

## PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on July 17, 2012, at 7:00 p.m. in the St. Cloud City Hall Council Chambers. Members present were Barkalow, Bright, Fandel, Larson and Newman. Ugochukwu and Zenzen were absent.

**Approval of Minutes:** Barkalow moved to table approval of the minutes of June 19, 2012, to the August meeting because there was insufficient review time. The motion was seconded by Bright and carried unanimously.

**Variance Request/Creighton and Janelle Clark:** Chairperson Fandel announced the request from Creighton and Janelle Clark for a variance from Article 15: On-Site Development Standards, Section 15.6, Table 15-4, which permits window wells in an R1 District to encroach up to 4' into an interior side yard setback. The applicant's home was built 6' from the northern property line. The applicants are requesting to locate a window well 3' into the existing 6' setback (location: 1317 9<sup>th</sup> Ave. SE) (VAR-2012-07). Dave Broxmeyer, Senior Planner, stated that applicant's home is located in an R1 zoning district which requires a 10' setback. The home was built several years prior to adoption of the City's Zoning Ordinance; therefore, there were no setback requirements at the time the house was built. The house is located 6' from the northern property line. Applicants wish to install an egress window in the basement which would allow them to have a new bedroom. The window well for that egress window would encroach 3' into the interior side yard setback. Broxmeyer explained that there is no basement under the rear of applicant's home, and there is a deck and a porch on the rear. Therefore, applicant does not have the option of placing the window on the rear of the home. In addition, there are existing mechanical and plumbing fixtures in the basement; therefore, it would be

difficult to move the bedroom from its proposed location. Chairperson Fandel opened the public hearing and invited testimony on the request. The following persons testified:

Janelle Clark  
1317 9<sup>th</sup> Ave. SE                      She has a family of five; currently all three children are in one bedroom. They would like to move one child downstairs; therefore, they need the egress window for the new bedroom.

Therese Backes  
1313 9<sup>th</sup> Ave. SE                      Introduced herself.

Joan Backes                              She is Therese Backes' daughter-in-law. Therese wants to be sure that the property line is identified by a certified land surveyor. If there are any utilities that would have to be moved, she wants to be sure they are not moved onto her property. If there is any use of her mother-in-law's property, she wants to be sure it is cleaned up and leveled to her standards.

Dave Broxmeyer                      The City does not require a surveyor to locate the property corners. They can usually be identified by the property owner. Relative to encroaching on a neighbor's property during construction, that is an issue that must be worked out between the property owners. Access can be denied.

There being no one else wishing to speak, the public hearing was closed. Barkalow noted the letter from Janet Panger of 1412 8<sup>th</sup> Ave. SE supporting the request. Barkalow moved to approve the variance subject to the following conditions: 1) Upon completion of the construction, 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. Bright seconded the motion which carried unanimously.

**Variance Request/Steven and Lorraine Krey:** Chairperson Fandel announced the request from Steven and Lorraine Krey for a variance from Article 8, Section 8.3, Table 8-2, rear yard setback, which requires a principal structure to be set back a minimum of 35' or 20% of the lot depth, whichever is less. The applicants are proposing to construct a 25' x 49' garage addition attached to the rear side of their home. The proposed garage addition would be 19' from the rear property line, which requires a 13' variance to the 32' setback (location: 1704 Red River Trail) (VAR-2012-08). Dave Broxmeyer, Senior Planner, stated that applicant is proposing to construct a 25' x 49' attached garage addition to the rear of the existing home. He explained how the rear yard setback is

calculated for this wedge shaped lot. Applicant is requesting that the rear corner of the addition be 19' from the rear property line or a 13' variance. Broxmeyer contacted Stearns County Environmental Services regarding the potential wetland on the northeastern corner of the property. Stearns County staff visited the site and believes there is a wetland on the property. Staff recommends approval of the variance with the stipulation that the rear corner of the addition be placed outside of a 20' wide drainage and utility easement and cannot encroach into the wetland area on the north side of the property. He added that he does not have an exact wetland delineation from the County; therefore, applicant would need to work with Stearns Co. Chairperson Fandel noted that the Stearns Co. comments indicate that the property has both or either of two different types of wetlands. He asked about the alternate plan to build the structure as a detached garage as opposed to an attached addition that would change the encroachment into the wetland. Broxmeyer explained that if the structure were detached, it would have to be a minimum of 10' from the house which would place it closer to the rear property line; however, that would increase the encroachment into the existing drainage and utility easement running north and south at the back of the property. Bright noted that one of staff's suggestions is to reduce the size of the building and asked the degree to which the building would have to be downsized to eliminate encroachment into the utility easement and wetland. Broxmeyer displayed the drawing he received from Stearns Co., indicating the approximate delineation of the wetland and the approximate location of the addition. He added that if architecturally feasible, another option would be to move the building further to the west to reduce the amount of variance needed in the rear yard and to reduce the impact on the wetland. Chairperson Fandel opened the public hearing and invited testimony on the request. The following persons testified:

Steve Krey  
1704 Red River Trail

He explained that he needs a place for storage; he wants to put his boat in the back garage and wants to buy a camper. The wetland was delineated when the Cove development was constructed; he thought the wetland was farther back than the map tonight is depicting. He believes Stearns County will have to visit the property and delineate the wetland; at that time, the site plan could be redrawn.

Susanne Barkalow Board member	She asked applicant how far he believes the proposed addition would encroach into the wetland area.
Steven Krey	He believes it will be fairly close but will not be sure until he talks to Stearns Co. The ground is solid enough to build on.
Susanne Barkalow	It appears the garage would encroach some distance into the wetland area.
Steven Krey	He is not sure as there are no markings.
Susanne Barkalow	She asked if there will there be a door from the house into the garage addition.
Steven Krey	There may be a door installed at the southwestern corner of the addition. The garage could be shifted to the south which may increase the setback from the wetland, but that would change the plan, and he would like to access the garage from the house in the winter.
Susanne Barkalow	She asked if there would be overhead garage doors.
Steven Krey	There would be two 10' doors.
Evan Larson Board member	He asked applicant the timeline for the project.
Steven Krey	He would like to start it yet this construction season.
Allen Bright Board member	He stated that he didn't think the Board could act on the request without a specific wetland delineation and said he would favor tabling the request until they have more information on the wetland location.
Steven Krey	He noted that staff recommends approval of the request subject to Stearns County's recommendation which would save him some time.

There being no one else wishing to speak, the public hearing was closed. Chairperson Fandel noted the letter from Anne Nelson of Stearns County Environmental Services does not indicate whether the County would approve the location of the proposed addition. Chairperson Fandel said if the Board takes action tonight, he would vote against it because of the wetland encroachment. Barkalow agreed there needs to be a definite delineation before making a determination. Larson concurred with the concerns of other Board members. Bright suggested tabling the request to give applicant time to get more information for the ZBA. Broxmeyer pointed out that if the ZBA chooses to table, the 60 day response period can be extended another 60 days for cause. Bright moved to table

for up to 60 days in order to receive additional information. The motion was seconded by Barkalow and carried unanimously. The motion carried unanimously.

**Conditional Use Permit Request/Edgewater Development, LLC:** Chairperson Fandel announced the request from Edgewater Development, LLC for a conditional use permit (CUP) to construct a 68 unit multi-family apartment building. The existing approved CUP shows two multi-family apartment buildings with a total of 114 dwelling units between both buildings. The revised CUP would result in a reduction of 46 dwelling units on site (location: 4350 Clearwater Rd) (CUP-2012-06). Dave Broxmeyer, Senior Planner, pointed out that any development in this PUD requires a CUP. A CUP was approved for this property in 1996 which allowed construction of three buildings as well as a community center. Only the northerly building and community center were constructed. Applicant is proposing to eliminate one of the two multi-family buildings and change the number of dwelling units from 114 to 68. There will be tuck under garages and an enclosed parking garage along the southern property line. The balance of the area would remain as green space. Barkalow asked if the area designated as green space would be large enough to accommodate another building. Broxmeyer stated that an additional structure could be built in that space; however, the property owner has indicated that is not their plan. Chairperson Fandel opened the public hearing and invited testimony on the request. The following persons testified:

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| Jan Susee<br>Bloomington, MN             | He is one of the owners of Edgewater Apts. He pointed out that if they wanted to place anything in that green space area, they would have to come back before the Board. They want to make better use of the community center by adding a 68 unit building that would be connected to the community center. |
| Dewayne Przybilla<br>4382 Clearwater Rd. | He asked if the current grass, weeds and wild trees will be turned into a landscaped area. It is a very unappealing area currently.   |
| Dave Broxmeyer                           | Applicants are proposing to regrade the area and make it a large grassy open space.   |
| Ken Korman<br>4412 Heatherwood Rd.       | There is a problem with trucks parking on the side of Clearwater Rd. next to the townhouses and leaving their engines running during the night. If the pumps are full at the truck stop, semis will wait on 43 <sup>rd</sup> St. So.  |

Dave Broxmeyer	There is a truck stop nearby. There is a lot of truck activity on Clearwater Rd. with semis turning around or parking overnight along Clearwater Rd. and Heatherwood Rd. The ZBA does not have the authority to regulate that parking.
Ken Korman	There was a deadend sign that was taken down 6 or 7 weeks ago.
Dave Broxmeyer	He suggested that Mr. Korman contact the City Engineering Office. It would ultimately be the City Council's decision whether to change the parking regulations in that area.
Dewayne Przybilla	He has submitted a petition regarding the parking which will be considered at the next City Council meeting.

There being no one else wishing to speak, the public hearing was closed. Bright moved to approve the request subject to the following conditions: 1) All conditions of previous conditional use permits shall apply where appropriate; 2) Preserve as many existing trees along the eastern property line as practical; 3) The building must be kept outside of the Wild & Scenic Boundary; 4) Upon completion of the construction 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. The motion was seconded by Barkalow. Barkalow noted that staff's recommendation includes preservation of as many existing trees as possible along the east property line. She said she would like to include a condition that any trees that are destroyed or removed must be replaced elsewhere on the site. Bright stated that this is an upscale project that has been well maintained. He believes applicant will want to make it aesthetically appealing and as the maker of the motion, said he would not be willing to include tree replacement as a condition. Barkalow then withdrew her second to the motion. Larson seconded the motion which carried by a vote of 4-1 (Barkalow opposed).

**Variance Request/Leon Fischer on Behalf of Teddy Bear Investments:** Chairperson Fandel announced the request from Leon Fischer on behalf of Teddy Bear Investments, LLP for a variance from Article 9, Section 9.3, Table 9-2, maximum Floor-Area-Ratio (FAR), which permits a maximum FAR of 0.45. The applicant is proposing to construct a 24' x 24' utility storage building on site, which increases the existing 0.50 FAR to 0.51. The applicant is seeking a 0.01 variance to the

FAR (location: 50 Park Ave. So.) (VAR-2012-09). Chairperson Fandel asked staff why such a minimal variance cannot be addressed administratively. Dave Broxmeyer, Senior Planner, explained that floor area ratio is one of the factors that regulates the size of a building. FAR is calculated by dividing the total square footage of all buildings on a property by the lot area. In the C5 zoning district, the maximum floor area ratio permitted is 0.45; applicant's current FAR is already 0.5. That is the reason the ZBA is considering the request. Staff is recommending approval, but noted that the rear yard setback is proposed to be 5'. The LDC language states that if a setback is provided, it must be a minimum of 10' or it could be 0'. A 0' setback affects the type of building materials that can be used for the garage. Broxmeyer explained that the building code requires certain fireproofing materials within 5' of the property line. Chairperson Fandel opened the public hearing and invited testimony on the request. The following persons testified:

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| Leon Fischer<br>533 Monroe St.<br>Anoka | He introduced himself.   |
| Susanne Barkalow<br>Board member        | She asked applicant if he wishes the ZBA to proceed with his request considering the discussion that has been held regarding the 5' setback. She asked if he would like the Board to discuss a variance for the additional 5'. |
| Leon Fischer                            | He would like the garage set back further. He wants to remove the unsightly storage shed. Garage would be for surplus storage.   |
| Susanne Barkalow                        | She asked if he would prefer a 5' setback rather than a 10' setback.   |
| Leon Fischer                            | He would prefer a 5' setback to allow more room in the parking lot.  |
| Susanne Barkalow                        | She asked if the detached garage would have an overhead door, service door or both.  |
| Leon Fischer                            | It will only have an overhead door.  |
| Susanne Barkalow                        | She noted that the parking on the site plan is striped differently than the current striping of the parking lot. She asked if that was done to accommodate the adequate number of parking spaces.                              |
| Leon Fischer                            | Yes, it will be restriped.   |
| Bob Weiss                               | He is the project manager for this project. He stated that if the rear of the garage has a 10' setback, the rear door of the hotel would basically   |

be blocked and there is no access for maintenance of the building. That is why they would prefer the 5' setback. The garage would still be on the paved parking lot. In addition, the wall of the garage would line up with the hotel wall.

There being no one else wishing to speak, the public hearing was closed. Barkalow moved approval of the request and a 5' rear yard setback for the garage subject to the following conditions:

1) The parking area south of the building must be restriped to conform to the approved site plan; 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. Bright seconded the motion, and it carried unanimously.

**Variance Request/Westwood Church:** Chairperson Fandel announced the request from Westwood Church for a variance from Article 18, Section 18.3, A., 2., 10' minimum sign setback and C., a 30' sq. ft. identification sign. The applicant is proposing to construct a new sign 0' from the western property line, instead of the 10' setback required by the Land Development Code (LDC). The sign is proposed to consist of a 16 sq. ft. area identifying the name of the church and a 19 sq. ft. electronic message center, for a total sign area of 35 sq. ft., which is 5 sq. ft. more than permitted by the LDC. The applicant is requesting variances to both the setback and size of the proposed sign (location: 5719 Walnut Dr.) (VAR-2012-10). Dave Broxmeyer, Senior Planner, stated that applicant is requesting variances to both the maximum size permitted for an identification sign for a place of worship as well as a setback variance to allow the sign to be moved closer to the public right-of-way. Since completion of the West Metro Corridor project, the alignment of CR 4 has shifted 75' to the west of its former location. The existing sign is set back 10' from the property line; applicant is requesting a 10' variance to place it right up to the property line. It would be located on the east side of the bike path. Applicant is also requesting a variance from the allowed sign area. The identification portion of the sign will be on the lower part of the sign and an electronic message center at the top of the sign for a total area of 35' sq. ft. The LDC allows 30 sq. ft. for a place of worship in any residential district.

He noted that staff has made specific recommendations regarding the operation of the electronic message center. Barkalow inquired about the width of the boulevard area between the bike path and the roadway. Broxmeyer answered that the property line is approximately 4' to the east of the bike trail. The total distance from the property line to the curb is approximately 75'. Barkalow asked the height of the proposed sign. Broxmeyer responded that the lower portion is 2' x 8', and the upper portion is 2'6" x 7'8". He stated that the sign height conforms to the LDC standard of a 10' maximum height measured from the average grade. Because the property slopes toward the church building, applicant is proposing a small retaining wall section around the sign with some landscaping. Chairperson Fandel opened the public hearing and invited testimony on the request. The following persons testified:

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| Ryan Monroe<br>201 28 <sup>th</sup> Ave. No. | The church wishes to move the sign closer to Veteran's Dr. because the new road project moved the sign back significantly. The landscaped berm also hides the sign. They would like to slightly increase the size of the existing sign. |
| Susanne Barkalow<br>Board member             | She asked what kind of messages will be on the message board.   |
| Ryan Monroe                                  | They would advertise service times and any activities in the church as well as community events which may include events taking place in the church rental space.   |
| David Titus<br>1012 Somerset Blvd.           | He presented a petition signed by 16 neighbors opposing the sign. Specifically, they are opposed to the electronic message board and the lighting.  |

There being no one else wishing to speak, the public hearing was closed. A letter was received from Mike and Ann Meyer opposing the sign as they felt it was already too close and too bright to the point of being a nuisance. Barkalow asked the reason for the specific statements in staff's recommendation relating to lights, messaging, etc. Broxmeyer answered that it is not part of the LDC; those standards were taken from the draft of the sign ordinance that was proposed at the time of the LDC adoption. Those standards were never adopted, but staff felt some standards should be included for a sign in that location due to the residential nature of the surrounding land uses. Chairperson Fandel asked the Board to address this request with two separate motions. Barkalow

moved to approve the 10' variance to the sign setback requirement so that the sign can be placed at the edge of the property subject to the following conditions: 1) The electronic message center shall not be used for off-premise advertising purposes; 2) Each message or image displayed on the electronic message center must be static or depicted for a minimum of eight (8) seconds. Each text message displayed on an electronic message sign or electronic display screen must remain static for a reasonable amount of time for the average reader to read the message, as determined by the Zoning Administrator; however, based on sign area, text messages displayed on an electronic message sign or electronic display screen may scroll in order to accomplish the same result. No text message may blink, flash or mimic strobe-lighting effects; 3) The electronic message center shall not glare into any residential properties or interfere with the safe movement of motor vehicles; 4) The electronic message center must not exceed a maximum illumination of five-thousand (5,000) nits during daylight hours, and a maximum illumination of five-hundred (500) nits between dusk to dawn, as measured from the sign's face at maximum brightness. The electronic message center shall have ambient light monitors, which shall automatically adjust the brightness level of the electronic sign based on ambient light conditions; 5) The electronic message center is not permitted to have any audio speaker or audio components; 6) Upon completion of the construction, the applicant must sign and return the Statement of Completion to the St. Cloud Planning & Zoning Department; and, 7) 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. Chairperson Fandel said he will vote against the motion because it is an illuminated sign in a residential area. If it wasn't for the two variance request, Larson asked if a smaller electronic message board could be with the standard setback would be allowed, and Broxmeyer explained that there is no limitation as to whether it is an electronic or static sign. Bright commented that the sign would be substantially blocked by the trees to the north and is not sure how much illumination can be generated by a sign of this size. Barkalow asked from what distance that sign could be read. Broxmeyer answered that signs are calibrated to focus on passing traffic rather than the surrounding area. He believed the message should be visible from 200' to

300'. Barkalow asked if the signage would be on both sides of the board. She asked if there are houses on both sides of Walnut St. Broxmeyer answered that there are houses on the south side of Walnut St. and houses to the north of the property. Barkalow asked if the sign will be lit 24/7. Broxmeyer said applicant has not indicated any specific hours of operation, so it is assumed it would be lit 24/7. Larson stated that currently the sign is so far back from the road that it is difficult to read. He does understand the neighbor's concern about the sign lighting. The motion carried by a vote of 4-1 (Fandel opposed).

Barkalow moved to approve the maximum sign size variance to allow a 35' sq. ft. sign subject to the same seven conditions that are included in the sign setback variance. The motion was seconded by Larson, but he said he would like to stipulate hours of operation. Chairperson Fandel said he has concerns about allowed content on the sign and whether it would be restricted to activities at the church itself and would also vote against this variance. Bright pointed out the first condition which does not allow off-premise advertising on the electronic message center. Barkalow stated that Mr. Monroe's answer was contrary to that condition. Barkalow asked for input from Mr. Monroe on hours of operation. Mr. Monroe stated that it is not the church's intent to irritate the neighbors. He clarified that the advertising allowed on the sign would be church times and events and advertising events that may be happening at the church in the rental space. He stated that there is a Holiday sign right across the street that is lighted 24 hrs./day. He is not sure if the intent is to have the church sign on 24 hrs/day 7 days/week. Chairperson Fandel will vote against this motion because of the impact on the residential neighborhood. Bright asked how the City would enforce any violation of a condition(s) of approval. Broxmeyer responded that if, for instance, the City receives a complaint about the amount of illumination, the City would contact the church and ask them to reduce the amount of illumination. If they were unwilling to do so, the City could issue the church an administrative citation. Another possibility would be to consider it a public nuisance. Larson suggested limiting the hours of operation of the electronic sign to turn the lighting on at 5 a.m. and turn it off at midnight. David Titus stated that if there is a time stipulation, he would prefer that the

electronic sign be turned off no later than 10 p.m. As the maker of the motion, Barkalow agreed to a friendly amendment to add a condition that would limit the hours of operation for the lighted portion of the sign to 6 a.m. to 10 p.m. seven days a week. Larson said he would accept that amendment. The motion with the friendly amendment carried by a vote of 3-2 (Barkalow, Larson and Bright in favor; Fandel and Newman opposed).

**Conditional Use Permit Request/Westwood Community Church:** Chairperson Fandel announced the request from Westwood Community Church for a conditional use permit (CUP) to construct a driveway from the existing parking lot through a portion of Black Walnut Park to Spruce Street. The St. Cloud Land Development Code (LDC) requires places of worship located in a residential zoning district to obtain a CUP for any significant exterior improvement (location: 5719 Walnut Dr.) (CUP-2012-07). Dave Broxmeyer, Senior Planner, stated that applicant wishes to update the existing CUP to make a connection from the northeast corner of their parking lot to Spruce St. A small portion would go through Black Walnut Park. Since completion of the West Metro corridor, there has been a median closure so that vehicles exiting the church parking lot can no longer take a left onto CR 4 from Walnut Dr. Therefore, they must now exit the parking lot onto Walnut Dr., circles around through the neighborhood to Spruce St. and then makes a left hand turn onto CR 4. Adding the driveway connection to Spruce St. would eliminate many trips through the neighborhood. Staff recommends approval subject to review and approval by the Parks and Engineering Depts.. Barkalow said it appears that the connection would be in the location of the swings and playground equipment. Broxmeyer said it would be fairly close, but suggested that the connection could possibly be moved further to the northeast before making the connection to Spruce St. Barkalow questioned if there is space in the park for the equipment to be relocated; Broxmeyer responded that there is little extra space. He suggested the possibility of using bollards along the inside curve of the driveway for safety reasons. Chairperson Fandel opened the public hearing and invited testimony on the request. The following persons testified:

Rick Holtberg 5643 West Oakes Dr.	He is not a member of the church but lives in the neighborhood off the end of Walnut Dr. Additional access makes sense to eliminate some of the traffic through the neighborhood and encouraged approval of the request.
David Titus 1012 Somerset Dr.	He has a petition signed by 24 neighbors in the area opposed to the driveway. The access will be a major safety issue for children playing on the equipment in Black Walnut Park.
Susanne Barkalow Board member	She asked if the neighbors would be agreeable to the access if it were located in the green area to the east on applicant's property.
David Titus	They would be opposed to the driveway going through the park.
Roger Erickson 5682 West Oakes Dr.	He understands the safety concerns. However, it is a way to get traffic out of the neighborhood. He noted there a number of black walnut trees and hoped they would not be removed to put in the driveway. He would not be in full support of the moving the driveway further to the west which would place it closer to his property, but he wouldn't oppose it.
Ryan Monroe 208 20 <sup>th</sup> Ave. No.	He said he can address any questions the Board may have.
Susanne Barkalow	She asked the church's position on the possibility of relocating the driveway further to the east.
Ryan Monroe	The proposed driveway location would be right on the edge of a cluster of three trees. There might be a loss of one tree, but hoped they could just trim up the side of one tree if it is an obstruction. The church had a discussion about replanting any trees that would be lost. The location of the driveway on the site plan is 25' from the swing set area. The shorter the distance of the driveway, the more cost effective it would be for the church.
Dave Broxmeyer Senior Planner	He showed on the overhead where the driveway would connect to Spruce St. There is a similar gap in the trees further to the east. Few trees, if any, would have to be removed.
Susanne Barkalow	She asked the minimum width for a driveway.
Dave Broxmeyer	The maximum width required is 24' for 2-way traffic. There is no specific setback required from playground equipment . However, that could be a recommendation from City staff.

There being no one else wishing to speak, the public hearing was closed. Fandel would entertain a motion to table the request subject to feedback from the City Parks Dept. as he is concerned about headlights shining into residents' houses, safety of children using the playground,

and would like an accurate drawing that shows dimensions of the proposed driveway (width, radius of curve. Bright moved to table the request for reasons as stated by Chairperson Fandel. Barkalow seconded the motion, and it carried unanimously. Barkalow requested written comments from the City Engineer and the Parks Director.

**Other Business:** Broxmeyer informed the Board that regarding the conditional use permit granted for Lincoln Depot, staff checked with the Building Safety Dept., and the door on the east side of the building is considered an exit door; therefore, a gate will be required in the fence around the patio area. Broxmeyer noted that has not received any feedback from the Fire Dept. Relative to the small triangular shaped remnant parcel across the street that is zoned residential, it is in private ownership by someone from Shaker Heights, OH. Because it is only 500 sq. ft. in area, Broxmeyer was not sure that the City would want to acquire it.

**Adjournment:** Barkalow moved to adjourn the meeting. The meeting was adjourned at 8:34 p.m..

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Chuks Ugochukwu, Secretary