

PLANNING & ZONING COMMISSION MINUTES
August 10, 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: Commissioners Steve Lund, Gwen Carleton, Bob Ryan and Council Liaison Steve Barrows

MEMBERS ABSENT: Chair Bob Kinzel and Howie Oswald

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

OTHERS PRESENT: Rick Mileski, Richard and Donna Monson, Tim Ramerth, Michelle Riedel and Charles Vaughn

APPROVAL OF MINUTES

MOTION by Commissioner Carleton, seconded by Commissioner Lund to approve the minutes from the July 12, 2016 meeting as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
August 16, 2016 if not tabled, continued or otherwise noted.*

Acting Chair Ryan stated that this Commission is advisory and the final approval/denial is given at the City Council Meeting on August 16, 2016 at 7:00 pm.

OLD BUSINESS

None

NEW BUSINESS

1. PUBLIC HEARING. Preliminary and final plat named "Third Addition To Baxter Wal-Mart Subdivision" to create three lots from two lots, a Rezoning from C-2, Regional Commercial to PUD, Planned Unit Development and a PUD General Plan for two new multi-tenant retail buildings along Edgewood Drive for property located at 14275 Edgewood Drive. (LOT 1, BLOCK 2, SECOND ADDITION TO WAL-MART SUBDIVISION, CROW WING COUNTY, MINNESOTA TOGETHER WITH VACATED FERNWOOD DRIVE SAID SECOND ADDITION TO WAL-MART SUBDIVISION. Full legal available at City Hall) (City file 16-22)

Requested by: Widseth Smith Nolting, 7804 Industrial Park Road, P.O. Box 2720, Baxter, MN 56425

Acting Chair Ryan asked CD Director Doty to review the application with the Commission. CD Director Doty stated this is a preliminary and final plat named "Third Addition to Baxter Wal-Mart Subdivision" to create three lots from two lots, a Rezoning from C-2, Regional Commercial to PUD, Planned Unit

Development and a PUD General Plan for two new multi-tenant retail buildings along Edgewood Drive for property located at 14275 Edgewood Drive (Gander Mountain site). He reviewed the site location and plan, how the lot will be split into three lots, the main area of construction (the front two lots) current and reconstruction of parking and the items being proposed for each building. He reviewed the landscaping plan, elevations submitted for each building, access/traffic patterns, that there is no need for right-of-way, park dedication fees will be collected for the creation of the two new lots, and the previous history of this lot and past approvals that did not move forward. CD Director Doty indicated that the Utility Commission had requested a developers agreement be put in place prior to a building permit being issued; additional comments from the Utility Commission can be found in the resolution as conditions of approval. The Architectural Review Commission reviewed the proposed buildings on August 8, 2016 and recommended approval.

CD Director Doty reviewed the planned unit development (PUD) with the Commission and indicated that cross access is occurring and the agreements already in place to allow it needs to be reviewed by the city attorney to make sure that this can continue to occur without concerns. CD Director Doty stated that the developer is proposing sidewalks around that building, but not sidewalks that connect to other buildings in that location. CD Director Doty indicated that city ordinance requires parking lots with 100 parking spots or more to have a "spine" sidewalk for pedestrian connectivity. He indicated that the westerly lot where Gander Mountain currently is has over 100 parking stalls which will trigger the requirement for a spine sidewalk. However, seeing as there are no improvements being made to this lot at this time, staff is only requiring that a pedestrian master plan be submitted for the entire site showing a spine sidewalk that would run the length of the parking lot from the two new building to the existing Gander Mountain and a sidewalk connection to Cub Foods and the vacant land to the North. Only the sidewalks on the two lots with the two proposed new buildings will be required at this time. When the developer comes back to the City in the future to make improvements on the third lot where Gander Mountain currently is, a PUD amendment will be required and the pedestrian connections to that site will be made at that time.

CD Director Doty reviewed the parking regulations and indicated that staff is allowing flexibility regarding the parking island requirement and allowing the 12 stalls on the Caribou side to remain without a parking island; he further explained that the Code allows the Zoning Administrator to waive the parking island requirement for up to 15 stalls in a row. He further stated that the PUD flexibility is requesting two pylon signs instead of one, as is allowed by ordinance. The original Gander Mountain pylon sign will stay and an additional 200 sq. ft. sign will be placed at the north end of the site. CD Director Doty explained the location of the drive thru for Caribou Coffee and the requirements needed and have been met by regulations. Another drive thru condition has been updated and placed at the Commissioners desk, there was some concern with the traffic circulation and how exiting the drive thru would take place, there is still a concern and staff wanted to raise awareness to the Commission to discuss the drive-thru.

CD Director Doty stated that staff is recommending approval of the plat and PUD application with the conditions noted in the draft resolutions.

Mr. Tim Ramerth, WSN, representing the owner stated that CD Director Doty reviewed the project well and there were only a few things that he wanted to touch on. Mr. Ramerth stated that they planned on having pedestrian connectivity around the building and to Edgewood Dr. and that plans will be amended to reflect that. However, at this point, the Gander Mountain building having connectivity is not reasonable being there is not plans showing what will take place with that portion of the site.

Commissioner Carleton asked about access to Edgewood Dr., Mr. Ramerth stated that he and CD Director Doty have had conversation about that and that and will be amended to provide that connectivity. Commissioner Carleton asked about the drive-thru and the proposed changes. Mr. Ramerth stated that a few spaces are needed/required for a specific business; he explained the modification that will be made to the drive-thru to direct traffic flow as it exits the drive-thru. Mr. Ramerth indicated that the number of total required shrubs, per ordinance, was reduced and were replaced with extra trees on site as is allowed per City Code. Mr. Ramerth also stated that he will work with staff to revise the landscaping plan to address other concerns as indicated in the resolution.

Acting Chair Ryan opened the public hearing.

Mr. Richard Mileski, owner of the Light Depot property to the north, indicated that he is excited about the development. He indicated that he has seen a lot of pedestrian traffic and agreed with the needs for sidewalks to/from the proposed development.

Acting Chair Ryan closed the public hearing.

Commissioner Carleton stated that she wished there was enough room for a sidewalk on Edgewood Dr. CD Director Doty stated that there are too many utilities in that location and it would be very tough to put a trail/sidewalk along any part of Edgewood Dr. and the green space would be lost should that ever happen.

Commissioner Lund asked for clarification regarding the sidewalks/pedestrian connectivity. CD Director Doty explained the need for connectivity and proposed projects that will create that connectivity and the parking regulations. The master plan is being requested so in the future, when permits come in for different areas within this plan, the developer knows what is expected and requested to meet regulations and pedestrian connectivity in the future, even though it is not being proposed today. Commissioner Lund clarified the location of the trail/sidewalk to the north and south of the Gander Mountain, CD Director Doty confirmed that at this time the Gander Mountain building is not being worked on or having a permit pulled for that building, only the buildings located in the front parking lot of Gander Mountain and staff is OK with holding off on the north/south connections on the Gander Mountain site until the time of construction. CD Director Doty indicated that the master plan can be amended in the future to assist with gaining connectivity. CD Director Doty reviewed the conditions in the resolution regarding the PUD amendments with the Commission for clarification.

Commissioner Lund asked for clarification on the drive-thru. CD Director Doty stated there will be a one-way entrance for the drive-thru and there will be a curb island that will allow for stacking on the side and back of the drive-thru. CD Director Doty explained that the City engineer has also reviewed the parking and drive-thru had has some concern, staff is just not sure of the solution other than relocating the drive-thru, however that is not the proposal in front of the Commission.

Motion by Commissioner Lund, second by Commissioner Carleton to recommend the City Council approve the preliminary and final plat named "Third Addition To Baxter Wal-Mart Subdivision" to create three lots from two lots, a Rezoning from C-2, Regional Commercial to PUD, Planned Unit Development and a PUD General Plan for two new multi-tenant retail buildings along Edgewood Drive for property located at 14275 Edgewood Drive, as presented by staff in the draft resolution. Motion carried unanimously.

2. PUBLIC HEARING. Variance to allow a 264 square foot addition to an existing 1,000 square foot detached accessory structure raising the cumulative square footage for a single detached accessory structure beyond the 1,152-square foot maximum allowed by the zoning ordinance for property located at 13152 Timberland Drive (THAT PART OF LOT 1 BLOCK 8 PARKWOOD, AND THAT PART OF GOV. LOT 9 SEC. 12 DESCRIBED AS FOLLOWS. Full legal available at City Hall) (City file 16-23)

Requested by: Richard and Donna Monson 13152 Timberland Drive, Baxter, MN 56425

Acting Chair Ryan asked Planner Gindele to review the application with the Commission. Planner Gindele stated that the applicant is requesting a variance to allow a 12 x 22 sq. ft. (264 square foot) addition to an existing 1,000 square foot detached accessory structure raising the cumulative square footage for a single detached accessory structure 112 square feet beyond the 1,152-square foot maximum allowed by the zoning ordinance for property located at 13152 Timberland Drive. Planner Gindele gave the history of the house, the size of the lot, topography and the amount of trees that buffer the lot/lake. He indicated that all accessory structures (attached and detached) add up to 1,792 square feet, under the allowed maximum of 1,800 sq. ft. The applicant could build a stand-alone structure however they would like preservation of the space and limit the impact from the lake; therefore would like to attach this studio to the existing garage as it will fit well together. Planner Gindele reviewed the variance elements, setbacks, site plan and additional architectural features with the Commission.

Planner Gindele stated that staff is recommending approval of the variance being requested by this applicant.

Acting Chair Ryan opened the public hearing.

Mr. Richard Monson, owner/applicant indicated that Planner Gindele did a good job reviewing their request. He stated that it will add a nice touch to the end/lake side of the garage.

Acting Chair Ryan closed the public hearing.

Motion by Commissioner Carleton, second by Commissioner Lund to recommend the City Council approve the variance to allow a 264 square foot addition to an existing 1,000 square foot detached accessory structure raising the cumulative square footage for a single detached accessory structure beyond the 1,152-square foot maximum allowed by the zoning ordinance for property located at 13152 Timberland Drive as indicated in the draft resolutions presented by staff. Motion carried unanimously.

3. PUBLIC HEARING. Zoning Ordinance Text Amendment to Title 10 of the Baxter City Code. Zoning Ordinance Amendments are proposed related to Temporary Health Care Dwellings. (City File 16-24)

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

Acting Chair Ryan asked CD Director Doty to review the application with the Commission. CD Director Doty stated that on May 12, 2016, Governor Dayton signed into law a bill creating a new process for landowners to place mobile residential dwellings “drop houses” on their property to temporarily help a family member with health care issues. The law included an option for communities

to opt out by September 1, 2016, by passing an ordinance to opt out of this specific State requirement. If a community does not opt out by September 1, 2016, than they will be required to follow the regulation as set forth in the bill. CD Director Doty stated that the language was taken from the League of Minnesota Cities.

CD Director Doty then stated that staff is recommending approval of the Zoning Ordinance amendment related to temporary health care dwellings based on the findings.

Commission Lund asked if the League had taken a position on this when it was going through the legislative process, CD Director Doty stated that they requested the opt out language.

Acting Chair Ryan opened the public hearing, there was no one left in the audience, Acting Chair Ryan closed the public hearing.

Motion by Commissioner Lund, second by Commissioner Carleton to recommend the City Council Zoning Ordinance Text Amendment to Title 10 of the Baxter City Code. Zoning Ordinance Amendments are proposed related to Temporary Health Care Dwellings. Motion carried unanimously.

OTHER BUSINESS

None

ADJOURNMENT

MOTION by Commissioner Carleton, seconded by Commissioner Lund to adjourn the meeting at 7:00 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Acting Chair Bob Ryan

Shanna Newman CD Administrative Assistant