PLANNING AND ZONING COMMISSION MEETING MINUTES

Tuesday, July 12, 2022 at 6:00 PM

Baxter City Hall, 13190 Memorywood Drive, Baxter, MN

"A Growing Community"

CALL TO ORDER

The regular meeting of the Baxter Planning and Zoning Commission was called to order at 6:00 pm by Chair Kinzel.

ROLL CALL

MEMBERS PRESENT: Chair Bob Kinzel, Commissioners Chuck Hiltner, Gwen Carleton, Howie Oswald, Steve Lund and Council Liaison/Mayor Darrel Olson

MEMBERS ABSENT: None

STAFF PRESENT: CD Director Josh Doty and Planner Matthew Gindele

OTHERS: Eric Larson and Steve Kuepers

MINUTES

1. Approve the June 14, 2022 Planning Commission Meeting Minutes
   MOTION by Commissioner Carleton, seconded by Commissioner Hiltner to approve the Planning and Zoning Minutes from the June 14, 2022. Motion carried unanimously.

   Chair Kinzel informed the audience that this is a recommending body and that final approval/denial will take place at the City Council meeting on July 19, 2022.

   Chair Kinzel excused himself for the first item being there was a conflict of interest. Commissioner Lund moved to the Chair's seat.

COMMENTS AND QUESTIONS

OLD BUSINESS

NEW BUSINESS

2. PUBLIC HEARING. Conditional Use Permit to allow an accessory structure area to exceed the maximum size allowed and a Variance to allow a 27-foot setback to a side lot line for property located at 12006 Scenic River Drive (City file 22-25)

   Acting Chair Lund asked for the staff report. Planner Gindele stated the applicant has requested a conditional use permit (CUP) to allow for the construction of a 1,410 square foot accessory structure that does not meet the size requirements of the Code. The property also has an existing 1,230 square foot attached garage. The total proposed accessory structure area on the property is 2,640 square feet.

The zoning ordinance allows properties within the R-1, Single Family Residential district that are 2.5 acres or larger deviate from the size requirements of the Code with approval of a conditional use permit. The subject property is 2.5 acres.

Planner Gindele explained the applicant has requested a conditional use permit (CUP) to be allowed to construct an additional 1,410 square feet of accessory structure area. The 1,410 square feet is in addition to an existing 1,230 square feet of accessory structure area bringing the total accessory structure area requested to 2,640 square feet when the maximum cumulative accessory structure area allowed is 1,800. The ordinance also limits the size of a single detached accessory structure to a maximum of 1,152 s.f.

The proposed structure would match the architectural design of the existing home including color and materials. The proposed garage height is approximately 15'10" and the house is approximately 28'6" so the garage is also compliant with the maximum height restriction in the ordinance.
The zoning ordinance allows accessory structures to deviate from the size standards of the ordinance with a conditional use permit subject to the following conditions:
1) The accessory building shall be a minimum of 50 feet from the side and rear property lines.
2) The accessory building is located rearward of the front line of the principal structure.
3) The accessory building meets all the conditions of the approved conditional use permit.

The applicant has submitted a plan showing that the accessory structure will be 27 feet from the nearest property side lot line. Given that the subject property is a riparian lot (having frontage on a lake or river) the front yard is considered to between the principal structure and the body of water with the rear yard between the principal structure and the street. The applicant is proposing the garage to be located in the rear yard between the street and the home in compliance with the condition above.

Planner Gindele reviewed the site plan and aerial with the Commission. He explained the stairs on the exterior of the garage would be used for easier storage.

Planner Gindele reviewed the variance with the Commission. The applicant has also requested a variance to allow an accessory structure over the maximum area allowed to have a 27-foot setback from a side lot line. One of the stated conditions of the ordinance allowing an oversized garage with approval of a CUP requires a minimum of a 50-foot setback from the side and rear property lines. The applicant is requesting the variance to allow a 27-foot setback from the northeast side property line.

Planner Gindele explained the lot contours and thus the need for a variance.

Planner Gindele stated staff recommends approval of the Conditional Use Permit and variance, subject to the findings and conditions in the attached resolution.

Commissioner Hiltner asked if the additional storage space was calculation in that square footage. Planner Gindele indicated that it is not, just the square footage.

Commissioner Hiltner stated that with the applicant having 2.5 acres, he is not in favor of the 27 feet from the property line, there should be another place on the property for the garage.

CD Director Doty stated when looking at variance setbacks, staff looks at the surrounding area. This is in a location where there is bigger lots and less homes.

Planner Gindele explained the contours and how the drainage would stay on the property owner's land.

Commissioner Carleton asked if the neighbors were OK with the 27 feet, CD Director Doty indicated that letters were sent out to people 500 square feet around the applicant's property.

Acting Chair Lund opened the public hearing at 6:16pm.

Mr. Steve Kueper 12006 Scenic River Dr. approached the podium. Mr. Kueper then stepped away from the podium to explain the contours on the lot with the aerial photo.

Acting Chair Lund closed the public hearing at 6:20pm.

MOTION by Commissioner Carleton, second by Commissioner Oswald to approval the Conditional Use Permit to allow an accessory structure area to exceed the maximum size allowed and a Variance to allow a 27-foot setback to a side lot line for property located at 12006 Scenic River Drive.

Chair Kinzel resumed the chair position.

3. PUBLIC HEARING. Zoning Ordinance Text Amendment to amend the City's Architectural Ordinance. (City file no. 22-27)

Chair Kinzel asked for the staff report. CD Director Doty stated the applicant, Nor Son, is requesting a Zoning Ordinance Text Amendment to amend the City's architectural ordinance to allow 15 percent accent color, where 10 percent is allowed under the current ordinance. The applicant represents Lift Tech Marine and designed a building with 15 percent accent color on the east elevation. The building was designed with a black column and adjacent black wall section to provide variation to the building exterior that would face Cypress Drive. The applicant and owner were surprised during the permit review to learn that the design did not meet the city's requirements.

CD Director Doty reviewed the definition of "earth tone colors" and "color" in the current zoning code.

Specifically, while the amendment is a city-wide change, the leniency of changing the ordinance from 10 to 15 percent of a building wall should not be significant change to the eye, as you look at buildings. Staff finds that the proposed amendment meets the purpose and intent of the ordinance, as stated above. Lastly, staff has attached the design with 10 percent accent color and with 15 percent accent color to show the difference between the two.

Staff recommends approval of the draft zoning ordinance and findings of fact resolution.

Chair Kinzel gave history of the Architectural Commission and asked Planner Gindele if he was able to get a hold of any of the former members to see why they chose 10 percent, Planner Gindele was unable to reach them in time for this meeting. Chair Kinzel noted that he didn't have a problem with the change. CD Director Doty added that the Commission's intent was to keep the "shiny, non-earth tone" colors to a minimum.

Commissioner Carleton asked about the colors on the building. CD Director Doty stated that the building had different shades of greys and then the 15 percent black being requested.

Commissioner Hiltner asked where the black is coming from, if it was part of their logo, CD Director Doty requested the applicant answer that question.

Chair Kinzel opened the public hearing.

Eric Larson, 7900 Hastings Rd., representing Nor-Son approached the podium and stated that the owner of the building really likes the color black. Commissioner Hiltner asked what Lift Tech Marine makes/does, Mr. Larson indicated that they make lift dock motors. Mr. Larson added that they are trying to make this building look more modern than the other College Dr. buildings. He then reviewed the materials with the Commission. Chair Kinzel noted that the black will fade over time. Mr. Larson indicated that he gave staff a paint sample and asked them to determine if it was dark grey or black, it was determined to be black.

Chair Kinzel closed the public hearing.

Council Liaison/Mayor Darrel Olson gave the history of the Sunoco gas station with their colors.

MOTION by Commissioner Hiltner, second by Commissioner Oswald to approval the Zoning Ordinance Text Amendment to amend the City's Architectural Ordinance as presented in the draft resolution.

UPDATES

None

ADJOURN

MOTION by Commissioner Oswald, seconded by Commissioner Carleton to adjourn the meeting at 6:37 p.m. Motion unanimously approved.

Approved by:

_____
Bob Kinzel
Chair

Submitted By:

_____
Shanna Newman
CD Administrative Assistant