

## **PLANNING COMMISSION MEETING FOR THE CITY OF WAITE PARK**

The Waite Park Planning Commission met in regular session on Tuesday, March 14<sup>th</sup>, at 6:30PM at Waite Park City Hall. The meeting was called to order by Chair Jansky beginning with the Pledge of Allegiance.

### **Planning Commission Members Present**

Chair Tim Jansky, Commissioners Bob Zabinski, Vic Schulz and Rick Staudinger

### **Planning Commission Members Absent**

Commissioner Chris Shorba

### **Others Present**

Jon Noerenberg, Planning & Community Development Director

Others on sign-in sheet.

### **Approval of the Agenda**

Commissioner Zabinski moved to approve the agenda as presented, seconded by Commissioner Schulz. Passed with all present.

Commissioner Schulz request for meeting minutes from previous meeting was noted.

Commissioner Zabinski commented on a point of clarification regarding handling the public hearing and the decision on each of the items separately.

Planning and Community Development Director Jon Noerenberg confirmed each item is recommended to be voted on separately.

### **Rezoning, Variances – 20-12<sup>th</sup> Ave N – Ultimate Sports Bar and Grill**

Chair Jansky read aloud the public hearing notice. Public hearing opened at 6:33PM.

This request has been submitted by Tom Frericks, who has a purchase agreement with the owner of the property at 20-12th Ave N, which is immediately to the north of the existing Ultimate parking lot area along 12th Ave N and Division Street. The applicant is requesting rezoning of the property to allow for conversion from current residential use to additional parking lot area for the Ultimate, as well as two variances to build out the parking lot to a preferred design to maximize available stalls and promote visibility and safety for the parking lot.

#### **Rezoning**

The applicant approached City staff last fall to discuss interest in the property and creation of additional parking space, to which staff responded positively given that the popularity of the recently-constructed expanded Ultimate bar and grill has led to significant amount of on-street parking, particularly along 11th Ave N and has been problematic for residents and even potential access for large emergency vehicles. The issue and possible means to resolve or address has been discussed at City Council work sessions several times, but without any long-term permanent proposed resolution as of yet. The timing of the opportunity to increase parking by acquiring and converting 20-12th Ave N is fortuitous and several City staff, including City Engineer and Public Works Director as well as Planning & Community Development Director, met with the applicant

previously and determined that it would be best to design the parking lot and apply in early 2023 with intent to construct in spring/summer 2023 if approval is granted.

The intent of the applicant and proposal is to demolish the existing residential property, and construct fencing at 8' height (same as existing) around the north and eastern sides of the property. The proposal requires rezoning from existing R-1, Single-Family Residential District to B-2, Commercial/General Business District to align with the remainder of the Ultimate property.

The proposed parking lot would accommodate 45 additional parking stalls, with an additional substandard size stall dedicated to motorcycle parking. The proposed parking has been reviewed by City Building Official, who has determined that it will trigger a need for provision of two additional handicap-dedicated parking stalls, which must be placed nearest the building on a handicap-accessible route (likely dedicating additional stalls nearest existing handicap-dedicated stalls). This will be included as part of plan review and approval if the requests are approved and the project moves forward.

Staff is supportive of the rezoning and recommends approval.

Commissioner Zabinski commented with regard to the added parking it is presumed it is going to impact handicapped parking in the existing area.

Planning and Community Development Director Jon Noerenberg confirmed the amount of parking added would require two additional dedicated handicap stalls which have been reviewed and would be required to be on an accessible route nearest to the other existing handicap stalls.

Commissioner Zabinski asked if handicap stalls are larger and would this diminish other existing parking in any way.

Planning and Community Development Director Jon Noerenberg indicated the additional accessible stalls may have an impact on existing parking which has been addressed with the City Engineer (SEH) and initially it may have an impact, however, it may cost a stall or two.

Commissioner Schulz questioned what is the stall width for parking? Asked if we would stick with the 12 foot or go with St. Cloud's 9 foot instead.

Planning and Community Development Director Jon Noerenberg indicated he assumed the design was city standard.

Commissioner Staudinger asked if it would be possible on the west side to maybe have no fence for stalls 1-4 and then start with a 3.5 foot fence and then go to 8'? This way lights won't be so interactive for the house across on 12<sup>th</sup>.

Planning and Community Development Director Jon Noerenberg commented it was a possibility. The preference from the Police Department is to leave it as visible as possible to balance with residential across so it is not unreasonable to do a step fence, rather we don't want to box it all off.

Commissioner Staudinger also recommended a streetlight on the island directly south.

Planning and Community Development Director Jon Noerenberg believed it was part of the consideration but would differ to the applicant when they have a change to speak.

Commissioner Jansky reminded those in the room it was a public hearing and are invited to make comment or opinion.

Kitty Bahe (51 11<sup>th</sup> Ave N) stated they are really thankful for the additional parking because they've got a single drive that they have had many problems with, so it's going to be great. The new concern they have is the alley and some of the motorcycles are so loud they can't sit and talk in their back yard. She understands this can't be controlled, however, they don't want them all zipping through the alley. Recognized there is a fence, so the motorcycles have to come around it now to get into the parking lot. Not sure if there is anymore that can be done, however, it is just their neighborhood concern.

Planning and Community Development Director Jon Noerenberg did bring it up with our Public Works, however, there is no current proposal to change the traffic flow regarding the alley. They understand persons going the wrong way in the alley, however there is really only so much that can be done without posting an officer there to pull everyone over. It is tough to change behavior.

Commissioner Staudinger commented he knows what shes talking about because he lives right by Pesty's.

Laughter from the crowd.

Kitty Bahe (51 11<sup>th</sup> Ave N) followed up indicating they would just like to get some of their privacy back. She understands they will continue to hear the motorcycles from the street and just wanted to address her concern. Thank you.

Deb Meyer (37 12<sup>th</sup> Ave N) indicated she said she thinks it's a good idea for Tom, the parking lot and the privacy fence and to make it as high as it is on Patty's lot and to keep it at that height.

Planning and Community Development Director Jon Noerenberg confirmed all of the fencing in this area is an 8-foot fence and that is what the fencing for this instance is. The only reason there is no request for variance for the fencing is because it is over the typical 6-foot max. It's basically replacing what is already there.

Deb Meyer (37 12<sup>th</sup> Ave N) continued, over the years since Tom's got the new bar, on her side of the street there is no parking zone and people continue to park there. Is there any way you can put up more no parking signs in that area because they are so far gapped apart that no one can see them.

Planning and Community Development Director Jon Noerenberg stated it is unfortunately not something in his realm, however, it is in the Public Works Department and could certainly look at improving something that is already there and not necessarily add more no parking, he could pass that along.

Deb Meyer (37 12<sup>th</sup> Ave N) continued, another thing we have problems with is people speeding down her street going 80 in a 30, we have kids in our neighborhood. People just have no consideration these days.

Planning and Community Development Director Jon Noerenberg indicated he would pass this concern along to our Police Department and also informed her if she would like to attend a City Council meeting which is open to the public. He would also pass along the information.

Dan Knier (50 11<sup>th</sup> Ave N) walked over and counted there were 17 cars parked on the west side of 11<sup>th</sup> and assumed it was the same on the other side of the street. He's thinking Tom is going to have more customers. I know in the summer they've been parked three blocks back down Third Street and even going on the cross streets. I don't know if this is going to be enough parking, it'll help but I'm wondering if the garbage truck, where are they going to turn around on the end of that alley on 12<sup>th</sup>? When they come up that one way they have to turn around to go back North.

Planning and Community Development Director Jon Noerenberg stated the parking lot addition or new area will not have impact on that.

Dan Knier (50 11<sup>th</sup> Ave N) commented regarding specifically the curve at the end of the parking lot. Referenced the need for the garbage truck to turn around in his (Ultimate's) parking lot. Also, what is going to happen with snow removal. If we get the same amount of snow like we did this year, where is the snow going to get pushed in that alley? Is it going to get pushed to the opposite side?

Planning and Community Development Director Jon Noerenberg stated it doesn't reflect it on the particular picture, however the city engineer assured me that they have enough several feet windroads where that fence is going to be.

Dan Knier (50 11<sup>th</sup> Ave N) when the house is taken out, there is a dog in the next house over, when the people come out of the Ultimate, to go into that parking lot, if you have 43 cars in that lot, that dog is going to go crazy. There will be a lot of calls of nuisance about this dog, it's just foresight. The dog was just sitting in the yard barking at cars.

Deb Meyer (37 12<sup>th</sup> Ave N) the dog is cute, I don't mind them, but they need to learn how to keep that dog maintained with this barking.

Planning and Community Development Director Jon Noerenberg redirected the conversation to the function of tonight's specific agenda request.

Tom Frericks (3221 321<sup>st</sup> St, St Cloud – Owner of Ultimate Sports Bar and Grill) would first like to thank everyone for consideration of what he is trying to accomplish at the Ultimate. My story is surreal because it took tragedy to create opportunity and the opportunity obviously worked well. There has been a big change in the neighborhood from what The Ultimate used to be compared to what it is today. I look at all avenues in regards to making sure people understand. I believe this is a win-win for everyone involved. The city wins because we can get things more confined off the streets, obviously we win because we open up a much better opportunity for people to get us, with easier access throughout the calendar year. The neighborhood wins because we are bringing everything closer to Division Street and away from their homes. Talking about the dog, in all fairness, this wins more for it because instead of people walking by it all night long, it sort of starts to bring it up towards Division Street towards our property and we enclose it a lot more with the noise fence. Rick, you asked about the lighting, there will be lighting on both the islands. The first one when you come in the center island and then the island on the back side as well. This

parking lot sits pretty well in proximity to our other lot as far as square footage. The one variance with the trying to eliminate the wall on the one side, that becomes critical because it gives law enforcement much better access to have site lines to our lot all the time. Even just driving by Division Street at night it doesn't necessarily have to be right on that street and I know in that industry it helps the more we can keep things a little more open, where they feel a little safer. Surveillance is on all the time. I don't know if there are any questions for me at all but I just really wanted to make sure that you guys understood. I appreciate you allowing us to come in front of you today and I hope you can join in with us to help this be a win-win for all involved. Thank you.

Dan Knier (50 11<sup>th</sup> Ave N) oversized trucks, are you going to have it where you say, no oversized trucks, because it becomes a hazard.

Tom Frericks (3221 321<sup>st</sup> St, St Cloud – Owner of Ultimate Sports Bar and Grill) I'm allowing SEH to do the engineering on the lot and I'm working with them to benches, proximity, boxes, length of vehicles, and extended vehicle backs out we need so much more square footage from where the curbing is to the back end of the vehicle. So I actually want it to work.

Planning and Community Development Director Jon Noerenberg commented parking lots are built typically to a common minimum standard and there is no requirement that says someone has to do above and beyond to accommodate his street legal monster truck. I know they provided a motorcycle stall because it happened to fit well in there but you know, there is no requirement to do that. The same goes for a stall that is bigger, longer, wider for an oversized truck.

Dan Knier (50 11<sup>th</sup> Ave N) stated he wasn't worried about the big trucks, it the smaller ones who will run into the big one because his vehicle extends past what their car does. I've seen it happen before. Tell your oversized vehicles to park in your regular lot and make the new lot for the non-oversized vehicles then they don't have to worry about that. You're going to get one vehicle in there or something and somebody with the smaller vehicles going to hit them especially if it's a night of drinking or whatever, judgement is impaired. It's just an obstacle to forewarn you know, you can eliminate that really easy.

Commissioner Staudinger asked what other size of your parking stalls in the existing lot?

Tom Frericks (3221 321<sup>st</sup> St, St Cloud – Owner of Ultimate Sports Bar and Grill) They are the exact same size in the new lot as the existing lot. They are the same dimensions. This gave us the ability to have 45 stalls with designing diagonally which would have alleviated the difficulties. If design the other way it would have only allowed for 36 stalls.

Commissioner Jansky added even a crew cab pick is 22 feet long and would stick out. Like he's concerned about small vehicles, they should be able to see the big vehicles.

Dan Knier (50 11<sup>th</sup> Ave N) stated parking on 11<sup>th</sup> too, he gets people coming out, coming down at all hours of the night, you can hear them jabbering away, walking down the sidewalk to their vehicle, I mean, this will alleviate a lot of that but like I said, your business is going to grow so it might still have the same one because you're doing to pick up the additional 45 cars coming into your business.

Peter Bahe (51 11<sup>th</sup> Ave N) the scope of this meeting is about the parking lot, a lot of other things have been brought up, I don't have a problem with the parking lot moving forward. I wish

Tom all the success in the world. Great entrepreneur, good for you. For the record, the parking lot is a step, but it is not going to solve all the issues that are going on by 11<sup>th</sup> and 12<sup>th</sup>. It's just not going to. You had mentioned that Tom's new parking is the equivalent to one block of parallel parking on both sides. On a successful night, which there are many, parking goes all the way down to 3<sup>rd</sup>, and it's not going to change that. This was an exceptional year of snow fall. You brought up making sure the west side was open so people could see both ways and drive through there right now and you cannot see because of all the snow. You have Metro Bus going through there. The Metro Bus had to pull over in front of our house, which is no problem, to let a car go by. I'm going to end it right there because the scope of the conversation is the parking lot and hope that goes forward. I hope people in the City Council hear this, I've talked to his honor the Mayor several times and he's been very helpful, he's stood tall, sat down with me a few times, moved snow the other day but again, I've had my say. Thank you.

Commissioner Jansky asked if anyone else would like to come up and speak.

Commissioner Schulz moved to close the public hearing, seconded by Commissioner Zabinski. Motion carried unanimously. The public hearing closed at 7:08P.M.

Commissioner Schulz moved to recommend to the City Council to approve the rezoning of 20 12<sup>th</sup> Ave N, from an R1 single family residential to B2 Commercial General Business District, seconded by Commissioner Staudinger. Motion carried unanimously with all present.

### **VariANCES**

In order to maximize use of the property for parking stalls and help reduce demand for on-street parking, the applicant is requesting variance from City Ordinance 52.27, Subd. 7F, which requires a 15-foot landscaped (grass or other) setback between properties zoned B-2, Commercial/General Business District and properties zoned R-1, Single-Family Residential. The request is to reduce the requirement from 15 feet to zero feet.

While the requirement was met with the reconstruction of the Ultimate, it wasn't previously met for the property prior to its destruction due to fire and in practice is not commonly met for existing areas of the City where commercial areas abut residential zoning district. The application of the requirement likely resulted in loss of several parking stalls due to impact on the parking area, which has had the unfortunate effect of pushing additional parking onto the street.

The second variance requested is from City Ordinance Section 52.42, Subd. 7L, which requires parking lots adjacent to residential zoning districts to provide fencing/screening to minimize glare of headlights into adjacent properties. The proposal is for the property to have 8' high solid fencing on the northern side and the eastern side, along the alley (with space for snow storage from alley plowing), but the applicants are requesting to leave the western side of the parking lot unfenced. This is a result of discussion with City staff and intended to promote safety and visibility from 12th Ave N, as fully-fencing the area could create inadvertent low-or-no visibility areas that could be taken advantage of by someone with ill-intent, particularly in an environment that includes alcohol and often night time environment. The proposal to leave the western side unfenced would have the most impact on residential property at 23-12th Ave N, which is directly across from the subject property, but otherwise would have nominal impact over the existing conditions of the site.

The applicant and City staff believe in this instance that the aspect of practical difficulties has been met, as the hardships are not self-created in their entirety but rather an aspect of utilizing existing properties to their highest and best potential. The configuration of the properties in areas of confluence between residential and commercial zoning districts are not the result of actions

undertaken by the applicant/owners but rather a preexisting condition over which they exerted no control.

Staff is supportive of the variance requests as presented.

Commissioner Schulz moved to recommend to the City Council to approve the variance from City Ordinance 52.27 sub 7F to reduce required landscape setback area between B2 Commercial General Business District and R1 single family residential district from 15-feet to zero feet, seconded by Commissioner Zabinski. Motion carried unanimously, passed with all present.

Commissioner Staudinger moved to recommend to the City Council to approve the variance from City Ordinance 52.42 sub 7L to reduce the minimum screening birthing for parking lot adjacent to or across from Residential Properties from minimum of 3.5 feet height to zero feet height, seconded by Commissioner Schulz.

Commissioner Zabinski would like to clarify that being, only the West area along the West side facing 12<sup>th</sup> just for clarity.

Commissioner Jansky stated, yes.

Planning and Community Development Director Mr. Noerenberg thanked Commissioner Zabinski for the clarification as it was not noted in the suggested motion. That will be reflected in the resolution that goes to the Council.

Commissioner Jansky stated with condition motion approved. Passed with all present.

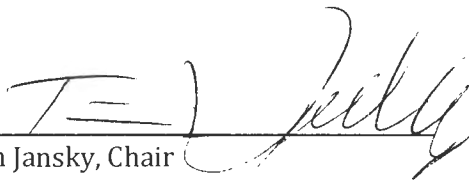
### **Public Comments**

Staff has received one call and several emails regarding the requests. Most are supportive of the requests; one noted that they did not want to see the parking lot expanded but also was displeased with the on-street parking which the expansion is intended to help reduce. Several did bring up aspects such as late-night behavior of patrons and displeasure with the number of nights live music occurs; staff would note that these aspects are not within the scope of this specific requests and that discussion and consideration by the Planning Commission, including during the public hearing, should be limited to the requests at hand and the associated land use aspects.

As these requests include a public hearing component, the Planning Commission will need to hold the public hearing prior to any action on the requests.

Planning and Community Development Director Mr. Noerenberg stated we expect this will go to the City Council meeting this coming Monday, March 20<sup>th</sup>.

Commissioner Schulz moved to adjourn the meeting, seconded by Commissioner Staudinger. Motion carried unanimously. Meeting adjourned at 7:12P.M.

  
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Tim Jansky, Chair

  
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Jon Noerenberg, Planning & Community  
Development Director