

PLANNING & ZONING COMMISSION MINUTES
April 12, 2016 - 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: Commissioner Howie Oswald, Gwen Carleton, Bob Ryan and Council Liaison Steve Barrows

MEMBERS ABSENT: Chair Bob Kinzel and Commissioner Steve Lund

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

OTHERS PRESENT: Ben VonBank, Mike Patrick, Bettie & Greg DenHerder and Tim Schulke

APPROVAL OF MINUTES

MOTION by Commissioner Carlton, seconded by Council Liaison Barrows to approve the minutes from the March 08, 2016 meeting as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
April 19, 2016 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 April 19, 2016 at 7:00 pm.

OLD BUSINESS

None

NEW BUSINESS

1. PUBLIC HEARING. Conditional Use Permits to allow cumulative accessory building square footage to exceed 1,800 square feet and to allow grading within a shoreland area for property located 6245 Paris Rd. Lots 3 and 4, Paris Acres, Section 24, Township 133, Range 29 (City file 16-03)

Requested by: Greg & Betty DenHerder 6245 Paris Road Baxter, MN 56425

Acting Chair Ryan asked Planner Gindele to review the application with the Commission. Planner Gindele explained that the applicant is requesting a conditional use permit (CUP) to allow cumulative accessory building square footage to exceed 1,800 square feet by adding an additional 704 square foot garage and to allow grading within a shoreland area for property located along the Mississippi River (6245 Paris Rd.). The current property has 1,250 square feet, with the requested 704 square feet the total accessory structures would then be 1,954 square feet, thus the reason for the CUP. Planner Gindele added that currently the property is two parcels, however there is a request in to staff to administratively combine the lots to make one large lot that will accommodate the setbacks required for the proposed

garage. Planner Gindele reviewed the aerial with the Commission. He explained that there is a water feature in the back yard that was put in by the former residents, the feature has fallen into disrepair and the applicants are planning on removing the feature. Planner Gindele reviewed the impervious calculation, setbacks, the lot size and conditions, grading plan and location of the garage. He stated that staff is recommending approval with the conditions in the resolution.

Acting Chair Ryan opened the public hearing.

Mr. Tim Schulke, contractor for the applicant stated that they have no concerns regarding the conditions.

Acting Chair Ryan closed the public hearing.

Motion by Commissioner Carleton, second by Commissioner Oswald to recommend the City Council approve the conditional use permit to allow cumulative accessory building square footage to exceed 1,800 square feet and to allow grading within a shoreland area for property located 6245 Paris Rd. as presented in the resolution by staff. Motion carried unanimously.

2. PUBLIC HEARING. Conditional Use Permits to allow grading in the shoreland overlay district for a garage and yard improvements for property located 13230 Timberlane Dr. (Lot 2, Block 4 Parkwood, Section 12, Township 133, Range 29 (City file 16-09)

Requested by: Mike Patrick 13230 Timberlane Drive Baxter, MN 56425

Acting Chair Ryan asked Planner Gindele to review the application with the Commission. Planner Gindele explained that the applicant is requesting a conditional use permit to allow grading of a riparian lot (Perch Lake) and for a new detached garage within the shoreland overlay district at 13230 Timberlane Dr. Planner Gindele explained the impervious surface being 24 percent of the lot, which meets the 25 percent allowed, setbacks, DNR requirements for filling below the OHWL and the lot does have city services. The applicant has provided a site plan, erosion control plan and grading plan as there is a small area that would need to be filled in and is part of this CUP. Planner Gindele reviewed aerial views of the property with the Commission. Staff is recommending approval with the conditions set forth in the resolution. Planner Gindele indicated that condition 9, regarding gutters was in place to keep water from going towards the neighbor's home.

Acting Chair Ryan asked for clarification regarding the additional parking pad, if that was included in the impervious calculations, Planner Gindele indicated that it was.

Council Liaison Barrows asked if the condition regarding the gutters was going to cause a different location for water to accumulate being they are already requesting to fill one small area. Planner Gindele provided a map with contours that explained where the water would drain to in the future.

Acting Chair Ryan opened the public hearing.

Mr. Mike Patrick, owner/applicant further explained the benefit of grading towards the street and away from the neighbor's house. He indicated that he has no concerns with the conditions being requested.

Acting Chair Ryan closed the public hearing.

Motion by Commissioner Oswald, second by Commissioner Carleton to recommend the City Council approve the conditional use permit to allow grading in the shoreland overlay district for a garage and yard improvements for property located 13230 Timberlane Dr. as presented by staff in the resolution. Motion carried unanimously.

3. PUBLIC HEARING. Zoning Text Amendment to allow convenience stores/meat markets (without motor fuel stations) with an accessory propane fill station as a conditional use in the Regional Commercial District and a conditional use permit to allow a propane fill station at Von Hanson's Meats located at 15811 Audubon Way. (Lot 5, Block 1 The Nature Learning Trail Business Plat, Section 21, Township 133, Range 28 (City file 16-08))

Requested by: Ben VonBank (VonHanson Meats) 15811 Audubon Way Baxter, MN 56425

Acting Chair Ryan asked CD Director Doty to review the application with the Commission. CD Director Doty explained that the applicant is requesting a zoning text amendment to allow convenience stores/meat markets (without motor fuel stations) with an accessory propane fill station as a conditional use in the C-2 Regional Commercial District and a conditional use permit (CUP) to allow a propane fill station at Von Hanson's Meats located at 15811 Audubon Way. CD Director Doty stated that currently the zoning ordinance does not allow for propane fill stations without having a gas station. This request would institute a City wide amendment to allow propane fill stations without a gas station in the C-2 district with a conditional use permit (CUP). CD Director Doty provided an aerial view of the Von Hanson's Meats locations and explained where the propane fill station would be situated on the site. He reminded the Commission that previously a request to re-install fuel tanks was from Village Pumper and that request is still valid, however staff is not sure if the pumps will move forward. The aerial showed the red box location of where the propane tank and weigh station would sit and the green circles were trees that staff is requesting with a fence as well to fully screen the tank from view. The Commission reviewed additional views to see how the tank would be situated.

CD Director Doty indicated that people would be using this site to fill tanks for grills, fish houses and any small type propane tanks. The applicant is requesting a 1,000 gallon tank and that has been written into the regulations. CD Director Doty reviewed all of the requirements with the Commission. CD Director Doty stated that the earth tone color regulation is going to be difficult to meet as the applicant has found a silver stainless steel tank and that does not meet the requirements, however the applicant is willing to paint the fence earth tone colors and the weigh station would not meet the earth tones. He stated that the building official needs to review the building of the fence and safety concerns. CD Director Doty stated that there is a 30' easement and the fence and tank will not be installed within that easement. Staff is recommending earth tone colors to meet the regulations; if the regulations are met then staff would recommend approval. CD Director Doty stated that the application was sent to MN DOT for approval and their letter back indicated that they were comfortable with the location.

Commissioner Carleton asked if staff is or is not recommending earth tone colors. CD Director Doty stated that staff would like earth tones. Council Liaison Barrows asked if the weigh station could be boxed in with only the door would be exposed. Acting Chair Ryan stated that the question would probably be best answered by the supplier as ventilation is likely required. Commissioner Carleton asked if stainless steel can be painted. Acting Chair Ryan stated that it can be powder coated and painted.

Acting Chair Ryan opened the public hearing.

Mr. Ben Von Bank, applicant approached the Commission and stated that he contacted the supplier and asked about the stainless steel weigh station. The supplier indicated to him that stainless steel doesn't rust as easy. He provided a picture of one that was painted white; it was showing signs of rust already. Mr. Von Bank stated that he is passionate about this and will abide by the Commission's request. He further stated that this will benefit all of the business around him. Commissioner Carleton asked if there were going to be additional tanks, Mr. Von Bank indicated that there would not be any additional tanks, only those being filled by customers. CD Director Doty stated that an additional condition could be added to make sure in the future that others don't try to have outside storage or additional tanks. Council Liaison Barrows asked staff if painting the weigh station cabinet would look worse in the long run. CD Director Doty stated that his concern would be the glare from the sun that could cause a problem for drivers along Hwy 371.

Acting Chair Ryan stated that he spoke to a person that works with high end stainless steel on different projects. That was how he learned what applications could be applied to stainless steel. Acting Chair Ryan asked about increasing the size of the fence by one foot to insure screening. CD Director Doty stated that anything over 6' is a CUP, this would add another fee and a building permit to this application. Commissioner Carleton asked how expensive it would be to powder coat, Acting Chair Ryan indicated that he was not sure.

Acting Chair Ryan closed the public hearing.

Commissioner Carleton indicated that she wasn't fully in support of earth tone colors for the weigh station. Commissioner Oswald agreed as long as the tank is painted.

Motion by Commissioner Carleton, second by Commissioner Oswald to recommend the City Council approve the Zoning Text Amendment to allow convenience stores/meat markets (without motor fuel stations) with an accessory propane fill station with modification to the weigh station not having to be earth tone in section 10-3G-3E as a conditional use in the Regional Commercial District and a conditional use permit to allow a propane tank fill station at Von Hanson's Meats located at 15811 Audubon Way.

Council Liaison Barrows asked prior to the vote for clarification regarding the weight station. If the earth tone is taken out and the next applicant comes in with a different material, then that applicant will not have to meet the earth tone requirements as well, CD Director Doty stated that was correct. He stated that if the earth tone color requirement is left in the zoning amendment then this applicant will be required to move forward with the earth tone weight station. CD Director Doty explained to the Commission a few different options that the Commission could require. Commissioner Carleton requested a revision to her motion.

Amended Motion by Commissioner Carleton, second by Commissioner Oswald to recommend the City Council approve the Zoning Text Amendment to allow convenience stores/meat markets (without motor fuel stations) to have an accessory propane fill station with modification made to 10-3G-3E stating "the propane tank shall be earth tone and the weigh station shall be stainless steel or painted earth tone colors" as a conditional use in the Regional Commercial District. Motion carried unanimously.

CD Director Doty stated that now a motion is needed for the site.

Motion by Commissioner Oswald, second by Commissioner Carleton to recommend the City Council

approve a conditional use permit to allow a propane tank fill station at Von Hanson’s Meats located at 15811 Audubon Way as presented in the resolution provided by staff. Motion carried unanimously.

OTHER BUSINESS

Seasonal Vending Update

CD Director Doty wanted to provide an update on this topic because it was in the paper and the Council had a discussion at the last work session. Morey’s is asking for seasonal vending outside of their building instead of a mobile vending unit. He just wanted to make the Commission aware of the situation. CD Director Doty gave the background on the mobile vending regulations including number of locations, location from brick and mortar building and days allowed (no more than 2 days in length per site), the new request by Morey’s is to have the mobile vending stay at one location for a whole summer. Currently staff is being asked to allow a cooked version of the foods within that store being sold on site.

Acting Chair Ryan asked if it is any different from the fundraisers every Friday in front of the Cub or Super One store. CD Director Doty indicated that fundraisers are not part of the mobile vending ordinance; fundraisers with small grilling areas were exempt. Acting Chair Ryan stated that this will be a flag ship ordinance and it shouldn’t be so specific that it only works for certain locations. CD Director Doty agreed that it would be allowed at stores that sell food products. CD Director Doty stated that the ordinance hasn’t been written yet, but there are expansions that would need to be looked at such as power cords running across parking lots and signage going up. Acting Chair Ryan stated that it would be nice to see the ordinance be site friendly. Commissioner Carleton asked if it would require a permit at the beginning of every the year. CD Director Doty indicated that it most likely would to make sure the regulations are known to the applicant such as where a trailer can be parked, signage allowed and if seats can be placed outside. CD Director Doty stated that there were still some issues to think about including SAC/WAC charges possibly being explored. The Commission agreed that SAC/WAC charges would be totally out of line as these units would not be hooked into city water and sewer. Acting Chair Ryan asked if a public restroom would need to be provided, CD Director Doty stated that there are requirement for restrooms in the mobile vending regulations and the building code. Acting Chair Ryan stated that this shouldn’t be considered in the same category of mobile vending, these businesses have already paid for their buildings and SAC/WAC fees.

ADJOURNMENT

MOTION by Commissioner Carleton, seconded by Commissioner Oswald to adjourn the meeting at 7:16 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Acting Chair Bob Ryan

Shanna Newman CD Administrative Assistant