

PLANNING & ZONING COMMISSION MINUTES
May 12, 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: 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: Mary & Tyson Goeman, Layne Danielson and Chuck Halverson

APPROVAL OF MINUTES

MOTION by Commissioner Oswald, seconded by Commissioner Ryan to approve the minutes from the April 14, 2015 meeting as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
May 19, 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 May 19, 2015 at 7:00 pm.

OLD BUSINESS

None

NEW BUSINESS

1. PUBLIC HEARING. Zoning Ordinance Amendment to allow outdoor fireworks sales as an interim use in the C-2, Regional Commercial zoning district and an Interim Use Permit to allow outdoor fireworks sales at Westside Liquor located at 15807 Audubon Way. Lot 4, Block 1 Nature Learning Trail Business Park (City file 15-11)

Requested by: Sarah Hollenkamp (property owner) and TNT Fireworks 2019 59th Avenue So. Fargo, ND 58104

Chair Kinzel asked CD Director Doty to review the project with the Commission. CD Director Doty stated that staff is proposing a zoning ordinance amendment to allow outdoor fireworks sales as an interim use permit (IUP) in the C-2, Regional Commercial zoning district. He stated that this a housekeeping item to clarify that this use as an allowed interim use. In the past IUP's have been granted without the ordinance amendment but this is staff's preferred method to approve IUP's.

CD Director Doty explained that the interim use permit (IUP) would allow for seasonal fireworks sales for the property located at 15807 Audubon Way. This site had an IUP approved in 2010 and again in 2012. There have been no complaints regarding this site and this is the only tent currently requested to date. CD Director Doty stated that staff is requesting a 5 year approval for this IUP. He further stated that the condition does remain that if there is any complaints regarding the fireworks sales the IUP can be revoked. Staff is recommending approval of the zoning ordinance amendment to allow outdoor fireworks sales as an interim use in the C-2, Regional Commercial zoning district and an interim use permit to allow outdoor fireworks sales at Westside Liquor located at 15807 Audubon Way.

Chair Kinzel asked CD Director Doty if another applicant wanted to sell fireworks if they would also be allowed 5 years. CD Director Doty stated that the number of years is not in the zoning amendment and each case and location would be reviewed individually.

Commissioner Lund asked how it was approved previously without it being in the ordinance. CD Director Doty stated that IUPs are sometimes used as a catch all category for very unique uses. CD Director Doty stated that it is much better to add the use in the district. Commissioner Lund questioned the port-o-potty, CD Director Doty stated that the liquor store is not open 24 hours and a person is staying in the tent with the fireworks overnight, thus the need for a restroom facility.

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

Chair Kinzel closed the public hearing.

Motion by Commissioner Lund, second by Commissioner Ryan to recommend City Council approve the zoning ordinance amendment to allow outdoor fireworks sales as an interim use in the C-2, Regional Commercial zoning district as presented by staff. Motion carried unanimously.

Motion by Commissioner Lund, second by Commissioner Carleton to recommend City Council approve the interim use permit to allow for a 5 year term of outdoor fireworks sales based on previous experience with TNT at Westside Liquor located at 15807 Audubon Way as presented by staff. Motion carried unanimously.

Commissioner Ryan also agreed with Commissioner Lund's comments that past experience with this group is the reason they are receiving a 5 year IUP, however any new applicants would be reviewed and could be given a shorter timeframe until the city has ensured there are no complaints.

2. PUBLIC HEARING. Conditional Use Permit to allow grading in a shoreland area for a new home to be constructed on a vacant lot on Perch Lake at 13184 Timberlane Drive. Lot 1, Block 1 Norwood's Addition to Parkwood (City file 15-13)

Requested by: Jetco Perch LLC 5101 Vernon Ave, So. Suite 400 Edina, MN 55436

CD Director Doty explained this is a request for a conditional use permit (CUP) to allow grading in a shoreland area for a new home to be constructed on a vacant lot. CD Director Doty reviewed the

location, conditions and findings in his staff report to the Commission. As part of the review he discussed the that the application is in compliance with impervious surface, shoreland lot size, and setback from the ordinary high water mark. All environmental issues have also been met. CD Director Doty stated staff is recommending approval of the conditional use permit.

Chair Kinzel opened the public hearing.

Mr. Tyson Goeman, resident and perspective owner approached and stated that he understood the requirements and has no concerns with the conditions.

Chair Kinzel stated this was one of the better surveys he had seen in sometime. Chair Kinzel asked if anyone else would like to comment, there was no further comments.

Chair Kinzel closed the public hearing.

Motion by Commissioner Oswald, second by Commissioner Carleton to recommend City Council approve the conditional use permit to allow grading in a shoreland area for a new home to be constructed on a vacant lot on Perch Lake at 13184 Timberlane Drive as presented by staff. Motion carried unanimously.

OTHER BUSINESS

Tax Increment Financing District and Development Conformity Finding for Avantech to be located at the Northeast corner of Douglas Fir Dr. and Hastings Rd.

CD Director Doty stated that anytime the City is looking at a tax increment financing district, the City must look at the location and future development to make sure that it is consistent with zoning and the comprehensive plan. CD Director Doty stated that staff finds the location to be consistent with the comprehensive plan and the zoning, the future development is for an industrial manufacturing facility and the site is indicated as a current and future industrial property. Commissioner Carleton stated that the developer of this project has done a great job keeping many people in Baxter employed and she is in full support and thinks this is a great idea.

Motion by Commissioner Carleton, second by Commissioner Ryan to recommend City Council approve the resolution for the Tax Increment Financing District and Development Conformity Finding for Avantech to be located at the Northeast corner of Douglas Fir Dr. and Hastings Rd. as presented by staff. Motion carried unanimously.

ADJOURNMENT

MOTION by Commissioner Ryan, seconded by Commissioner Oswald to adjourn the meeting at 6:24 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Chair Bob Kinzel

Shanna Newman CD Technical Clerk