

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on October 16, 2012, at 7 p.m. in the St. Cloud City Hall Council Chambers. Members present were Barkalow, Bright, Larson, Newman, Ugochukwu and Zenzen. Fandel was absent.

Approval of Minutes: Bright moved to approve the minutes of the August 21, 2012 and September 18, 2012 Zoning Board of Appeals meetings. The motion was seconded by Newman and carried unanimously.

Variance Request/Marty Imholte on behalf of Ross and Karen Huhne: Dave Broxmeyer, Senior Planner, explained that Article 15, Section 15.5, A., 2. limits residentially zoned properties to a maximum of two detached accessory structures and detached accessory structures to use similar building materials as the principal building. The applicant, located at 1857 39th Street South, is proposing to construct a third detached accessory structure that would be a 28' x 34' and would have colored metal siding and roof. Staff is recommending denial. Barkalow opened the public hearing and invited anyone who wished to address the topic to step forward. The following persons testified:

Ross and Karen Huhne 1857 39 th Street SE	She explained that the accessory building would be 28' x 34' in the back of the property. The colors and styles of the roof, siding and doors will match the existing structures. The smaller shed that is on the property will be removed in the spring after the larger shed is built.
Chairperson Barkalow	Clarified that the applicant wishes to remove the 12' x 12' shed when the new shed is built.
Ross Huhne	That is correct. The shed is needed to store items and supply heat and electricity as the project will take place in the winter months.
Chairperson Barkalow	She asked Broxmeyer if removal of the 12' x 12' shed eliminates the need for one of the variances requested.
Dave Broxmeyer	One variance would no longer be necessary.
Chuks Ugochukwu Board Member	He asked to clarify that the new shed will be a similar color to the house and existing garage.
Karen Huhne	Yes, all three structures will match in color and style.

Chairperson Barkalow	She asked if there would be a driveway to the new structure or if it will be used strictly for storage purposes.
Karen Huhne	There will not be a driveway. The shed will be used only for the purpose of storage.
Allen Bright Board Member	Inquired about the possibility of a date being set in which the 12' x 12' shed be removed from the property.
Dave Broxmeyer	A date of May 31, 2013 was suggested in which the 12' x 12' shed would be removed.

There being no one else wishing to speak, the public hearing was closed. Zenzen questioned how much the property's accessory square footage would be reduced if the 12' x 12' shed were removed. Broxmeyer stated that it would be reduced by 144' and the applicants were well within their 2,000 square foot limit. Ugochukwu moved to approve the request for variance subject to setting a date for the removal of the smaller shed on May 31, 2013. The motion was seconded by Newman. Bright asked for clarification on what the variance is used for. Broxmeyer explained that the variance is for the materials used. The motion was carried unanimously.

Variance Request/Interstate Truck Driving School of Minnesota, LLC on behalf of Bob and Renee Herges: Dave Broxmeyer, Senior Planner, explained that Article 16, Section 16.8, B., requires all off-street parking areas be surfaced with asphalt, concrete, interlocking brick, pervious pavers, or mortared stone or brick. The applicant, located at 2225 Roosevelt Road, is requesting a variance to park trucks and trailers on a gravel surface. Staff is recommending denial. Barkalow asked how much property would be used for backing the trucks and trailers. Broxmeyer approximated about one-third of an acre would be used. Bright pointed out that this is a unique situation to the community. He noted that there is another school on the East side of the city and he is under the assumption that their classes are full. With Verso Paper Co. closing down, many people are looking to truck driving as a means for support. He added that to discontinue the use of existing schools or to not allow this school to operate is a mistake to the community. Barkalow asked what is to the rear of the property and Broxmeyer stated that it is currently an open area but believes it is owned by the cemetery for use of future expansion. Barkalow asked what the training facilities of the

two other schools consist of in terms of surfaces. Broxmeyer stated that he was aware of one truck driving school located on Highway 10 across from Anderson Trucking which he believes is operated by the Technical College. He stated that last Thursday, the Health Department received a complaint on that property. They will be notified and requested to be brought in compliance with the paving requirement. Broxmeyer was unfamiliar as to where the other school is located. Larson asked Broxmeyer to describe the nature of the complaint. Broxmeyer stated the complaint of dust was made by a property owner on the opposite side of Highway 10. Barkalow opened the public hearing and invited testimony. The following persons testified:

Kris Ross and Daryl Peterson Interstate Truck Driving School	They addressed the question of the second driving school. Transportation for Excellence, located on Interstate 94 and Roosevelt uses dirt roads for their training but is temporarily closed at this time. The applicant stated that they have two gas vehicles used for the backing range and do not move more than 5-10 miles per hour. Approximately 80 percent of students at the St. Cloud location are from the North/Northwest part of the state, noting the business that students are bringing to the community. They noted their interest in making the property more appealing and in making a commitment to the community.
Chairperson Barkalow	Questioned how the dust will be handled.
Daryl Peterson	Watering equipment could be attached to the tractors to allow for daily spraying of the lot as needed.
Ronald Zenzen Board Member	Inquired if the possibility of treating the property has been entertained.
Daryl Peterson	Yes, this is a possibility. The applicants are willing to consider all options.
Chuks Ugochukwu Board Member	Questioned whether the South St. Paul location has experienced issues with dust or if there is an issue with a dust control program.
Daryl Peterson	There have never been complaints at the other locations and there is no issue with a dust control program.
Evan Larson Board Member	Questioned if there will be trucks exiting the property from this site for road use and if so, would they leave from a paved surface.
Daryl Peterson	Yes, there are two other tractor/trailers that would be taken onto the road but there is not a paved surface for them to exit the property.

James Newman Board Member	Inquired about the number of trucks running each day and the number of students attending at a time.
Daryl Peterson	There is one backing truck, two road trucks and one spare truck for a total of four vehicles. The school is averaging 4-6 students a day.
Chairperson Barkalow	Inquired about the length of the course.
Daryl Peterson	It depends on the class but the average is a five week course.
Bob Herges P.O. Box 301 Cold Spring, MN 56320	He is the property owner. He has been trying to rent the property with no success. He feels this would be a good opportunity for the city to have a working business in this location. He notes that paving the surface for backing up will not be suitable due to the types of turning that would take place on the surface. Tight turning with large trucks on pavement, especially in the summer months, would result in destruction of the surface. He spoke with several home and business owners in the area and received no opposition to the variance request.

There being no one else wishing to speak, the public hearing was closed. Ugochukwu moved to approve the request subject to staff recommendations. Seconded by Bright and carried unanimously.

Variance and CUP Request/Lutheran Social Services of MN on behalf of Tulek Properties, LLC: Dave Broxmeyer, Senior Planner, explained that Article 8, Section 8.3, Table 8-2 requires a minimum lot area of 40,000 sq. ft., a minimum lot width of 100', and 50' front, interior side and rear yard setbacks. The applicant, located at 117 Wilson Avenue NE, is requesting a variance to the minimum lot area, minimum lot width and front, interior side and rear setbacks. In addition, the applicant is requesting a Conditional Use Permit for a proposed change from the existing single-family home to a community center that would provide space for an after-school skill-building program for St. Cloud area elementary-aged children. Broxmeyer explained that when the request came to the planning department, staff looked to see which use it would most closely fit and that was that of a community center. Staff is recommending approval of the request subject to the following conditions in addition to obtaining the appropriate permits: 1) Adding an additional paved parking space in the rear of the property, 2) Removing existing gravel that would no longer be needed, and 3) Changing the gravel space into grass or landscaping of some kind. Barkalow opened the public hearing and

invited testimony. The following persons testified:

Stacey Kloek - Lutheran
Social Services

Proposing to use the property for an after-school program for at risk youth. The home allows the youth to transfer the skills they are learning to a home-like environment and also allows for more oversight being that the house is in close proximity to the office.

Chairperson Barkalow

Asked how many children and adults would be involved in the program, what the turnover in children is and what the age group of children is.

Stacey Kloek

No more than ten youth are involved in any program and there are two staff members per ten children. The turnover depends on the progress of the child. As they learn skills and reach their goals, they will graduate from the program. Generally children remain in the program on an average of three to six months. The children are in grades three to six.

Evan Larson
Board Member

Asked to describe the hours of operation and if any overnight uses are necessary.

Stacy Kloek

There will be no overnight use. The hours of operation will be approximately 11 a.m. to 7 p.m., the program with children would only take place during the after school hours. The hours scheduled for earlier in the day will be reserved for staff.

James Newman
Board Member

Asked to describe the types of skills that will be taught and how a residential setting will accommodate this type of curriculum.

Stacey Kloek

The program is for students that qualify for medical assistance and have a mental health diagnosis. It is a rehabilitative program to restore the child's skill level to where it should be, including coping, relaxation and social skills and behavior skills. There is a similar program available in the Sauk Rapids area for older students.

Chairperson Barkalow

Asked about safety with the age of the children and the railroad tracks nearby.

Stacey Kloek

There is no issue with the railroad tracks. The program is adequately staffed. The children are never unsupervised.

Allen Bright
Board Member

The Boys & Girls Club is nearby and is supported by the city. He questioned what is done differently and why it is not appropriate for these students to attend the Boys & Girls Club. He expressed concern with at-risk students co-existing with current neighbors.

Susan Fuchs-Hoeschen -
Lutheran Social Services

She is the clinical supervisor and will have clinical oversight over the staff that serves the children in the programs. The children in this program are not successful in larger group programs such as the Boys & Girls Club at this time due to their behavioral

disorders. When the children graduate from the program, they are encouraged to reenter programs such as the Boys & Girls Club.

Stacey Kloek

They have already reached out to some of the neighbors and explained the program that was proposed to take place and received no opposition to the request.

Chairperson Barkalow

Questioned whether this program also takes place in the summer months when school is not in session, and if so, what the hours of operation would be.

Stacey Kloek

The program will take place in the summer to continue their development. The hours of operation will be similar to that of the school year but the hours where the children are present may be earlier in the day.

Allen Bright

Asked Broxmeyer if the project still qualifies as a community center based on the explanation given.

Dave Broxmeyer

This is the best fitting classification of the use that is proposed. It does not fit into a medical or counseling office setting.

Ronald Zenzen
Board Member

He asked for a clearer definition of the term 'at-risk'.

Susan Fuchs-Hoeschen

There is a broad range of behavioral problems but these children are on the mild end. They are in main-stream school and do not pose a threat to themselves or other people. The children are just lagging a certain skill and need help developing those skills.

James Newman

Asked if these children are able to stay home alone and what the alternative would be if they were not going to attend the LSS program?

Stacey Kloek

They would probably not be allowed to stay home alone or be trusted by their parents to do so.

Susan Fuchs-Hoeschen

Some of the children probably would be left at home or left in a daycare facility.

James Newman

There are some adult daycare facilities that provide similar skill-building activities. He asked if this program could be considered a daycare facility for at-risk youth.

Susan Fuchs-Hoeschen

In terms of the services provided, this program would not be considered a daycare. The program is not for child caring, it is for rehabilitation.

Ronald Zenzen

Who has ownership of this property and would there be a lease in place?

of whether the property is considered a daycare facility or a community center. Barkalow called a vote for the variance request where the motion was carried 5-1, opposed by Bright. Ugochukwu moved for approval for the CUP subject to staff recommendations. Seconded by Newman and carried 5-1, opposed by Bright.

Variance Request/Brad and Kathy Wheelock: Dave Broxmeyer, Senior Planner, explained that Section 15.5, A., 5., limits the amount of accessory building area on a single family property to a maximum of 2,000 sq. ft. The applicant, located at 2518 Walden Way, is requesting a variance to construct an addition to an attached garage that would exceed the amount of accessory building area permitted by the LDC. The applicant has contacted the Architectural Review Board for the Home Owners Association and has received approval. The structure will meet the requirements of accessory space sizing versus the principal structure size. The staff is recommending approval. Barkalow opened the public hearing and invited testimony. The following persons testified:

Brad Wheelock
2518 Walden Way

He is the owner of the property and is requesting the variance for storage. He explained that he has three children, all of whom are now driving. With a large lot, he has a large lawn mower along with other accessories that require storage.

Chuks Ugochukwu
Board Member

Suggested that the Home Owners Association's stipulations be included in the approval of the request for variance but then acknowledged that it wouldn't be necessary given that the Association has its own enforcement authority.

There being no one else wishing to speak, the public hearing was closed. Ugochukwu moved for approval subject to staff recommendations. The motion was seconded by Bright and the motion was carried unanimously.

Update on front yard fence height standards and Administrative CUP: Broxmeyer stated that the Planning Commission forwarded on to the City Council the proposed change to the Land Development Code for an Administrative Conditional Use Permit. There was also discussion on amending the fences in the front yards. The Planning Commission was given two options, one being to open it to anyone with frontage on an arterial street and the other option being narrowly defined to specific streets. The Planning Commission wanted staff to find a qualifier for certain areas, such as

traffic count and proximity to commercial districts. This matter will come back to the Planning Commission in November before a decision is made. The Administrative CUP is heading to City Council in the next several weeks.

Other Business: Broxmeyer stated that the Planning Department will be looking at making adjustments to the Article 15 regulation. Adjustments may include improving the language, looking at the space ratio for larger properties and making some clarifications. Zenzen asked if the Board's decision on the lodging house was under review by the City Council. Broxmeyer stated that a request for appeal had been made by a City Council member. The City Council looked at the public record and decided there was enough information to set a public hearing. In order for the City Council to overturn the Zoning Board's decision, it will take a super-majority (5 out of 7 members). Barkalow asked if it was unusual for someone not involved in the process to make an appeal. Broxmeyer agreed that it is usual but said that it is stated in the Land Development Code that the Planning Commission, City Council, the Mayor or the Applicant have the right to appeal the decision. Bright expressed concern that another public hearing would be held on this matter. Broxmeyer explained that it is an extended process and the applicant has been notified of the 60 day extension. The decision will need to be made by the first part of December within the State mandated 120 days from the date of the application.

Adjournment: Barkalow moved to adjourn the meeting. There being no further business, the meeting was adjourned at 8:12 p.m.

Chuks Ugochukwu, Secretary