

**PLANNING & ZONING COMMISSION MINUTES**  
**June 10, 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, Steve Lund, Howie Oswald and Council Liaison/Mayor Darrel Olson

MEMBERS ABSENT: Gwen Carleton

STAFF PRESENT: Community Development (CD) Director Josh Doty

OTHERS PRESENT: Blake Conklin, Jack Holmes, Chris Hanson, Randy Johnson, Terry Hanson, Micah Deitz, JP Elsenpeter, Com Conyers and Brian Hong

**APPROVAL OF MINUTES**

**MOTION** by Commissioner Lund, seconded by Commissioner Oswald to approve the minutes from the May 13, 2014 meeting as presented. Motion carried unanimously.

**PUBLIC HEARINGS**

*All items under old and new business items will go to City Council on  
June 17, 2014 if not tabled, continued or otherwise noted.*

Chair Kinzel stated that this Commission is advisory and the final approval/denial is given at City Council on June 17, 2014 at 7:00 pm.

**NEW BUSINESS**

1. PUBLIC HEARING. Conditional Use Permit to allow a wireless communication tower and related ground equipment area for Verizon Wireless for property located at 15237 Edgewood Drive. (City file 13-046)

Requested by Faulk and Foster Real Estate Services 58 Three Mile Road NW, Suite 102, Grand Rapids, Michigan, 49544 for property legally described as follows: THAT PART OF THE SE ¼ SE ¼ AND THE NE ¼ SE 1/4 , ALL IN SEC. 31, TWP. 134, RGE. 28, DESCRIBED AS FOLLOWS: COMMENCING (full legal available at City Hall).

CD Director Doty explained that this application includes a conditional use permit to allow a new 149 foot tall wireless communication tower and related ground equipment area for Verizon Wireless for property located in a C-2 district. The storage site is at Johnson's Mini-Storage off of Highway 371. The tower and equipment will be located on the west side of the storage units. CD Director Doty

explained the location distances in the tower regulations and the applicant meets all setback requirements. With the conditions in the resolution, the application would also meet the city's other zoning and building requirements. He indicated there will also be a 20' fire lane and a wetland delineation has been completed. He noted that Crow Wing County still needs to review the delineation. CD Director Doty stated staff is recommending approval.

Chair Kinzel asked if there were any questions of staff. Commissioner Ryan asked why the County is reviewing the delineation and not the City. CD Director Doty stated that the County is the local governing unit (LGU) for wetland review for the city.

Chair Kinzel opened the public hearing.

Mr. Blake Conklin, of Faulk and Foster Real Estate Services, representing the owner stated that they have seen a large growth in wireless use with smart phone technology and people replacing their home phones with their cell phones. The need for a new tower is because a tower can only handle so many calls and this location is perfect being it is commercial and very little residential area. Chair Kinzel asked if Mr. Conklin if he understands and agrees with the conditions. Mr. Conklin had no concerns with the conditions.

Chair Kinzel closed the public hearing.

**Motion** by Commissioner Lund, second by Commissioner Ryan to recommend City Council approve the conditional use permit to allow a wireless communication tower and related ground equipment area for Verizon Wireless for property located at 15237 Edgewood Drive subject to the conditions and findings in the draft resolution. Motion carried unanimously.

2. PUBLIC HEARING. Variance to allow a zero foot setback from the north, side property line for a trash enclosure for Poncho & Lefty's for property located at 14151 Edgewood Drive. (City file 14-019)

Requested by Nor-Son Inc. 7900 Hastings Road, Baxter, MN 56425 for property legally described as follows: LOT 3, BLOCK 1, BAXTER WALMART SUBDIVISION, CROW WING COUNTY, MN.

CD Director Doty explained that this application is for a variance to allow a zero foot setback for a trash enclosure. The current trash enclosure is in need of repair and is currently over the property line on the Taco Bell property. He showed the Commission pictures of existing and proposed trash enclosures and noted that there will be slats running through the chain link fence that will screen the trash enclosure to meet code. CD Director Doty stated the reasons the variance standards are being met. CD Director Doty stated staff is recommending approval.

Chair Kinzel stated that he drove over to the site prior to the meeting and it's really a mess over there. He asked if the area is going to be cleaned up. CD Director Doty stated that they are going to clean it up and enclose the various containers.

Chair Kinzel asked if there were any questions of staff.

Chair Kinzel opened the public hearing.

Mr. Terry Hanson, of Nor-Son, stated the intent is to make the enclosure larger to contain all item now located over there. Chair Kinzel asked if Mr. Hanson if he understands and agrees with the conditions. Mr. Hanson had no concerns with the conditions.

Chair Kinzel closed the public hearing.

**Motion** by Commissioner Ryan, second by Commissioner Oswald to recommend City Council approve the variance to allow a zero foot setback from the north, side property line for a trash enclosure for Poncho & Lefty's for property located at 14151 Edgewood Drive subject to the conditions and findings in the draft resolutions. Motion carried unanimously.

3. PUBLIC HEARING. Conditional Use Permit amendment to allow multiple entrance signage for Sound Connection for property located at 15808 Edgewood Drive. (City file 14-021)

Requested by Sound Connection, 2885 Quail Road NE, Sauk Rapids, MN, 56379 for property legally described as follows: THAT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 134 NORTH, RANGE 28 WEST, CROW WING COUNTY, MINNESOTA DESCRIBED AS (full legal available at City Hall).

CD Director Doty explained that a conditional use permit (CUP) amendment to allow multiple entrance signage for Sound Connection for property located in a C-2 district. The history of the property is Viking Harley Davidson previously had a CUP for multiple entrance signage, however when they moved to their new location the signage was removed from the property. One sign is being requested along the front of Hwy 371 and a secondary sign on Edgewood Dr. The secondary sign is larger than a directional sign and is being internally lite, which requires the CUP. The applicant is well below the allowed amount of signage. The signs are 500 feet apart, meeting the separation requirements of the signage regulations. CD Director Doty stated that staff recommends approval of the CUP, with 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. Tom Conyers of Indigo Signs, representing the applicant stepped forward. Chair Kinzel asked if Mr. Conyers if he understood and agreed with the conditions. Mr. Conyers had no concerns with the conditions.

Chair Kinzel closed the public hearing.

**Motion** by Commissioner Oswald, second by Commissioner Lund to recommend City Council approve the conditional use permit amendment to allow multiple entrance signage for Sound Connection for property located at 15808 Edgewood Drive subject to the conditions and findings in the draft resolution. Motion carried unanimously.

4. PUBLIC HEARING. Conditional Use Permits to allow a bank drive through and to allow the moving of Lakes State Bank to property located at 14521 Edgewood Drive. (City file 14-022)

Requested by Vanman Architects and Builders, Inc. 9600 54<sup>th</sup> Avenue South, Suite 180, Plymouth, MN, 55442, for property legally described as follows: PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 6, TOWNSHIP 133, RANGE 28, CROW WING COUNTY, MINNESOTA.

CD Director Doty explained that the applicant is requesting a conditional use permits to allow a bank drive through and to allow the moving of Lakes State Bank to property located in a C-2 district. The bank is currently located in Jenkins and they would like to demo the existing building next to Best Buy (former Integra building) and place the building on that site. The bank building would be located on the east side of the site towards Edgewood Dr. Staff has reviewed the project and finds that with the conditions of approval, the application meets all of the requirements of the zoning ordinance. Architectural review has not taken place but will need to be completed prior to the building permit being issued. The Utilities Commission reviewed this application on June 4, 2014 and requested that the access on Edgewood Dr. be moved as far north as possible. The applicant was made aware of this requested and revised the plan to move the access further north. CD Director Doty stated that staff recommends approval of the CUP with the findings and conditions of approval.

Chair Kinzel asked if there were any questions of staff. Chair Kinzel asked if there is a landscaping plan. CD Director Doty stated that there is a preliminary landscaping plan and it staff will make sure they meet requirement of Baxter's landscaping regulations before a building permit is issued.

Chair Kinzel opened the public hearing.

Mr. Chris Hanson of Vanman Architects, stated they are representing the applicant. He stated that they were the original architects that built the building in Jenkins. He stated that this is a great reuse of the building and they felt it is a good fit for Baxter. Chair Kinzel asked if Mr. Hanson if he understood and agreed with the conditions. Mr. Hanson had no concerns with the conditions. Mr. Hanson spoke of the moving company and the route the building will take.

CD Director Doty stated that Bob Baumann, Baxter Building Official is planning on looking at the building prior to the move and after the move to make sure the integrity of the building is the same after the move.

Chair Kinzel closed the public hearing.

**Motion** by Commissioner Lund, second by Commissioner Oswald to recommend City Council approve the conditional use permits to allow a bank drive through and to allow the moving of Lakes State Bank to property located at 14521 Edgewood Drive the conditions and findings in the draft resolution. Motion carried unanimously.

5. PUBLIC HEARING. Plat to adjust a common lot line between properties to be named “Nystrom Addition” for property located west of Falcon Drive, North of Isle Drive, and South of Glory Road. (city file 14-024)

Requested by the City of Baxter for properties legally described as follows: Outlot B, ISLE ROAD OFFICE PARK, ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE IN THE CROW WING COUNTY RECORDER’S OFFICE; AND THE EAST 120 FEET OF THE WEST 240 FEET OF

CD Director Doty explained that the City is requesting a plat to adjust a common lot line between properties to be named “Nystrom Addition”. This plat was previously recommended for approval by the Planning Commission and approved by the City Council. However, the previous plat was never recorded. The revision proposed at this time would add an additional 50 feet to the Nystrom property from the lot to the north. The additional 50 feet on the Nystrom property will allow the access to be moved north and line up with the McDermott access to Falcon Drive. CD Director Doty explained that the lot size complies with the ordinance and park dedication has been adjusted due to the increase in lot size. Utilities Commission has no concerns with the development provided that a developer’s agreement and assessment agreement is completed. CD Director Doty stated that staff recommends approval of the plat with the findings and conditions of approval.

Commissioner Ryan asked if the right-in right-out to Isle Drive was going away after the Falcon Road was built. CD Director Doty stated that a traffic study allowed for a right-in right-out to remain. Commissioner Ryan asked how it is going to affect McDermott. CD Director Doty stated that although the sites are across from each other, they are have different requirements from a traffic perspective based on the traffic study. The McDermott site has a right turn lane for Falcon Drive along their frontage of Isle Drive. Therefore, McDermott would not be allowed to have a right-in, right-out access in the middle of the turn lane. Commissioner Lund asked how the buildings would be addressed. CD Director Doty indicated both buildings are required to have a Flacon Dr. address, because the main entrance for both properties is off Falcon Drive.

Chair Kinzel opened the public hearing.

There was no one in the audience regarding this application.

Chair Kinzel closed the public hearing.

**Motion** by Commissioner Lund, second by Commissioner Ryan to recommend City Council approve the plat to adjust a common lot line between properties to be named “Nystrom Addition” for property

located west of Falcon Drive, North of Isle Drive, and South of Glory Road the conditions and findings in the draft resolution. Motion carried unanimously.

### **OLD BUSINESS**

1. 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

Mrs. Kendra Lindahl of Landform stated the majority of the changes were reworking the existing regulations to make them more user friendly and in the correct location. There was also a lot of duplication that were reduced. She indicated that there were some changes that need to be reviewed prior to approval by City Council.

The more substantive changes included the following:

- Chapter 4 was renamed to “General Building and Performance Standards” to more accurately reflect the full nature of the chapter.
  - The yard requirements in this section were revised to eliminate redundancies in this and other sections.
  - Clarified that certain encroachments are allowed inside and rear yards (for uncovered decks, stoops, etc.), but that all such encroachments must meet front yard setbacks.
  - Added language to clarify that party walls are allowed on lot lines (for townhomes or similar uses) and that the party wall may be extended to provide privacy for patios and decks if the extension matches the building. Such an extension is not considered a fence and can be approved by the zoning administrator rather than with a CUP.
  - Clarified the setback averaging language in neighborhoods with existing legal non-conforming setbacks.
  - The height requirements section (10-4-4) clarifies the language to note that certain accessory items such chimneys, flag poles, etc. are allowed to exceed the maximum building height in the applicable zoning district. Such uses are permitted up to 50 feet tall.
  - Conditional use permit standards are established for any structures that exceed 50 feet in height.
  - Building Requirements are moved from 10-5-10 to 10-4-5 near similar standards.
    - Adds language stating that not more than one principal building is allowed per lot unless a conditional use permit is granted.
  - “Nuisance Standards” was renamed “General Performance Standards”. Most of this language is relocated from other sections of the code, but some modifications to clarify the language are included.
  - Separated residential standards from non-residential standards.
  - The “Visual Standards” section is renamed as a more descriptive “Screening/Landscaping/Fencing”.
    - Requirements for screening mechanical equipment were moved to this section for the Architectural Design Standards section.
    - There are significant changes to the fencing requirements. The new language allows fences in the front yard setback provided they do not exceed 4 feet.

- Fences not exceeding 6 feet are allowed in behind the front yard setback line and in the side and rear lot lines.

CD Director Doty further explained the 6 foot fencing in the front yard requirement and gave examples of situations where the 6 foot fencing could be used.

- The Individual Subsurface Sewage Treatment Systems Standards in 10-4-9 and the Individual Well Standards in 10-4-12 were moved to the Building Standards (Chapter 9)
- Moved the Manufactured Housing Section to 10-5-6 from 10-4-10.
- One change was made to the sign provisions to increase the allowed temporary signage for multi-tenant buildings with 5 or more tenants.

Consultant Lindahl explained that if a building has more than 5 tenants than each tenant will be allowed 30 days of signage. CD Director Doty explained the current regulations state 90 days per lot regardless of number of tenants. Commissioner Lund asked if there was a review of where these buildings were located. The Commission noted several areas such as Baxter Village, Westport Mall and the Grizzly Center. Commissioner Ryan asked if these tenants were going to be allowed to have their temporary signs out at the same time or one at a time. Commissioner Ryan stated that the Grizzly center area could potentially have 5-10 signs out at one time for each business. The Commission discussed how several signs would work if the tenants were putting several signs out at the same time. Consultant Lindahl clarified that on page 56, 13-A stated that only one temporary sign is allowed per lot, that regulation was staying in the regulations. The Commission agreed it should remain that way. The Commission questioned the word tenant. Consultant Lindahl explained that if a five tenant building only has four spaces rented, than there would be four tenants that get temporary signage. Commissioner Lund stated that at Caribou/Grizzly Center the signs would be hard to read, much different than at Baxter Village where the building is stretched further. Commissioner Lund stated that there needed to be clarification on what a “tenant” is defined and the number of signs per location per month.

Chair Kinzel expressed concern about letting this change take effect, then having to enforce compliance. He stated that once these regulations are loosened than it is hard to get it reversed if it doesn't work. CD Director Doty said that is true, but that the ordinance could be changed.

Consultant Lindahl continued the list of changes.

- The off street parking standards were revised to eliminate inconsistencies.
  - The proposal requires a 5-foot setback from the side and rear property lines for driveways and parking on single-family and two-family homes.
  - It requires a 10-foot setback for all other uses. The existing ordinance seems to require both a 10-foot and 20-foot setback for these uses. We find that 10 feet is typical in other cities that Baxter has used that in many developments. The Commission should review these changes.
  - Duplicated standards in the parking and traffic standards were deleted.

- “Traffic Standards” was renamed “Access Standards” modified to address recent issues about the location of new curb cuts.
- An expanded “lighting standards” section was added as 10-5-4. This expands the existing standards by adding new general performance standards, including an exception for patios and decks attached to residential units to be exempted from the cutoff and shielding requirements provided the light is intended and installed to in light the patio or deck are only.
- Drive-through standards were updated to rename “drive-in” as “drive-through” to be consistent with language in other ordinance section. Additionally, the performance standards were changed and the separation distance from other uses was reduced. This should eliminate several existing non-conformities and the new standards will address typical performance concerns.
- The only significant change to the accessory structures section (10-5-9) is to clarify that through lots are allowed to locate accessory structures between the rear of the principal building and the street. This will allow more usable residential lots in these rare circumstances.

Consultant Lindahl noted that the Architectural Review Commission did review their portion of the regulations on June 5, 2014 and approved the recommendations.

Commissioner Ryan asked about the senior living parking at .75 ratio for each unit. He stated that wording does not make it clear that this is a minimum parking requirement. CD Director Doty and Consultant Lindahl agreed there should be better clarification.

Chair Kinzel opened the public hearing, there was no one remaining in the audience.

Chair Kinzel closed the public hearing.

Prior to the motion Commissioner Ryan asked Commissioner Lund if he was comfortable with the temporary signage change. Commissioner Lund indicated that he was.

**Motion** by Commissioner Lund, second by Commissioner Ryan to recommend City Council approve the City Code amendments to Title 8, 9, and 10 for amendments related to performance standards and special provisions subject to the findings and fact in the draft resolution. Motion carried unanimously.

**Motion** by Commissioner Lund, second by Commissioner Oswald to recommend City Council approve the ordinance amendments to Title 8, 9, and 10 for amendments related to performance standards and special provisions subject to the findings and fact in the draft resolution. Motion carried unanimously.

### **OTHER BUSINESS**

Adopt the Resolution Finding the Modification to the existing Isle Drive TIF District Conforms to the General Plans for the Development and Redevelopment of the City.

CD Director Doty stated that it's this Commission's responsibility to make sure that the TIF district is following the development plans of the City. One motion is to Modify and existing TIF district and the other is to create a new district.

**Motion** by Commissioner Ryan, second by Commissioner Oswald to recommend City Council approve the resolution finding the modification to the existing Isle Drive TIF District conforms to the general plans for the development and redevelopment of the City, per staff findings. Motion carried unanimously.

Adopt the Resolution Finding the Modification to the Proposed Establishment of the Isle/Falcon Drive TIF District Conforms to the General Plans for the Development and Redevelopment of the City.

**Motion** by Commissioner Lund, second by Commissioner Oswald to recommend City Council approve the resolution finding the modification to the proposed establishment of the Isle/Falcon Drive TIF District conforms to the general plans for the development and redevelopment of the City. Motion carried unanimously.

**ADJOURNMENT**

**MOTION** by Commissioner Ryan, seconded by Commissioner Oswald to adjourn the meeting at 7:30 p.m. Motion carried unanimously.

Approved by:

Submitted by:

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Chair Bob Kinzel

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Shanna Newman CD Technical Clerk