BAXTER

"A Growing Community"

LONG RANGE PLANNING COMMISSION
May 23, 2016
6:00 p.m.

1. Call to Order
2. Approval of Minutes of February 22, 2016
3. Dellwood Annexation Planning Area – Comprehensive Plan Amendment Process
4. Adjourn

LONG RANGE PLANNING COMMISSION MEETING
February 22, 2016

The Long Range Planning Commission meeting was called to order at 6:00 p.m. by Chair Donnay.

MEMBERS PRESENT: Chair Kevin Donnay, Commissioners Rock Ylimeini, Bob Ryan, Mark Cross, and Council Liaison Todd Holman

MEMBERS ABSENT: Lori Rubin, Jim Kalkofen and Cathy Clark

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

OTHERS: Dean Hanson, Chris Close, LaVerne Borg and Loran Knack

Approval of Minutes
Motion by Commissioner Ylimeini, second by Commissioner Ryan to approve the minutes of the January 25, 2016 meetings. Motion carried unanimously.

Inglewood Drive Planning Area-Comprehensive Plan Amendment
CD Director Doty stated at the last meeting a public hearing was opened to determine the land use for the newly annexed property, it was tabled to allow for additional options. He indicated that all previous and new options are outlined in the staff report provided in the packet. At the last meeting, there were requests for alternative options for three parcels. Those three property owners have concerns about not being able to develop their property until city water and sewer are available to these properties. CD Director Doty explained a map within the staff report and power point. Staff has put together those additional alternatives and they are as follows.

Previous Options
1-Commercial/Industrial district for the north portion of the land and low density residential for the remaining land. The existing businesses are that of light industrial nature, with this commercial/industrial zone it would allow the use and not become a non-conforming use.

2-Commercial/Industrial for the north portion of the land with medium density and low density residential for the remaining land.

3- Commercial/Industrial for the north portion of the land, with medium density in two different locations including the land north of the water tower and low density residential for the remaining land. At the previous meeting the landowner of the 11 acres requested medium or high density residential for the property located north of the water tower, this option would allow for medium density, as requested.

New Options
4-Includes an expansion of Commercial Industrial for (Mr. Tom Bercher's Properties) three properties north of Peace Road and West of Inglewood Drive. Given that the wetland can be filled, the land would have enough depth off Inglewood Drive for Commercial Industrial land use.

5-Includes an expansion of Commercial Industrial to add all of the properties north of Peace Road and West of Inglewood Drive. This option would allow the southeasterly 10 acres to of this 40 to be consistent with the remainder of the Commercial Industrial land.

6-Includes an expansion of Commercial Industrial to add all of the properties northeast and north of Peace Road. This option would allow 80 acres of land into the Commercial Industrial District. For a comparison, this includes a business district land area equal to half of the City's industrial property on Industrial Park Road.

CD Director Doty stated that included at each Commissioner's chair was an addition to the packet from Mr. Bercher. The first item was an email in support of Option 4, 5, or 6. The second item was a Minnesota Wetland Conservation Act-Notice of Decision regarding Mr. Bercher's wetland that was discussed at the last meeting. Basically the report indicated that the wetlands were man-made and could be filled.

CD Director Doty stated that there would be a few additional map updates and a zoning district added to the comprehensive plan. CD Director Doty stated that they are recommending approval of Option three for Future Land Use and the map amendments as discussed.

Commissioner Cross asked CD Director Doty to go to the wetland document. Although there is wetland that could be filled per the document, it was discussed that there could be additional wetlands that are part of a wetland inventory. Specifically a potential wetland in the southeast corner of the site was discussed. It was discussed that a wetland outside of the defined fill area would still need to be protected.

CD Director Doty indicated that an additional letter was received by Brainerd Investments. One was dated February 16, 2016 and a follow-up email was received today, February 22, 2016.

Chair Donnay asked for a recap of the previous zoning by the County, CD Director Doty indicated it was zoned rural residential on the west side and business district on the east side all the way down to the water tower site.

Chair Donnay asked about the feasibility study to bring City water and sewer to these properties. He asked if the Council is thinking about the study at this point. CD Director Doty indicated that the Council is not looking into a study at this point.

Chair Donnay stated that the floor was now open at 6:22 p.m. for the public hearing and asked those present if they would like to speak.

Loren Knack, property owner along Pine Beach Road, noted that he has only worked with Council Liaison Holman on this issue. He gave a little background on his history, bought a resort in 1972 on Gull Lake, in 1974 he received a letter that the City of Lakeshore had rezoned the property that he owned to residential. He went to the City of Lakeshore and was told he could not build any additional cabins on his 20 acres, shutting out all of the resorts around the lake. Since then he has been a realtor assisting in the development of land for over 40 years. When the land annexed into Baxter was purchased, due diligent was done to make sure what could be done and not be done on this property. He gave the history of receiving the first phone call to present. He indicated how fast this annexation took place and the minimal input from the property owners. Mr. Knack indicated that they have lost buyers because there is no service to the land that was annexed in. He expressed concern over the taxes that are going to be placed on the property now that it is in the City and the lack of other property owners not being here to express their concern over what is taking place.

Mr. Dean Hanson, a property owner of land in the annexed area, noted he was blown away at the last meeting. He was upset that they were going to have to put in city water and sewer at a large expense. He stated that he will be 79 this year and is retired. This piece of land was the final "nest egg" for retirement and now the property unsellable. He read the last part of the letter into the record and stated that a second letter (email) was

sent offering a solution that the City purchase the property for expansion of city water and sewer. He indicated that they want to work with the City and hopes that the City wants to work with them (property owners).

Mr. LaVerne Borg , a property owner of land in the annexed area, stated he had done some research on industrial parks, noting that Brainerd just had a FedEx built in their park. Land was similar to their land and was somewhat affordable. He would like to work together with the City and respect each other's position on this situation. It would have been very helpful for a feasibility study to have been completed prior to the annexation taking place to determine when city water and sewer might be extended.

Mr. Chris Close, on behalf of Mr. Tom Bercher, expressed that Mr. Bercher would like to see Options 4-6 as a strong consideration. He expressed concern over a residential zone as it would be a hard sell next to an industrial business.

With no other comments, Chair Donnay closed the public hearing at 6:40 p.m.

Commissioner Cross stated that Chair Donnay had asked what the county deemed C-1 commercial, he looked it up during the meeting and found that it allows general retail, whole sale, and office services abutting a municipality on a federal, state or county road or highway. He questioned if the commercial should continue all the way down Inglewood as the road is no longer a county road. His other question was about feasibility. If you look at the city sewer map, that area shows a lift station required. He would like to know where the property lines were located, it was indicated on the map (person spoke from the audience and was not heard clearly on tape).

Commissioner Ylimeini asked/referenced the commercial sign that is on the property. (person spoke from the audience and was not heard clearly on tape).

Commissioner Ylimeini stated that he liked the idea of commercial up and down Inglewood Rd. because it is a 10 ton road. He has also been a land owner with the same situation, only his land was residential and not commercial. Commission Cross again stated that the City needs to be careful zoning Inglewood commercial and stated he is in favor of Option 3.

Chair Donnay asked how it is decided if a road is 10 ton or not. Commissioner Cross stated that parallel corridors and main corridors are 10 ton due to road restrictions.

Chair Donnay asked if it was this Commissions job to decide how a commercial lot is developed with urban services. CD Director Doty indicated that yes it can be, being that the Commission is deciding the land use of the property but the ordinance requiring water and sewer for commercial development is a broader city ordinance that the City Council would ultimately have to decide to change or not. The commission held conversation regarding private forced main verses well and septic.

Commissioner Ryan stated that he feels this is a situation of the cart going in front of the horse and that this was not a well thought out situation. He reviewed the different options with the Commission. He indicated that for someone to say that these properties are not developable is not true. Each piece can be developed; it just has to be paid for.

In light of the above comments, Commissioner Ryan offered the following motion.

Motion by Commissioner Ryan, second by Commissioner Cross to recommend the City Council approve Option 3 of the proposed land uses for the newly annexed land on Inglewood Dr. per staff recommendation.

Commissioner Cross stated that the Council was forced into this situation as the County wanted to turn the road over to the City. The Council was not looking for areas to annex into the City. This was completely out of their hands; please keep that in mind.

Motion passed unanimously.

CD Director Doty stated that this recommendation could be going forward in March, possibly March 3rd (due to caucuses) or March 15th.

City Land Sale-Property located at Conservation Drive and Excelsior Road

CD Director Doty stated that this is a request to consider a city land sale to the County in order for the Northland Arboretum to place a permanent sign on the property located on the corner of Conservation Drive and Excelsior Road. At the last meeting there was concern about selling a piece of land that has a large city holding pond and the Commission requested a survey showing what is left of the land after all of the easements are taken into consideration. Included in the packet was a proposal from Scott Hedlund of SEH with two different options. CD Director Doty reviewed the two options with the Commission. He explained that the sign cannot be placed in the right of way and off site signs are not allowed in Baxter. This would require platting this parcel of land and selling it to the County to allow for the sign. The two options were discussed and staff would like to see option one of platting because it is a cleaner option than just having easements granted to the land. Either way the Arboretum has to own the property in order to place a sign on it.

Commissioner Ryan asked if it is truly consistent with the comprehensive plan to sell land for a person/business to place a sign on it. CD Director Doty that in this case yes, as there is a page in the parks portion of the comprehensive plan talking about the city's commitment to the sustainability of the Arboretum, making this a unique situation.

Commissioner Ylimeini stated that it is similar to the Ingelwood Dr. situation, as there are different land owners and a property owner wants to add improvements to the land.

Commissioner Cross still had concern about the utilities and storm water outlet being sold. Council Liaison Holman stated that this is a component of the storm water plan and the City has easements in place. He indicated that this Commission is only here to decide if the land sale is consistent with the comprehensive plan, the other items should be handled at the Council level. Commissioner Ryan agreed, but asked if this is setting precedence for others to come and ask for the same request. Chair Donnay stated that he was informed it is a park and not a commercial land owner asking for additional land for signage. He agreed that there was enough leverage within the comprehensive parks plan to support the decision. Chair Donnay asked if this approval would be going in front of the Utilities Commission. CD Director Doty indicated that it could, this piece was needed first being the comprehensive plan needs to be consistent. Commissioner Cross stated that it should go to Utilities Commission to make sure the easements are in place, being the City owns that land, the easements may not be in place at this time. The Commission went back to the focus of their duties to ensure the sale is compatible with the comprehensive plan.

Chair Donnay asked that CD Director Doty pull up the page regarding the Arboretum in the comprehensive plan (page 4-7) so the Commission could read the wording. The Commission discussed the page at length and the points for and against the sale of the land.

Motion by Commissioner Ryan, seconded by Commissioner Ylimeini to recommend the City Council approve the land transfer to Crow Wing County for the purpose of placing a sign at the entrance of the Arboretum as

recommended by staff. Motion carried with Commission Cross opposed (4-1)

Wildlife Management Areas

CD Director Doty gave a brief update to the Commission, the DNR is taking a step back regarding this item due to the funding source time frame. He indicated that the DNR is still very interested in this area for a WMA however, they did not want the city to feel pressured at this time.

Other Business

Council Liaison Holman stated that this Commission did a great job tonight and has a tough job. He stated that Commissioner Ryan nailed his assessment of Inglewood and Commissioner Cross stating that the City was rushed into this annexation. However, the City did bring some of this on themselves with wanting parallel corridors and the county has their way of doing things. The county was supposed to do its own county transportation plan and did not complete it for two years and ended up handing it over to the City. He indicated that the Council needs to give staff direction on these items in the future as Dellwood Dr. is next.

The next meeting is scheduled for March 28, 2016 at 6:00 p.m.

Adjournment

Motion by Commissioner Ryan, second by Commissioner Y to adjourn the meeting at 7:44 p.m.

Approved By:

_____

Chair Kevin Donnay

Submitted By:

_____

Shanna Newman
CD Administrative Assistant

Agenda Item ____

BAXTER

"A Growing Community"

TO: Baxter Long Range Planning Commission

FROM: Matthew Gindele, Planner &
Joshua Doty, Community Development Director

DATE: May 23, 2016 Long Range Planning Commission Meeting

SUBJECT: Dellwood Drive Annexation Area

Background

In March, 2016, the City of Baxter and Crow Wing County agreed to an orderly annexation of land into the City of Baxter. The annexed property includes land east of Highway 371 along Dellwood Drive from Novotny Road to Wise Rd (CSAH 49). The annexation was related to the future reconstruction and maintenance of Dellwood Drive. Specifically, a portion of Dellwood Drive that extends North beyond Baxter City Limits through unorganized territory is currently built to a 5-ton design during springtime road restrictions and is in rough shape. The Crow Wing County Highway Department planned to reconstruct the road in 2016 and was awarded a grant for 75% of the cost that was part of a joint application with the cities of Baxter and Brainerd. Since the road currently functions more as a collector City roadway than a township road, the County indicated that it would like to turn the road over to the City for regular maintenance after it is reconstructed. The City agreed to take over the responsibility for this new roadway together with an annexation of land along Dellwood to recover some of the maintenance costs. It was decided that additional lands existing in a pocket of unorganized territory surrounded by the municipal boundaries of Baxter and Brainerd should also be annexed to prove a tax base for the improvement of Mertens Drive and Whispering Woods Lane.

LRPC Objectives

Since the annexation occurred after the City updated the Comprehensive Plan, the City has not planned for this area within the Comprehensive Plan. The City zoning ordinance states the following related to annexed lands:

> Annexations: Areas annexed to the city shall be placed in the zoning district closest to the definition of their existing zoning, pending study of the area by the long range planning commission. The long range planning commission shall recommend the proper zoning classification to the city council within twelve (12) months of the date of annexation of such area. (Ord. 2006-21, 8-1-2006)

The purpose of this memo is to kickoff discussion of this property with the Long Range Planning Commission to: 1) introduce the annexed land to the Long Range Planning Commission by providing supporting information about the property and 2) to have the Long Range Planning Commission recommend a process moving forward to amend the Comprehensive Plan as needed to provide future land use and ultimately zoning districts for this new area of the City.

Background Information

- Existing Conditions and Land Use

The subject property annexed into the City of Baxter is approximately 138 acres. The property includes approximately 21 lots of record. The land includes 13 single family homes and one business. A large portion of the acreage includes vacant privately owned wooded property; there is also one publicly owned parcel of vacant wooded property owned by Crow Wing County. A small section of the Paul Bunyan Trail also runs through the east side of the site from north to south.

- Wetland Areas

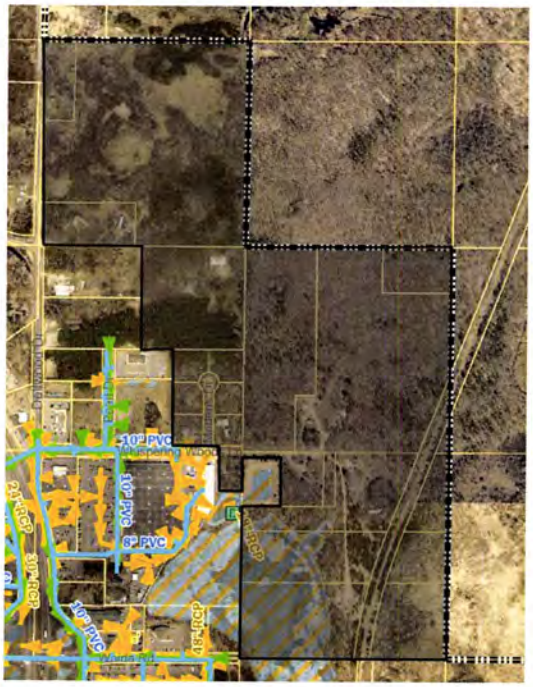
The wetland inventory pictured to the right indicates that there are seven separate wetland basins spread throughout the site totaling approximately 24 acres within the annexed area. The largest basin is located in the southwest portion of the site with approximately 9.5 acres lying within the annexed area and functions as a storm water treatment pond.

- Topography

The topography across the site is varied with moderately rolling hills on the north and west portions of the site gradually shifting to more prominent hills as on the south and east portions. Although there is 46 feet of elevation change found within the site area, the land in the central northeast corner of the site has the highest elevation and most significant elevation change including approximately 38 feet of slope.

- Utilities

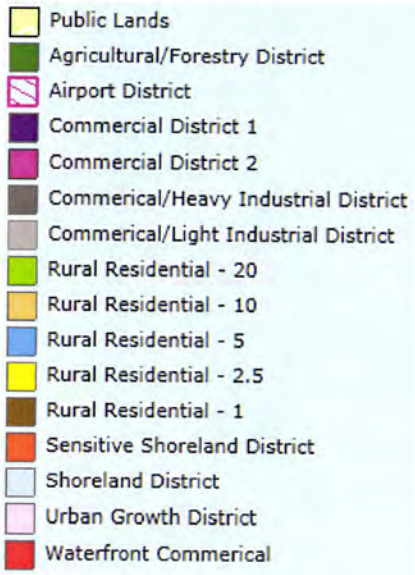
One of the key areas of discussion as it relates to future land use designations and zoning of the subject property relates to utilities. The reconstruction of Dellwood Drive North of Novotny Road does not include utilities. However, the City did complete a project this year to provide utilities along Dellwood Drive South of Novotny Road. The land Northeast of Dellwood and Novotny Road can be services from this intersection. The annexed land to the south can be serviced from Whispering Woods Lane. A lift station would be needed East of Whispering Woods Lane to provide sanitary sewer service.

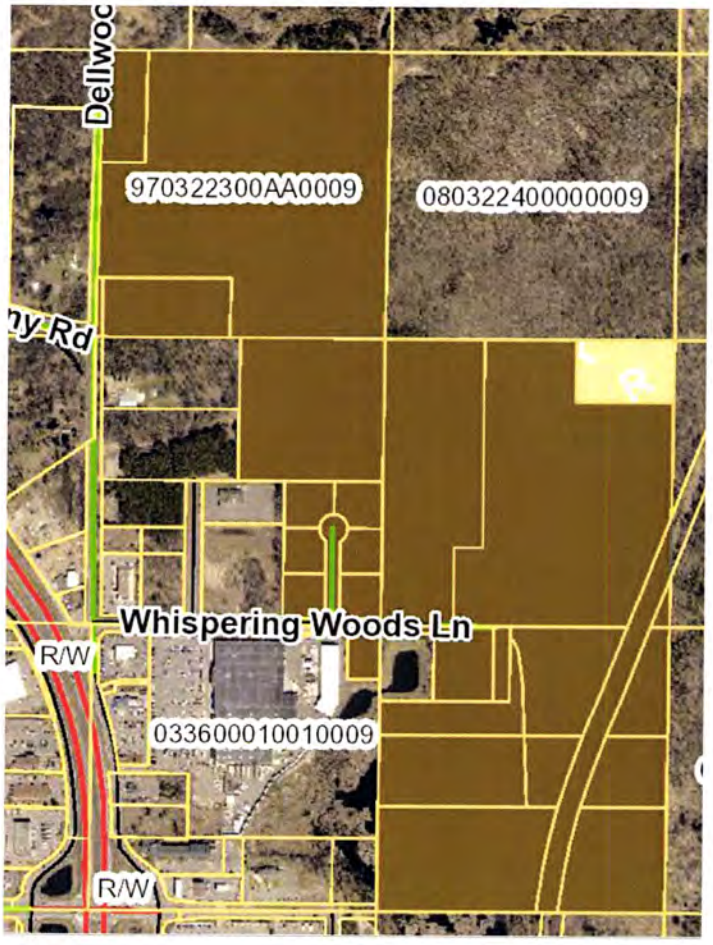


Municipal sanitary sewer and water services are generally available to serve the 138 acre site area. It should be noted that the City's present commercial and urban residential districts requires City water and sewer service to allow development. The City should consider public service requirements when applying zoning to the subject properties.

- Previous County Zoning

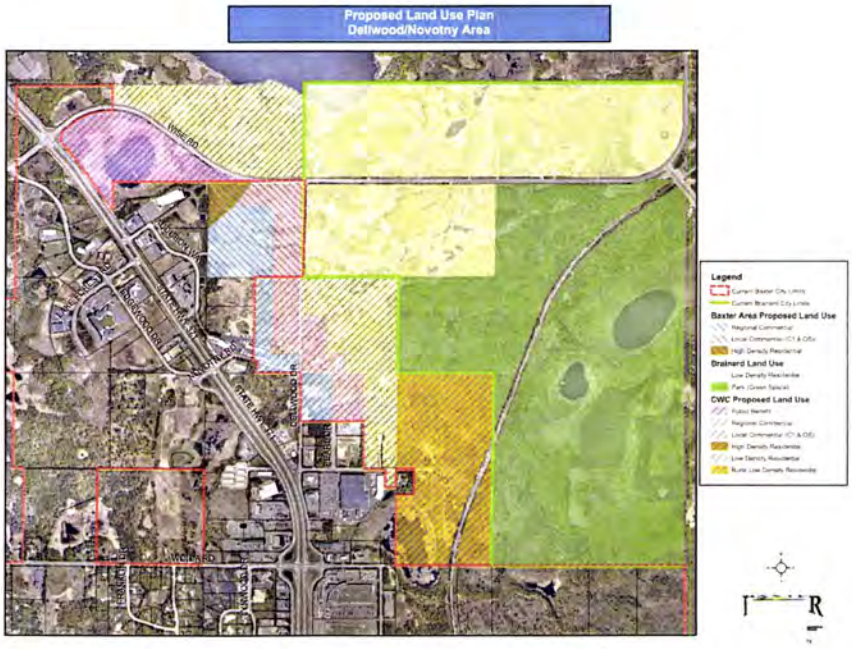
The previous County zoning of the property included two districts, the Rural Residential 1 district allowing 1 acre lots and the Public Lands zone. The Rural Residential zone was applied to all of the lots except for the public property located at the central northeast corner of the site.

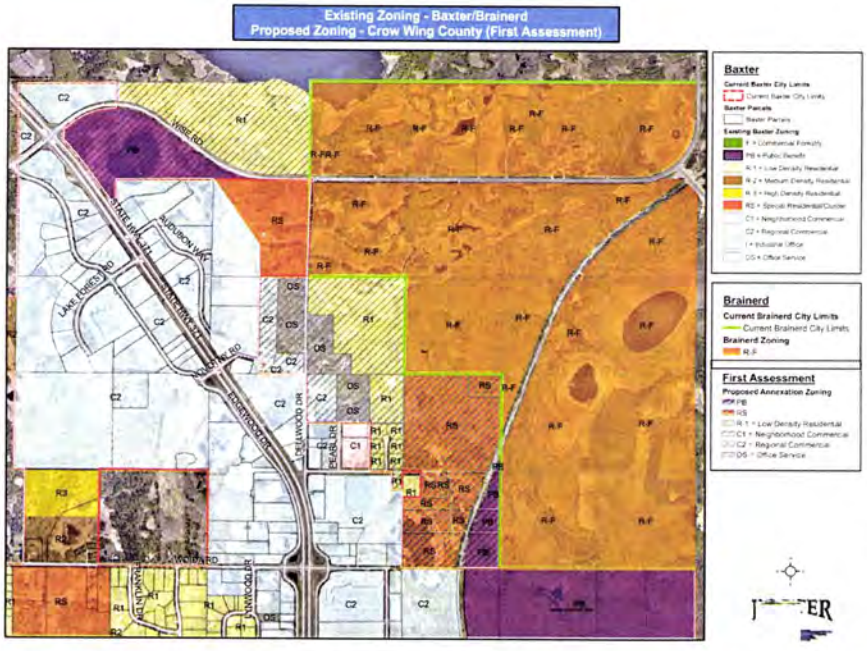




- Previous Land Use Study

In 2008 a land use study was completed for this area to determine what the future land use and zoning possibly could be when it is annexed. The results of that study suggest a tiered land use approach extending out from Highway 371 with a regional commercial land use designation on the west side of the annexed area, local commercial/office toward the center and low density residential on the east side; the plan also shows rural low density residential in the farthest southeast portion of the site.





The proposed zoning follows the same tiered pattern with the applicable zoning districts matching up with the proposed land use. C-2 Regional Commercial is proposed on the west side closest to 371, OS Office Service toward the center, and R-1 Residential on the east side. The farthest southeast portion of the site shows primarily Special Residential with the small portion lying east of the Paul Bunyan Trail adjacent to the Arboretum shown as Public Benefit.

Public Process Options

To amend the City's Comprehensive Plan, a public hearing must be held by the Long Range Planning Commission, with notice sent to all property owners within 500 feet of the subject property. Once the LRPC makes a recommendation, final action would be taken by the City Council. Likewise, to establish zoning for the property, a public hearing must be held by the

Planning and Zoning Commission, with the same 500-foot notice requirement and final action taken by the City Council.

The LRPC should note that not all property owners may be in favor of the decision for their property to be annexed into the City. Therefore, the LRPC should consider how much detail should be prepared in advance of inviting the affected property owners in for a public meeting or public hearing. Some options for the LRPC to consider are as follows:

1) Direct staff to develop a staff recommendation for amendments to the Comprehensive Plan and Zoning Ordinance and schedule a Public Hearing with the LRPC with the neighbors invited to the hearing.

2) Direct staff to develop a staff recommendation for amendments to the Comprehensive Plan and Zoning Ordinance and schedule a neighborhood meeting at a LRPC meeting where staff presents a recommendation or recommended options of how the Comprehensive Plan and Zoning ordinance could be amended. Then hold a Public Hearing at a later date for the LRPC to make a recommendation on how the Comprehensive Plan and Zoning Ordinance should be amended.

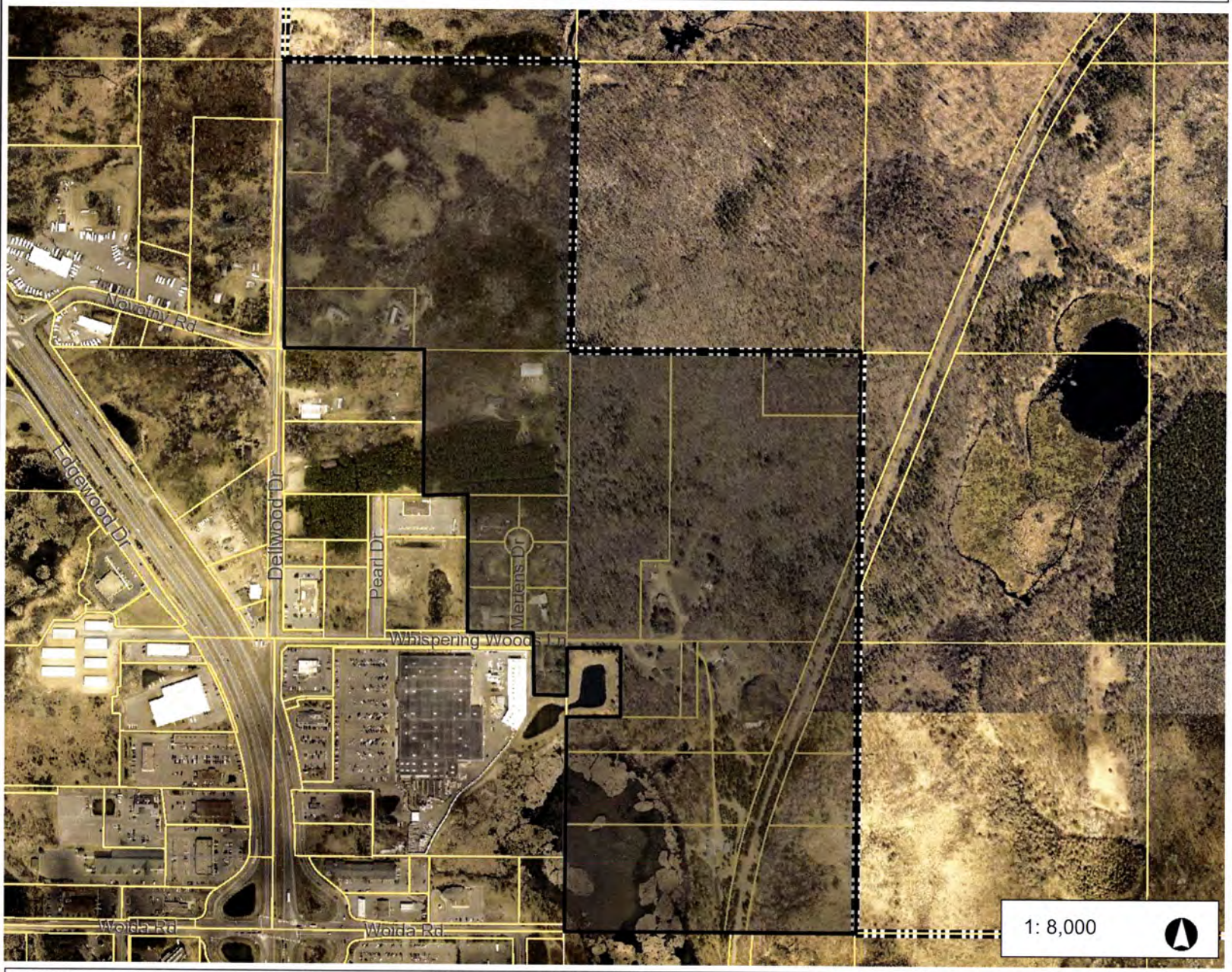
3) Direct staff to schedule a neighborhood meeting at a LRPC meeting without a recommendation from staff. This option would allow the LRPC to hear what neighbors would like to see happen with their properties. Then hold a LRPC Public Hearing at a later date for staff to present recommendations or recommended options of how the Comprehensive Plan and Zoning Ordinance should be amended.

4) Direct staff toward a different public process that is not identified in the options above.

Attachments

1. Annexation Boundary Map
2. Wetland Inventory Map
3. Contour Map
4. Previous County Zoning Map
5. Water and Sewer Maps
6. Future Land Use Map
7. Zoning Map

2016 Dellwood Annexation Boundary



Legend

- Streets
- Parcels
- Land Use Cases
- Encumbrances
- Municipal Boundaries
- Historical Parcels
- 2013 Imagery
  - Red: Band_1
  - Green: Band_2
  - Blue: Band_3

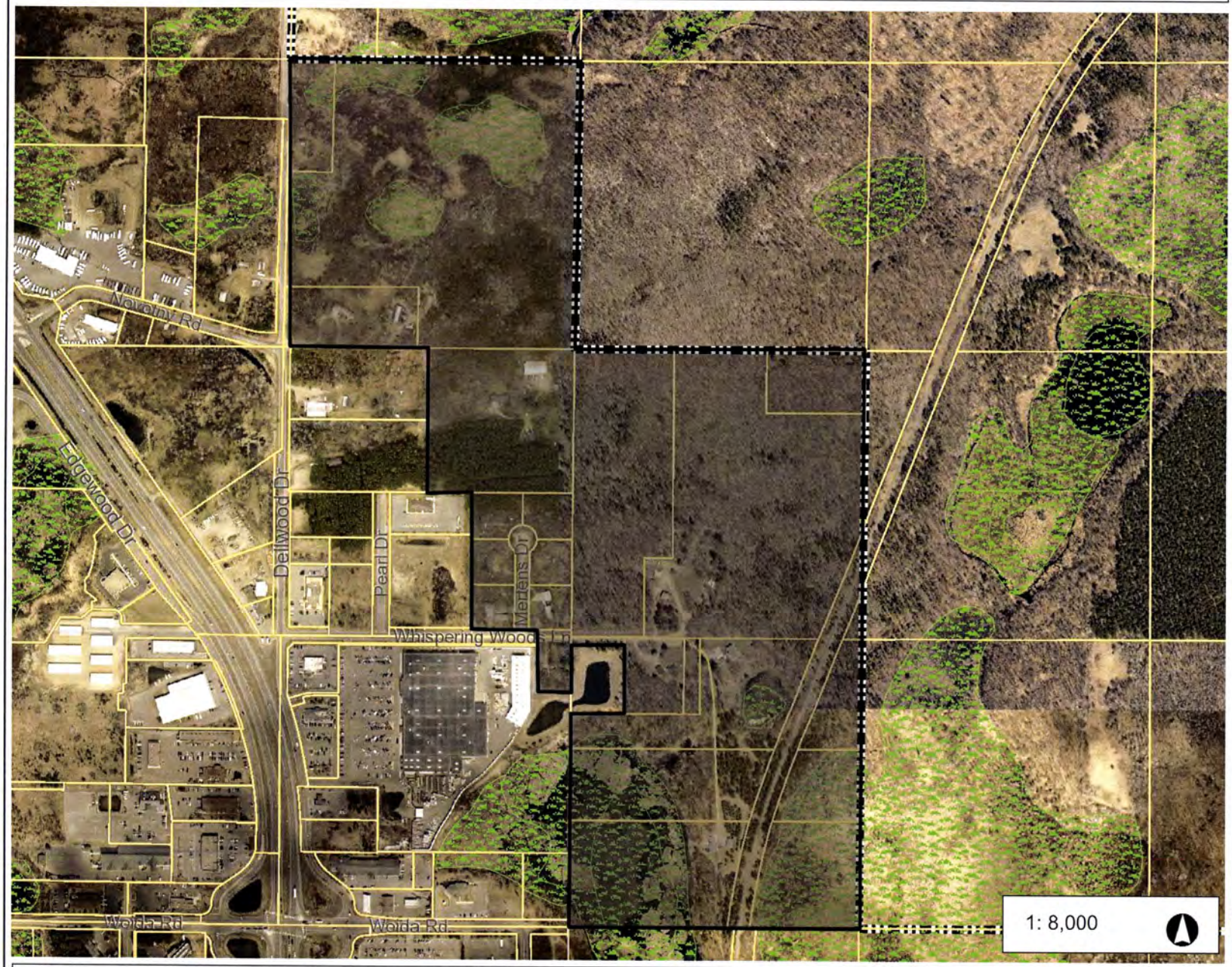
Notes

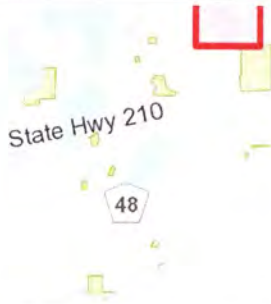
1,333.3 0 666.67 1,333.3 Feet

NAD_1983_HARN_Adj_MN_Crow_Wing_Feet
City of Baxter

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

2016 Dellwood Annexation
Wetlands





Legend

- Streets
- Parcels
- National Wetland Inventory
  - Lake
  - Wetland
  - River
- Land Use Cases
- Encumbrances
- Municipal Boundaries
- Historical Parcels
- 2013 Imagery
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  - Green: Band_2
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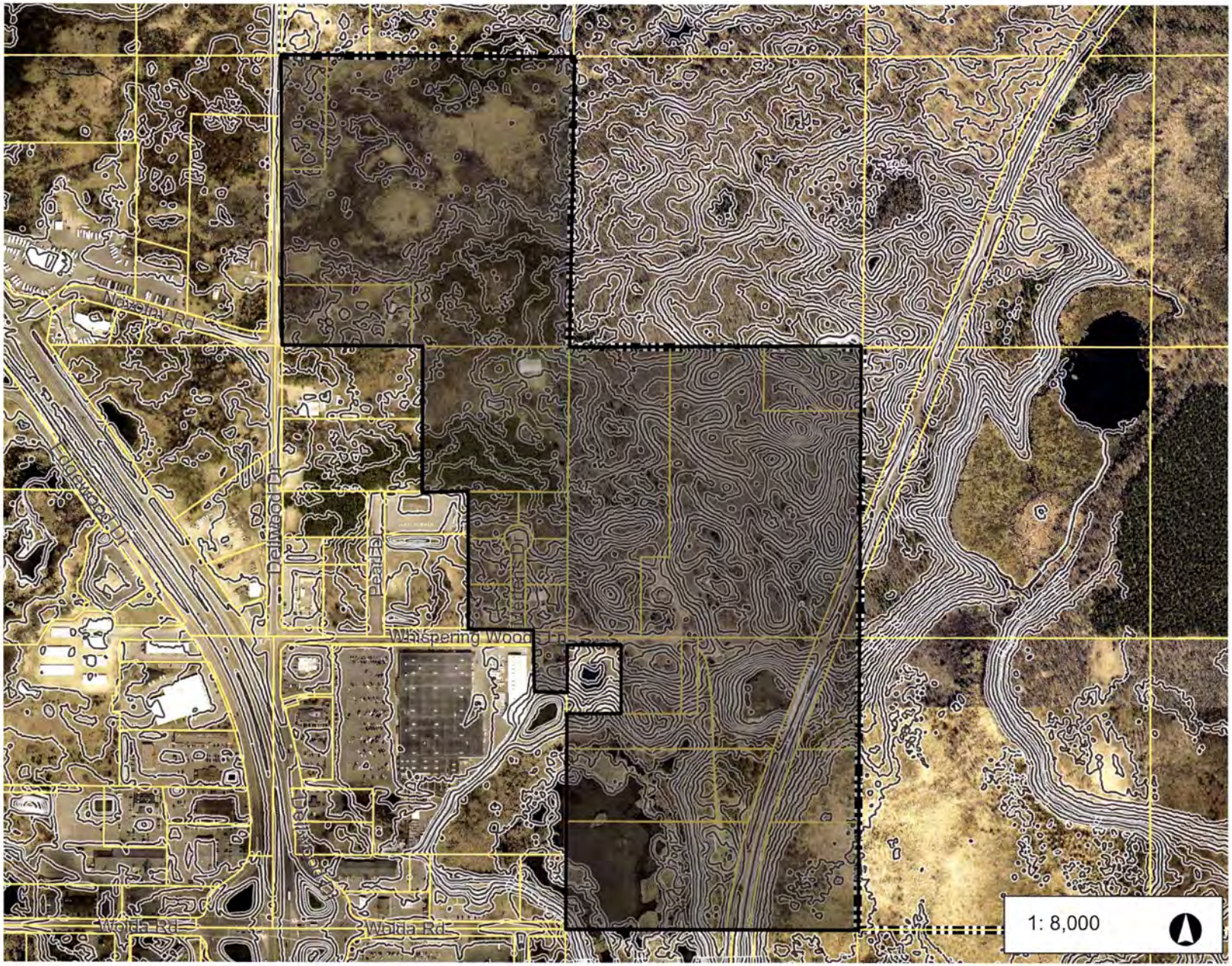
2016 Dellwood Annexation
Topography



Legend

- Streets
- Parcels
- Two Foot Contour
- Land Use Cases
- Encumbrances
- Municipal Boundaries
- Historical Parcels
- 2013 Imagery
  - Red: Band_1
  - Green: Band_2
  - Blue: Band_3

Notes

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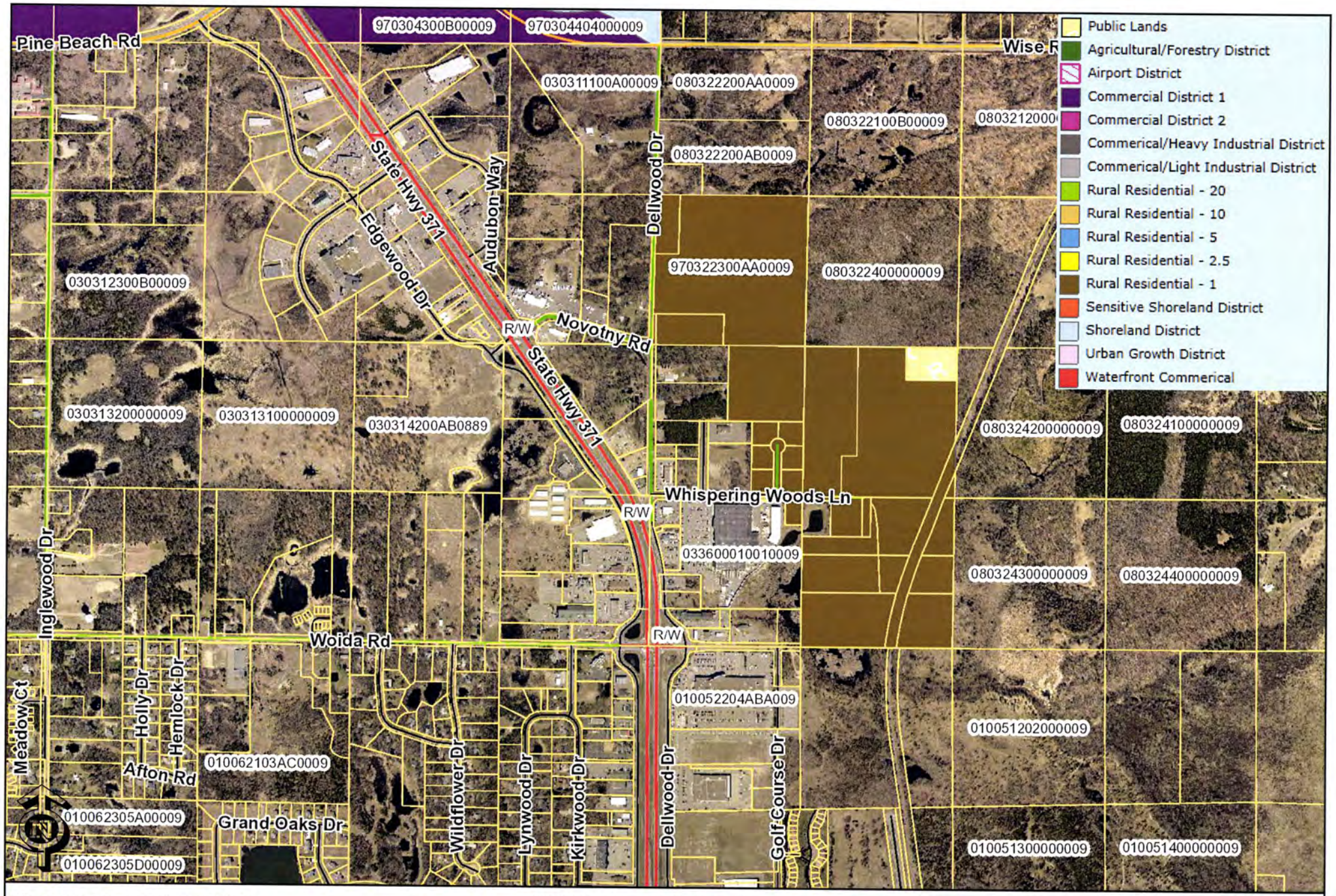


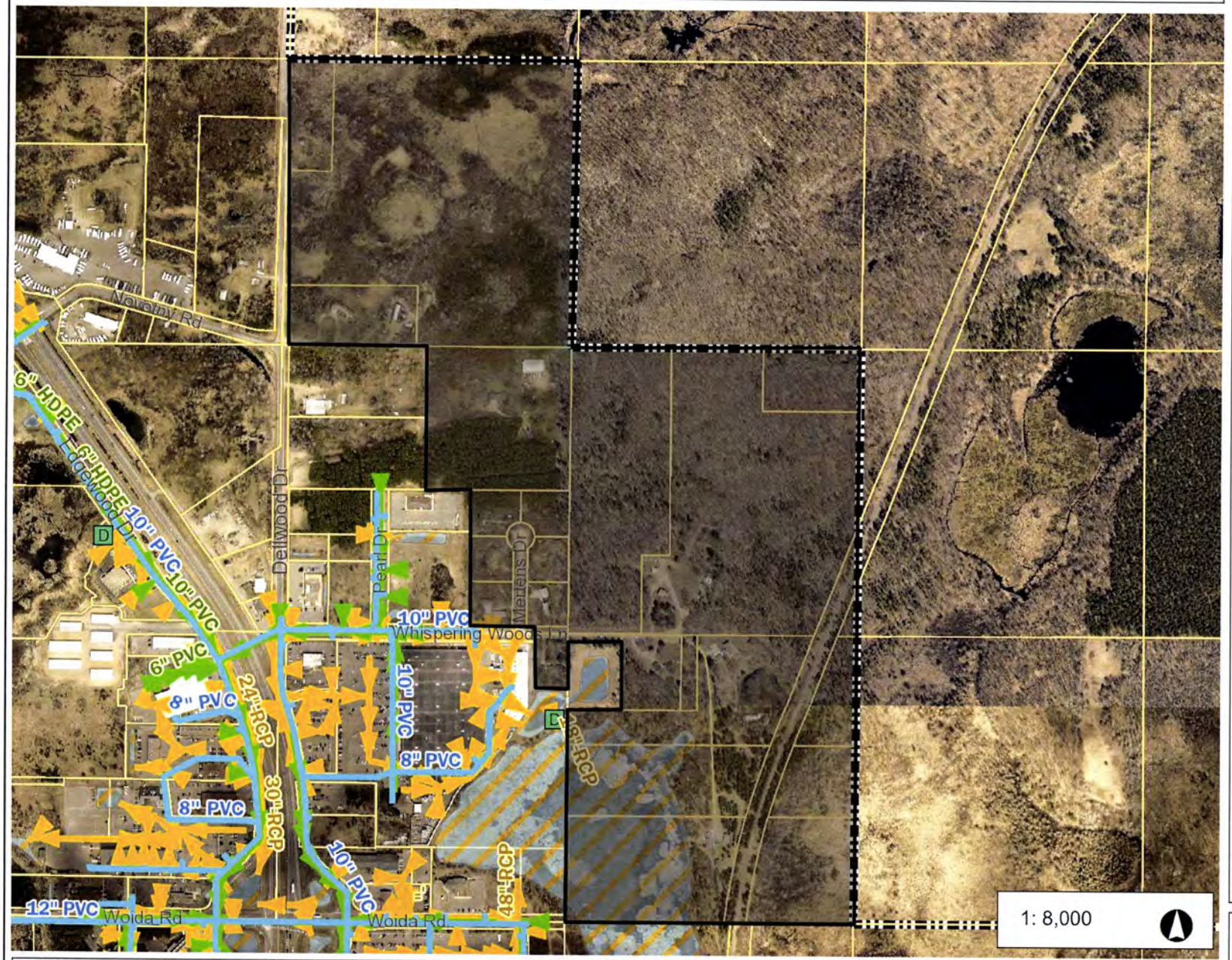
These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

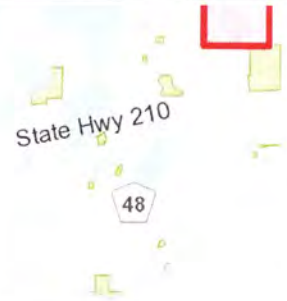
2016 Dellwood Annex Zoning

Date: 4/11/2016 Time: 9:03:40 AM

CROW WING COUNTY MINNESOTA

2016 Dellwood Annexation
Utilities





Legend

- Water Mains
- Sewer Pressurized Mains
- Sewer Gravity Mains
- Storm Network Structures
  - <all other values>
  - Discharge Structure
  - Diversion Chamber
  - Diversion Point
  - Junction Chamber
  - Lift Station
  - Production Well
  - Pump Station
  - Split Manhole
  - Storage Basin
  - Tide Chamber
  - Treatment Plant
- Storm Gravity Mains
- Storm Virtual Drainlines
- Storm Open Drains
- Storm Detention Areas
- Streets
- Parcels
- Land Use Cases
- Encumbrances
- Municipal Boundaries
- Historical Parcels
- 2013 Imagery
  - Red: Band_1

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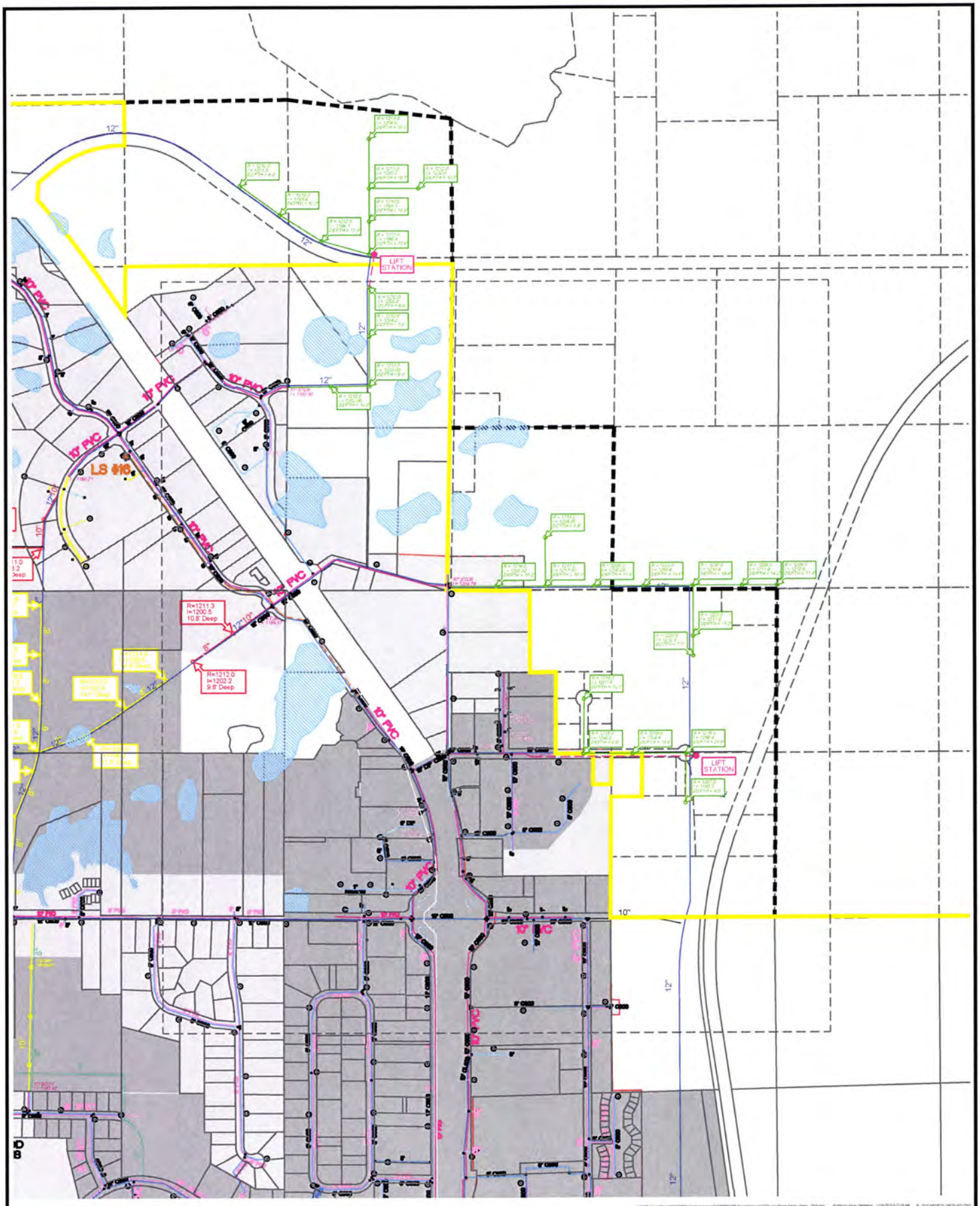


WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF STATE

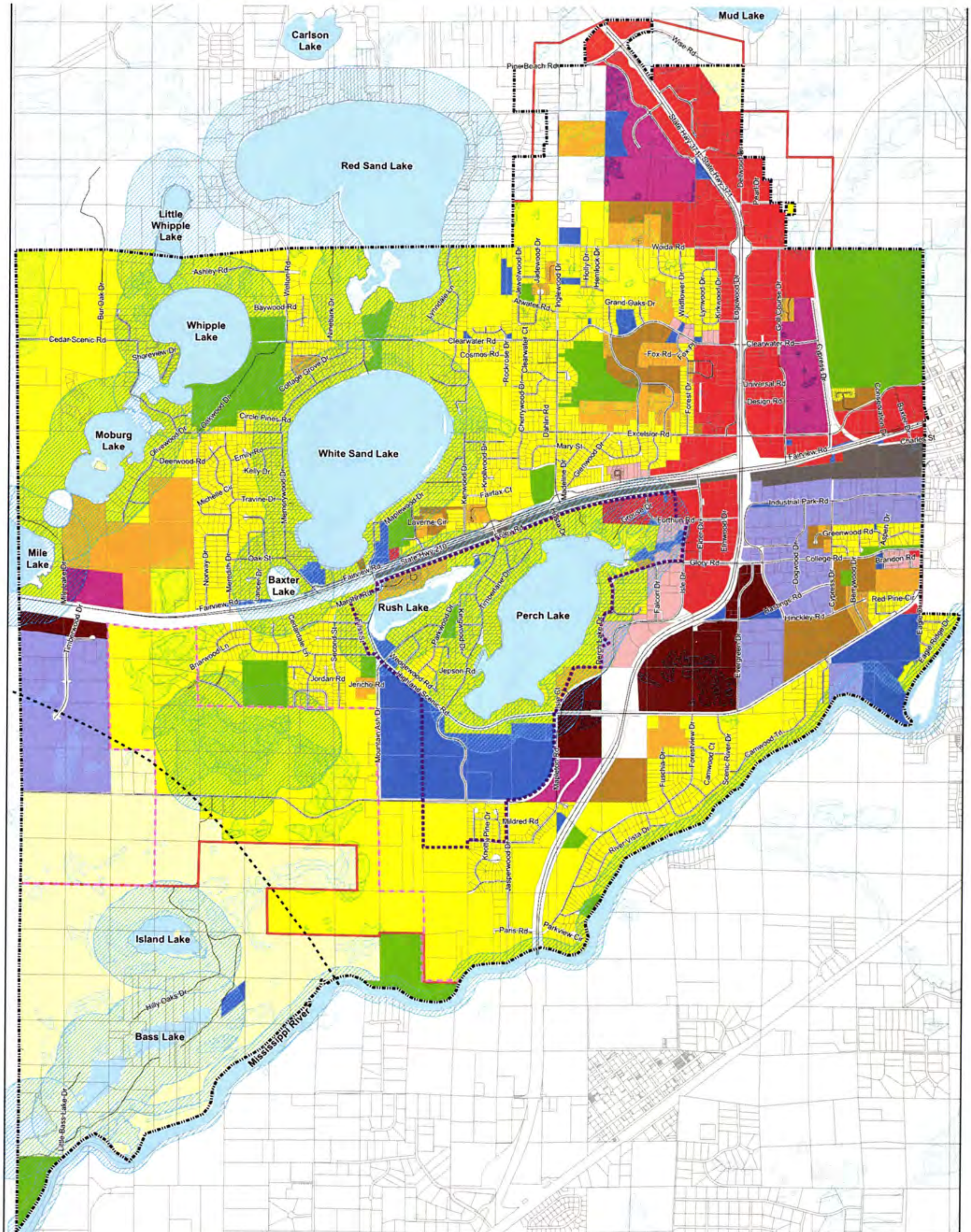
DATE LIC. NO.

DATE	REV#	REVISIONS DESCRIPTION	BY

DATE:	NOVEMBER, 2015
SCALE:	1" = 1000'
DRAWN BY:	X.X.X.
CHECKED BY:	Y.Y.Y.
JOB NUMBER:	ZZZZZZZ

LONG RANGE SEWER AND WATER LAYOUTS
CITY OF BAXTER
NE CORNER CITY LIMITS
SHEET NAME

SHEET NO.
SHEET OF



Future Land Use

City of Baxter Comprehensive Plan

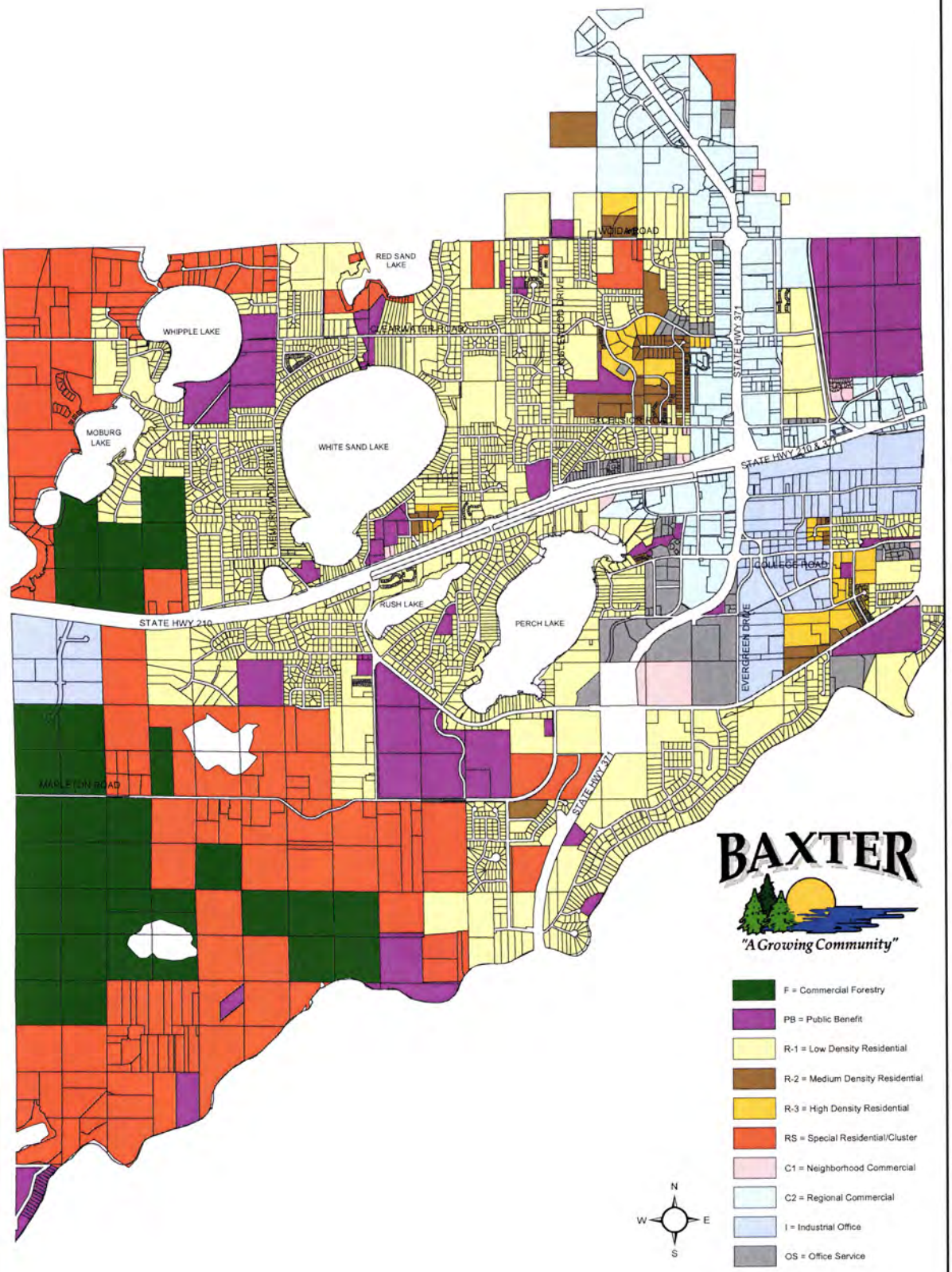
- MunicipalBoundary
- Water Supply Management Area Boundary
- Sewer Service Area Boundary
- Conservation Overlay Boundary
- Three-Mile Camp Ripley Buffer
- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Business Gateway
- Office Service
- Mixed Use
- General Industrial
- Public/Semi-Public/Institutional
- Parks/Greenway
- Railroad
- Open Water
- NWI Wetland
- Shoreland Overlay District

N W E S

0 0.5 1 Miles

August 18, 2015

Baxter Zoning Map



Revised May 30th, 2014