

**LONG RANGE PLANNING COMMISSION MEETING**  
**August 22, 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 Cathy Clark, Bob Ryan, Mark Cross, Jim Kalkofen, Rock Ylimeini, Lori Rubin and Council Liaison Todd Holman

MEMBERS ABSENT: None

STAFF PRESENT: Community Development (CD) Director Josh Doty and Planner Matthew Gindele

OTHERS: Craig Reikofski, Myron Rohloff, Kris & Rick Olson, Bob Nelson and Jim Thoreen

**Approval of Minutes**

Motion by Commissioner Ryan, second by Commissioner Cross to approve the minutes of the July 25, 2016 meetings. Motion carried unanimously.

**Public hearing for Dellwood Area Comprehensive Plan Amendment**

Chair Donnay turned the floor over to CD Director Doty who explained that previous meetings have been held, including a neighborhood meeting, to reach the point of a public hearing to designate the land use plan and zoning process for the Dellwood area. He gave a presentation of the area, map updates, history, existing use, utilities, resident requests, access and previous studies of the annexed property in a PowerPoint presentation. CD Director Doty then reviewed the four updated land use options staff is proposing for this area:

**Land Use Option One**

Land Use Option One is a representation of landowner requests that the Long Range Planning Commission heard at the June 26, 2016 neighborhood meeting and follow-up meetings with land owners. Specifically, low density residential was requested on the north and east sides of the planning area. The owners would like to keep a rural setting where hunting is still allowed. Commercial has been requested over Office Service or residential by this land owner in the north portion of the planning area.

**Land Use Option Two**

Land Use Option Two includes a representation of the 2008 land use study that was completed. The 2008 Land Use Study included a transition approach to land use, moving from Commercial to Office use, to Low Density Residential. Staff noted that one of the land use recommendations in 2008 was for the land northeast of the north end of Pearl Drive to be either C-1 or Office zoning. Staff noted that a portion of that property was in the City prior to the annexation and is already guided for commercial use and zoned C-2. Therefore, if the City would like to follow the exact land use that was discussed in 2008, the City would need to ultimately rezone the portion of land that is already in the City from C-2 to C-1 or Office Service. Lastly, it was noted that in terms of Land Use, the Long Range Planning Commission should ultimately indicate if the land labeled "O or C1" is intended to be Office or Neighborhood Commercial.

**Land Use Option Three**

Land Use Option Three includes the same residential low density layout as Option 1. However, Option Three includes Commercial land Use for the property north of Pearl Drive and proposes Office Use for the Property North of Mertens Drive. Staff noted that this is option maintains a transition approach to land use but offers more business district property than is offered in Land Use Option Number Two. CD Director Doty noted that

the Comprehensive Plan amendment process does not officially zone property. That action will come after the Comprehensive Plan Update with a separate public hearing. However, for the land guided Office under Option 3, an alternate land use could be C-1, Neighborhood Commercial. Staff noted that if Neighborhood Commercial is the desired land use for this property, that the land should be guided commercial and that the public hearing record should indicate that the anticipated future zoning of the property should be C-1.

#### Land Use Option Four

Land Use Option Four includes the same Land Use pattern as Option Three, except that the Office area North of Mertens Drive is shown as Low Density Residential. Staff noted that this option is not the desired land use requested by the property owners. However the land use does provide a more consistent line/separation from commercial to residential land use that exists to the northwest and south of the planning area. CD Director Doty stated that Land Use Option Four could be supported if there is concern about having too much commercial depth from State Highway 371.

CD Director Doty reviewed the updated Long Range Transportation and Functional Classification Street Map, the Water System Map and Sanitary Sewer Map with the Commission and how each map functions.

CD Director Doty stated that Option Four is the recommendation by staff at this time. He stated that each option is a viable option. Staff's reasoning for Option Four is the trajectory and distance from Highway 371. CD Director Doty explained the tier options for this area and the surrounding areas off of 371.

Chair Donnay asked the Commission if there were any questions for staff. Commissioner Kalkofen asked if it were zoned rural residential what is the ruling on utilities. CD Director Doty gave the example of an owner wanting to take their rural property and then decides to subdivide the land and bring in city utilities for a development, it would take a plat and a few approval processes for that request to take place, it would not be a simple rezoning of land. He indicated that amendments can be made to the comprehensive plan. CD Director Doty explained the difference between rural residential and low density residential. Commissioner Ryan asked about the sewer map and where the potential lift station would have to go. Ryan asked if sewer can be installed without the need for that lift station and could it still support commercial property. CD Director Doty stated that he was pretty sure that the sewer could be installed without the lift station.

Chair Donnay opened the public hearing at 6:28 p.m. asked anyone that would like to speak regarding this area to please come forward to the podium.

Mr. Robert Nelms, 7761 Whispering Woods Lane asked if his land was being taxed on the zoning or the use. CD Director Doty stated that staff contacted the County and it will be taxed on the use. Mr. Nelms asked if he can be grandfathered in with the current well and septic that he has in the commercial district. CD Director Doty stated yes he can continue to use the well/septic, however in the future the property would be geared towards a commercial use and building a bigger home would be harder than building a commercial use. Mr. Nelms stated that he has lived in the house for 24 years, he has no intention of building a bigger home, he does however want the ability to sell it as commercial in the future, for instance if Menards needed additional land.

Mr. Myron Rohloff 7888 Whispering Woods Lane agrees with CD Director Doty on option four, he would like to keep it rural residential and be allowed to continue to hunt on his land and keep a few pigs and chicken. He understood that some of the hunting regulations were changing and that he would not be able to use a rifle as he has in the past, but is OK with that. He considers his land as a piece of heaven and has no intentions of building.

Mr. Rick Olson 7889 Whispering Woods Lane he also agreed with Mr. Rolhoff with keeping rural residential on his property in the southern portion of the planning area. He wants to keep his chickens, hunting and has no intentions of building.

Mr. Craig Reikofski 15532 Dellwood Drive stated that he has just under 40 acres that his home and business (fencing installation contractor) are on his property, he would like land use option one. If option one is not granted then option three would be the next desirable option. He understood the potential for the road to go through and explained how that would open up his additional back 40 acres and the Zahn property. His concern is what he is going to do with option four, what does he do with the residential portion of the acreage. Option three where it is office and commercial in the front and residential in the back. In other words, part of it can be sold and the rest would not be as desirable. He indicated that he doesn't want to live in the City, it's not his lifestyle and he is going to be moving. He would like commercial in order to sell and allow others to develop the property.

CD Director Doty explained the reasons Mr. Reikofski would like the commercial option, regarding his business. His company has more of an industrial type use and if he were to open that type of business today it would go into the industrial zone, however, because he was annexed he is grandfathered in.

Chair Donnay closed the public hearing at 6:42 p.m. He asked the Commission for comments regarding what staff is proposing and what the audience had to say. Chair Donnay asked what the County had for land use previously for Mr. Reikofski, CD Director Doty stated it was rural residential. Commissioner Ylimeini stated that in 2009 was when the County rezoned land in an attempt to clean-up some of the zoning and that was when some people unknowing lost their commercial zoning.

Commission Ylimeini asked if there was an option five where rural residential in the southeast area and office service abutting commercial. CD Director Doty stated that could be a recommendation. Recommend option four with option three land use for Zahn and Reikofski property. Commissioner Ylimeini stated when Cypress goes through that road could be a major road and would change the character of the area drastically since it will be a main road and function as a backage road with additional commercial on it to the east. CD Director Doty stated that staff did think about that, however it's hard to say when that road will go through.

Commissioner Cross asked about option one, is there any viable land in the north portion. Mr. Reikofski stated that it was all low land and not buildable, lots of wetland. Commissioner Ryan questioned the third tier commercial and stated that signage will become an issue and when the current landowners go out to market it as commercial. Then that new buyer comes in and says where is my road, where are my signs going to go and I need water and sewer. He is concerned about a big box-style store going in and wanting signage out to 371 and the road system not being able to handle the traffic flow. Commissioner Ylimeini stated that sewer and water can get there pretty easy, traffic flow could be tough. Commissioner Cross stated that they are looking at longer timeframe and he is not convinced that they need residential in that area. Cross stated that he is leaning towards option one, since, in all reality, it will most likely be commercial. Commissioner Ylimeini stated that he agrees with Commissioner Cross as the long term plan. Commissioner Ryan stated that there are several commercial lots that haven't sold and when tier two hasn't sold how can tier three sell. Commissioner Cross stated that commercial hasn't come around yet, however it will in the future and it would be better to have the property zoned commercial and not have to worry about the residential affecting growth. Commissioner Ryan stated that it goes completely commercial and someone buys it because it sits back and it's cheaper, what about the other items that go along with commercial growth, signage, depth and infrastructure (signals and possible upgrades to the roads and water and sewer). He further asked what the urgency is in zoning all of this land commercial. Commissioner Cross stated that there is an urgency to zone it something, that there is lots of residential property. He further stated that the regulations are in place to not allow off site signage except for a multi-business pylon and that really doesn't assist the guy on the corner lot. Commissioner Cross then stated that staff was just pressed with the issue of a developer wanting more signage then allowed, so instead of one pylon we gave them two and that wasn't good enough, they wanted bigger. We have rules that need to be followed. The Commission had a discussion about the distance from Hwy. 371 and how that can affect

development. CD Director Doty used the Gander Mountain site as an example, it was roughly 1,200 feet from the 371, and the proposed commercial land was 2,600 feet from 371. Commissioner Ryan said if it is a destination it won't be too much of an issue, but if it is not a destination they are going to want signage. He finished his comment by stating there are a lot of other things that need to take place prior to commercial working there. Commissioner Ylimeini stated that he doesn't think it needs to be residential, as there are 500 lots that have current water and sewer.

Chair Donnay asked for a timeline to resolve this zoning. CD Director Doty stated that it needs to be in place by spring of next year. Chair Donnay asked if this would go to Council at the next meeting.

**Motion** by Commissioner Ryan, to recommend the City Council approve Option Four of the proposed land uses for the newly annexed land on Dellwood Dr. per staff recommendation. Motion died for a lack of a second.

**Motion** by Commissioner Ylimeini, second by Commissioner Cross to recommend the City Council approve Option One with the north section also being zoned commercial instead of residential for the newly annexed land on Dellwood Dr. Motion carried with Commissioner Ryan opposed.

Chair Donnay indicated that this will go to the City Council meeting on September 6, 2016 if the audience members would like to go to that meeting.

### **Hunting Map Amendments**

Chair Donnay asked Chief Exsted to review the revisions to the map with the Commission. The Chief stated that it has been 6-7 years since the last update. He stated that CD Director Doty put a memo together for the Commission to review. Chief Exsted reviewed the different type of hunting allowed in the City limits of Baxter, with the understanding that rifles are not allowed in the City limits. Within the memo there were three areas, the first being the newly annexed Dellwood area. There have not been any complaints and he did not have any issues with the hunting in that area being shotgun and archery. Chair Donnay asked for clarification regarding the Paul Bunyan Trail (inaudible comments were made from the audience regarding hunting and gun safety). The second area was the newly annexed Inglewood area and that area would be no hunting except for the forty acres north of the water tower for archery only. The Commission had conversation regarding whether all of the annexed Inglewood land should be archery or just the proposed forty acres. Chief Exsted indicated he would want to keep the commercial lots out of the mix being people are coming and going and not expecting hunters. Commissioner Kalkofen's opinion was to keep the majority of the land archery. Commissioner Ylimeini stated that some of them might already be hunting on their property and would allow their kids to hunt there and if they don't want persons hunting there the police will be called. Commissioner Cross asked if these property owners were notified. CD Director Doty stated that they had not been notified being it didn't come up during the annexation until Dellwood came up. Chief Exsted said that they can paint the whole area green for hunting and then let the homeowners tell the City that they don't want hunting on their land. Commissioner Ylimeini stated that if they don't want hunting on their property, then they have a right to say no hunting even if the City allows it but if the City doesn't allow it then those homeowners do not have any ability to hunt it.

The third area in question is was the Camp Vanasek property. The Camp is asking for no hunting due to the camping that is taking place on that land. Chief Exsted stated that the past two years they have been under different management and the use has also changed. He agrees with the request of no hunting due to the safety concerns with those camping on the land. It's 88 acres of land that would be taken off of the hunting map as they have requested due to the change of use for that area.

Commissioner Kalkofen asked how long the camping takes place, if it is weekends, monthly etc. He requested to hear from the camp.

Mrs. Nancy Cross, representing the Board of Directors for Camp Vanasek, stated that the Camp is a 501C3 and the camping takes place all year between the Boy Scouts, Girl Scouts and other groups. They had close to 6,000 campers last year and it did include winter camping. She noted that the City is looking to place a trail along Oakwood Dr. that will increase the activity around the camp. Commissioner Kalkofen asked if the majority is weekend camping, Mrs. Cross indicated that 75 percent of the camping does take place on the weekends. She further stated that children should not be mixed with archery hunting. Commissioner Kalkofen disagreed and stated that he supports children learning to hunt. He also stated that he has spoken to many people in the area that are fine with deer hunting in that area, being they are tired of the deer eating their gardens. Mrs. Cross stated that the bigger concern they have is someone falling out of a stand. They have seen beer cans and other trash that indicate people are drinking. She stated that they have the insurance responsibility and they don't want the responsibility of someone getting hurt. Commissioner Kalkofen asked if the County has a position on this hunting situation. CD Director Doty stated that they have not taken a position on this situation. Chair Donnay asked Chief Exsted if he had any additional locations. The Chief indicated that now that Isle Dr. has gone through, there is land that should be removed being the City owns it and to keep City property consistent on the map with no hunting allowed. Council Liaison Holman asked about the Essentia property and that too is an area that should be removed from the map.

Chair Donnay asked what the timeline is for the hunting map. CD Director Doty stated that being hunting is right around the corner and it would be ideal to have this on the first agenda in September.

**Motion** by Commissioner Cross, second by Commissioner Ylimeini to recommend the City Council approve Chief Exsted revised hunting map recommendations with the addition of the north Isle Drive location being removed from the hunting map.

Commissioner Kalkofen stated that he is still in favor of the Inglewood Drive location being an archery hunting area. The Chief stated that he is willing to send out a map of the area to the residents to see what they would like and then the Chief would come back to the Commission at the September meeting.

Commissioner Ryan stated that he would like to see a moratorium placed on all commercial land, that no hunting is allowed to take place. Commissioner Cross clarified if Commissioner Ryan was referring to developed commercial and non-developed commercial land. Commissioner Ryan said anything that is zoned commercial should not be hunted on, this would keep the hunting on commercial property from ever having to be discussed again.

Commissioner Kalkofen would like to see a compromise on the 88 acres of Camp land. Commissioner Ryan stated we need to acknowledge what the tax payers (Camp Vanasek) are requesting and that the chief is supporting.

Person from audience came forward and stated that he has hunted land where the hunter actually signs a waiver form and is totally responsible for being on that property when they have permission too be, such as Camp Ripley.

Motion carried with Commissioner Kalkofen opposed.

Chair Donnay asked if the Commission does want staff to follow-up with the residents on Inglewood Dr.

### **Other Business**

CD Director Doty mentioned that this is Commissioner Kalkofen's last Long Range Planning Meeting as he moves on to the next chapter in his life. The Commission thanked him for his service.

The next meeting is scheduled for September 26, 2016 at 6:00 p.m.

**Adjournment**

Motion by Commissioner Kalkofen, second by Commissioner Clark to adjourn the meeting at 8:15 p.m.  
Motion carried unanimously.

Approved By:

Submitted By:

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Chair Kevin Donnay

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Shanna Newman  
CD Administrative Assistant