

PLANNING & ZONING COMMISSION MINUTES
May 13, 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: Chair Bob Kinzel, Commissioners Bob Ryan, Gwen Carleton, Steve Lund, Howie Oswald and Council Liaison/Mayor Darrel Olson

MEMBERS ABSENT: None

STAFF PRESENT: Community Development (CD) Director Josh Doty

OTHERS PRESENT: Leonard & Karen Oseland, Richard Hoff, Chad Conner, Brett Richmond, Matt Davis, Millie & John Gagliano, Brian Westall, Ryan Clair, Scott Imgrund, Mitch Brinks, Brad & Diane Davis, Jeremy Johnson, Lynfield Hines, Rod Osterloh, Mark Bjorlo, Craig & Brian Wenstrand, Michael & Kathy Halverson and Tim Gehrls

APPROVAL OF MINUTES

MOTION by Commissioner Carleton, seconded by Commissioner Oswald to approve the minutes from the April 8, 2014 meeting as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
May 20, 2014 if not tabled, continued or otherwise noted.*

OLD BUSINESS

1. Preliminary and Final plat to consolidate four lots into two lots for a plat to be named "Pine Grove Estates" to allow the construction of a two apartment buildings on Clearwater Rd, west of 7393 Clearwater Rd. This application is also requesting a zoning classification change from C-2 to R-3. (City file 14-09)

Requested by Kuepers, Inc.17018 Commercial Park Rd. Brainerd, MN 56401 legally described as follows: Lots 1-4, Block 1, Clearwater Addition to Baxter

CD Director Doty explained that this application was to plat four parcels into two to allow the construction of two apartment buildings towards the center of the lots with a playground area in the center between the two buildings and parking lots and garages on the outer side of the lots. CD Director Doty noted this application was tabled at the last meeting in order for a traffic study to take place. He referenced the traffic study in the packet and reviewed the information with the Commission. The study also noted that a 12' pedestrian trail could be constructed in the Clearwater Road right-of-way but noted that the trail is not proposed to be constructed at this time.

CD Director Doty then reviewed the site layout/access and surrounding development with the Commission. He informed the Commission that park dedication fees will be required. In the packet there was a revision showing a parking error, 105 stalls are required. The application is over parked by five stalls and will need to remove those five stalls.

CD Director Doty further noted that Utilities Commission reviewed the application and had no concerns with this project. Architectural Commission will review this application prior to a building permit being issued. The Long Range Planning Commission reviewed the rezoning portion of the application and recommended that the property be rezoned from C-2 to R-3. CD Director Doty stated that staff is recommending approval of the plat with the findings and conditions in the draft resolution.

Chair Kinzel asked if there were any questions of staff. He then asked CD Director Doty if the applicant has seen the conditions. CD Director Doty indicated that they had.

Chair Kinzel opened the public hearing.

Mr. Mark Cross representing the applicant, Kuepers Construction indicated he had no concerns of the conditions.

CD Director Doty wanted to inform the Commission that although there is room for a trail within the Clearwater Road right-of-way, the applicant would not construct a trail along Clearwater Road at this time.

Chair Kinzel closed the public hearing.

Motion by Commissioner Lund, second by Commissioner Carleton to recommend City Council approve the preliminary and final plat to consolidate four lots into two lots for a plat to be named "Pine Grove Estates" to allow the construction of a two apartment buildings on Clearwater Rd, west of 7393 Clearwater Rd. and a zoning classification change from C-2 to R-3. subject to the conditions and findings in the draft resolution. Motion carried unanimously.

Chair Kinzel stated that this Commission is advisory and the final approval/denial is given at City Council on May 20, 2014 at 7:00 pm.

NEW BUSINESS

1. PUBLIC HEARING. Preliminary and Final plat to divide one lot into two lots and two outlots to be named "Potlatch Addition to Baxter", an interim use permit for temporary accessory use and conditional use permits for shared access/parking and outside storage for property located at 3855 Independence Road. (City file 14-11)

Requested by Potlatch Lakes States Timberlands LLC, 2340 Scorpop Lane. Bemidji, MN 56601 legally described as follows: NE1/4 OF NW1/4 EXC RAILROAD ROW. & ALSO EXC PT CONVEYED TO CITY OF BAXTER ON DOC #741072 & DOC #741073. SUBJ TO ESMNT OF REC. SUBJ TO ESMNT GRANTED TO GREAT RIVER ENERGY ON DOC #800461.

CD Director Doty explained that this application includes a plat, conditional use permits and an interim use permit for temporary accessory use and shared access/parking and outside storage. CD Director Doty explained the reconfiguration of the lots and noted access will be improved on Independence Rd. With the reconfiguration of the lots park dedication fees will be due for the new Lot 2 Block 1 of Potlatch Addition to Baxter.

CD Director Doty then explained that the conditional use permits are basically updating what is already occurring on site through. A previous conditional use was approved for Brock White's current outside storage. With the lots being split the CUP's needed to be updated. Simonson's Lumber has requested to further define their outside storage area, which is reflected on the plan. CD Director Doty indicated on a map the requested locations for outside storage. CD Director Doty explained the other CUPs are for shared access/parking now that the plat will create two separate lots. The interim use permit (IUP) is for temporary approval of a lumber yard use without a principal structure on the easterly property. CD Director Doty explained to the Commission that Simonson Lumber is going to purchase the land and build a new building in the future. He noted the seven year time line for this IUP to remain in effect.

CD Director Doty further noted that Utilities Commission reviewed the application and had no concerns with this project. CD Director Doty stated that staff is recommending approval of the plat, CUP's and IUP with the findings and conditions in the draft resolutions.

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

Chair Kinzel opened the public hearing.

Mr. Chad Conner of WSN, representing the applicant has no concerns on the plat or conditional/interim use permits.

Chair Kinzel closed the public hearing.

Motion by Commissioner Ryan, second by Commissioner Oswald to recommend Preliminary and Final plat to divide one lot into two lots and two outlots to be named "Potlatch Addition to Baxter", an interim use permit for temporary accessory use and conditional use permits for shared access/parking and outside storage for property located at 3855 Independence Road. subject to the conditions and findings in the draft resolution. Motion carried unanimously.

2. PUBLIC HEARING. Conditional Use Permit amendment to change a school use to a church use and related site improvements for property located at 6785 Woida Road. The City is also requesting a zoning classification change from R-S to R-1. (City file 14-012)

Requested by Journey North Community Church 1001 Kingwood Street Suite 216 Brainerd, MN 56401 legally described as follows: N 499.69FT OF W 466.69FT OF GL 3 EX S 7FT OF N 40FT OF W 466.69FT OF GL 3. SUBJ TO AN ESMNT OF REC. AND S 500FT OF N 99.69FT OF W 466.69FT OF GL3.

CD Director Doty explained that this application is for a conditional use permit requested by the applicant and a rezoning from RS to R-1 is requested from the City. CD Director Doty explained the rezoning request on a map to the Commission. CD Director Doty stated that the Long Range Planning Commission had reviewed the rezoning request and recommended that the property be rezoned from RS to R-1. He walked the Commission through the site plan and stated that the interior of the church would be remodeled and that no changes are proposed to the exterior of the building. However, there will be a parking lot expansion.

CD Director Doty stated that in an R-1 district a conditional use permit (CUP) is required for a church. The applicant is seeking to update the previous CUP that was approved for the Family of Christ Lutheran School. With the change of use the assembly area required 18 additional parking stalls. Because the parking requirement is based on maximum design capacity of the sanctuary and not the actual seating, staff did not see a need for additional 18 parking stalls. Staff indicated that the City Council can approve a proof of parking plan demonstrating where 18 additional stalls could be constructed if parking became an issue.

CD Director Doty stated that staff recommends approval of the conditional use permit and rezoning of the property.

Chair Kinzel asked if there were any questions of staff.

Chair Kinzel opened the public hearing.

Mr. Matt Davis is representing Journey North had a question regarding the parking stalls. CD Director Doty explained the parking calculation using the maximum capacity size of the sanctuary required 18 additional parking stalls from what was proposed. However, since the church and city staff do not think that the 18 stalls are needed at this time based on the seating proposed, staff is recommending that a demonstrated parking plan be approved, without constructing the 18 parking stalls at this time. Mr. Davis understood the clarification.

Chair Kinzel asked what type of outdoor events they were looking to have on site, Mr. Davis stated BBQ's and family gatherings with kids, bouncy houses and fun events.

Scott Imgrund 14946 Hemlock Dr. his property abuts the proposed church property he would like to know when they have the events where is the bouncy house going to be placed and how close can the 18 stalls go to the property line. Chair Kinzel stated that the events are required to be within the property lines. CD Director Doty stated that the City does have a special event permit that has a list of regulations and the church will receive a copy of that list. *[The special event ordinance was sent to the church the day after the meeting.]* Regarding the parking, CD Director Doty stated they could expand the parking to the south or west. Setbacks for parking lots are 10' from the property line.

Chair Kinzel closed the public hearing.

Motion by Commissioner Lund, second by Commissioner Ryan to recommend City Council approve the conditional use permit amendment to change a school use to a church use and related site improvements for the property located at 6785 Woida Road. The City is also requesting a zoning

classification change from R-S to R-1 subject to the conditions and findings in the draft resolutions. Motion carried unanimously.

3. PUBLIC HEARING. Preliminary and Final plat to consolidate three parcels into two parcels and reconfigure the lot arrangement to allow for a buildable lake lot for property located at 13364 Memorywood Drive and the parcels to the north and south of said lot. (City file 14-013)

Requested by Timothy and Daniel Gehrls, 4362 Deerwood Road, Baxter, MN 56425 legally described as follows: PAR5T OF GOV'T LOT 3, SEC, 11, T. 133 N., R. 29 W. & LOT 1, BLOCK 1, EVENSONS WHITE SAND ADDITION, CROW WING COUNTY, MN.

CD Director Doty explained that the plat is a reorganization of the existing lot arrangement, he used the plat to explain the lot re-arrangement. He explained the shoreland overly regulations and that this application does meet the lot requirements. He added that the new lake lot would have access to Memorywood Dr. CD Director Doty noted that there is currently not a plan showing a new home on this lot, but that a permit could be submitted in the future. CD Director Doty indicated that the Utilities Commission has reviewed the plat and have no concerns. There will be right-of-way dedicated on the plat and park fees will be collected.

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

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

Chair Kinzel opened the public hearing.

Mr. Chad Conner of WSN, representing the owner asked why there is a park fee when they are starting with 2 lots and ending up with 2 lots. CD Director Doty stated that the plat is creating a new buildable lot and that the city has charges park dedication fees for new buildable lots that have not paid before. Chair Kinzel asked for clarification, Mr. Conner reviewed the plat with him and Chair Kinzel understood where the change was and why staff would require a park fee.

Chair Kinzel closed the public hearing.

Motion by Commissioner Carleton, second by Commissioner Lund to recommend City Council approve the preliminary and final plat entitled "Gehrls Addition to Baxter" to consolidate three parcels into two parcels and reconfigure the lot arrangement to allow for a buildable lake lot for property located at 13364 Memorywood Drive and the parcels to the north and south of said lot subject to the conditions and findings in the draft resolution. Motion carried unanimously.

4. PUBLIC HEARING. Conditional Use Permit to allow a secondary garage and driveway on a corner lot for property located at 12836 Parkwood Drive. (City file 14-015)

Requested by Leonard & Karen Oseland 12836 Parkwood Drive, Baxter, MN 56425
legally described as follows: LOT 1 BLOCK 3 & ALSO INCLUDING THE FOLLOWING
PARCEL; THAT PART OF LOT 2 BLOCK 3 DESC AS FOLLOWS; BEG. AT THE NW
CORNER OF SAID LOT 2, (full legal available at City Hall).

CD Director Doty explained that the applicant is requesting a conditional use permit (CUP) to allow a secondary 28 x 28 garage and driveway on a corner lot for property located at 12836 Parkwood Drive. CD Director Doty reviewed the site map with the Commission. He noted that all setbacks have been met and the applicant will need to verify the property corners with a string stretched before construction. The Utilities Commission has reviewed the plat and have no concerns, except that the homeowner needs to remove the berm/dam in the right-of-way and relocate it to the driveway location. CD Director Doty stated that staff recommends approval of the conditional use permit and the draft resolution with findings and conditions.

Chair Kinzel asked if there were any questions of staff.

Chair Kinzel opened the public hearing.

Mr. & Mrs. Leonard & Karen Oseland, owners of the property stated that their youngest daughter and her family have moved in and they are now a family of eight. There are not sure how long they are going to be living there and are concerned about the children coming out onto Parkwood Drive as the traffic moves fast on that road. Mrs. Oseland stated that the children would play on the second driveway and would access Parkwood Court.

Commissioner Lund asked if moving the berm would be costly. CD Director Doty stated that there has been conversation with Public Works Director Trevor Walter and everyone is aware of the extra dirt work that will be required. Council Liaison/Mayor Olson questioned why both berms could remain. CD Director Doty stated that he was not sure if both berms could remain or not but that he would follow up on the question before the City Council meeting.

Chair Kinzel closed the public hearing.

Motion by Commissioner Lund, second by Commissioner Oswald to recommend City Council approve the conditional use permit to allow a secondary garage and driveway on a corner lot for property located at 12836 Parkwood Drive. subject to the conditions and findings in the draft resolution. Motion carried unanimously.

5. PUBLIC HEARING. City Code amendments to Title 8, 9, and 10 for amendments related to performance standards and special provisions. (city file 14-014)

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

Chair Kinzel stated that this item has been tabled until the next meeting.

Motion by Commissioner Carleton, second by Commissioner Oswald to table the City Code amendments to Title 8, 9, and 10 for amendments related to performance standards and special provisions. Motion carried unanimously.

OTHER BUSINESS

None

ADJOURNMENT

MOTION by Commissioner Ryan, seconded by Commissioner Lund to adjourn the meeting at 6:58 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Chair Bob Kinzel

Shanna Newman CD Technical Clerk