

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on October 15, 2013 at 7:00 p.m. in the St. Cloud City Hall Council Chambers. Members present were Barkalow, Bright, Fandel, Hultgren, Newman and Zenzen. Ugochukwu was absent.

**Approval of Minutes:** Bright made a motion to approve the minutes of September 17, 2013. The motion was seconded by Barkalow and carried, 5-0-1 (Barkalow abstaining).

**Conditional Use Permit / Jason Brehmer on behalf of Integrity Auto and Truck, LLC:**  
Dave Broxmeyer, Senior Planner, explained a request for a conditional use permit. The applicant, located at 13 21<sup>st</sup> Ave S, is proposing to sell vehicles from an existing auto repair business. The applicant is intending to continue operation of the auto repair business at this location and wants to be able to sell vehicles from the location as well. There is also a massage therapy business operating in the front of the building. Staff is recommending approval.

Fandel opened the public hearing and invited testimony. The following persons testified:

Jason Brehmer 742 30 <sup>th</sup> Ave N	He operates the auto repair shop and occasionally has the opportunity to sell a vehicle. Currently the process is difficult and costly to transfer titles. Being able to sell vehicles with a dealer license would alleviate some of those costs.
Susanne Barkalow Board Member	She asked if staff's recommendations are agreeable.
Jason Brehmer	The conditions will work. He is not concerned with the parking; it will just need to be managed properly. The ability to sell vehicles from the site will give another avenue to generate revenue.
Allen Bright Board Member	He asked if a license to sell has been obtained.
Jason Brehmer	The State requires the City to sign off on zoning before the application can be submitted. If the conditional use permit is denied, he cannot apply for the license.

There being no one else wishing to speak, the public hearing was closed. Hultgren made a motion to approve subject to staff recommendations. The motion was seconded by Barkalow and carried unanimously.

**Floor Area Ratio Variance & Conditional Use Permit / Recovery Plus (St. Cloud Hospital)**

**on behalf of Recovery Four, LLC:** Dave Broxmeyer, Senior Planner, explained a request for a variance from Article 9, Section 9.3, Table 9-2, which limits the floor area ratio (FAR) in Highway Commercial Districts to 0.45. The applicants, located at 121 Park Ave S, are requesting a 0.14 variance to the maximum FAR. The applicants are also requesting the approval of a conditional use permit (CUP) to expand the existing residential facility by building a 92' x 50' three story addition to the west side of the facility. The proposed addition will allow the applicant to convert existing office and meeting room space back into living quarters and will also provide space for a commercial kitchen and expanded dining room. Staff is recommending approval of both the variance and the CUP. Additionally, a request was made regarding calls for service for the property in question. The material was provided to Board members; however, an analysis was not completed on this information.

Zenzen asked if staff is concerned about the amount of calls for service. Broxmeyer stated that he discussed the information with the Planning Director, and staff did not find any alarming data given the commercial nature of the area. Zenzen asked if there have been concerns expressed from neighbors. Broxmeyer stated he has not received any communications regarding the request. Hultgren asked how the C5 district varies from the C1, 2 and 3 districts. Broxmeyer stated that the C5 district is unique because it's the most liberal in permitting commercial types of uses but the most restrictive as far as FAR and lot coverage.

Fandel opened the public hearing and invited testimony. The following persons testified:

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| Dan Vanhale<br>4118 Division St          | He is the owner of Pearl Vision. He asked if there are plans to extend 41 <sup>st</sup> Ave S to connect to 2 <sup>nd</sup> St S, and if so, how it will affect the expansion of the proposed Recovery Plus project.  |
| Dave Broxmeyer<br>Senior Planner         | He met with several departments including Engineering, and there was no discussion regarding the extension of 41 <sup>st</sup> Ave S. His understanding is that 1 <sup>st</sup> St S will be extended between Park Ave S and Waite Ave S.   |
| Jim Forsting<br>9115 Shoestring Lp, Rice | He is the Care Center Director for Behavioral Health for CentraCare. There are many people throughout the state in need of the services from Recovery Plus. The facility is averaging close to 95 persons for the lodging service. There are separate licenses required for lodging and |

for outpatient services. A section of the current building was converted into office and group rooms, but a better separation of the lodging and outpatient services is needed.

Allen Bright  
Board Member

If there is a need for more room than the expansion will accommodate, why not build a new facility where there would be no restrictions instead of in a commercial area?

Jim Forsting

It is difficult to find a place to locate with public services. Public transportation is very important. Also, new construction is costly, and it is easier to find ways to use existing facilities.

Susanne Barkalow  
Board Member

She asked about what the anticipated inpatient load was when the original CUP was granted.

Jim Forsting

At the time, 120 people could be accommodated if all rooms were used as double residential rooms. They could not have foreseen the increase in occupancy needs. This facility is one of few that can take people with co-occurring disorders and can also take parents with their kids.

Susanne Barkalow

She asked how long the average length of stay is.

Jim Forsting

The average stay is 45-90 days.

Drew Hultgren  
Board Member

He asked the applicant to speak to security concerns.

Jim Forsting

The majority of admissions are voluntary; some are 'committed' in lieu of jail time. The board/lodging section has staff on duty 24/7. The expansion will call for one additional resident assistant for the overnight shift.

Allen Bright

He asked about a success ratio.

Jim Forsting

It varies upon the age of the person and the drug of choice. Part of what is looked at is how long you can keep the person engaged in treatment. That will help determine if they are likely to have longer term success. Currently, about 85% stay engaged for at least three weeks.

Peter Fandel

He asked what will happen if the expansion is not approved.

Jim Forsting

The facility will revert to accepting fewer patients because there is not enough 'non-shared' spaces to handle the demand.

Steve Feneis  
615 7<sup>th</sup> St N, Sartell

He represents the owner of Recovery Four, LLC. He met with neighbors in the vicinity, and he did not receive any pushback. He has not received notice from any property owners with concerns regarding the current operations. The property exceeds all other requirements for the C5 district. Additional parking is possible but was not included because there are few occupants that need vehicles. He asked the Board to accept staff's recommendation.

Jim Forsting

The facility periodically checks with the neighbors to make sure a good relationship is maintained. For example, the fence on the back side of the property was installed due to concerns from Toys 'R' Us.

There being no one else wishing to speak, the public hearing was closed. Barkalow made a motion to approve the variance request subject to staff recommendations. The motion was seconded by Zenzen. Hultgren made a friendly amendment to add a condition to confirm that there are no plans to extend 41<sup>st</sup> Ave S. If there are, then the request would come back to the Zoning Board. Barkalow and Zenzen agreed to this amendment. Fandel called for a vote on the amended motion, which carried unanimously.

Barkalow made a motion to approve the conditional use permit subject to staff recommendations, including the previously stated condition regarding 41<sup>st</sup> Ave S. The motion was seconded by Newman and carried unanimously.

**Conditional Use Permit / Gary Theisen on behalf of Cold Spring Granite:** This item was withdrawn by the applicant prior to the meeting.

**Other Business:** Broxmeyer stated that Mr. Lieberg has appealed the Zoning Board's decision regarding the variances requested at the September meeting. City Council has set a public hearing for October 21. Mr. Lieberg has eliminated the need for one of the two variances. He is still requesting the 2' side yard setback variance.

**Adjournment:** There being no further business, the meeting was adjourned at 7:50 p.m.

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Chuks Ugochukwu, Secretary