

PROCEEDINGS OF THE ST. CLOUD PLANNING COMMISSION

A meeting of the St. Cloud Planning Commission was held on Tuesday, September 10, 2013, at 6 p.m. in the City Hall Council Chambers. Members present were Anderson, Andzenge, Ballantine, DeVine, Holtberg, Larson and Radaich. City Council representative Goerger was present.

Open Forum: No one was present to speak at the open forum.

Consent Agenda: Anderson moved to approve the consent agenda as follows:

Acceptance of staff reports for September 10, 2013 as part of the official record

Approval of minutes from the August 13, 2013 Planning Commission meeting

The motion was seconded by DeVine and carried unanimously.

Westwood Parkway PUD Amendment / Miller Architects & Builders, Inc.: Matt Glaesman, Planning Director, explained a request to add nine additional dwelling units to the Cypress Court Apartment Complex, which increases the density from 14.2 dwellings per acre to 14.7 dwellings per acre in an existing multi-family building area. Staff is supportive of the request and believes the increase in density will not have a significant impact on adjacent utilities, infrastructures, and properties.

Dan Miller of Miller Architects & Builders, Inc. stated that there has been good success with renting apartments in the buildings constructed in the first two phases of the project. He asked the Commissioners to consider the addition of nine units. Ballantine asked if there has been feedback received from neighbors and if the standards for parking will be met. Miller stated there has been no feedback from the neighborhood, and the property will be in compliance with parking standards.

Holtberg opened the public hearing and invited testimony. There being no one wishing to speak, the public hearing was closed. Ballantine made a motion to approve subject to staff recommendations. The motion was seconded by Andzenge. Anderson suggested adding a 'Cross Traffic Does Not Stop' sign at the intersection of Cypress Rd and Westwood Pkwy. Glaesman stated

that staff will review the request and make an assessment. Holtberg called for a vote and the motion carried unanimously.

Stone Gate Plaza Plat 2 (Final Plat) / Lumber One Development Company: Matt Glaesman, Planning Director, explained a request for approval of the final plat of Stone Gate Plaza Plat 2. In an effort to prepare for future expansion, the property owners of Stride Academy are seeking to purchase a strip of land from the property owner to the north. Staff is recommending approval. Ballantine asked about construction beginning on the property. Glaesman stated that construction is underway in an area that is not affected by this platting process.

Ballantine made a motion to approve the final plat subject to staff recommendations. The motion was seconded by DeVine and carried unanimously.

Paradise Park South PUD Amendment / Outsource Architecture on behalf of Islamic Center of St. Cloud: Matt Glaesman, Planning Director, reminded Commissioners of a request from the Islamic Center of St. Cloud to amend the Paradise Park PUD. The applicant has provided a revised site plan addressing concerns that were raised at the August public hearing, as well as a preliminary plat. In response to testimony at the August public hearing, staff has prepared a traffic and parking analysis and has also addressed concerns for infrastructure upgrades, utilities, and noise. A separate technical analysis was contracted by a neighborhood party. If the Planning Commission takes action tonight, City Council will hear the request and hold its own public hearing at their October 7, 2013 meeting.

Holtberg stated that the Planning Commission's public hearing is closed, and it is at the discretion of the Commissioners as a body to reopen the public hearing. Holtberg recommended the public hearing remain closed.

Ballantine questioned parking requirements. Glaesman stated that the staff report compares parking requirements versus parking expectations. Staff has recommended limitations that would not allow for utilization of the buildings at the same time, as well as occupancy limitations within the buildings. Ballantine asked about enforcement. Glaesman stated there are several tools available to

enforce a zoning violation; however, it may be difficult to enforce. Andzenge commented that he is pleased to see the revisions made by the applicant in an effort to address concerns that were raised. He stated there are still quite a few concerns and asked if the Commission has the option to move the project on to City Council with giving a recommendation. Glaesman stated that the Planning Commission has the option to approve, deny, or approve with conditions. DeVine expressed concern for the other types of events and gatherings that will occur and asked what the other uses are besides prayer services and education. Anderson asked if any conditions would be considered in violation of the Religious Land Use and Institutionalized Persons Act (RLUIPA). Matt Staehling, City Attorney, stated that staff feels the conditions are consistent with Federal law, including RLUIPA. Anderson asked about emails referring to the ability of non-profit organizations to pay for certain City service assessments or taxes. Staehling stated that cannot be taken into consideration. Radaich asked about the widening of streets. Steve Foss, City Engineer, explained that the infrastructure of adjoining neighborhoods has a life cycle, and updates are being made as funds are available. The development will not cause the widening of streets. There is the potential for a need to have left-turn bays at the intersection of 9th Ave S and Clearwater Rd; however, the remainder of the network can handle the forecasted volumes. The analysis was based on square footage of the buildings as well as occupancy, and the staff report reflects the growth to 600 worshippers.

Holtberg asked the applicant to answer questions regarding other types of events and gatherings and the growth estimate of the congregation. Abdurashid Salad, President of Islamic Center of St. Cloud, stated there is no intention of closing the existing center on 5th Ave S, which will help the volume of the congregation. No events will happen in the second and third buildings when the mosque is in use. The community center will have events on Saturdays and Sundays only. There is no intention to grow more than the requested capacity. Larson asked for clarification regarding how occupancy limits were determined. Anderson commented that the parking concerns in Bloomington, MN were largely related to Ramadan, and Christmas and Easter have similar parking congestion. Dean Wick of Outsource Architecture stated that the size of prayer rugs was used in determining the

occupancy number. Salad noted that the Islamic Center utilizes additional sites during Ramadan and will continue mitigating parking during peak times.

Andzenge commented that while an all-purpose center is great, it is not appropriate in a residential neighborhood. However, the applicant owns the property and has attempted to modify their plans in order to fulfill the requirements. He stated he will vote in favor of the request and noted that this proposal does not give the applicant what they are truly seeking. Anderson questioned whether the proposed uses would be allowed if the property were a block to the north. Glaesman stated that the policy direction of the City is that places of worship are appropriate in residential districts. If the property were zoned R1, the proposed uses would be allowed by right with a conditional use permit. If the property were zoned R2, the proposed uses would be allowed by right without the ability to place conditions.

Andzenge made a motion to approve the request subject to staff recommendations. The motion was seconded by Anderson. Ballantine stated that he cannot support the motion because the scope of the project is too large for the area. Larson offered a friendly amendment to change condition four to limit the development to phase one of buildings one and two only. Andzenge and Anderson accepted the amendment to the original motion. DeVine questioned whether the development should be on a property that would allow for the original request and can handle expansion. Anderson commented that parking and traffic concerns are existent but are addressed, and he will vote in favor of the motion. Ballantine commented that he supports the amended motion because it answers immediate concerns. DeVine reiterated concerns that growth opportunity will be limited and that enforcement will be difficult. Glaesman noted that the applicant is aware of the conditions suggested and will have the right to come forward in the future to request for expansion. He advised against considering what might happen in the future. Although enforcement will be difficult, once a violation is documented, tools are available to assist with enforcement. Larson added that the original proposal maximized the property, and the amended motion is to give opportunity to add parking in the future.

Radaich commented that he is a strong proponent of R1 and R2 zoning and empathizes with the neighbors, but City laws encourage places of worship in residential districts. He stated he supports the motion as amended. Holtberg stated he has concerns regarding the consistency with the Comprehensive Plan, along with concerns of traffic and parking, and he will be voting against the motion. Holtberg called for a vote and the motion passed, 5-2 (Holtberg and DeVine opposed).

The Planning Commission recessed for five minutes to allow time for those exiting the Chambers.

Paradise Park Plat 3 (Preliminary Plat) / Islamic Center of St. Cloud: Matt Glaesman, Planning Director, explained a request for approval of a preliminary plat of Paradise Park Plat 3. Staff is suggesting advancing the plat, which will go to City Council along with the PUD amendment. Without the approval of the PUD amendment, the plat is irrelevant.

Radaich made a motion to approve subject to staff recommendations. The motion was seconded by Ballantine. Holtberg stated he will be voting against the motion for the same reasons as he opposed the Development Plan Amendment. Holtberg called for a vote and the motion carried, 6-1 (Holtberg opposed).

Other Business: Anderson asked for an update on technology upgrades. Glaesman stated that GFOA will be returning in the coming week and will provide guidance for the upgrades.

Anderson asked about construction occurring in certain intersections. Foss stated that road surface improvements are taking place, and pedestrian ramps are being brought up to code.

Adjournment: There being no further business, the meeting was adjourned at 7:36 p.m.

Dick Andzenge, Secretary