

PLANNING & ZONING COMMISSION MINUTES
June 14, 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: Chair Bob Kinzel, Commissioners Steve Lund, Howie Oswald, and Gwen Carleton

MEMBERS ABSENT: Commissioner Bob Ryan and Council Liaison Steve Barrows

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

OTHERS PRESENT:

APPROVAL OF MINUTES

MOTION by Commissioner Lund, seconded by Commissioner Oswald to approve the minutes from the May 10, 2016 meeting as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
June 21, 2016 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 June 21, 2016 at 7:00 pm.

OLD BUSINESS

None

NEW BUSINESS

1. PUBLIC HEARING. Rezoning from R-1 (Low Density Residential) to PUD (Planned Unit Development) and a PUD general plan to allow "Baxter House Kids Resiliency Program", which is a learning center/training program for approximately 10 to 12 children in grades 5-8 for property located at 13401 Birch Dr. THAT PT OF N 1/2 OF NW1/4 OF SE1/4 SEC 8 DESC AS FOL: BEG AT THE I/M AT THE SW COR OF BIRCH DR FIRST ADDITION TO BAXTER GREENWOOD ACRES (full legal available at City Hall) Section 8, Township 133, Range 28 (City file 16-15)

Requested by: Lutheran Social Service of MN, 2485 Como Ave. St. Paul, MN 55108

Chair Kinzel asked Planner Gindele to review the application with the Commission.

Planner Gindele stated that the applicant, Lutheran Social Services (LSS), is requesting the rezoning and PUD general plan to allow a kids resiliency program serving up to 12 children, ages 10 to 14 as a principal use for property. He explained that this application was for a PUD rather than for a CUP due

to the fact that kids' resiliency programs (or similar uses) are not currently listed as a conditional use in the R-1 district and therefore would still have required an ordinance amendment allowing for such a use in the R-1 district along with approval of a CUP. Furthermore, the City has greater control over a proposed development or use with a PUD than with a CUP. Conditions of a PUD may be added that are more tailored to a specific property whereas conditions of a CUP are applied generally across the board for an entire zone (R-1). Amending the ordinance to allow this type of use as a conditional use would open up other properties in Baxter to apply for a CUP for the same use.

The property is currently zoned R-1, which does not allow a kids' resiliency program. A rezoning is therefore required to allow the use. When reviewing the request to rezone property, the city considered the request based on the following factors:

- The proposed action must be considered in relation to, and found to be consistent with, the city's comprehensive plan, including public facilities and capital improvement plans.
- The proposed action must meet the purpose and intent of the individual district.
- There is adequate infrastructure available to serve the proposed action.
- There is an adequate buffer or transition provided between potentially incompatible districts.

Staff finds that the request is consistent with the comprehensive plan and the zoning district. Staff finds that there is adequate infrastructure and that there is enough buffer to support the rezoning.

Planner Gindele went on to explain that the PUD ordinance included in the packet approves a PUD general plan allowing a kids' resiliency program serving up to 12 children as a principal use plus all the permitted, accessory, and interim uses allowed in the R-1 district as permitted uses. Staff has proposed not to include the conditional uses as they may be inappropriate for the site. Although requests for a CUP and an amendment to a PUD have a similar public review process, the city has a greater level of discretion with a PUD amendment. No site review is required at this time since the applicant is not suggesting any construction as part of this application. However, staff notes that a review was completed to determine if there is sufficient parking on the site. The applicant has stated that they require only three or four parking spaces for staff and one additional space for the transportation van. Therefore, staff finds that five parking stalls is sufficient to support the use. The proposed use will serve 10-12 children ages 10-14 within a 10 mile radius of the property. All of the participating children will have been referred to the program by school staff, county social workers, or other service providers that the children may be working with. All transportation of children to and from the site will be provided for by Lutheran Social Services via a 12 passenger van. The van, along with three or four staff members, will be the only parking needs for the proposed use. The property currently has five outdoor parking spaces on site as well as a two-stall garage. Staff members will park on site during hours of operation; the van will also be parked on site. The van will be parked inside the garage overnight, on weekends and holidays when the facility is closed. Since none of the clientele can drive themselves, the staff and the van will constitute the only increase in traffic. During the school year, the program will operate from 3 pm to 7 pm. Children will be picked up from school at the end of their school day and transported to the site and then transported home at 7 pm. During the summer, the program will operate from 12 pm to 4 pm. Children will be picked up and dropped off at their homes by LSS.

Planner Gindele then stated that staff is recommending approval of this application.

Chair Kinzel invited the applicant to the podium to speak about their application and plans. Ms. Jolene Bollig (with LSS) approached the Commission; she reiterated what Planner Gindele had stated and added that they would like to put up a six foot tall privacy fence in the near future. Chair Kinzel stated that he had spoken with one of the residents on Birch drive who stated she was comfortable with the

proposed use and asked the applicant if she was planning on cleaning up the yard at all; the applicant stated that they are currently working with some landscapers to get quotes on doing some yard work to make it look nice. Commissioner Carleton asked how the program will narrow down their selection of students to just 12 children when there are so many that could benefit from this program. The applicant stated that the age requirement will narrow the selection quite a bit. Beyond that, the program is limited in its selection of children based on the types of behavioral issues and learning disabilities the children have as the program is not licensed to use any type of restraints on the children and is not equipped to handle violent children or children with severe learning disabilities.

Chair Kinzel opened the public hearing. Ms. Amanda Wheeler approached the Commission and stated that staff had responded to a lot of her concerns and questions prior to the meeting. She stated that her main concern was that if LSS goes away, can someone else come in and change the use without further City approvals. Chair Kinzel stated that another user could come in with the same use but if they make even minor changes including the number or age of children being served or if they wanted to include overnight use or any type of residency that would require additional approvals from the City. Chair Kinzel stated that the approval of this PUD is specific to this use and any change in use not approved with this PUD would require additional approvals from the City.

Chair Kinzel closed the public hearing.

Motion by Commissioner Lund, second by Commissioner Oswald to recommend the City Council approve the Rezoning from R-1 (Low Density Residential) to PUD (Planned Unit Development) and a PUD general plan to allow “Baxter House Kids Resiliency Program”, which is a learning center/training program for up to 12 children ages 10-14 in grades 5-8 for property located at 13401 Birch Dr. Motion carried unanimously.

- 2. PUBLIC HEARING. The City of Baxter is proposing the establishment of zoning for the recently annexed land located on the east and west sides of Inglewood Drive, between Pine Beach Road and Wolda Road. In addition, the City of Baxter is proposing a new “Commercial/Industrial” zoning district for the City, which would be applied to some of the subject properties. The proposed amendments to the City’s zoning map and zoning ordinance is related to the following described properties:

030361100B00009	030361100BA0009	030361100A00009
030361100C00009	030361100BE0009	030361100BB0009
030361100BC0009	030361100BD0009	032440020080009
0324400090A0009	032440020090009	030364100A00009
030364100F00009	030364100B00009	030364100E00009
030364100C00009	030364100D00009	030312200CCB009
030312200CB0009	030312200BB0009	030312200BAC009
030312200AA0009	030312200CD0009	030312200CCC009
030312300AB0009	030312300AA0009	030312300B00009
0303123200000009	030313300B00009	030313300ABC009
030313300ABD009		

Chair Kinzel asked CD Director Doty to review the application with the Commission. CD Director Doty explained that the subject property was annexed into the City in late July of 2015 and that staff has

one year from the time of annexation to zone the property. Commissioner Lund asked CD Director Doty to show on the map which properties were annexed; CD Director Doty pointed them out on the map and described the general location of the annexed properties as lying along Inglewood Road on the east and west sides from Woida Road to Pine Beach Road. CD Director Doty stated that the reason for the annexation was due to the reconstruction of Inglewood Drive, the County wanted to reconstruct it as a rural section of road but the City wanted to construct it the same way it was constructed to the south with a 10-ton design and bike lanes, as the road is more of a collector road within the city and carries a lot of traffic. In order for the road to be constructed to the City's standard, the City needed to take over maintenance of the road meaning the road itself and the properties along the road needed to be annexed into the City.

Chair Kinzel asked if the County upgraded the road with its own funding or if the City contributed to the upgrade. CD Director Doty stated that there was some grant funding involved in the upgrade but the City did not pay for it. Chair Kinzel asked if those properties that were annexed will see an increase in their taxes. CD Director Doty stated that those properties were not assessed for the Inglewood Road project but their taxes would likely go up due to them being annexed into the City, not due to the road project.

CD Director Doty explained that the two pieces of this application are to approve a new zoning district classification of Commercial/Industrial and to zone the annexed properties.

CD Director Doty briefed the Commission on the public involvement process with the LRPC leading up to this point and explained the biggest concern from those property owners was the lack of utilities since the City requires utilities for commercial properties to develop. A utilities study was conducted for this area to give the property owners an idea as to how their properties could be served and how their property values would be affected with City services. Commissioner Lund asked if the utilities feasibility study provided sufficient evidence to those property owners for them to be comfortable with staff's proposed land use; CD Director Doty stated that it had.

CD Director Doty used power point to show the Commission how the LRPC had guided the annexed properties with medium and low density residential and commercial. He further described the quandary of how to zone the properties that currently have businesses on well and septic. The problem is that if those properties are zoned commercial or industrial they do not have the ability to expand without city water and sewer due to the City's requirement that all commercial and industrial properties must have city water and sewer to develop. CD Director Doty stated that the solution was to create a new Annexed Commercial/Industrial zone that would allow existing businesses at the time of annexation to expand up to 20% on well and septic as long as all other City codes are met. CD Director Doty introduced the uses that would be allowed in the new commercial/industrial zone as a mix of uses that were pulled from the commercial districts and the industrial districts; more intense uses in those districts were excluded from this newly created zone.

Commissioner Carleton asked what becomes of the existing business near the water tower that was guided residential. CD Director Doty stated that it would be allowed to continue current operations and would be allowed to rebuild if the building were damaged but it would not be allowed to expand or change to another commercial type use.

CD Director Doty described the different zoning classifications that could be designated to each land use classification that was placed on the properties. Specifically, he described the difference between the R-

1 and the RS zoning districts as they relate to the Low Density Residential land use category. The major difference between RS and R-1 is that RS has a 5 acre minimum lot size whereas R-1 has a 15,000 square foot minimum lot size. Another key difference is that the RS districts allows homes to develop on 5 acre lots with well and septic whereas the R-1 district allows for a home to be built on an existing lot of record with well and septic as long as it is not subdivided. So in practice, that means that if your 10 acre lot is zoned RS you may split it into two separate five acre lots both having the ability to develop with a home on well and septic but if you have that same lot in the R-1 zone you can only build a single home on it with well and septic. Chair Kinzel stated that it would make more sense to zone them RS rather than R-1 to allow some type of use of their property while waiting for utilities to be extended whenever that may be. CD Director Doty explained how developing with five acre lots can hinder more urban development of the property in the future. Commissioner Lund stated that the limiting factor of development in this area will likely not be the availability of utilities so much as it will be the topography of the land. Chair Kinzel state that he is in favor of zoning the properties guided as low density with the RS zoning classification.

CD Director Doty read a letter from one of the property owners (Tom Bercher) for the record; the letter reads:

“Josh, I will be out of town on the 14th so would request you read this at the meeting. I would request the three lots on Inglewood and the two lots on Co. Rd. 77 be zoned Commercial Industrial and the lot on Peace Rd. be zoned RS. I believe the Council agreed to this zoning at the last meeting I attended. Thank you, Tom Bercher.”

CD Director Doty stated that staff is recommending approval of this application. Chair Kinzel recapped the approval request.

Chair Kinzel opened the public hearing, there was no one to speak and closed the public hearing.

Motion by Commissioner Carleton, second by Commissioner Oswald to recommend the City Council approve the new zoning district classification of Commercial/Industrial and to zone the annexed properties as recommended by staff (RS rather than R-1 for the properties guided as low density residential). Motion carried unanimously.

OTHER BUSINESS

None

ADJOURNMENT

MOTION by Commissioner Oswald, seconded by Commissioner Carleton to adjourn the meeting at 7:10 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Chair Bob Kinzel

Matthew Gindele-Planner