



PLANNING AND ZONING COMMISSION MEETING MINUTES

Tuesday, October 08, 2024 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 Hiltner.

ROLL CALL

MEMBERS PRESENT: Chair Chuck Hiltner, Commissioners Howie Oswald, Gwen Carleton and Larry Kellerman

MEMBERS ABSENT: Council Liaison/Mayor Darrel Olson

STAFF PRESENT: CD Director Josh Doty and Planner Matthew Gindele

OTHERS: Steve Jones, John Vanmoer, Anne Larchil, Rob Seymour, Kent O'Grady, Matt Delaney

MINUTES

1. Approve Planning & Zoning Commission Meeting Minutes from September 10, 2024

MOTION by Commissioner Carleton, seconded by Commissioner Kellerman to approve the Planning and Zoning Minutes from the September 10, 2024. Motion carried unanimously.

Chair Hiltner stated that this Commission is a recommending body, and that final approval/denial is taken with the City Council on October 15, 2024.

COMMENTS AND QUESTIONS

OLD BUSINESS

None

NEW BUSINESS

2. **PUBLIC HEARING. Ordinance Text Amendment** to Title 10, Chapter 3 "Zoning Districts" of the City Code to allow columbariums accessory to a religious institution as a conditional use in the zoning districts that allow religious institutions, and a Conditional Use Permit to allow a columbarium for property located at 6190 Fairview Road (City file 24-35).

Chair Hiltner asked for the staff report. Planner Gindele indicated the applicant has requested a zoning ordinance amendment to allow "columbariums" accessory to a religious institution as a conditional use in all districts that allow religious institutions. Under the proposed amendment, a definition of "columbarium" would also be added to the definitions chapter of the zoning ordinance.

The applicant is also requesting a conditional use permit to allow a columbarium at Lord of Life Church located at 6190 Fairview Road.

Planner Gindele reviewed the location of the columbarium on an aerial with the Commission.

Planner Gindele stated the applicant is requesting approval of a conditional use permit to allow a columbarium at Lord of Life Church located at 6190 Fairview Road. The proposed columbarium would be 8' 2-1/4" long by 3' 4-3/7" wide and 5' 6" tall. It would include 48 niches which can hold up to 2 urns each. It is proposed to be located in a side yard on a corner lot between the church and Knollwood Drive but is located over 100 feet from the street. The columbarium would set on a concrete pad with frost-depth footings and would include a patio around it with two benches on opposite sides of the columbarium. A short wall is also proposed on the west side of the patio between the Knollwood Drive and the columbarium that would provide some screening and could be used for sitting. If approved, the ordinance would require the following for placement of a columbarium:

- A. Columbaria shall be screened from adjoining residential properties.
- B. All portions of the use shall meet the minimum district setback requirements for principal structures.
- C. All portions of the use shall be setback a minimum of 10 feet from any wetland and shall be located outside of easements, except as approved by the City.

Planner Gindele reviewed the findings in the staff report with the Commission.

Staff recommends approval of the ordinance amendment and the conditional use permit, subject to the draft resolutions and the draft ordinance.

Commissioner Carleton asked what the approval process would be if the church wanted to expand the columbarium. City Planner Gindele stated that they would need to come back to the Planning Commission to amend their CUP. Carleton asked if they had plans for expansion. Staff stated that the applicant will have to address this question.

Chair Hiltner asked if the same State regulations for cemeteries applied for columbaria; Community Development Director Josh Doty stated that he checked to see what State regulations there were for columbaria but found none.

Chair Hiltner asked how tall the short wall on the west side of the columbarium was going to be and whether it was intended for screening. Steve Jones, representing Lord of Life Church, approached the Commission and stated that the wall was no longer in the plans at this time but that shrubs would be planted around the area. Chair Hiltner stated that the proposed ordinance language didn't specify the amount of screening required and asked if it was expected to be fully screened. City Planner Gindele stated that screening requirements are covered under separate section within the zoning ordinance. Community Development Director Doty added that the ordinance doesn't typically distinguish between "full screening" or "partial screening" unless the intent is to make clear within the ordinance that full screening is required. For columbariums, staff simply wanted to have a screening requirement to adjoining residential properties due to the potential for funeral services to be held at the columbarium which could be disruptive to a residence. Staff can then evaluate the level of screening needed based on circumstances specific to the site during review of the CUP application. Chair Hiltner asked what way the columbarium would be facing. Steve Jones stated that it would be oriented east/west so that the niches would face north/south; the only thing seen from

the road would be a piece of granite 5.5 feet tall, 4 feet wide. Chair Hiltner asked if the church has its own cemetery separate from the columbarium. Mr. Jones stated that the church does not have a cemetery.

Community Development Director brought up the previously asked question about whether the church had plans to expand the columbarium. Mr. Jones stated they had no plans to expand at this time but that they might in the future.

Chair Hiltner asked if the columbarium was only open to members of the church. Mr. Jones confirmed that it would only be open to members of the church and their immediate family members.

Chair Hiltner opened the public hearing.

Rob Seymore (6232 Fairview Drive) approached the Commission and stated that he lives on the adjoining property to the east of the church. He stated that he has no concerns with what the church is proposing but that if the columbarium was planned on the east side of the church that might be problematic for him since that would be right up against his property. He asked for confirmation that if the church wanted to move or expand the columbarium that there would be another public meeting to provide comment at. CD Director Doty confirmed that was the case.

Chair Hiltner closed the public hearing.

MOTION by Commissioner Kellerman, seconded by Commissioner Carleton to approve the ordinance text amendment to Title 10, Chapter 3 "Zoning Districts" of the City Code to allow columbariums accessory to a religious institution as a conditional use in the zoning districts that allow religious institutions. Motion carried unanimously.

MOTION by Commissioner Kellerman, seconded by Commissioner Carleton to approve the Conditional Use Permit to allow a columbarium for property located at 6190 Fairview Road. Motion carried unanimously.

3. **PUBLIC HEARING.** Planned Unit Development General and Final Plan to allow a redevelopment of the former Camping World property located at 14275 Edgewood Drive (legally described as Lot 1, Block 1, Third Addition to Baxter Wal-Mart Subdivision, Crow Wing County, Minnesota (City file 24-36) **(THIS ITEM IS TO BE TABLED TO THE NOVEMBER 12, 2024 PLANNING COMMISSION MEETING AT THE REQUEST OF THE APPLICANT)**

Community Development Director Doty stated that the applicant has requested to table this item until the November Planning Commission meeting to allow for time to complete a traffic study.

Chair Hiltner opened the public hearing.

MOTION by Commissioner Carleton, seconded by Commissioner Oswald to table the Planned Unit Development General and Final Plan. Motion carried unanimously.

UPDATES

ADJOURN

MOTION by Commissioner Oswald, seconded by Commissioner Kellerman to adjourn the meeting at 6:44 p.m. Motion unanimously approved.

Approved by:

Submitted By:

Chuck Hiltner
Chair

Shanna Newman
CD Administrative Assistant