

PLANNING & ZONING COMMISSION MINUTES
October 14, 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, Howie Oswald, Gwen Carleton and Council Liaison/Mayor Darrel Olson

MEMBERS ABSENT: Steve Lund

STAFF PRESENT: Community Development (CD) Director Josh Doty and Consultant Kendra Lindahl

OTHERS PRESENT: Mindy and Cameryn Silvernail, Craig Collstrom and Murray Hebert

APPROVAL OF MINUTES

MOTION by Commissioner Carleton, seconded by Commissioner Ryan to approve the minutes from the September 9, 2014 meeting as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
October 21, 2014 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 October 21, 2014 at 7:00 pm.

OLD BUSINESS

None

NEW BUSINESS

1. PUBLIC HEARING. Zoning Ordinance Text Amendment to allow accessory buildings that are not compatible with the principal structure in the F, Commercial Forestry district and an Interim Use Permit to allow a private stable for property located at 4264 Mapleton Road. West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 15. (City file 14-030)

Requested by: Mindy and Garrett Silvernail 4264 Mapleton Road, Baxter, MN 56425

CD Director Doty stated that this application includes two requests. One is a city application for a zoning ordinance text amendment and the other is an application by the Silvernails for an interim use permit for a private horse stable. CD Director Doty stated that the text amendment would allow accessory structures that do not match the house provided that the structure is not visible from adjacent properties public streets. Recently an ordinance was passed that allows this design exemption in the RS district. The text amendment would allow the same opportunity in the F, Commercial Forestry district.

CD Director Doty stated that the applicant is requesting an interim use permit for a private horse stable on their property located at 4264 Mapleton Rd. CD Director Doty stated that staff has reviewed the application and provided the Commission with maps and a picture of the horse stable being requested. Staff did place a limit of 15 years for the interim use permit and that any pasture needs to be 300 feet from lot lines. CD Director Doty reviewed the conditions with the Commission and stated that staff is recommending approval with the conditions mentioned.

Chair Kinzel asked for clarification between RS and F district. CD Director Doty stated that RS district includes mostly larger lots in the rural portion of the city. He stated that the F, Commercial Forestry district was created for lands owned by Potlatch. However, currently Potlatch is selling some of their land, as is the case with the applicant, who bought their land from Potlatch. CD Director Doty stated that F zoned properties are also large lot properties in the rural area of the city.

Chair Kinzel opened the public hearing.

Ms. Mindy Silvernail property owner, stated that the reason they purchased the 20 acres was to have horses on the lot. Ms. Silvernail stated that they are paying \$1,100.00 a month to board the horses at a stable and would like to move the horses to save money. She also stated that the only reason that they are not matching the house is because the horses would be able to kick through the material that is currently on the house. Chair Kinzel asked if Ms. Silvernail had any questions or concerns regarding the conditions of approval, she did not.

Chair Kinzel closed the public hearing.

Chair Kinzel asked the Commission if there were any questions, there were none.

Motion by Commissioner Ryan, second by Commissioner Oswald to recommend City Council approve the zoning ordinance text amendment to allow accessory buildings that are not compatible with the principal structure in the F, Commercial Forestry district and an interim use permit to allow a private stable for property located at 4264 Mapleton Road. Motion carried unanimously.

2. PUBLIC HEARING. Variance to allow a recreational vehicle port structure and a variance to allow accessory structure square footage to exceed 1,800 square feet for property located at 6259 Clearwater Road. Lot 1, Except the North 7 feet of Lot 1. (City file 14-035)

Requested by: Murray Hebert 6259 Clearwater Road, Baxter, MN 56425

CD Director Doty explained the applicant is asking for an 18-foot by 64-foot recreational vehicle port without walls and a metal roof. CD Director Doty reviewed the pictures of the requested vehicle port. He explained that there are four accessory buildings near a pool on the lot, a detached garage and pool totaling 2,799 square feet. With the 1,152-square foot recreational vehicle port structure, there would be a total of 3,951 square feet of accessory structures on the lot, where 1,800 square feet is the maximum allowed. CD Director Doty also noted that the zoning ordinance requires that accessory building garage doors may not exceed nine feet in height and that the applicant is asking for fourteen feet from grade to the bottom of the roof. CD Director Doty stated that staff is recommending denial of the variance application being this request does not meet the variance requirements.

Chair Kinzel asked if there were permits pulled for all of the accessory structures. CD Director Doty stated that there are some permits on file but not for every building on the lot. He added that some of the buildings have been there for some time.

Chair Kinzel opened the public hearing.

Mr. Murray Hebert, property owner stated that he put the pool in 18 years ago and all of those structures have been there since then. He stated that no one would see the RV shelter and that if need be he would plant more trees to conceal the shelter and would plant even more if anyone bought the lots next to him. He stated that his RV has been sitting there in his yard and he would just like to put a roof over it to protect it. He stated that he has come into city hall several times asking about how he could remedy this situation. He stated staff told him to right up a request and he did, then last Friday, October 10, 2014 he received a call that it was not going to work. Chair Kinzel stated that the main issue is the amount of accessory structure that is currently over. Mr. Hebert stated he was willing to shorten the length if necessary.

Council Liaison/Mayor Olson stated that the applicant owns the lot to the east and asked if moving the shelter to the adjacent lot would work. CD Director Doty stated ~~that~~ the square footage variance would be resolved but that there would still be a variance for the building not matching the principal structure. He said there would also need to be a zero lot line situation created to cross the property line with hard surface. Commissioner Ryan stated that he was not in favor of making those changes at during the meeting and staff should work out those items prior to coming to the commission. He suggested tabling the application or agreeing with staff's findings on the denial.

Mr. Hebert stated that he has been trying for two years to get this approved. He thought that this Commission was going to give him approval. He expressed disappointed that he didn't receive more help from staff. Mr. Hebert stated that the land is not ~~use~~usable to him. Chair Kinzel reiterated the regulations and the steps that are needed to get a variance approved. Mr. Hebert thought he was at the Council meeting, not at Planning & Zoning Commission. Chair Kinzel further explained the Council process.

Chair Kinzel closed the public hearing.

Motion by Commissioner Ryan, second by Commissioner Carleton to recommend City Council deny the variance to allow a recreational vehicle port structure and a variance to allow accessory structure square footage to exceed 1,800 square feet for property located at 6259 Clearwater Road. Motion carried unanimously.

3. PUBLIC HEARING. Variance to allow animal noise to exceed the requirements of Chapter 4, Noise Control of the City Code for property located at 6151 Paris Road. The West 740 Feet of Government Lot 2, Section 24, Subject to an easement of record. (City file 14-036)

Requested by: Dean Renneke 6151 Paris Road, Baxter, MN 56425

This item was pulled off the agenda by the applicant.

- 4. PUBLIC HEARING. Zoning Ordinance amendments to the administrative standards and building moving standards of the zoning ordinance. (city file 14-033)

Requested by: City of Baxter 13190 Memorywood Drive, Baxter, MN 56425

Consultant Kendra Lindahl explained the need to clean-up and reorganize the administrative section of the ordinance. This was done by combining chapters 7-12 into Chapter 7, Administration. Ms. Lindahl stated that the city also prepared revisions related to Permits and Procedures, moved Interim Uses from 10-3-1 to Chapter 7, updated the legal notification distance, and updated the ordinance to meet Minnesota state law in several areas. The city also added the city’s house moving policy as new ordinance. She stated that staff is recommending approval of the zoning ordinance amendment.

Chair Kinzel opened the public hearing, there was no one that wanted to speak regarding this application.

Chair Kinzel closed the public hearing.

Motion by Commissioner Ryan, second by Commissioner Oswald to recommend City Council approve the zoning ordinance text amendment to the administrative standards and building moving standards of the zoning ordinance. Motion carried unanimously.

OTHER BUSINESS

None

ADJOURNMENT

MOTION by Commissioner Oswald, seconded by Commissioner Ryan to adjourn the meeting at 6:50 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Chair Bob Kinzel

Shanna Newman CD Technical Clerk