

PLANNING & ZONING COMMISSION MINUTES
March 11, 2014 - 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, Steve Lund, Gwen Carleton, Howie Oswald and Council Liaison/Mayor Darrel Olson

MEMBERS ABSENT: Chair Bob Kinzel

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

OTHERS PRESENT: Chad Conner, Don Narveson and Brad Arnold

APPROVAL OF MINUTES

MOTION by Commissioner Lund, seconded by Commissioner Carleton to approve the minutes from the February 11, 2014 meeting as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
March 18, 2014 if not tabled, continued or otherwise noted.*

OLD BUSINESS

None

NEW BUSINESS

Prior to the first item of business, Acting Chair Ryan asked Mr. Chad Conner if it was OK to move the application by Hy-Tec to the first item of business due to a time constraint, Mr. Conner was fine with the request.

1. Conditional Use Permit to allow a 30-foot by 40-foot detached accessory building for property located at 12861 Perch Lake Drive. (city file 14-004)

Requested by HY-TEC Construction of Brainerd Inc. for property legally described as follows: Part of Government Lot1, Described as follows: Commencing at the iron pipe monument at the Northeast corner of said Government Lot 1, Thence south 01 degree, 29 minutes, 20 seconds East, assumed bearing, 376.08 feet along the (full legal available at City Hall)

CD Director Doty explained the applicant is requesting a conditional use permit (CUP) for a 30 x 40 foot (1,200 square feet) garage. The lot is 3.04 acres which allows by ordinance a CUP for a larger accessory structure. Currently the applicant has 1,677 square feet of garage/accessory structure. The lot meets all of

the conditions of the ordinance to allow the CUP. He pointed out that the garage has trusses that allow for a second story and shows a deck. CD Director Doty noted in the R-1 regulations it states only one single family dwelling is allowed per lot, therefore a condition was placed on the CUP stating there is no additional living space (cooking, bathing or sleeping) is allowed above the garage.

CD Director Doty stated that staff recommends approval of the attached resolution approving findings of fact.

Acting Chair Ryan asked if there were any questions of staff, there were none.

Acting Chair Ryan opened the public hearing.

Mr. Brad Arnold 6534 50th Avenue Brainerd, of Hy-Tec Construction stated he is representing the owner, Mr. Posch. He thanked the Commission and other applicants for moving him forward on the agenda. The property owner has many “toys” and needs additional space. The additional area above the garage is intend to be used for personal storage of his hunting/fishing items and is not going to be used for living space. There are no plans to run water and sewer to the building. He intends to have the garage meet the design of his home. There is a possibility of a paved trail being installed.

Acting Chair Ryan closed the public hearing.

Motion by Commissioner Lund, second by Commissioner Carleton to recommend City Council approve the conditional use permit to allow a 30-foot by 40-foot detached accessory building for property located at 12861 Perch Lake Drive subject to the findings in the draft resolution. Motion carried unanimously.

Acting Chair Ryan stated that this Commission is advisory and the final approval/denial is given at City Council on March 18, 2014 at 7:00 pm.

2. Zoning ordinance text amendment to 1) revise Landscaping requirements (Section 10-4-4); and 2) revise Off Street Parking requirements (Section 10-5-2) (city file 14-002)

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

CD Director Doty explained that staff was asked at the last Council meeting to bring this ordinance back to Planning and Zoning with a few revisions. Those revisions were explained and summarized as:

- 1) Revise the native planting language to allow for more flexibility of where native areas could be planted;
- 2) Revise the landscaped parking lot island requirement to exempt islands from outer perimeter rows of parking; and
- 3) Revise the parking ordinance to allow parking stall depth to be reduced from 20 feet to 18 feet to allow a bumper overhang in instances where you have curbing to create the overhang.

CD Director Doty stated that staff recommends approval of the attached ordinance and resolution approving findings of fact.

Acting Chair Ryan asked if there were any questions of staff.

Commissioner Lund asked about the administrative approval of island spacing. CD Director Doty stated that the potential exception is for existing development to have an island spacing between 10 and 15 stalls.

Council Liaison/Mayor Olson explained to the Commission why City Council asked that this ordinance be re-reviewed by Planning and Zoning. The Commission had a brief conversation regarding clarification of the overhang. CD Director Doty stated that he is familiar with this type of ordinance and there has not been an issue.

Acting Chair Ryan opened the public hearing, no one came forward to speak on the zoning amendment.

Acting Chair Ryan closed the public hearing.

Motion by Commissioner Carleton, second by Commissioner Oswald to recommend City Council approve the zoning ordinance text amendment to revise the city's Landscaping requirements (Section 10-4-4) and revise Off Street Parking requirements (Section 10-5-2) subject to the findings in the draft resolution. Motion carried unanimously.

2. Minor Subdivision for a plat to consolidate two lots into one lot for a plat to be named "Nystrom Addition" to allow the construction of a two-story office building at the northwest corner of Isle Drive and the right-of-way for Falcon Drive. (city file 14-003)

Requested by Isle Drive LLC for property legally described as follows: The East 120 feet of the West 240 feet of the South 250 feet of the Southwest Quarter of the Southeast Quarter of Section 7, Township 133, Range 28, according to the (full legal available at City Hall)

CD Director Doty explained that the application is for a minor subdivision for a plat to consolidate two lots into one lot for a plat to be named "Nystrom Addition" to allow the construction of a 20,000 square foot two-story office building on the property. He reviewed the property with the Commission indicating that the existing house will be removed to allow for construction of the new building. Prior to the plat being recorded park dedication fees will need to be paid. CD Director Doty explained that access would be provided on Isle Drive matching up with the Surgery Center across the street.

CD Director Doty indicated that the Utilities Commission reviewed this application and recommended a developers agreement take place prior to a building permit being issued. The proposed building has been submitted for ARC review and the application can be administratively reviewed and staff is waiting on one material sample.

CD Director Doty stated that staff recommends approval of the attached resolution approving the findings and conditions.

Acting Chair Ryan asked if there were any questions of staff.

Acting Chair Ryan opened the public hearing.

Commissioner Lund asked about the McDermott access, if they have access off of Isle Dr. CD Director Doty stated they received temporary access off Isle Dr. until Falcon Drive is constructed, then access from Isle will be closed off.

Commissioner Lund noted that there is going to be more traffic on Isle Dr. and questioned why Nystrom was not gaining access from Falcon Dr. CD Director Doty explained the turn lane going into Falcon Dr. from Isle Dr. is limited McDermott. Council Liaison/Mayor Olson asked if the Utilities Commission had any findings regarding if access should be off of Isle Dr. or Falcon Dr. Administrator Heitke stated he had received a phone call and comments regarding this situation and it will be brought up at the City Council meeting. Acting Chair Ryan asked if Mr. Conner could explain the situation. Mr. Conner, of WSN, representing the owner, stated Commissioner Lund's comment regarding the turn lane is correct for McDermott. He stated that during the process the applicant held a meeting with the Public Works Director and laid out some different options for access and parking. It was decided that lining the access location up with the Surgery Center worked best for the parking and building layout. The applicants requested an address on Isle Dr., as everyone knows Isle Dr. and this was a big factor for them. Mr. Conner stated that he is aware of some studies that have been done in this area and should this road become too busy, there is the possibility of relocating the entrance to Falcon in the future.

Acting Chair Ryan asked Mr. Conner if it could be reconfigured to make access work off of Falcon Dr. Mr. Conner indicated that it could be done, however that was not what the applicants were hoping for.

Acting Chair Ryan closed the public hearing.

Acting Chair Ryan expressed some concern for making McDermott access off of Falcon Dr. and not require Nystrom to do the same thing. Other Commissioners echoed the concern. Commissioner Lund asked if the access is directly across from the Surgery Center, CD Director Doty indicated that is the proposal. Commissioner Lund questioned if there was going to be an expansion with turn lanes, CD Director Doty indicated that possibly portion may have turn lanes. Commissioner Lund commented that maybe a condition could be placed on the approval that at a certain point in time if the traffic count is high that then Nystrom would be required to move there access to Falcon Dr. By then people will know where they are located and Falcon Dr. will be developed. CD Director Doty stated his concern was there were a lot of variables to traffic counts that could make that tough to determine. Commissioner Carleton stated that they placed a condition on McDermott that when the road was build the access would be changed to Falcon Dr., why not do that to Nystrom as well. CD Director Doty indicated that it could be done. CD Director Doty indicated that this is a spring project and this is a tight timeframe, the applicant would have to go on Isle Rd. to start until the Falcon Dr. is constructed.

Mr. Conner asked if there is a design or a study being done. Administrator Heitke pulled up the study and indicated it doesn't extend to that area and there is no turn lane. The traffic count was high he also noted that there was a mistake made when two access was allowed for the Surgery Center and Essentia property.

Motion by Commissioner Lund, second by Commissioner Carleton to recommend City Council approve the minor subdivision for a plat to consolidate two lots into one lot for a plat to be named "Nystrom Addition" to allow the construction of a two-story office building at the northwest corner of Isle Drive

and the right-of-way for Falcon Drive with access being relocated to Falcon Dr. subject to the findings in the draft resolution.

During the motion Commissioner Carleton stated that the road wasn't built at this point and wondered if it would hold up the construction of the new building. CD Director Doty stated that the road is slated to be constructed this year. CD Director Doty stated that it could be done the same as McDermott and provide a temporary access. Commissioner Lund was OK with that option, however was concerned about the possible need for a variance for the number of parking stalls. Once the access is removed from Isle Dr. then the parking would become adequate. Administrator Heitke stated the road is being planned for early spring.

Commissioner Lund requested that his motion be amended to state the following:

Motion by Commissioner Lund, second by Commissioner Carleton to recommend City Council approve the minor subdivision for a plat to consolidate two lots into one lot for a plat to be named "Nystrom Addition" to allow the construction of a two-story office building at the northwest corner of Isle Drive and the right-of-way for Falcon Drive with access being relocated the north side of the property to Falcon Dr., as part of the road extension of Falcon Dr. subject to the findings and conditions in the draft resolution. Motion carried unanimously.

3. Variance to allow to allow the construction of an individual on-site septic system and domestic well on the Tanner property along Highway 371 at the southwest corner of Dellwood Drive and Novotny Road. (city file 14-005)

Requested by John Tanner for property legally described as follows: That part of the Northeast Quarter of the Southeast Quarter (NE1/4-SE1/4), Section 31, Township 134 North, Range 28 West, Crow Wing County, Minnesota described as follows: Commencing at the Southeast corner of said NE 1/4-SE1/4; thence North 01 degree (full legal available at City Hall)

Acting Chair Ryan stated that this item has been tabled by the applicant.

4. Minor Subdivision for a plat to adjust the lot line between two lots for a plat to be named "Third Addition to JMS Baxter Estates" for properties north of Clearwater Road and Forest Drive. (city file 14-007)

Requested by John Carlsen and the City of Baxter for property legally described as follows: Lot 1, Block 1, First Addition to JMS Baxter Estates and Lot 1, Block 1 JMS Baxter Estates, according to the recorded plat on file in the Crow Wing County, Minnesota Recorder's Office.

CD Director Doty explained that the city is requesting a lot line adjustment with a private party as part of the Wioda Road project. There is some utility work that needs to take place and the land exchange would allow this to take place. CD Director Doty explained the lot line adjustment in a power point with the Commission. All right-of-way and vacation of easements will take place with the plat. Utility Commission reviewed the plat at the March 5, 2014 meeting and had no concerns.

CD Director Doty stated that staff recommends approval of the attached ordinance and resolution approving findings of fact.

Acting Chair Ryan asked if there were any questions of staff, there were none.

Acting Chair Ryan opened the public hearing.

Mr. Conner indicated that there was no concern with the findings and conditions.

Council Liaison/Mayor Olson informed the Commission of the history on the city owned parcel.

Acting Chair Ryan closed the public hearing.

Motion by Commissioner Carleton, second by Commissioner Lund to recommend City Council approve the minor subdivision for a plat to adjust the lot line between two lots for a plat to be named “Third Addition to JMS Baxter Estates” for properties north of Clearwater Road and Forest Drive subject to the findings in the draft resolution. Motion carried unanimously.

CD Director Doty noted that this application will move forward to the City Council meeting on April 1, 2014

OTHER BUSINESS

None

ADJOURNMENT

MOTION by Commissioner Carleton, seconded by Commissioner Oswald to adjourn the meeting at 7:06 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Acting Chair Bob Ryan

Shanna Newman CD Technical Clerk