.

Steve Anderson
Cold Spring, MN

He works for Franklin Outdoor Advertising. He said he doesn't have any problems with the proposed sign structure, but questioned the commercialization of the reader board.

Allen Bright

He questioned whether corporate sponsors of SCSU could advertise on the reader board.

John Kramer
GSCDC

One of the top concerns of the Greater St. Cloud Development Corp. (GSCDC) is a vibrant downtown. He has been involved in redevelopment of downtowns in a number of cities. Currently, downtown property taxes only comprise 5% or less of the City's total property taxes. Vibrancy of a downtown relies on people living in the downtown, including students, six-figure income upwardly mobile people and empty nesters. 5th Ave. Live is the first major project that has occurred in this area in 40 years. The sign tower indicates a destination. He would prefer to have the SCSU signage even larger than proposed. He said his personal opinion is that there is nothing negative about this proposal.

There being no one else wishing to speak, the public hearing was closed. Chairperson Fandel noted the three letters of opposition to the request from Beth Cragle of 201 Ramsey Place, Juliana Elchert of 513 7th Ave. So., and Mary Mathews of 315 3rd Ave. So. Bright moved to table the request until the April meeting in order to have questions answered that were raised tonight. Barkalow seconded the

motion. Zenzen questioned whether the issue should be tabled and believed that the Board should compare the signage that would be allowed to what is proposed. Chairperson Fandel said he is concerned about the extent of the variance that is being requested. Applicant is requesting a 600' variance from the separation requirement for advertising signs. He said he would find it easier to consider granting this request if the billboard that is 150' to the north could be purchased and taken down. He said he would also oppose any advertising on the electronic reader board other than that for SCSU. Newman said he believes there are some unique circumstances involved in this request. Specifically, the setback requirement of 200' from a residentially zoned property is unique in that the property that is zoned R7 is the City Hall property. He said he would agree that the setback requirement variance is extreme. Larson said he believes that the Board in general would not object to the reader board signage if it were more restrictive. Barkalow concurred that the 600' variance request is extraordinary. Her concern is what controls the City has on advertising if the sign structure is owned by the State. She also expressed concern that there was not a recent discussion between the applicant and the residents of the Southside neighborhood. Chairperson Fandel asked if the University will also own the signage for Chipotle, Noodles, and Verizon. Schoenborn answered that the tenants on that block would be allowed to hang their signs on SCSU's structure. Bright responded that he believes that makes the situation even more troublesome. Chairperson Fandel asked if this request is time sensitive. Broxmeyer stated that the City is required to act on a request within 60 days of the application date. However, the City has the right to extend that period another 60 days or a total of 120 days. Schoenborn pointed out that they have leases with the other tenants on that block, and Chipotle opens tomorrow, Verizon opens in two weeks, and Noodles & Co. opens the end of April. The leases require them to provide the monument on which to hang the signs. They would technically be violating the lease if they don't provide the space within a certain period of time after the businesses open. Larson said the only issue is the advertising portion of the sign. He hoped that if there were issues with the sign, that SCSU would address them responsibly. Bright is not convinced that would happen. The motion to table the request carried by a vote of 6-1 (Zenzen opposed).

Schoenborn reassured the Commission that they will talk to the neighborhood and City staff prior to the next meeting to address the issues raised.

Adjournment: There being no further business, the meeting was adjourned at 8:36 p.m.

Chuks Ugochukwu, Secretary