

PLANNING & ZONING COMMISSION MINUTES
April 14, 2015 - 6:00 p.m.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission was called to order at 6:10 p.m.

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

MEMBERS ABSENT: None

STAFF PRESENT: Community Development (CD) Director Josh Doty

OTHERS PRESENT: Lonnie Smith, Don Spartz, Don Waxberg, Roy Androli, Mike Purfeerst, Anne & Richard Holz, Brian Welch, Aaron Lloyd, Josh Miles and Bob Stapleton

APPROVAL OF MINUTES

MOTION by Council Liaison Barrows, seconded by Commissioner Lund to approve the minutes from the March 10, 2015 meeting as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
April 21, 2015 if not tabled, continued or otherwise noted.*

Chair Kinzel stated that this Commission is advisory and the final approval/denial is given at the City Council Meeting on April 21, 2015 at 7:00 pm.

OLD BUSINESS

None

NEW BUSINESS

1. **PUBLIC HEARING.** Conditional Use Permit Amendment to allow a used car dealership named "Prestige Auto Sales" for property located at 14230 Dellwood Drive. Lot 2, Block 1 Citizen's Addition (City file 15-07)

Requested by: Paul Koering (property owner) and Gary DeVries 2145 8th Street-Apt. #3 Brainerd, MN 56401

Chair Kinzel asked CD Director Doty to review the project with the Commission. CD Director Doty explained this is a conditional use permit (CUP) to allow a used car dealership named "Prestige Auto Sales" for the property located at 14230 Dellwood Drive. This site had a CUP approved in 1985 for an auto retail/wholesale reconditioned sales business. There have been other uses on the property since that

time and given that the use is different than the 1985 use, staff required a CUP amendment. CD Director Doty stated that staff is recommending approval.

Commissioner Carleton and Ryan questioned the need for “No Parking” and “Do Not Enter” signage. Commissioner Ryan also noted that snow piles should be placed at the rear of the property and not towards Dellwood Dr.

Chair Kinzel opened the public hearing.

Mr. Aaron Lloyd representing Prestige Auto Sales state that Mr. DeVries is OK with the conditions.

Mr. Roy Androli, 14676 Fairway Dr. expressed concern with the limited amount of customer parking. CD Director Doty indicated that the parking is calculated by the size of the building. The building is 300-400 square feet and the parking requirements have been met. Mr. Androli asked about oil dripping from the cars and how it would be handled. CD Director Doty stated that the City does have the ability to address that type of issue under the CUP should it take place.

Chair Kinzel closed the public hearing.

Commissioner Ryan reiterated that the parking requirements needs to be met and the snow piles need to be contained to the back of the lot and not towards Dellwood Dr.

Motion by Commissioner Ryan, second by Commissioner Carleton to recommend City Council approve the conditional use permit to allow a used car dealership named “Prestige Auto Sales” for property located at 14230 Dellwood Drive, with an additional condition that a shared access/parking agreement is in place and no storage would be forward towards Dellwood Drive and as presented by staff. Motion carried unanimously.

2. PUBLIC HEARING. Interim Use Permit to allow existing farm animals for property located at 4122 Mapleton Road. Northwest 1/4 of the Southeast 1/4 of the Southeast ¼ of Section 15. (City file 15-08)

Requested by: Lonnie Smith 4122 Mapleton Road, Baxter, MN 56425

CD Director Doty explained the past approval for the pole barn for the same location. With the previous Council approval for the pole barn, a condition was added that an interim use permit (IUP) application be submitted by the applicant to document the existing farm. CD Director Doty reviewed the applicant’s narrative explaining the animals. He indicated that the IUP would sunset should the land be sold to someone other than the children.

Chair Kinzel opened the public hearing.

Chair Kinzel asked the property owner what other licenses he has for the animals. Mr. Lonnie Smith, applicant/owner of the property indicated that he is licensed with the DNR, Board of Health and the USDA. He explained that the wallabies are sold as pets and the porcupines are sold to the zoos.

Chair Kinzel closed the public hearing.

Motion by Commissioner Carleton, second by Commissioner Ryan to recommend City Council approve the interim use permit to allow existing farm animals for property located at 4122 Mapleton Road as presented by staff. Motion carried unanimously.

Commissioner Lund thanked staff for the housekeeping that is involved in some of the applications.

3. PUBLIC HEARING. Preliminary and Final plat to be named ALDI First Addition to allow the construction of a new grocery store located north of Target on Dellwood Dr. and a conditional use permit to allow a joint driveway access and a variance requested for rear setback. Proposed Lots 1, Block 1 ALDI First Addition. (City file 15-09)

Requested by: ALDI, Inc. 4201 Bagley Avenue N. Faribault, MN 55021

CD Director Doty indicated that this applicant is applying for a preliminary and final plat with a conditional use permit and variance request. He then reviewed the application and site with the Commission. CD Director Doty brought to the Commissions attention that staff added a condition requiring the property owner to dedicate 7 feet of right-of-way on Golf Course Dr. The property owner has not agreed to dedicate the 7 feet. The property owner has requested that that the City defer dedication requirement because the property is being platted as an outlot, which does not allow development and would require re-plat when developed in the future. CD Director Doty stated that the Utilities Commission recommended the 7-foot dedication of right-of-way at this time of platting. Staff is recommending approval of the plat, conditional use permit and variance, subject to the conditions in the attached resolutions.

Chair Kinzel opened the public hearing.

Mr. Mike Purfeerst representing Aldi stated that they had no concerns with the conditions of approval.

Mr. Don Waxberg, 14686 Par Drive, asked if there was going to be any landscaping on the east side. CD Director Doty indicated that a wall will be erected to fully screen the loading area to the east, however there are only two trees on the east side at this time. Chair Kinzel added that when the outlot is sold and developed then the landscaping will take place on Golf Course Dr.

Mr. Waxberg stated that there are several similar business in town and wondered if the market was big enough for another grocery store. Chair Kinzel stated that Planning and Zoning doesn't have control over who applies to the City of Baxter. Mr. Purfeerst stated that Aldi has been looking at Baxter for 2-3 years and feels it would be a good fit in this area. He also noted that 90 of Aldi's products are private label and 10 percent of the products are named brand.

Chair Kinzel closed the public hearing.

Motion by Commissioner Lund, second by Commissioner Ryan to recommend City Council approve the Preliminary and Final plat to be named ALDI First Addition to allow the construction of a new

grocery store located north of Target on Dellwood Dr. as presented by staff. Motion carried unanimously.

Motion by Commissioner Ryan, second by Commissioner Oswald to recommend City Council approve the conditional use permit to allow a joint driveway access for a new ALDI grocery store located north of Target on Dellwood Dr. as presented by staff. Motion carried unanimously.

Motion by Commissioner Carleton, second by Commissioner Oswald to recommend City Council approve the variance requested for rear setback to the new ALDI grocery store located north of Target on Dellwood Dr. as presented by staff. Motion carried unanimously.

4. PUBLIC HEARING. Conditional Use Permit Amendment to allow three motor fuel service station pumps and a car wash at the former Amstar location located within the same building as Von Hanson's Meats property located at 15811 Audubon Way. Lot 5, Block 1 Nature Learning Trail Business Park (City file 15-10)

Requested by: Majestic Lakes Properties (property owner) and Robert Stapleton 6760 Johnson Park Dr. Wentworth, SD 57075

CD Director Doty indicated that this applicant is requesting a conditional use permit (CUP) amendment to allow three motor fuel service station pumps and a car wash at the former Amstar location next to Von Hanson's Meats. The former CUP was for a full service station and the proposed use is for three pumps and the car wash. Therefore, staff required a conditional use permit amendment. CD Director Doty reviewed the location and staff report with the Commission. Staff is recommending approval of the CUP amendment, subject to the conditions in the resolution.

Chair Kinzel asked if the stacking for the car was adequate, CD Director Doty that there is only three stacking spaces. Therefore, staff added a condition to the resolution that the applicant shall take measures to make sure that there are not more than three cars stacked, which would block the easterly entrance to the site. Commissioner Carleton confirmed that there would not be an attendant for the car wash. CD Director Doty indicated that was correct.

Chair Kinzel opened the public hearing.

Mr. Androli asked if the applicant was utilizing the former tanks, if so his understanding was the tanks life is only three years. Commissioner Ryan stated that the applicant would need MPCA approval for the tanks in order to move forward with the use. Mr. Androli also commented on the angled parking that has occurred on the south side of the subject building, CD Director Doty stated there are not angled parking stalls approved so that parking issue can be resolved with the CUP.

Chair Kinzel closed the public hearing.

Motion by Commissioner Lund, second by Council Liaison Barrows to recommend City Council approve the conditional use permit amendment to allow three motor fuel service station pumps and a car

wash at the former Amstar location located within the same building as Von Hanson's Meats property located at 15811 Audubon Way as presented by staff . Motion carried unanimously.

OTHER BUSINESS

None

ADJOURNMENT

MOTION by Council Liaison Barrows, seconded by Commissioner Lund to adjourn the meeting at 7:10 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Chair Bob Kinzel

Shanna Newman CD Technical Clerk