PLANNING AND ZONING COMMISSION MEETING MINUTES

Tuesday, June 14, 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 and Council Liaison/Mayor Darrel Olson

MEMBERS ABSENT: Commissioner Steve Lund

STAFF PRESENT: CD Director Josh Doty and Planner Matthew Gindele

OTHERS: Lisa Tupy, Pat Hanslip, Mike Angland, Tom Hice, Mike Larson, Brian Kallio

MINUTES

1. Approve May 10, 2022 Planning Commission Meeting Minutes
   MOTION by Commissioner Carleton, seconded by Commissioner Oswald to approve the Planning and Zoning Minutes from the May 10, 2022. Motion carried unanimously.

COMMENTS AND QUESTIONS

OLD BUSINESS

NEW BUSINESS

Prior to the first item, staff and Chair Kinzel let the applicants know that this Commission is a recommending body to City Council and final approval/denial will be June 21, 2022 at 7:00 pm.

PUBLIC HEARING. Zoning Ordinance Text Amendment to Title 10, Chapter 5, Section 9 "Accessory Structures" (City file 22-15)

Requested by: John Hanslip, 4837 Ashley Rd, Baxter, MN 56425

Chair Kinzel asked for the staff report. Planner Gindele stated the applicant is requesting a zoning ordinance text amendment to amend the City's accessory structures requirements in Title 10, Chapter 5, Section 9. The intent of the requested amendment is to allow exterior building materials of an accessory structure that match in appearance to the principal structure without necessarily being comprised of the same materials.

The ordinance currently states that *"All accessory buildings covering three hundred (300) square feet or more shall match the principal structure in color, materials and construction type, except that lots within the R-1 district with principal structures sided with brick or stucco may use siding materials*

that are harmonious with the principal structure only if the design, construction type, and color match the principal structure." (in the R-1 district the principal structure is most commonly the home).

The ordinance not only requires the color of the materials and the construction type to match that of the home, but also distinguishes between color and materials to require the actual siding materials themselves to match the home. for this reason, similar materials matching in appearance to the materials of the home are currently not allowed since the ordinance goes a step further to require the actual materials themselves to match the home. This means that if the house is sided with cedar LAP siding, then cedar LAP siding is required on the accessory structure. The applicant is requesting an amendment to allow materials that match in appearance so that if cedar LAP siding were on the house, vinyl LAP siding could be used on the accessory structure if it were still matching in color.

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

Chair Kinzel opened the public hearing.

Mr. Hanslip, 4837 Ashley Rd., approached the podium. He reiterated what Planner Gindele stated. He explained the maintenance of cedar siding verses the LP siding. Chair Kinzel asked if he was going to match the house with the siding on the garage when the time comes.

CD Director Doty stated that with this change, language such as, "if the finish/sheen of the exterior material shall match the home to the maximum extent possible as approved by the Zoning Administrator" could be added.

Ms. Lisa Tupy, 12868 Knollwood Dr. approached the podium and stated that she too has cedar siding and can relate to the maintenance issues. She stated that she felt this was a great option for residents to have the flexibility to match color and sheen and still look good.

Chair Kinzel thanked Ms. Tupy for the comments regarding a big change to the ordinance and closed the public hearing.

Commissioner Hiltner asked about the garage size and if it was allowed for his lot size, staff indicated that it was within the ordinance.

MOTION to by Commissioner Carleton seconded by Commissioner Oswald to approve the Zoning Ordinance Text Amendment to Title 10, Chapter 5, Section 9 "Accessory Structures" as present in the draft resolution presented by staff, with the additional verbiage regarding the sheen as presented by CD Director Doty. Motion carried unanimously.

2. **PUBLIC HEARING**. Conditional Use Permit to allow a school use for property located at 13242 Berrywood Drive (City file 22-23)
Requested by: Tom Hice (for Heritage Church), 3670 Sleepy Hallow Road, Fort Ripley, MN 56449

Chair Kinzel asked for the staff report. Planner Gindele stated the applicant has requested approval of a conditional use permit (CUP) to allow a school use in an existing church on property that is zoned R-3, High Density Residential and is located at 13242 Berrywood Drive.

The applicant is requesting a conditional use permit (CUP) to allow a school use in an existing church building for property that is zoned R-3 High Density Residential. The school use and the church use would occupy the building at separate times of the day/week so that parking needs of the school

should not affect parking needs of the church. The school would serve kids in the age range of pre-K through 8th grade and would add a grade to its service each year so that by the 2026/2027 school year the school would serve kids in the age range of pre-K through 12th grade. The applicant has stated that a maximum of 100 to 150 kids would be served by the proposed school.

Planner Gindele reviewed the aerial of the location, the lay-out of the classrooms and how lunches will be brought in and served through the cafeteria.

Planner Gindele noted the R-3 district allows school uses with a conditional use permit subject to the following conditions:
1. No building shall be located within fifty feet (50') of any lot line.

2. The site shall be served by a minor arterial or higher classification of roadway.

3. A master plan shall be submitted that describes proposed physical development for the next five (5) years and for the following five (5) years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

Planner Gindele reviewed the drop-off situation with the Commission and the potential for bus use in the future. CD Doty added that the bus lane is 20 feet wide for fire accessibility but does not meet the standard for two way traffic and may need to be widened in the future.

The existing building is located approximately 120 feet from the ROW College Road ROW and 167 feet from the Berrywood Drive ROW. The property is served by Berrywood Drive and HWY 210; HWY 210 is classified as a minor arterial street in Baxter's Long Range Transportation and Functional Classification Street Map. The applicant has submitted a narrative describing their intended use of the property that includes both a 5-year and 10-year master plan for development of the property which includes expanding service from pre-K through grade 8 to pre-K through grade 12 during the first five years.

Planner Gindele reviewed the parking requirements on this site with the Commission and that the parking is being met.

Staff recommends approval of the application with conditions and findings of fact in the draft resolution.

Chair Kinzel opened the public hearing.

Mr. Tom Hice, representing the church approached the podium. Mr. Hice reiterated that they are starting this year and the grade levels for the Commission. He noted that pre-registration indicates there are about 60 students currently registered. Chair Kinzel asked if Mr. Hice if he had any concerns with staff's findings and conditions, he did not.

Commissioner Hiltner asked staff if the Berrywood residents were notified, they were notified 500 feet around the area. He noted the concern the residents had regarding the apartment buildings that are proposed for that area and now a school also. CD Doty indicated that the neighborhood will see more day time traffic. He added that if all goes well, that Cypress Dr. will be extended to help relief

some of that traffic. Mr. Hice indicated that the parking lot should allow at least 20 parents to drop off their child without being in the street. He added that this is a temporary location for the school, being the school as a separate non-profit from the church and they plan on building within the city's limits in the future. His second question for Mr. Hice was where are these children coming from. Mr. Hice indicated Brainerd, Baxter, Nisswa, Pequot Lakes and surrounding area. Commissioner Hiltner asked if the Berrywood Park would be used by the school. Mr. Hice indicated that they have playground equipment behind the church for the younger children and the youth center would be used for a gym. He added that there hasn't been any discussions on the park. CD Director Doty stated that it is a public park so they could use it occasionally.

Chair Kinzel closed the public hearing.

Planner Gindele stated that there is a condition in the resolution regarding parking, if there is a parking problem staff will try to work with the school to rectify the situation. Mr. Hice stated at the last church meeting it was discussed that they may need to move the property line to allow for more church parking in the future.

Commissioner Hiltner asked if this is open to the public or just church members. Mr. Hice stated it is open to the public.

MOTION to by Commissioner Oswald seconded by Commissioner Hiltner to approve the conditional use permit to allow a school use for property located at 13242 Berrywood Drive as presented in the draft resolution presented by staff. Motion carried unanimously.

3. **PUBLIC HEARING**. Preliminary and Final Plat of Baxter Medical Park Third Addition, Re-zone from OS, Office Service to PUD, Planned Unit Development, and PUD General and Final Plan for property located at 13060 Isle Dr. and the adjacent lot to the south (City file 22-24).
Requested by: Widseth 7804 Industrial Park Rd. Baxter, MN 56425

Chair Kinzel asked for the staff report. CD Director Doty stated the applicant is requesting approval of the following items for the roughly 22-acre site located on the lot north of 13030 Isle Dr.:
- **Preliminary and Final Plat** to allow "Baxter Medical Park Third Addition" to replat Lot 1 and Outlot A to enlarge Lot 1 and reduce Outlot A;
- **Rezoning** from OS, Office Service, to PUD, Planned Unit Development; and
- **PUD General and Final Plan** for the development of an expansion at Essentia Health for a Musculoskeletal Center Addition at the Baxter Clinic.

CD Director Doty reviewed the site plan and addition with the Commission.

Under the plan, the applicant would enlarge Lot 1 to 14.4 acres create enough buildable lot area for a 44,000-square foot, two-story addition. The expansion would provide a Musculoskeletal Center at the Baxter Clinic. The project includes an expansion of the parking lot and a new access to Isle Drive. The addition would have a continuation of the existing front entrances on the north side of the building to access the lobby. The applicant is also proposing a pharmacy drive through pick up lane on the north side of the existing building.

The site has very minimal topography and is naturally wooded. The property includes numerous wetlands. The applicant is impacting wetlands on the property to allow the expansion. A wetland replacement plan has been approved by Crow Wing County, who is the Local Governing Unit for the city regarding Wetland Conservation Act. The Notice of Decision approved the wetland replacement

plan with conditions. Staff has added a condition to the resolution that the applicant comply with all conditions of the wetland replacement plan Notice of Decision with construction of the expansion.

The property is partially located in the shoreland overlay district for Perch Lake and is therefore, subject to the 25-percent impervious surface area coverage requirement. An impervious surface area coverage agreement was established with the original construction of the Essentia Clinic and the applicant has updated the agreement for the proposed expansion. The original agreement established that the entire essential property could be used for the impervious surface area calculation. Impervious Surface Area Coverage is typically established on a "per lot" basis. However, in this instance, Essentia owns a large outlot on the east side of Isle Drive, which is vacant for the purpose of shoreland open space. The preservation of this outlot contributes to the need for an agreement for the Essentia site. The agreement states that 78,824 ft2 (1.81 acres) of impervious surface coverage is allowed for future construction within the "Shoreland Management Overlay District". The current proposed impervious surface within this area, totaling 31,861 ft2 (0.73 acres). Additionally, on a per lot basis, the impervious surface area coverage of Lot 1, is also less than the 25-percent impervious surface coverage maximum at 17.86 percent. Staff has added a condition to the approving resolution requiring the applicant to comply with any requirements from the DNR.

The property is partially located in a flood fringe on the FEMA, Floodplain map. The flood fringe designation was added to the property with the most recent updates to the FEMA maps for Crow Wing County. FEMA has previously established approval of the existing Low Floor Elevation for the building and for the addition. Additionally, the Floodplain ordinance establishes regulations for flood fringe areas. Staff has added a condition to the resolution requiring the applicant to comply with any requirements from FEMA.

The Utility Commission reviewed the application on June 8, 2022, and recommend approval subject to the following:

1. Dedicate the standard drainage and utility easement on the final plat lot lines.
2. Enter into a Development Agreement with the City for the proposed municipal improvements and record against the plat prior to issuing a building permit.
3. Enter into a Stormwater Facilities Maintenance Agreement and record against the plat prior to issuing a building permit.
4. Provide a 20' Easement on the plat over all watermains, fire hydrants and valves.
5. Provide a 30' Easement on the plat over all 8" Sanitary Sewer mains and manholes.

CD Director Doty stated the applicant has submitted an architectural review application. Staff has reviewed the application and finds that the request meets the City's requirements to allow an administrative review of the Architectural Application with the Building Permit.

Although the request is to rezone the property to PUD, the OS, Office Service zoning district is the baseline district for the review of this PUD. The OS zoning district requires a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet for interior lots. The plat includes a lot that would be 627,264 square feet and approximately 1,464 feet wide, which meets the minimum requirements.

CD Director Doty noted that park dedication is required with the plat subject to the City's park dedication ordinance and fee schedule in place at the time the plat is recorded. Staff has added a condition requiring park dedication at the time the plat is recorded.

A master traffic study was completed for prior to the extension of Isle Drive past the Essentia Property. The traffic system was designed and planned for this lot to be developed with an expanding Essentia Clinic. Staff finds that a traffic study re-evaluation is not required to allow the subject development on the property.

The Essential Health Baxter Clinic was developed under standard OS, Office Service zoning. However, with the continued expansions, the site is developing into facility that warrants evaluation as a PUD. Specifically, the unique size of the facility together with the many medical services provided warrants special consideration for the establishment of master sign plan beyond a typical property. The applicant is also proposing a pharmacy drive through, which is requested with the PUD.

The Essential Health site in Baxter is a Multispecialty Outpatient Clinic Facility. With the addition, the building area will encompass nearly 110,000 square feet on a 22-acre development site. With a wide range of medical services offered including urgent care, the facility will have significant daily traffic activity and there will be people on site who are unfamiliar with the facility, which access to use, and which parking area is best for them to reach their destination. It is therefore, important that this particular facility have signage to direct motorists at the primary access locations. With the proposed expansion, there will be two primary access locations from Isle drive. The applicant is proposing a monument sign at each of the primary access locations. The signs will include directional signs with arrows for the various medical services to direct motorists entering the site for safety and efficiency reasons to reduce confusion and stress to their clients, and to reduce walking to front entrances for those with medical issues impacting their ability to walk long distances.
Under the proposed PUD master sign plan, the facility would have three free standing signs as follows:
1) One existing monument sign along the State Highway 371 street frontage. The sign is 140-square feet and 15 feet high.
2) One existing monument sign at the north primary access off of Isle Drive. This sign is 30-square feet and 10-foot 4-inches high.
3) One proposed new monument at the proposed new southwest access location off of Isle Drive. This sign would be 30-square feet and 10-foot 4-inches high, to match the existing monument sign on Isle Drive.

Staff has made the following findings regarding the requested PUD master sign plan:
1) The proposed signage would be consistent with the City's Comprehensive Plan, as well as with the goals and intent of the PUD;
2) Essentia Health serves a large population that is typically less familiar with the site. The PUD signage plan would respond to the specific and changing needs of this development;
3) The PUD signage plan would assist patients, visitors, and delivery people in finding the most direct route to their destination; and
4) The number of signs and square footage of the signs proposed is reasonable due to the larger size of facility and due to the multispecialty outpatient medical services offered, including urgent care.

CD Doty stated the applicant is proposing a pharmacy drive through to be approve on the north side of the site with the PUD approval. The zoning ordinance requires a minimum of five stacking spaces for a single-lane pharmacy use. The applicant is proposing a pharmacy lane with space for size stacking spaces. The pharmacy will serve as a pickup lane for prescriptions with a speaker and delivery system, similar to a bank drive through. Staff finds that the intent of the ordinance has been met with the applicant's design and should not create any traffic issues. PUD flexibility is required to locate the drive through between the building and a public street frontage. Staff supports the granting of this flexibility, as the drive through would be located 255 feet from the front property line

along Isle drive. The drive through be noticeable from this distance across an existing parking lot. Additionally, the closest neighboring use to the drive through would be the back of the Surgery Center Building, which is over 160 feet away

CD Director Doty reviewed the landscaping, parking lot islands, parking stall and tree placement with the Commission.

Staff recommends approval of the Preliminary and Final plat, Rezoning and PUD General and Final Plan, subject to the Ordinance and conditions and findings in the attached draft resolution.

Chair Kinzel stated that staff did a great job putting this report together with everything that has to be reviewed.

Commissioner Carleton asked about how the drive through was going to function/location. CD Director Doty pulled up the aerial to show where the drive through will be located and how it will function.

Commissioner Hiltner asked about the empty pad, CD Director Doty indicated that sometimes people come into urgent care when they should have really gone to the hospital. That pad provides a spot for the ambulance to come and get a person.

Council Liaison/Mayor Darrel Olson asked about getting a fire truck around the building. CD Director Doty explained the fire code differences to the Commission.

Chair Kinzel opened the public hearing.

Mr. Mike Larson, Senior Vice President of Essentia Health, approched the podium. He stated that staff and Widseth have been great to work with. Mr. Larson had the same question as Council Liaison/Mayor Darrel Olson about the fire trucks. He added that there is a door on the back side of the building near urgent care that goes around the back of the building to allow staff to assist a person into an ambulance.

Chair Kinzel asked Mr. Larson about the other services that the new facility would offer. Mr. Larson stated this project is called the Musculoskeletal Center. Northern Orthopedics was purchased by Essentia and the Brainerd location would be moved over to this facility and all types of physical therapy and pain management will take place in the new facility.

Chair Kinzel closed the public hearing.

MOTION to by Commissioner Carleton seconded by Commissioner Hiltner to approve the Preliminary and Final Plat to allow “Baxter Medical Park Third Addition” to replat Lot 1 and Oultot A, Rezoning from OS, Office Service to PUD, Planned Unit Development, and a PUD General and Final Plan for the development of an expansion at Essentia Health located at 13060 Isle Drive as presented by staff in the draft resolution.

4. **PUBLIC HEARING**. Zoning Ordinance Text Amendments to Title 10, Chapter 5, Section 10 “Animals” of the Baxter City Code (City File 22-25)
Requested by: City of Baxter 13190 Memorywood Dr. Baxter, Mn 56425

Chair Kinzel asked for the staff report. Planner Gindele stated staff would like to consider an ordinance amendment to address several issues within the "Animals" ordinance relating to chickens in the City of Baxter. The primary purpose of the proposed changes is to provide greater flexibility in the Code as it relates to chickens.

Planner Gindele stated when the chicken ordinance was adopted by the City in 2020 to allow chickens, staff drafted, and Council approved, a fairly restrictive ordinance that includes some pretty high standards. The thought at the time was that if the city is going to change from not allowing chickens to allowing chickens, that it would be prudent to start with a restrictive ordinance and see how it plays out for a couple of years and then make adjustments to the ordinance where the requirements are too strict. The proposed amendments address several of the requirements to have chickens that staff has identified, based on feedback from residents who have applied for a chicken permit, as being to restrictive.

Planner Gindele reviewed the proposed changes within the draft code amendment.

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

Chair Kinzel asked if staff had gone to other cities to see what they have for chicken regulations, CD Doty indicated that staff did reach out to several communities. Chair Kinzel asked if staff had called to see if there were amendments made to other cities as well. CD Doty stated that staff did not follow-up to see who had amended their ordinances, however chickens are a hot topic right now and he was sure some cities have had to amend their ordinances.

Chair Kinzel didn't mind the vacate lot language and asked the Commission for their thoughts. Commissioner Carleton said that she was in agreement with the changes. Planner Gindele added that to date there have been any complaints from the neighboring home where there are chickens. CD Doty added that before this ordinance, staff was flooded with chicken calls, to date only 3 permits have been issued. Commissioner Carleton stated the fees might be too high and that is why only 3 permits have been issued.

Council Liaison/Mayor Darrel Olson gave the back ground of the initial young lady that got 1,000 signatures from all over the world in support of her request.

Commissioner Hiltner asked if staff has gone out and reviewed the properties for compliance. Staff indicated that they have on complaint driven bases and a few times to review for compliance. CD Director Doty noted that there is also a check list that staff reviews as well.

Chair Kinzel asked if there was anyone in the audience that wanted to discuss chickens.

Ms. Lisa Tupy 12868 Knollwood Dr. approached and stated that when they started building their coop they were unaware of the standards that Baxter had for the coop. Their coop is 8 feet tall and the regulations stated 6 feet. They also built it 10 feet from the property line and not 25 feet per ordinance. (She then hands the Commissioner a comparison spread sheet of different setbacks throughout the city code). Ms. Tupy indicated that she started doing research and this was her findings in the code. She is requesting that the 10 feet from property line be implemented for chickens to a line with the other 10 feet setback throughout the code and the screening be eliminated.

Commissioner Hiltner did not have a problem with the request for 10 feet, neither did Commissioner Carleton. Chair Kinzel reviewed Ms. Tuby's picture of her coop.

CD Doty stated that he wanted to clarify that this is not an applicant driven ordinance amendment, it's a staff driven amendment. He noted that this is a public hearing and appreciates people speaking at the meetings, however staff has to look at the whole city and not just one applicant. Therefore, he would like the Commission to consider staff's recommendation.

Commissioner Hiltner asked why the screening would only be 4 feet when the coop can be 8 feet tall. He asked why not have the screening match the height of the coop. Planner Gindele stated that removing the word "fully" with just screened loosens up the ordinance to allow different types of screening, such as 8 foot spruce trees. CD Doty stated that ordinance only allows up to 6 feet fencing, 8 feet requires building code review, being a fully opaque fence could have issues with wind load. He added that any fence over 6 feet would require a conditional use permit and a building permit.

Commissioner Carleton made a comment regarding the dangerous dog or any dog being allowed 10 feet from the property line, CD Doty stated if the Commission want to group them items together, it was a fair point.

Council Liaison/Mayor Darrel Olson asked if it was possible to issue a variance for this property, as its an already started project. CD Director Doty stated that some variances are easier and some are not practical.

Commissioner Carleton asked how fair Ms. Tuby's coop was the property line. Ms. Tuby's answer was not heard as she was not at the podium.

Chair Kinzel was fine with the 10 feet, however he did not want to see variance coming in for chickens.

MOTION to by Commissioner Hiltner, seconded by Commissioner Carleton to approve Zoning Ordinance Text Amendments to Title 10, Chapter 5, Section 10 "Animals" of the Baxter City Code as presented by staff in the draft resolution, with an amendment to the resolution changing the setback from 20 feet to 10 feet.

UPDATES: None

ADJOURN

MOTION by Commissioner Oswald, seconded by Commissioner Hiltner to adjourn the meeting at 7:37 p.m. Motion unanimously approved.

Approved by:

_____
Bob Kinzel
Chair

Submitted By:

_____
Shanna Newman
CD Administrative Assistant