

PLANNING & ZONING COMMISSION MINUTES
December 10, 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: Commissioners Bob Ryan, Howie Oswald, Steve Lund and Council Liaison/Mayor Darrel Olson.

MEMBERS ABSENT: Chair Bob Kinzel and Commissioner Gwen Carleton

STAFF PRESENT: CD Director Josh Doty and Consulting Planner Kendra Lindahl

OTHERS PRESENT: Mindy Michael and Jason Tadych

APPROVAL OF MINUTES

MOTION by Commissioner Lund, seconded by Commissioner Oswald to approve the minutes from the November 12, 2013 as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
December 17, 2013 if not tabled, continued or otherwise noted.*

OLD BUSINESS

None

NEW BUSINESS

1. **PUBLIC HEARING. Conditional Use Permit** to allow joint/cross driveway and parking and **Variance** for rear building setback for Dollar Tree to be located east of the Westport Mall at 14087 Baxter Dr. (city file 13-051)

Requested by Baxter Development Group, LLC for property legally described as follows:
That part of the Southeast Quarter of the Southeast Quarter (SE ¼-SE ¼), Section 5,
Township 133, Range 28, Crow Wing County, Minnesota, described as follows:
Commencing and the southeast corner of said SE ¼-SE ¼, (full legal available at City
Hall)

CD Director Doty stated that the request is a conditional use permit to allow joint/cross driveway and parking and a variance for rear building setback for Dollar Tree to be located east of the Westport Mall at 14087 Baxter Dr. He reviewed the information contained in the packet including conditions and findings with the Commission. CD Director Doty noted the revised resolution requesting a cross-access/parking easement to be reviewed by the city attorney and recorded against the property had been added. He then stated that the Utilities Commission had reviewed the application and recommended

approval of the project. The Architectural Review Commission (ARC) had not reviewed this project as it was hopeful this could be done administratively. It was noted there are a few things that need to be changed to approve this project administratively or a meeting will need to take place with the ARC. CD Director Doty stated staff is recommending approval.

Acting Chair Ryan asked if there were any questions of staff. Council Liaison/Mayor Olson asked if the applicant had reviewed the revision to the resolution.

Acting Chair Ryan opened the public hearing.

Mr. Jason Tadych 3032 Autumn Leaves Circle Green Bay, WI partner of Baxter Development Group was asked if he received the revised resolution. He indicated that he had and found the conditions to be acceptable. He noted that he has a meeting with the current owners tomorrow morning and the easement agreement will be worked out at that time and forwarded to the city attorney. They are comfortable with all the conditions. He indicated that his staff is currently looking into a few options regarding the ARC comments he had received and they are working on those changes.

Acting Chair Ryan closed the public hearing.

Motion by Commissioner Lund, second by Commissioner Oswald to recommend City Council approve the conditional use permit to allow joint/cross driveway and parking and variance for rear building setback for Dollar Tree to be located east of the Westport Mall at 14087 Baxter Dr. subject to the findings and conditions in the draft resolution. Motion carried unanimously.

Acting Chair Ryan stated that this Commission is advisory and the final approval/denial is given at City Council on December 17, 2013 at 7:00 pm.

2. **PUBLIC HEARING. Conditional Use Permit** for Planned Unit Development amendment to allow phase two of Autumn Glen, including a building and site expansion to be named "Northern Lakes Senior Living" and Minor Subdivision to plat two outlots into one lot for "Autumn Glen Second Addition" for property located at 8186 and 8190 Excelsior Road (city file 13-052)

Requested by Michael Development for property legally described as follows: Outlots A and B, Autumn Glen, Section 5, Township 133, Range 28, Crow Wing County, Minnesota.

CD Director Doty stated that the request is for a conditional use permit for a planned unit development (PUD) amendment to allow phase two of Autumn Glen, which includes two new senior living buildings that will be attached to the existing building that is currently under construction (phase one). The site expansion will be named "Northern Lakes Senior Living". The applicant is also requesting a minor subdivision to plat two outlots into one lot for "Autumn Glen Second Addition" located at 8186 and 8190 Excelsior Road. It was indicated that there will be a few easements that will be vacated. Park dedication fees will be collected based on the current rate at the time of payment (68 units at \$1,800.00 = \$122,400.00). He recapped the history of the property and reviewed the submitted drawings with the Commission. CD Director Doty then stated that the Utilities Commission had reviewed the application and recommended approval of the project. The Architectural Review Commission (ARC) had not

reviewed this project, as it could be done administratively. CD Director Doty stated staff is recommending approval.

Acting Chair Ryan asked if there were any questions of staff.

Acting Chair Ryan opened the public hearing.

Miss Mindy Michael 2104 4th Ave. S. Minneapolis, MN of Kaas Wilson Architects on behalf of the owner stated that they have no concerns regarding the conditions. Commissioner Lund asked for the timeline on the final project. Miss Michael indicated that they will finish one building and move directly onto the next building. They will open within months of each other.

Acting Chair Ryan closed the public hearing.

Motion by Commissioner Oswald, second by Commissioner Lund to recommend City Council approve conditional use permit for Planned Unit Development amendment to allow phase two of Autumn Glen, including a building and site expansion to be named “Northern Lakes Senior Living” and Minor Subdivision to plat two outlots into one lot for “Autumn Glen Second Addition” for property located at 8186 and 8190 Excelsior Road subject to the findings and conditions in the draft resolution. Motion carried unanimously.

3. **PUBLIC HEARING.** Zoning Ordinance Text Amendment to 1) revise General Definitions (Section 10-2-2); 2) revise/move Height Requirements (Section 10-3-9) to Additional Requirements, Exceptions and Modifications (Section 10-5-10); 3) add a new Section 10-5-12, Special Provisions, Animals; and 4) revise district standards for the F (Commercial Forest), RS (Special Residential/Cluster), R-1 (Low Density Residential), R-2 (Medium Density Residential), and R-3 (High Density Residential) zoning districts (Articles A, B, C, D, and E) (city file 13-053)

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

Consulting Planner Lindahl explained that this is an update to several areas including definitions, residential and daycare facilities, lot requirements and the animal ordinance. She stated that she would briefly run through the list of changes and had a few highlights for the Commission to discuss.

Residential care facilities and daycare facilities have state requirements that the city must follow. This verbiage makes the current ordinances concurrent with the state statues. There was also a consolidation in the area of building height.

Another cleanup was the animal ordinance. Definitions were given for farm, domestic and non-domestic (wild) animals. Consulting Planner Lindahl explained the changes to each districts and the allowed animals for each district.

Consulting Planner Lindahl explained the changes with swimming pools, there were two areas calling for a 10 foot setback for accessory structures and a 15 foot setback for swimming pools. Being a swimming pool is an accessory structure the swimming pool language was removed from the regulations.

Consulting Planner Lindahl stated that was the majority of the changes and welcomed any comments from the Commission.

Acting Chair Ryan asked if there were any questions of staff.

Acting Chair Ryan asked if the daycare changes were regarding commercial or at home daycares and if they are they allowed in apartment buildings. Consulting Planner Lindahl indicated that the regulations are referring to in-home daycare and for a person to have a daycare in an apartment it would require a conditional use permit. She noted that some apartment complexes have in house daycare services.

Commissioner Lund asked what number of children are allowed per home. Consulting Planner Lindahl explained that the county and state regulate the number of children.

Acting Chair Ryan stated that building height has always hard to understand, especially in residential districts. The formula was hard to understand, has it been changed. CD Director Doty stated that the formula is the same and is similar in other cities and was not changed.

Commissioner Lund asked about commercial and residential animal keeping. Consulting Planner Lindahl explained that commercial kennels are more than 3 dogs over the age of 6 months old. The research was extensive and found to be similar in other cities.

The Commission discussed horses and chickens and where they were allowed to be located within the districts. It was noted that any of the current animals in an R-1 district would be considered legal non-conforming and grandfathered.

Acting Chair Ryan asked if the pool counts towards the accessory structure amount allowed, CD Director Doty answered yes it is just the setback that is changing.

CD Director Doty stated that staff is recommending approval.

Acting Chair Ryan opened the public hearing there was no one left in the audience to speak.

Motion by Commissioner Lund, second by Commissioner Oswald to recommend City Council approve the zoning ordinance text amendment to revise the city's 1) General Definitions (Section 10-2-2); 2) revise/move Height Requirements (Section 10-3-9) to Additional Requirements, Exceptions and Modifications (Section 10-5-10); 3) add a new Section 10-5-12, Special Provisions, Animals; and 4) revise district standards for the F (Commercial Forest), RS (Special Residential/Cluster), R-1 (Low Density Residential), R-2 (Medium Density Residential), and R-3 (High Density Residential) zoning districts (Articles A, B, C, D, and E) subject to the findings in the draft resolution. Motion carried unanimously.

OTHER BUSINESS

2014 Meeting Dates

CD Director Doty noted the change for Veteran's Day was to the following Wednesday. Council Liaison/Mayor Olson asked if Night to Unit was resolved as staff had called and asked him how he would

like it handled should the meeting be the same night. Staff was informed by the police department that there was not a conflict this year.

ADJOURNMENT

MOTION by Commissioner Lund, seconded by Acting Chair Ryan to adjourn the meeting at 6:57 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Acting Chair Bob Ryan

Shanna Newman CD Technical Clerk