

PLANNING & ZONING COMMISSION MINUTES
January 13, 2015 - 6:00 p.m.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission was called to order at 6:00 p.m.

MEMBERS PRESENT: Commissioners Bob Ryan, Howie Oswald, Gwen Carleton and Council Liaison Steve Barrows

MEMBERS ABSENT: Chair Bob Kinzel and Commission Steve Lund

STAFF PRESENT: Community Development (CD) Director Josh Doty

OTHERS PRESENT: None

APPROVAL OF MINUTES

MOTION by Commissioner Oswald, seconded by Commissioner Carleton to approve the minutes from the October 14, 2014 meeting as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
January 20, 2015 if not tabled, continued or otherwise noted.*

Acting Chair Ryan stated that this Commission is advisory and the final approval/denial is given at the City Council Meeting on January 20, 2015 at 7:00 pm.

Acting Chair Ryan welcomed Council Liaison Barrows and informed the Commission that Mayor Olson will now float amongst all of the commissions when a council member is unable to attend a meeting.

OLD BUSINESS

None

NEW BUSINESS

1. PUBLIC HEARING. Zoning Ordinance Amendments related to Shoreland Regulations (Title 10). (City file 15-01)

Requested by: The City of Baxter 13190 Memorywood Dr. Baxter, MN 56425

Acting Chair Ryan noted the revised agenda in front of the Commissioners. He briefly explained that a few of these items needed to be broken out further in order for the Long Range Planning Commission to review the PUD amendment at their next meeting.

CD Director Doty explained that the shoreland regulations need to be reviewed by the DNR. The DNR has received a draft copy of the regulations and has requested additional time to review the proposed changes. Staff is asking the Commission to continue the zoning ordinance amendment related to shoreland regulations until the February 10, 2015 Planning Commission meeting.

Acting Chair Ryan opened the public hearing, there was no one to speak regarding this item.

Motion by Commissioner Carleton, second by Commissioner Oswald to continue the public hearing for the zoning ordinance text amendment regarding shoreland regulations until the February 10, 2015 Planning and Zoning Commission meeting. Motion carried unanimously.

2. PUBLIC HEARING. Zoning Ordinance Amendments related to Planned Unit Development Regulations (Title 10). (City file 15-01)

Requested by: The City of Baxter 13190 Memorywood Dr. Baxter, MN 56425

CD Director Doty explained that this was another area of the regulations that staff had wanted to amend to make the process clearer and meet the policies and goals of the city. He explained that during the comprehensive plan update, it became important for the city to consider a new planned unit development (PUD) ordinance prior to the comprehensive plan being adopted. The new ordinance would remove the conditional use permit (CUP) process and replace it with an ordinance/re-zoning process. CD Director Doty stated that they are adding a new article L and that allows PUD's in all districts. He stated these regulations will allow for more flexibility to negotiate design standards. CD Director Doty stated the new PUD approval process would be a three-step process. The first step is a sketch plan review by staff. Under the ordinance, the zoning administrator can elect to send the sketch to the Planning Commission and/or City Council. The second step is to submit a PUD General Plan, which would be reviewed by Planning Commission and the City Council. The third step would be a PUD final plan approval, which would be reviewed administratively prior to the issuance of a building permit.

Acting Chair Ryan asked if there has been any conversation from the business community and asked about density bonuses being deleted. CD Director Doty stated that at this time, he has not had any questions. CD Director Doty explained that the maximum density for the city would be tied to the comprehensive plan and would not be in the PUD regulations. CD Director Doty stated that the density bonus language would be deleted but that property owners could request a different land use/zoning to potentially increase the allowed density.

Acting Chair Ryan asked about the Gateway District and if there could be a PUD in that district. CD Director Doty stated staff is proposing changes to the draft comprehensive plan that would allow a developer to request a PUD to depart from strict standards of the Gateway District. Commissioner Carleton stated that if she was going to do a PUD, she would want it under this regulation versus the previous PUD regulations because the proposed ordinance has less stated standards.

CD Director Doty noted a revision in the packet regarding the definition of "Net Acres".

Acting Chair Ryan opened the public hearing, there was no one to speak regarding this item.

Acting Chair Ryan closed the public hearing.

Motion by Commissioner Carleton, second by Commissioner Howie to recommend City Council approve the zoning ordinance text amendment related to Planned Unit Development Regulations. Motion carried unanimously.

3. PUBLIC HEARING. Zoning Ordinance Amendments related to Fencing and Parking Regulations (Title 10). (City file 15-01)

Requested by: The City of Baxter 13190 Memorywood Dr. Baxter, MN 56425

CD Director Doty indicated the changes to fencing and parking were for clarification. Recently staff received a question regarding barbed wire fencing to be allowed in the city. Currently the code is silent on barbed wire fencing, which indicates that that type of fencing is not allowed. CD Director Doty reminded the Commission of the recent animal ordinance update that defined domestic and farm animals. This amendment would allow barbed wire and electric fence for farm animals and barbed wire in business districts with a Conditional Use Permit when determined that it is needed for security.

Acting Chair Ryan questioned the invisible electric fence for a pet. He would read this regulation and assume underground electric fences are not allowed. CD Director Doty agreed that the language should be clarified to allow invisible fences for dogs and cats. The Commission agreed to have staff amend the language regarding invisible fencing.

The garage/parking requirements is related to twin-homes up to apartment buildings and would require a garage stall for each ½ unit. As an example, a 50 unit apartment building would require 25 garage stalls. The Commission had no comments on the amendment.

Acting Chair Ryan opened the public hearing, there was no one to speak regarding this item.

Acting Chair Ryan closed the public hearing.

Motion by Commissioner Oswald, second by Commissioner Carleton to recommend City Council approve the zoning ordinance text amendment related to fencing and parking regulations. Motion carried unanimously.

4. PUBLIC HEARING. City Code Amendments related to Individual Subsurface Sewage Treatment System Standards (Title 9, Chapter 8). (City file 15-02)

Requested by: The City of Baxter 13190 Memorywood Dr. Baxter, MN 56425

CD Director Doty stated this is a mandated requirement by the State of Minnesota Pollution Control Agency. A notification was sent to the city and it required an update to the current code to be as strict as or stricter than the County ordinance. These amendments reflect the MPCA and County guidelines. The new guidelines for local government may require operating permits for unique septic systems. Septic systems must also be pumped every 3 years. Tank inspections and the testing methods have changed as well.

Liaison Barrows asked how this would be tracked and enforced. CD Director Doty stated that he had the same question. The three year window is typically necessary for maintenance. In addition, the companies that pump septic systems need would be made aware of the requirements so that they can get clients on this timeframe.

Acting Chair Ryan opened the public hearing, there was no one to speak regarding this item.

Acting Chair Ryan closed the public hearing.

Motion by Commissioner Carleton, second by Commissioner Oswald to recommend City Council approve the City Code Amendments related to Individual Subsurface Sewage Treatment System Standards. Motion carried unanimously.

OTHER BUSINESS

Approved Meeting Dates for 2015

The Commission reviewed the meeting dates and Acting Chair Ryan indicated that May 19th and June 9th he may not be available. Commission Oswald stated that March 10th, he would not be available.

ADJOURNMENT

MOTION by Commissioner Oswald, seconded by Commissioner Carleton to adjourn the meeting at 6:45 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Acting Chair Bob Ryan

Shanna Newman CD Technical Clerk