

PLANNING & ZONING COMMISSION MINUTES
July 8, 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, Gwen Carleton and Council Liaison/Mayor Darrel Olson

MEMBERS ABSENT: None

STAFF PRESENT: Community Development (CD) Director Josh Doty and City Administrator Gordon Heitke

OTHERS PRESENT: Earl Lidholm, Kevin Dens, Chad Connor and Chuck and Linda Schmid

APPROVAL OF MINUTES

MOTION by Commissioner Ryan, seconded by Commissioner Oswald to approve the minutes from the June 10, 2014 meeting as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
July 15, 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 July 15, 2014 at 7:00 pm.

OLD BUSINESS

None

NEW BUSINESS

1. **PUBLIC HEARING.** Conditional Use Permit to for planned unit development amendment and a plat to be named, "Second Addition to MacDonald Acres" to allow the consolidation of two unit lots to one unit lot for property located at 14540 Jewelwood Drive. (City file 14-025)

Requested by Craig MacDonald, 14771 Inglewood Drive, Baxter, MN 56425 for property legally described as follows: Lots 11 and 12, Block 1, MacDonald Acres.

CD Director Doty explained that this application is for a planned unit development (PUD) amendment and a plat to be named, "Second Addition to MacDonald Acres" to allow the consolidation of two unit lots to one unit lot for a single family dwelling located at 14540 Jewelwood Drive. CD Director Doty gave the history of the property, stating that in 2005 the City Council approved the plat entitled MacDonald Acres, which included 14 twin home units. He further reviewed the proposed preliminary

and final plat showing the two lots consolidated into one lot. CD Director Doty also reviewed the planned unit development and association document requirements with the Commission. When the first plat was recorded, the driveways were not looked at closely and later it was determined there was not sufficient space for two driveways. The Utilities Commission reviewed the application and had no concerns, provided that three conditions are met. The conditions were that the original PUD conditions were met, that the developer's agreement was met, and that the additional water and sewer lines be abandoned per city requirements. There will also be a vacation of easements. CD Director Doty stated staff is recommending approval.

Chair Kinzel asked if there were any questions of staff.

Chair Kinzel opened the public hearing.

Mr. Chad Connor, WSN representing the applicant stated that after looking closer at the original plat, that there is not a need to request a vacation of easements. He further stated there was no concerns with the conditions.

CD Director Doty asked Mr. Connor if he had received the revised resolution, he was given a copy.

Mr. Connor asked what the specific requirements are to abandon the water and sewer lines. CD Director Doty stated that it was his understanding that it would need to be capped off in the right of way, however Mr. Connor should confirm with the Public Works Department after the meeting.

Chair Kinzel closed the public hearing.

Motion by Commissioner Carleton, second by Commissioner Ryan to recommend City Council approve the conditional use permit for a planned unit development amendment to allow the consolidation of two unit lots to one unit lot for property located at 14540 Jewelwood Drive subject to the conditions and findings in the draft resolution.

Commissioner Lund asked CD Director Doty to go back to the aerial. He expressed some concern about dropping a single family home into a development that was clearly designed for twin-homes. He stated that single family home lots are usually bigger, as the minimum was 20,000 square feet for a residential lot and this lot is much smaller. Commissioner Lund did not understand how this was going to tie into the development.

CD Director Doty stated that he has seen a preliminary building permit and it is very similar to the twin-homes except that it is one half of a twin-home.

Commissioner Lund asked what is truly driving the request. CD Director Doty stated that driveway issue and that the developer has a person interested the house.

Commissioner Ryan asked if there were only building half of the townhome then he thought the other side of the lot would be big enough to allow for a shed.

Chair Kinzel stated the homeowner associations should cover the accessory structures. CD Director Doty stated that homeowners associations can be amended without city action so if this is something the Commission is concerned with, that you could add a condition to the resolution that the unit lot shall not be used for any accessory structures.

Commissioner Lund stated that he was more concerned with how the single family home would fit with the twin-home development

Motion carried unanimously.

Motion by Commissioner Lund, second by Commissioner Oswald to recommend City Council approve the plat to be named, "Second Addition to MacDonald Acres" subject to the conditions and findings in the draft resolution. Motion carried unanimously.

2. PUBLIC HEARING. Conditional Use Permits to allow a joint driveway and a bank drive through for Brainerd Savings and Loan for property located at the southwest corner of Isle Drive and Glory Road. (City file 14-026)

Requested by Nor-Son Inc. 7900 Hastings Road, Baxter, MN 56425 for property legally described as follows: Lot 1, Block 1, Isle Drive Office Park, Section 7, Township 133N, Range 28W, Crow Wing County, MN.

Chair Kinzel stated this application had been withdrawn by the applicant.

3. PUBLIC HEARING. Plat to consolidate two lots into one lot to be known as "Dens Addition" for property located at 6980 Fairview Road and 13779 Flintwood Drive. (City file 14-027)

Requested by Dens Leasing LLC, 2220 Norway Pine Road SW, Brainerd, MN, 56401 for property legally described as follows: Lots 1 and 2, Block 1, Westwood Acres, Crow Wing County, MN.

CD Director Doty explained that this is a request for a plat to consolidate two lots into one lot to be known as "Dens Addition" for property located at 6980 Fairview Road and 13779 Flintwood Drive. One property is the dental office and the other lot has a single family dwelling. The single family dwelling would be removed from the site and the properties would be consolidated to allow for a parking lot expansion. He reviewed the plat with the Commission. Utilities Commission reviewed the application and had no concerns with the application provided that the Fairview Road right of way can be used as part of the 100-year stormwater plan for the site and that water and sewer services to the single family dwelling be abandoned to meet city requirements.

CD Director Doty stated that there is supposed to be a parking lot island installed as shown on the plan. However, the applicant is asking that the parking lot island be relocated to save an oak tree and to provide better shade for the parking lot. Staff noted that the request needs City Council approval and staff is in support of relocating the island. CD Director Doty stated that staff recommends approval of the application subject to the findings and conditions in the approving resolution.

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

Chair Kinzel opened the public hearing.

Mr. Kevin Dens, owner of the property and applicant stated that he is donating the house to Habitat for Humanity, who will move the home. He has no concerns regarding the conditions but stated that he didn't understand the need for the additional seven feet of right-of-way. CD Director Doty explained that the City requires 80' of right of way. He said that if the road needs to be reconstructed, the 80' would be needed to fit the road and utilities. CD Director Doty further explained that anytime a plat comes in, staff reviews the need for right of way of adjacent roads, because this the time when the City has the right to obtain the right-of-way. Mayor Olson stated that when the city works on roadway projects, people want to see trails along the roads and the only way to make that work is by having the sufficient right-of-way. He added that we collect right-of-way as we can to prepare for these future projects. Chair Kinzel stated that Mr. Dens should take this to City Council if he had concern about the right-of-way dedication. CD Director Doty stated that the right of way regulations are in the subdivision regulations and a text amendment would be required to remove/modify that language.

Chair Kinzel closed the public hearing.

Motion by Commissioner Lund, second by Commissioner Ryan to recommend City Council approve the plat to consolidate two lots into one lot to be known as "Dens Addition" for property located at 6980 Fairview Road and 13779 Flintwood Drive. subject to the conditions and findings in the draft resolution.

Commissioner Lund asked about the 18 feet on the east side of the parking lot and asked if it was conforming. CD Director Doty stated that it is conforming being a parking lot setback is 10 feet.

Motion carried unanimously.

4. PUBLIC HEARING. Plat to subdivide a lot from Outlot A of Nystrom Addition, variances for lot width and lot area, and a conditional use permit for off-site/joint parking for property located west of Falcon Drive, North of Isle Drive, and South of Glory Road. (city file 14-028)

Requested by the City of Baxter for properties legally described as follows: Outlot A, Nystrom Addition and Lot1, Block 1, Nystrom Addition

CD Director Doty explained that the City is requesting to plat to subdivide a lot and two outlots from Outlot A of Nystrom Addition, variances for lot width and lot area, and a conditional use permit for off-site/joint parking for property located west of Falcon Drive, North of Isle Drive, and South of Glory Road. CD Director Doty walked the Commission through the plat and explained the substandard lot, parking lot expansion and how the large lot will be split. He added that park dedication will be required but that right of way has already been dedicated. The variance is needed for the 25-foot wide property because it cannot be consolidated with the Nystrom property due to the TIF district. A conditional use permit for off-site/joint parking is also included in this application. The Utilities Commission reviewed the application and had no concerns provided that an assessment agreement is completed. There was also a request to vacate easements at the next council meeting. CD Director Doty stated that staff recommends approval of the application with the findings and conditions of the draft resolutions.

Chair Kinzel asked if there were any questions of staff. Chair Kinzel voiced concern about creating a non-conforming lot and the longevity of the TIF district. He questioned how long the TIF district is good for and if this could possibly get lost or forgotten in the future. He asked if staff is comfortable with this application. CD Director Doty stated that a separate agreement will be recorded against the title of the property, which is the best way to make sure that this does not get forgotten in the future.

Chair Kinzel opened the public hearing.

Mr. Connor was asked if there were any questions, he indicated that he had no questions.

Chair Kinzel closed the public hearing.

Motion by Commissioner Carleton, second by Commissioner Oswald to recommend City Council approve the plat to subdivide a lot from Outlot A of Nystrom Addition, variances for lot width and lot area, and a conditional use permit for off-site/joint parking for property located west of Falcon Drive, North of Isle Drive, and South of Glory Road. subject to conditions and findings in the draft resolution. Motion carried unanimously.

OTHER BUSINESS

Council Liaison/Mayor Olson stated the grand opening of the Whipple Beach Park pavilion is at 6:00 pm on Thursday, July 10, 2014. The contractor is providing hot dogs to the public.

ADJOURNMENT

MOTION by Commissioner Oswald, seconded by Commissioner Carleton to adjourn the meeting at 6:55 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Chair Bob Kinzel

Shanna Newman CD Technical Clerk