

LONG RANGE PLANNING COMMISSION MEETING
January 25, 2016

The Long Range Planning Commission meeting was called to order at 6:00 p.m. by Chair Donnay.

MEMBERS PRESENT: Chair Kevin Donnay, Commissioners Rock Ylimeini, Bob Ryan, Mark Cross, Jim Kalkofen, Cathy Clark and Council Liaison Todd Holman

MEMBERS ABSENT: Lori Rubin

STAFF PRESENT: Community Development (CD) Director Josh Doty, City Administrator Gordon Heitke and Planner Matthew Gindele

OTHERS: Dave & Carolyn Foss, Dean Hanson, Cheryl & Gary Andres, Christine Reisz, Dave Olfers and Rod Osterloh

Approval of Minutes

Motion by Commissioner Ryan, second by Commissioner Ylimeini to approve the minutes of the December 7, 2015 meetings. Motion carried unanimously.

Inglewood Drive Planning Area-Comprehensive Plan Amendment

CD Director Doty stated the neighborhood meeting was held at the last meeting, tonight is the public hearing to determine the land use for the newly annexed property. CD Director Doty gave the history of the annexation with the Inglewood road project being completed and turned over to the City from the County. He reviewed the feedback received from the neighborhood meeting.

CD Director Doty stated that there are three land use options, they were:

1-Commercial/Industrial district for the north portion of the land and low density residential for the remaining land. The existing businesses are that of light industrial nature, with this commercial/industrial zone it would allow the use and not become a non-conforming use.

2-Commercial/Industrial for the north portion of the land, with medium density and low density residential for the remaining land.

3- Commercial/Industrial for the north portion of the land, with medium density in two different location, including the land north of the water tower and low density residential for the remaining land. At the previous meeting the landowner of the 11 acres requested medium or high density residential for the property located north of the water tower, this option would allow for medium density, as requested.

CD Director Doty noted that the Commercial/Industrial District is a new district and that the Zoning Code would need to be amended in addition to the Comprehensive Plan and that a public hearing would need to be held at the Planning Commission to zone the property. The City does have both commercial and industrial zones, however, not one that is a shared zone. He further explained that this district

would recognize the existing structures on site and allow for a 20% expansion of those structures on the existing well and septic systems within the commercial/industrial zone. However, any new developments in this area would need to have city water and sewer.

CD Director Doty reviewed the additional items required for the comprehensive plan amendment. The amendments would be to the City's Functional Classification and Long Range Transportation Plan, Water Plan and Sanitary Sewer Plan to incorporate the annexed area.

CD Director Doty asked for any questions regarding his presentation and noted that staff is looking for approval of the items discussed tonight. He did note that Mr. Tom Bercher, landowner, called and asked that his concerns were included in the meeting. Mr. Bercher's concerns were that development cannot occur without city water and sewer; he also asked the Commission to consider including his property that is shown as low density residential along Inglewood Drive for a commercial/industrial land use instead. Staff noted that the land shown as low density residential has a wetland on it and would make it difficult to support a business. Mr. Bercher informed staff that he has documentation indicating that the wetland is incidental and is not a true wetland and can be filled.

Chair Donnay asked if there were any questions of staff. Commissioner Ylimeini asked what an "incidental wetland" is. CD Director Doty stated that an incidental wetland is a wetland that was created as an unintentional result of some sort of development. Doty indicated that the owner had not provided the paperwork for staff to review, however his understanding is that the former owner dug up the ground for fill for a roadway, which created the wetland. CD Director Doty would check with the County for guidance after reviewing the paperwork, if received.

Commissioner Kalkofen asked how staff came up with the 20% allowed expansion. CD Director Doty replied that the concept was to allow some expansion but also consider the growth plan the city currently has for city services to this area. 20% was what staff determined to be reasonable, however that number can be changed.

Chair Donnay stated that the floor was now open at 6:22 p.m. for the public hearing and asked those present if they would like to speak.

Rod Osterloh approached the Commission in representation of Mr. Tom Bercher's property. Mr. Osterloh stated that everyone agreed the road needed to be updated. The concern is that now that the annexation has taken place there is hardship placed on a few of the land owners whom originally thought this land was going to stay in the county. The landowner is now concerned because the land is unsellable and unbuildable until City services are available. Mr. Osterloh stated that it could be 20 years before that land sees city services. Commissioner Cross asked for clarification regarding the lot that Mr. Osterloh is deeming unsellable and unbuildable; Mr. Osterloh pointed it out on the map. Mr. Osterloh was asked by Chair Donnay how long Mr. Bercher owned the property in question; Mr. Osterloh indicated over 20 years. Mr. Osterloh asked that the other three parcels that Mr. Bercher owns also be considered for commercial. Commissioner Ylimeini asked what the county had that land previously listed as, CD Director Doty indicated that it was rural residential. Mr. Osterloh asked if it was surrounded by commercial, it was in fact surrounded by commercial. It was asked what the AUAR map listed this property, it was considered office area, however the land was not developed based on the AUAR and has since expired.

Mr. Osterloh asked for an explanation of why a bank, convenience store or drug store with a drive-thru are prohibited uses as all are typically built with drive-thru features. He also asked for clarification on “ministorage” in the language for the proposed commercial/industrial zoning district; Item F seemed contradictory when it calls out allowed septic or city water/sewer. Chair Donnay asked CD Director Doty to explain why drive-throughs are not a permitted use with businesses that almost always include them. CD Director Doty indicated that they are allowed in other districts in the city as conditional uses rather than permitted uses but that staff didn’t think this area was suitable for businesses with drive-throughs since it has a rural residential character to it. Doty stated that CUP requirements for drive-throughs are in place due to stacking of the vehicles and allowing them only by conditional use permit allows the city to make sure they are properly designed and screened so as to minimize negative effects on neighboring properties and roadways. CD Director Doty stated that if the Commission had thoughts one way or the other about allowing drive-throughs their input was certainly welcome but the Planning Commission will ultimately hold the public hearing to adopt the language for this new zoning district; any input the LRPC has regarding the issue would be forwarded to the Planning Commission.

Mr. Dean Hanson, Brainerd Area Investments has land along County Road 77 that is proposed as commercial which he agrees with. His concern is that there are no city services to those properties. He asked if he can sell them as they are or if he has to wait until city water and sewer is available. CD Director Doty explained that the property is vacant land and would require city water and sewer prior to a new building being placed on the property. The property is close to the Dondelinger Car dealerships and services could be extended, however, there is no plan to extend services at this time. Mr. Hanson stated that anyone who purchased this property and wished to build on it prior to city services being extended would need to pay for new services; CD Director Doty stated that was correct. Mr. Hanson expressed concern about losing value in the land due to the cost of city services. Council Liaison Holman stated that this area was on the list to receive services in the future but a date has not been assigned.

No other comments, Chair Donnay closed the public hearing at 6:36 p.m. CD Director Doty reiterated that the City does not have a practice of allowing well and septic versus city services, as the intent is to have the commercial properties on city services.

Commissioner Ryan asked what the weight restrictions were on the completed portion of Inglewood Dr. The road was constructed to be a 10 ton road. Commissioner Ryan asked if staff had analyzed a maximum buildout scenario for the commercial and residential areas on this road in terms of acreage. CD Director Doty indicated that staff had not done the calculations as there were three different options. CD Director Doty stated that medium density could vary but the maximum allowed density is 7 units per acre and there is roughly 100 gross acres. Doty also noted that other medium density developments developed at a lesser density than the maximum allowed.

Chair Donnay indicated that the Commission has a few choices to choose from: approve the recommendation of staff, approve other options, or table this for additional information as requested by Commissioner Ryan. Commissioner Ylimeini indicated that he had a tough time with commercial land not being able to be constructed on due to the lack of city services, as it does put a hardship on the landowner. However, he also understands the need for city services as he is on the Utilities Commission. Commissioner Cross stated that there are other properties that do not have well and septic

and that does not keep developers from building a commercial property and being required to hook up, such as Menards did as a developer driven project. Commission Ylimeini's main concern was that this was an annexed area, where previously they could have built without hooking up. Commissioner Ylimeini asked if this was a forced annexation; CD Director Doty indicated that it was an orderly annexation that was spurred by the Inglewood Road improvement project. CD Director Doty gave a brief background of how the annexation. Inglewood Drive needed to be improved and the only way for the City to get upgrades to the roadway was to take over the road from the County, which resulted in an annexation. The City and County agreed to the annexation. Commissioner Cross indicated that the same process will be taking place with the Dellwood Drive project near HART. Commissioner Ryan asked if anyone opposed the annexation, CD Director Doty indicated that he was not at the meeting and did not have the information available at this time. Council Liaison Holman indicated that he was present and Mr. Bercher was opposed to being annexed as were a few others. He further explained that the conversation was similar to the conversation currently taking place as not everyone would be happy with the outcome.

Commissioner Ryan confirmed that staff is asking for Option 3 to be approved. He asked CD Director Doty to return to Option 3, he then asked, as a current tax paying resident, would a person really want to live across from the 31 acres that could be developed to a maximum build-out with an apartment building instead of single family homes and more potential for a maximum build-out with additional apartment buildings to the south and commercial to the north of the property. Commissioner Ryan stated that there is going to be a lot more traffic that is going to go through the neighborhoods to the south. He understands Commissioner Ylimeini's concern but also agrees with the way the city is currently moving with commercial property. Chair Donnay asked why this is proposed the way it currently is. CD Director Doty indicated that medium density would not support apartment buildings, they would have to request a higher density zoning and land use for apartment use. CD Director Doty indicated that staff looked at the surrounding areas and the existing wetlands on this property suggested that residential use would be more viable than commercial. CD Director Doty stated that residential neighbors can be good neighbors to a business if developed right. CD Director Doty asked if he was hearing more support for Option 1 versus Option 3, which allows for more single family residential.

CD Director Doty clarified the residential ordinances by stating that a low density residential allows for a single home to be constructed with well and septic on each lot guided as such regardless of how many acres it is as long as it meets the minimum lot size for the R-1 zoning district. It's when there are additional lots created from a subdivision, the subdivision requires city services. If a property is zoned medium density then a single family home cannot be placed on the property as it is intended for multi-family use and would not be allowed with well and septic.

Chair Donnay stated that there are enough questions that a motion to table this may be in order to allow more options.

Motion by Commissioner Ylimeini, seconded by Commissioner Kalkofen to table the Inglewood Planning area until the next meeting.

CD Director Doty stated that he would like the Commission to give staff more direction for staff to move in and research. The Commission and staff reviewed the map and discussed the requirements to hook-up to city services in the regulations.

Chair Donnay would like to see proposed utilities around the site and when they would be extended, layout for medium and low density residential developments on the east side, what it would look like with additional commercial on the property to the northwest and why it would or why it would not work (Bercher's 3 properties). Commissioner Cross noted that when Inglewood was being rebuilt, utilities were not going to be put in place for 15 years or so. He is leaning on Option 1, knowing the cost of services. He stated that if someone bought the 40 acres in the northeast portion of the annexed area, they already have the potential to hook up to city services.

The Commission reviewed the wetland map and showed understanding as to why the property that staff recommended for medium density would be better served as medium density rather than as low density or commercial. There is a thin draw of land between two wetlands that is not wide enough to fit a public street with single family lots or commercial lots on both sides of the road but. It was noted that the wetland could also be used as a commercial buffer.

CD Director Doty stated that when you are talking about creating larger new commercial area, there are additional items to consider, such as additional roads needed, the marketability of property if there is not visible from any major roadway. Those items need to be considered as well.

Motion carried unanimously.

Wildlife Management Areas

CD Director Doty gave a brief update to the Commission regarding the Department of Natural Resources' (DNR) request to establish up to two new Wildlife Management Areas (WMAs) within the City of Baxter in the southwest corner of the city. During a recent Council work session, the Council received a presentation from Ms. Christine Reisz with the DNR. The City Council directed staff to present this information to the Long Range Planning Commission for recommendation. CD Director Doty reviewed the information in the packet with the Commission. CD Director Doty stated the two primary areas of interest are off Mapleton Rd. with two small shallow water lakes (Island Lake to the south and unnamed Lake 18-382 to the north, also known as Rice Lake), each lake having a single property owner and both owners are willing to sell the property. He also stated that hunting areas were of concern being that the City has minimum distance requirements from occupied structures in which citizens are allowed to discharge firearms. As such, it was determined that, at a minimum, only archery hunting would be allowed at the proposed Rice Lake site and no firearms including shotguns, rifles, and muzzleloaders.

CD Director Doty reviewed a map showing the potential growth in the area requested for WMAs in Baxter. He spoke of how WMAs can affect the growth of these areas with a positive and negative impact.

Ms. Reisz stated that the Potlatch land surrounding the proposed southern site on Island Lake is of interest as it goes all the way to Mapleton Rd. and a small gravel parking lot would likely be located off Mapleton Rd. but that deal would have to be made with Potlatch. CD Director Doty noted that there is a trail proposed to go through the potential WMA area. The question is how trails work around a WMA area, noting that a trail could be placed along the perimeter. CD Director Doty noted that there are a lot

of positives to WMAs such as green space and wildlife habitat preservation, however, there is also a loss in tax base that comes along with them. Chair Donnay asked how many acres were being proposed for a WMA. Ms. Reisz stated that the northern site was 190 and the southern site was 120 acres with the potential to add up to 551 additional acres of land that Potlatch currently owns.

Commissioner Kalkofen and CD Director Doty indicated that there is a lot of interest in the powerline corridor for a motorized and non-motorized trail. This area is in the parks portion of the comprehensive plan.

Chair Donnay asked the DNR to share their presentation with the Commission. Ms. Christine Reisz and Mr. Dave Olfers, with the DNR, approached the podium and introduced themselves to the Commission. Ms. Reisz stated that many people do not know what a WMA is or why they are established. She referenced the informational piece included in the packet. Ms. Reisz stated that it is an area to maintain wildlife and is open to hunting, berry picking, mushroom picking, snowshoeing, bird viewing and walking. The WMA does not typically allow motorized vehicles. The DNR will place signs indicating that the area is a WMA with the rules and regulations posted. The WMA would protect the wild rice population around/in the lakes. Ms. Reisz indicated that they only approach those that are interested in selling property. She stated that the DNR would like the City's support in requesting a WMA. She indicated that they still have to gain the County approval as well, prior to purchasing the property.

Commissioner Kalkofen stated that the Parks Commission has been looking to expand the Mississippi Overlook Park (MOP) and this WMA would fit in nicely with the park, less the hunting piece. CD Director Doty stated that in the comprehensive plan there are three goals for the MOP area, expand the park to improve access, expand the park to preserve Mississippi River frontage and develop trail access from the Forestview Middle School to the park.

Commissioner Cross stated that he has a concern with taking a large area of land out of City control and giving the control to the state. He understands the reason behind wanting a WMA and is a hunter himself, however he is questioning what else, other than deer, could be hunted on that land. He questioned whether birds could be hunted. CD Director Doty stated that any animal could be hunted as long as it is in season and is harvested in a legal manner. Currently it would be up to the property owners to grant permission to citizens to hunt on their property. Commissioner Cross also noted that if utilities were added, that area could potentially be a rural residential area in the future when Baxter has infilled and needs to expand.

Commissioner Ylimeini asked about the number of WMA's in other cities. Mr. Olfers stated that there are not many but there are a few. Grand Rapids has a 300-acre WMA that functions more like a park. He stated that down in the cities, Dakota County is trying to preserve green space. Mr. Olfers stated that they would like to work with the City to make sure the City is interested in a WMA and that items like roads and trails are worked out up front. Chair Donnay asked if there is a way to "undo" a WMA if, in the, future the City finds that it just isn't working or that the southern area is ready for development. Mr. Olfers stated that it can be undone however it is not an easy process and does take time.

Council Liaison Holman stated that there has been conversation about how big a WMA area really needs to be to be a viable WMA. Ms. Reisz stated that there is not a definite size, however, 120 acres is not big enough to support the upland hunting.

Commissioner Clark stated that she echo's Commissioner Cross's concern with the land being turned over to the state, taken off the tax roll and being painful to undo and return the land to the city, especially when she just read an article this past weekend regarding hunting and that it is on a downward turn. She stated her concern about missing potential growth of the City and that she could not support the process without more demographics.

Commissioner Ryan asked what it would take in the future if a road or power line would need to run through the WMA. Mr. Olfers stated that a permit would be required and the cost would fall on the entity requesting the permit. Mr. Olfers stated that the road(s) would be difficult because it would take away from the wildlife habitat. Olfers stated that the DNR, and he assumes the City as well, is not real interested in wasting a lot of time and money in the future to cut up a WMA with lots of trails and roads as it would diminish the purpose of the WMA. He stated that it would be beneficial to all parties to flush those issues out ahead of time when the WMA is being planned.

Commissioner Ylimeini asked that the wetland overlay map be placed over the property in question. Commissioner Ylimeini stated that it is more expensive to run utilities through a wetland. He also stated that he couldn't see that area developing for 50 years. Commissioner Ylimeini stated that he is torn, because the reason for the decline in hunting is the lack of public land but the flip side is the limitations placed on the City for growth with a WMA in place.

Commissioner Cross stated that once the wetland map was overlaid it was easier for him to understand the request. The wetland boundary doesn't cover the entire WMA boundary and he would have a better feeling for the request if it was just wetlands. The Commission discussed the upland areas and the wetland areas proposed for the WMA and the potential development areas.

Council Liaison Holman asked if the two proposed WMAs are tied together or if one could be approved without the other if the City needed more time to discuss the other one. Mr. Olfers stated that nothing is tied together at this point and stated that he doesn't have a good answer for that question. Council Liaison Holman stated that it sounds to him like the southern piece is the main area of concern. Commissioner Kalkofen added that he likes the WMA areas closer to the school as it could be a teaching tool for hunting and trapping.

Commissioner Cross asked if there would be the ability to trap on the WMA, if so how would that affect those that would like to walk their dogs in that area. Ms. Reisz stated that the owners would need to keep their pets on a leash as to keep from having the dog end up in a trap.

Chair Donnay asked CD Director Doty for direction regarding this topic. CD Director Doty stated that the Council was looking for a recommendation on this item. There are several options: the Commission could identify if there is or is not support for WMA's in Baxter or we need more time and information. CD Director Doty stated that if the Commission wants a road/utility study it would take more time and there would be a cost for the study. He indicated that a complete study of the southern portion of Baxter would require an engineering firm to undertake the project and that having it done by June would be challenging. Chair Donnay stated that the Commission could agree to the north area and not the south area.

Motion by Commissioner Kalkofen, second by Commissioner Ylimeini to approve the Rice Lake (north area) WMA and require additional information/study for the remaining southern Island lake area of Baxter.

Discussion:

Commissioner Ryan asked for clarification regarding information for the southern area. He stated that if there is any cost associated with the answers on the City's behalf he is not in favor of the motion. Commissioner Ryan indicated that he is a huge hunter but does not see this area being viable hunting ground. CD Director Doty added that the northerly piece could impact cost to the city because Mapleton Road will need to be widened and additional cost could be incurred to obtain right of way and easements.

Commissioner Ylimeini asked if the 315 acres is a viable wildlife area and if there could be an unpaved trail for use throughout the WMA area. Mr. Olfers stated that trails are typically not cohesive with a WMA and that if the City has any intention of a trail in the area it should be talked about ahead of approving a WMA.

Council Liaison Holman stated that when this came forward to the Council, it was asked if there was going to be a neighborhood meeting, as the city has done this in the past to let the residents know what is going on around them and to get their input. This Commission needs to acknowledge the area in order to inform the public.

Commissioner Clark asked if she could clarify the request. Currently there are willing sellers, an opportunity of convenience, a number of interest groups would be willing to get behind this type of activity but what is the intended purpose, what goals are expected of the "yellow box" (area in question), what are advantages and disadvantages of a WMA in the long run? She indicated that a few people will make money off the sale of the land, but what does that leave the greater good. Chair Donnay understood where Commission Clark was coming from and asked if those questions were to be added to the request for answers. Chair Donnay asked the DNR if there are options other than the WMA program but short of calling it a state park. Mr. Olfers stated that it would take some time to pull that information together.

Commissioner Ryan asked if the DNR representatives have run into easement/right of way issues in the past. Mr. Olfers indicated that he had not run into this situation in the past and did not know the timeframe for this type of situation. Commissioner Ryan stated that in past practice with the DNR the city has waited months for an answer and would like to know the timeframe for the right of way issue to be resolved.

Motion to amend the original motion by Commissioner Cross, second by Commissioner Ylimeini to approve the Rice Lake (north area) WMA with a stipulation that additional right of way for the future expansion of Mapleton Rd is dedicated; additional information/study for the remaining southern WMA areas shall still be required. Motion carried with Ryan and Clark opposed (5-2)

Chair Donnay asked if there is enough time for staff to complete the task and answer all of the questions. CD Director Doty stated that staff will try to cover all that they can however there are limits when cost is involved. He stated that staff would bring back as much information as possible without cost being

incurred. Commissioner Ylimeini stated that the Public Works Department might have a few studies for the southern part of Baxter that may be of some assistance.

City Land Sale-Property located at Conservation Drive and Excelsior Road

CD Director Doty stated that this is a request to consider a city land sale to the Northland Arboretum in order to place a permanent sign on the property located on the corner of Conservation Drive and Excelsior Road. This would give the Arboretum a sign at the entrance to the Arboretum. Currently the sign ordinance does not allow for offsite signage, therefore, the a land sale is required to allow the sign. Per ordinance, it is the Long Range Planning Commission’s task to make sure the land sale meets the comprehensive plan guidelines. The City would sell the land to the County since the County also owns the land that the Northland Arboretum building is on. The City would keep all easements and ponding in place and only allow a sliver of land that the Arboretum would be able to place a sign on the property. Staff felt that if the Commission is supportive of the land sale and is consistence with the comprehensive plan, then staff would move forward with a resolution and Council approval. Staff is supportive of the land sale.

Commissioner Cross is concerned about selling a piece of land that has a large city holding pond and would like to see what is left of the land after all of the easements are taken into consideration. Commissioner Ylimeini expressed concern over the need for signage, as they could place a state regulated type sign verses a pylon type sign. CD Director Doty stated that this is not a city park and would have to address that question to the City Attorney. CD Director Doty stated that the request is for more than a directional sign, they wish to have a reader board/LED sign indicating events at their location.

Motion by Commissioner Cross, seconded by Commissioner Ylimeini to table the City land sale to the County for further information/discussion.

Chair Donnay asked if there is an opportunity to have a workshop type setting other than a public meeting in order to discuss items more thoroughly and ask questions without feeling awkward. Commissioner Ryan clarified if Chair Donnay was asking if there is a way to hammer out some of the details prior to a hearing. Commissioner Cross indicated that Council does have workshop settings in order for staff to provide information prior to the meeting; however, it is still a public meeting and is open to the public. Commissioner Clark agreed that it is a tough situation to be in when there are members in the audience pleading their case.

Other Business

The next meeting is scheduled for February 25, 2016 at 6:00 p.m.

Adjournment

Motion by Commissioner Clark, second by Commissioner Cross to adjourn the meeting at 9:00 p.m.

Approved By:

Submitted By:

Chair Kevin Donnay

Shanna Newman

DRAFT