

PLANNING & ZONING COMMISSION MINUTES
November 12, 2013 - 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, Steve Lund and Council Liaison/Mayor Darrel Olson.

MEMBERS ABSENT:

STAFF PRESENT: CD Director Josh Doty, City Administrator Gordon Heitke and Consulting Planner Kendra Lindahl

OTHERS PRESENT: Mike Flynn, Nate Grotzhe, Wendy Peterson, Sean Raboin and Eric Paulret

APPROVAL OF MINUTES

MOTION by Commissioner Carleton, seconded by Commissioner Oswald to approve the minutes from the October 8, 2013 as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
November 19, 2013 if not tabled, continued or otherwise noted.*

OLD BUSINESS

1. **PUBLIC HEARING.** Revocation of Conditional Use Permit - Resolution 13-5/2-1 allowing a pet shop (PetNorth) at 15133 Edgewood Drive (city file 13-016)

Requested by the City of Baxter for property legally described as follows:

Lot 1, Block 1, Grizzlys Center, Phase Three, Crow Wing County, Minnesota.

CD Director Doty explained the staff report and resolution in the packet recommends approval of a revocation of the conditional use permit for PetNorth. Prior to the October 8, 2013 hearings, the business owner requested an extension of time to allow further opportunity to comply with the two outstanding conditions of approval. The Planning Commission opened the public hearing on October 8, 2012 and continued it to the Planning Commission's next regular meeting on November 12, 2013. Prior to the November 12, 2013 meeting staff went to the location and confirmed that the two outstanding conditions were still in violation.

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

Chair Kinzel opened the public hearing and it was noted that no one was in the audience to speak on this matter.

Motion by Commissioner Ryan, second by Commissioner Oswald to recommend the City Council approve the revocation of the conditional use permit (Resolution 13-5/2-1) allowing a pet shop (PetNorth) at 15133 Edgewood Drive per staff findings. Motion carried unanimously.

Chair Kinzel stated that this Commission is advisory and the final approval/denial is given at City Council on November 19, 2013 at 7:00 pm.

2. **PUBLIC HEARING.** Zoning Ordinance Text Amendment to revise Section 10-4-10 of the Zoning Ordinance – Design Standards for Commercial, Industrial, Office Service, Multiple-Family Dwellings and Residential Planned Unit Developments. (city file 13-045)

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

Consulting Planner Lindahl stated that this is a big clean-up of the regulations with three major changes. The first is allowing an administrative process to allow staff to review a project similar to a site plan review and determine if the project meets the regulations or if a meeting needs to be held. The second clarification is some of the standards within each district and clean-up of technical items all in an attempt to stream line the process for the developers. She further highlighted a few areas in the document including simplifying the name to Architectural Design Standards, making the standards apply to all districts except single family, and removing items that were not architectural such as landscaping and site plan items. Some items such as landscaping are provided in other areas of the regulations.

On October 17, 2013, the ARC Commission reviewed the document and requested several small changes. Those changes have been incorporated into this document. Staff is recommending approval of the text amendment. Prior to the meeting Consulting Planner Lindahl and CD Director Doty spoke and on page 5 item 1-B articulation added “is required” that is more than 60 feet. On page 6 “as follows” should be added to the first sentence.

Chair Kinzel asked if there were any questions of staff.

Chair Kinzel stated that he spoke with CD Director Doty prior to the meeting and asked several questions being there seemed to be a lot of terminology. His example was on Page 4 C-1 “All exterior building alteration shall use approved materials as set forth in Subsection 10-4-10. The front façade shall be brought into compliance” Compliance to what was his question. Commissioner Ryan stated that he could explain the questions as he sits on the ARC Commission. This clause kicks in if an addition is brought in, the façade is looked at to see if it is compliant with the regulations, if not, then the value of the permit is looked at and the applicant is asked to put 1/3 of the cost of the permit into the front façade. Sometimes the whole front façade is redone, sometimes small updates are made to improve the front façade. If you work with the document as the developers and builders do, this section is familiar and understandable.

Chair Kinzel opened the public hearing.

Motion by Commissioner Ryan, second by Commissioner Carleton to recommend the City Council approve the Zoning Ordinance Text Amendment to revise Section 10-4-10 of the Zoning Ordinance – Design Standards for Commercial, Industrial, Office Service, Multiple-Family Dwellings and Residential Planned Unit Developments per staff findings. Motion carried unanimously.

NEW BUSINESS

1. **PUBLIC HEARING.** Conditional Use Permit for Planned Unit Development Amendment to allow a drive thru and related site improvements for Affinity Plus Federal Credit Union for property located at 15524 Edgewood Drive (city file 13-047)

Requested by HTG Architects on behalf of Affinity Plus Federal Credit Union on property legally described as follows:

Unit 2, Common Interest Community (CIC) Number 1104 A Condominium Bookworld, Crow Wing County, Minnesota. PID #0361700090A0009

CD Director Doty stated that the request is to amend the current conditional use permit for a planned unit development to allow for two drive-thru lanes and an ATM drive thru lane with a covered canopy. The applicant has showed additional landscaping to the parking lot area. CD Director Doty reviewed an aerial and site plans with the Commission. He further explained the history of the property and the CIC plat. CD Director Doty stated that the Utilities Commission has recommended approval and staff is recommending approval.

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

Chair Kinzel opened the public hearing.

Mr. Sean Raboin, HTG Architects representing Affinity Plus Federal Credit Union stated that CD Director Doty presented the project well and they had no concerns regarding the conditions. He informed the Commission that the credit union attorney and the city attorney were already in discussion regarding the document amendments. He further stated that the credit union is excited to be coming to Baxter.

Motion by Commissioner Lund, second by Commissioner Ryan to recommend City Council approve the conditional use permit for planned unit development amendment to allow a drive thru and related site improvements for Affinity Plus Federal Credit Union for property located at 15524 Edgewood Drive .

Commissioner Lund asked CD Director Doty about the flow of traffic on the site. He was concerned about the arrows and the possible confusion. CD Director Doty stated that he added the condition requiring the site to be re-designed to allow for only one-way traffic in the area of the drive thru.

Motion carried unanimously.

2. **PUBLIC HEARING.** Zoning Ordinance Text Amendment to revise district standards for the O-S (Office Service), C-1 (Neighborhood Commercial), C-2 (Regional Commercial), I (Industrial Office), and P-B (Public Benefit) zoning districts (10-3-F, G, H, I and K) (city file 13-048)

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

Consulting Planner Lindahl stated that this is a little more complicated than the architectural regulations, however it is similar being this is a clean-up of the allowed uses and conditional uses for all business districts. The primary purpose of the changes were 1) to update the uses, 2) reduce the number of CUPs, 3) provide standards for CUPs and IUPs and 4) provide some general organization and clean-up of issues. There are also uses that were grouped together to make one category, such as barbershops, beauty shops and other personal uses are now personal services. These were all permitted uses previously. She explained the motor fuel station and the new verbiage would make a few non-conforming gas stations now conforming. Adult uses is also an area that needed to be updated and now references Title 9 Chapter 4.

Consulting Planner Lindahl then explained that tobacco shops, off sale liquor stores and pawn shops were conditional uses without any standards. All three of the uses are now permitted uses, the reason being, the city has more flexibility over the licensing. As seen tonight it is very hard to revoke a CUP and revoking a license is a lot easier. Generally the reason for a CUP for pawn shops is the fear of stolen items and that is not a zoning issue. The cost of a CUP and requiring a license does deter pawn shops from coming into a city however there has to be conditions for the CUP.

A couple of items in the Industrial District would now allow some retail space, the example was a gift shop should be allowed in a hospital. The other item was now junkyards are a conditional use permit instead of interim use permit.

Consulting Planner Lindahl further explained the new columns for setbacks. She then stated that staff is recommending approval of the regulations.

Chair Kinzel asked if there were any questions of staff. Chair Kinzel stated that he thought interim use permits were a good tool. Consulting Planner Lindahl explained that it should really be a temporary use or a sunset should be placed on the use.

Commissioner Ryan confirmed that Title 9 Chapter 4 will still be in place with the new regulations, staff responded that was correct.

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

Motion by Commissioner Carleton, second by Commissioner Oswald to recommend City Council approve a zoning ordinance text amendment to revise district standards for the O-S (Office Service), C-1 (Neighborhood Commercial), C-2 (Regional Commercial), I (Industrial Office), and P-B (Public Benefit) zoning districts (10-3-F, G, H, I and K) per staff findings. Motion carried unanimously.

3. **PUBLIC HEARING.** Zoning Ordinance Text Amendment to revise the city's sign ordinance (10-5-1) (city file 13-049)

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

CD Director Doty explained that this is more of a clarification. One clarification is with multiple entrance signage, under the current code you could split the square footage amount and have a sign on each drive-way/entrance. The new regulations would allow one sign per 200 feet and the signs have to be on different streets. The other clarification is the setback of a sign. Past practice has been that all

signs have to meet a 10 foot setback, however it is really only called out in the residential district. This ordinance will require a 10 foot setback in all districts.

CD Director Doty stated that staff is recommending approval.

Chair Kinzel asked if there were any questions of staff.

Commissioner Lund used the Bookworld site as an example, they are on a corner lot however they could not meet the 200 foot setback to place a sign along Hwy 371 and Novotny Road. But if they could meet the 200 foot requirement and wanted multiple signs then the CUP process would take place. CD Director Doty confirmed that was correct except to say that Bookworld does have two signs but along Hwy 371 and Edgewood Drive.

Chair Kinzel opened the public hearing

Motion by Commissioner Lund, second by Commissioner Carleton to recommend City Council approve the zoning ordinance text amendment to revise the city’s sign ordinance (Section 10-5-1). Motion carried unanimously.

OTHER BUSINESS

Approve Official Map for Joler Road Extension (city file 13-050)

CD Director Doty stated that this is a request of staff. He pointed out the location of Joler Road on the map. Staff is looking to officially map this portion of the road and needs to be reviewed to make sure it is consistent with the comprehensive plan. The actual hearing will be held at the November 19, 2013 City Council meeting. The Utilities Commission also reviewed the official map and recommended approved. Staff’s findings are that the map is consistent with the comprehensive plan and is recommending approval.

Chair Kinzel asked if there were any questions of staff.

Chair Kinzel opened the public hearing

Motion by Commissioner Lund, second by Commissioner Oswald to recommend City Council approve the ordinance for the official map for Joler Road Extension. Motion carried unanimously.

ADJOURNMENT

MOTION by Commissioner Lund, seconded by Commissioner Ryan to adjourn the meeting at 7:05 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Chair Bob Kinzel

Shanna Newman CD Technical Clerk