

PLANNING & ZONING COMMISSION MINUTES
Special Meeting
September 24, 2013 - 6:00 p.m.

CALL TO ORDER

The special meeting of the Planning and Zoning Commission was called to order at 6:00 p.m.

MEMBERS PRESENT: Commissioners Bob Ryan, Howie Oswald, Gwen Carleton and Steve Lund

MEMBERS ABSENT: Chair Bob Kinzel and Council Liaison/Mayor Darrel Olson

STAFF PRESENT: CD Director Josh Doty

OTHERS PRESENT: Jesse Hopkins

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
October 1, 2013 if not tabled, continued or otherwise noted.*

OLD BUSINESS

None

NEW BUSINESS

1. **PUBLIC HEARING. Minor Subdivision** to plat an existing lot and outlot as one lot to be named "McDermott Professional Center" (city file 13-043)

Requested by Nor-Son, Inc. for property legally described as follows:

Outlot B, Crosby Cardiovascular LLC and part of the southwest quarter of the southeast quarter of Section 7, Township 133, Range 28, Crow Wing County, Minnesota.

CD Director Doty presented the location of the requested minor subdivision to plat an existing lot and outlot as one lot to be named McDermott Professional Center. The applicant is proposing to build a dental/medical office. With the platting process, the City of Baxter will receive right-of-way on both Falcon Drive (7 feet) and Isle Drive (15 feet for a turn lane). There will be a temporary access on Isle Drive until Falcon Drive is constructed; upon the road being completed the temporary access will be closed. It was noted that the Utility Commission did review the plat and recommended approval of the minor subdivision subject to the owner entering into an assessment agreement. CD Director Doty informed the Commission that this project has not been reviewed by the Architectural Review Commission (ARC) and a condition has been placed in the resolution requiring review prior to a permit being issued. Park dedication fees are due for this minor subdivision in the amount of \$6,687.10 prior to platting.

CD Director Doty explained that a hearing for a road easement vacation will be held at the October 1, 2013 City Council meeting. The easement vacation is a minor cleanup item.

CD Director Doty stated that the applicant meets the majority of the regulations with a few minor changes to the site plan. Staff is recommending approval of the minor subdivision.

Acting Chair Ryan opened the public hearing.

Mr. Jesse Hopkins with Nor-Son, representing the owner stated that he had no concerns regarding the conditions. He asked CD Director Doty what items were in need of correction on the site plan, CD Director Doty noted the landscaping regulations section of the staff report. Mr. Hopkins acknowledged the regulation.

Commissioner Carleton asked when Falcon Drive would be completed, CD Director Doty indicated that City Council makes the final decision, however it was slated for spring of 2014.

Commissioner Lund asked for clarification about the easement vacation. CD Director Doty will check into the number of easements to be vacated prior to the City Council meeting. Commissioner Lund asked if the 6" water line on Falcon Drive, would will be paid for by the applicant. The applicant stated that they would pay that cost.

Acting Chair Ryan closed the public hearing and brought it back to the Commission.

Motion by Commissioner Lund, seconded by Commissioner Oswald to recommend approval to City Council for the minor subdivision entitled McDermott Professional Center subject to the findings and conditions in the draft resolution. Motion carried unanimously.

Acting Chair Ryan reminded the applicant that this Commission is advisory and the final approval/denial is given at City Council on October 1, 2013 at 7:00 pm.

Acting Chair Ryan asked if this was going to be a fall project, Mr. Hopkins stated it was originally going to be, however, the owner is working on a few things and the project has been pushed to spring. With the project being pushed backed, there is a good chance that the temporary entry may not take place.

OTHER BUSINESS

Mr. Hopkins asked a general question regarding permitted and conditional uses in any district. If the ordinance does not state a use in a district, can a use variance be allowed? CD Director Doty stated that use variances are not allowed by state law and that they would need to request a zoning text amendment. CD Director Doty noted that rezoning may be another option but could be an issue of spot zoning.

CD Director Doty gave the Commission an update for the next meeting.

Commissioner Lund asked the status of the Home Depot additional access. CD Director Doty stated that the access was approved by staff and Home Depot is planning to complete the project this fall.

ADJOURNMENT

MOTION by Commissioner Carleton seconded by Commissioner Oswald to adjourn the meeting at 6:25 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Acting Chair Ryan

Shanna Newman CD Technical Clerk