

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

A meeting of the St. Cloud Zoning Board of Appeals was held on January 21, 2014 at 7:00 p.m. in the St. Cloud City Hall Council Chambers. Members present were Barkalow, Bright, Hultgren, Mohamed, Newman, Ugochukwu and Zenzen.

**Approval of Minutes:** Board members were provided a correction of the minutes from the December 17, 2013 meeting. Bright made a motion to approve the minutes subject to the corrections made. The motion was seconded by Ugochukwu and carried unanimously.

**CUP-2014-01 / Ted Klein / 2680, 2690, 2750 and 2882 County Rd 74:** Dave Broxmeyer, Senior Planner, explained a request for an amendment to the Conditional Use Permit (CUP) for the Boulder Ridge Golf Course and Driving Range. Golf courses and driving ranges are required to have a CUP if they are located within an I1 or I2 zoning district. The applicant is requesting to exclude a five acre parcel on the northwest corner of the property, which was an alternative location for the Pro Shop and driving range tees from the approved CUP site plan.

In 1998, the City approved the CUP for the Boulder Ridge Golf Course and Driving Range. In 2001, the CUP was amended to include the paving of a 32-stall off-street parking area to the southeast of the clubhouse. To date, this area has not been paved and has become a storage area for construction materials. Since 2001, staff inspected the property eleven times and sent four certified letters notifying the property owner of non-compliance, resulting in limited or temporary compliance. Staff is recommending denial.

Barkalow asked about the future land use of the property. Broxmeyer stated the Comprehensive Plan identifies the property as low-density mixed residential. Hultgren asked if the applicant could request the parking lot requirement be removed from the CUP. Broxmeyer stated it is a possibility. The applicant could also propose to rezone the property, which would go through a process with the Planning Commission and City Council.

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

Ted Klein, 1818 Red River Trail – He is the applicant. He did not realize that the property in question, as well as a 40-acre farm to the south, was included in the CUP. He was unaware that City staff would be recommending denial. He was under the impression that the proposed parking lot in connection to the 2001 amendment was optional.

Barkalow asked Klein about the violation letters. Klein stated that he cannot recall the violations specifically, but the problems were corrected when addressed.

Hultgren asked what the intended use is of the 5 acres in question. Klein stated he is leaving the options open, but wanted to begin the process because he knew the property did not belong in the CUP. Hultgren noted that part of the concern with releasing the property from the CUP has to do with the residential that has been developed to the north since the CUP was approved. When residential properties were developed, people may have purchased their homes thinking they were buying homes next to a golf course.

Hultgren asked Klein if he would be interested in either withdrawing the application or letting the Board table the request to allow for more time to work with City staff. Broxmeyer confirmed that if the request is tabled, it would allow time to discuss the proposal further.

There being no one else wishing to speak, the public hearing was closed. Hultgren made a motion to table the request. The motion was seconded by Bright and carried unanimously.

**Other Business:** Broxmeyer provided the Board with term expiration information. Three terms will be expiring this year, two of which will be eligible for reappointment. Ugochukwu will be completing his second full term in April.

Bright noted that tonight's request is the second recent situation with a violation of a CUP. Broxmeyer stated that City Council will be reviewing enforcement actions during their February 3 study session.

**Adjournment:** There being no further business, the meeting was adjourned at 7:41 p.m.

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Andrew Hultgren, Secretary