



**ITEM REPORT
PLANNING AND ZONING COMMISSION**

Agenda Date: 1/14/2025
Agenda Section: New Business

TO: Baxter Planning and Zoning Commission

FROM: Matthew Gindele, City Planner

REQUEST: **PUBLIC HEARING. Preliminary and Final Plat** to allow “Timberline Heights” to create one buildable lot; **Land Use Map Amendment** from Medium Density Residential to High Density Residential; **Rezoning** from R-2, Medium Density Residential a to PUD, Planned Unit Development, and a **PUD General and Final Plan** for a 73-unit apartment for property located north of Clearwater Road and west of JMS Baxter Estates having PID No. 40060711. (City File # 2024-43)

APPLICANT: Prairie Lakes Management, 17018 Commercial Park Road, Brainerd, MN 56401
R-2, Medium Density Residential

ZONING:

1. Application Request

The applicant is requesting approval of the following items for the 16.6-acre site:

- **Preliminary and Final Plat** to allow “Timberline Heights” to create one buildable lot;
- **Land Use Map Amendment** from Medium Density Residential to High Density Residential
- **Rezoning** from R-2, Medium Density Residential to PUD, Planned Unit Development; and
- **PUD General and Final Plan** to allow a 73-unit apartment development.

The development includes a 4-story 73-unit apartment building with the ground floor being tuck-under parking. The apartment would be oriented north-south so that the front of the building would primarily face west. The development is planned to have trail access all the way around the apartment building and preserves the natural wetland basin to the east.

The development would include amenities such as a carwash and pet wash on the ground floor of the apartment and play area, pool, and pickleball court to the west of the apartment building. The development also provides the cul-de-sac extension for the single-family residential neighborhood to the west. Additionally, each unit would include a balcony and its own laundry room complete with washer and drier.

2. Context

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Single-Family Homes	R-1, Low Density Residential
East	Single-Family Homes	R-1, Low Density Residential
South	Apartments	R-3, High Density Residential
West	Single-Family Homes	R-1, Low Density Residential

Natural Characteristics of the Site

The site has minimal to moderate topography with the south and west side consisting of high ground and the east and north sides predominately wetland. The site includes a mix of cleared/open areas and natural forest on the high ground. The wetland also acts as a general floodplain. The site is not located in a shoreland overlay district.

Utility Commission Review

The Utility Commission reviewed the application on January 8, 2025, and recommends approval subject to the following conditions:

1. Enter into a Development Agreement prior to issuing a building permit.
2. Enter into a Construction Repair and Maintenance Agreement for Stormwater Utilities and Water main for Timberline Heights prior to issuing a building permit.
3. Execute a Permanent Hydrant Access Easement prior to issuing a building permit.
4. Enter into a Stormwater Facilities Maintenance Agreement prior to issuing a building permit

3. Analysis of Request

Preliminary and Final Plat

Staff has reviewed the application for consistency with City Code requirements, as well as City policies.

The City's discretion in approving or denying a preliminary and final plat is limited to whether or not the proposed plat meets the standards outlined in the City Code. If it meets these standards, the city must approve the plat.

The applicant is proposing a plat to be named "Timberline Heights" to create one buildable lot.

Even though the proposed rezoning from R-2 to PUD allows for flexibility in ordinance standards, staff reviewed the application based on R-3 for the subject High Density Residential development as a baseline for zoning review. The R-3 district requires a minimum lot area of 25,000 square feet and a minimum lot width of 120 feet for corner lots. The plat would create one lot that exceeds these minimum standards and complies with the minimum standards of the zoning ordinance.

Right-of-Way

With the plat, the developer is dedicating approximately 12,000 s.f. of right-of-way to allow for the construction of a cul-de-sac at the end of Grand Oaks Road. Staff supports the proposed right-of-way dedication, as shown on the proposed plat.

Access/Traffic

As part of the development, the developer paid for a traffic study to be completed by SEH, who is the City's traffic consultant. The traffic study concluded that the traffic on city streets would operate at acceptable levels with the development completed.

The development includes three curb cuts providing access from public streets for the development. The access locations were reviewed as part of a traffic study (attached) that was completed for the development. The subject site plan has been revised to comply with recommendations from the traffic study. The primary access would be to Clearwater Road, with the other two accesses to the cul-de-sac on Grand Oaks Drive. All the private driveways in the development are looped allowing two-way traffic flow throughout the development that meets fire lane standards.

Park Dedication

The subject property is vacant but has 70 credits of park dedication that has already been paid in the past. The proposed development includes 73 residential units. Therefore, the applicant is required to pay park dedication fees for three units based on the fee established at the time of recording the plat; the current park dedication fee is \$1,800 per unit. Staff has added a condition to the resolution requiring the payment of park dedication fees for three units.

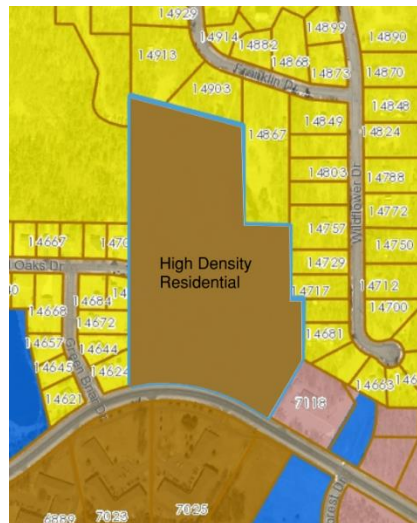
Comprehensive Plan/Future Land Use Map Amendment

The applicant is requesting a Comprehensive Plan amendment to re-designate the underlying land use guidance from Medium Density Residential to High Density Residential.

Existing Future Land Use



Proposed Future Land Use



Transition of Land Use

The existing Future Land Use Plan includes an east to west transition of land use from Office to Medium Density to Low Density, and a south to north transition of land uses from High Density Residential to Medium Density Residential to Low Density Residential. The proposed land Use Plan would place High Density Residential next to Low Density Residential but would continue to provide a desired east/west transition of land use from Office to High Density, and extends the High Density Residential development from the south across Clearwater Road to the north.

Transition Findings

The transitions from Low Density Residential to High Density Residential are separated by a large wetland to the east and north, and a preserved stand of trees to the west. Additionally, with the proposed change from Medium Density to High Density, the applicant is proposing to disturb only 4.5 acres for construction purposes as opposed to an estimated 10-12 acres of disturbance that would be required to develop the property with Medium Density Residential. With the smaller amount of disturbance to the land with the proposed High Density development, the applicant is able to preserve a greater amount of natural landscape and provide greater buffers between the proposed development and the existing Low Density Residential Development to the west, north, and east. This, in turn, allows for a decreased impact on the surrounding single-family homes.

For these reasons, staff finds that the proposed land use offers an acceptable transition of land use and fits with the surrounding property, which supports a re-evaluation of the comprehensive plan.

Rezoning to PUD and PUD General and Final Plan

The applicant is requesting to rezone the property from R-2, Medium Density Residential to PUD, Planned Unit Development. The City’s PUD Ordinance states the following:

The purpose of the planned unit development district (PUD) is to provide a comprehensive procedure intended to allow greater flexibility in the development of neighborhoods or nonresidential areas than wouldn’t be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the city council to make in its legislative capacity. The intent of this article is to:

- A. Provide for the establishment of planned unit development (PUD) zoning districts in appropriate settings and situations, to create or maintain a development pattern that complies with the city's comprehensive plan.
- B. Allow for the mixing of land uses within a development when such mixing of land uses could not otherwise be accomplished under this chapter.
- C. Provide for variations to the strict application of the land use regulations in this chapter in order to improve site design and operation, while at the same time incorporating design elements (e.g., construction materials, landscaping, lighting, etc.) that exceed the city's standards to offset the effect of any variations.
- D. Promote a more creative and efficient approach to land use within the city, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the city.
- E. Preserve and enhance natural features and open spaces.
- F. Maintain or improve the efficiency of public streets and utilities.
- G. Ensure the establishment of appropriate transitions between differing land uses.

Staff notes that site plan elements relate to the overall PUD proposal to determine if the above intent of the PUD has been achieved. Staff has reviewed the applicants plans related to the above standards and offers the following:

Ordinance Standards

	Ordinance Requirement	Proposed	Meets/Exceeds Requirements
Building Setbacks	40-foot front setback 10-foot side setback 40-foot rear setback	37 feet 5 inches 10 feet 30 feet	*No Yes Yes
Parking & Drive Aisle Setbacks	10-foot setback	10 feet 4 inches	Yes
Parking Stall Dimensions	10 feet by 18 or 20 feet	10' x 20' & 19' 6" x 9'	Yes *No
Parking Stalls	146 Total Of which 37 must be garage stalls	147 Total Of which 73 are garage stalls	Yes Yes
Drive Aisle Dimensions	24 feet	> 24 feet	Yes
Parking Lot Sidewalks	Sidewalks	Sidewalks	Yes

Trail Connections	Connections suggested	No Connection	**N/A
Building Height	45 feet	44 feet 11 ¼ inches	Yes
Structural Coverage	50 percent	5 percent	Yes
Landscaping			
Number of Trees	70 trees	55 planted trees plus >15 existing trees preserved	Yes
Size of Trees	2-inch and 6 foot	2-inch and 6 foot	Yes
Priority Placement of Trees	Front Yard/Site Perimeter Priority	Front Yard/Site Perimeter Trees	Yes
Number of Shrubs	191 shrubs	200 shrubs	Yes
Size of Shrubs	3 gallon	3 gallon & 1 gallon	**No
Tree Species	Approved Trees List	Approved Species	Yes
Percentage of Coniferous	22 coniferous trees	19 planted trees plus >3 existing trees preserved	Yes
Parking Lot Islands	One island per 10 stalls One Overstory Tree Per Island	Missing required islands	**No
Number of Units Per Building	Maximum 50	73	*No

*PUD Flexibility Requested and discussed below **Conditioned in draft resolution

Building Setbacks

The ordinance requires a minimum of a 40-foot setback from any structure to a property line. The primary building is set back over 100 feet from Clearwater Road. However, with the newly platted ROW for the cul-de-sac extension of Grand Oaks Drive, which also requires a 40-foot front yard setback, the building is 35' 5". The extension of the Grand Oaks Drive cul-de-sac provides a vital function for both the proposed development and to the existing dead-end currently on Grand Oaks Drive as it allows for service vehicles and emergency vehicles a convenient turn-around. For this reason, staff is supportive of PUD flexibility for the proposed 35' 5" setback.

Parking

The zoning ordinance requires a minimum of 2 parking spaces per unit and that at least ½ space per unit must be in a garage or underground parking. At 73 units, 146 parking spaces are required, of which at least 37 must be in a garage. The applicant has proposed a total of 147 spaces, 73 of which are in the tuck-under garage. Staff notes that the tuck-under garage parking is a project upgrade with the development since it limits the amount of disturbance to the property that would be caused by building a separate garage. Additionally, parking stalls are required to be a minimum of 20'x10'. The proposed parking plan indicates that all of the surface parking stalls are 20'x10' but the garage stalls are only 19' 6"x9'; the applicant is requesting PUD flexibility to allow this. Staff is supportive of the flexibility in order to limit the impact to the property and preserve as many existing trees as possible.

Units Per Building

The R-3 zoning district allows high density residential at a maximum of 50 units. Staff notes that the development proposes a 73-unit apartment building. The increases above 50 units requires PUD flexibility to exceed this ordinance standard. Staff notes that the developer has proposed a development that meets the City's structural coverage requirements, density requirements, and height requirements of the ordinance. Staff finds that the mass of the building proposed with 73 units is comparable to other apartment buildings, is not excessive and is supportable as PUD flexibility.

Trail Connections

The developer is proposing a walking trail around the east side of the main building along the wetland. The plan does not currently show any connections to the city trail system, however, the developer has verbally expressed a strong desire to connect to the city trail system and has committed to providing the most sensible connection. An exhibit is included at the end of this report showing the most likely trail connection; the developer has indicated a commitment to providing this connection. A condition has been added to the draft resolution requiring the developer to provide a trail connection to the city trail system on the south side of Clearwater Road. With the condition in the resolution, staff supports the sidewalk and trail connectivity plan with the development and finds that a trail connection to the city trail system is a project upgrade.

Wetland Buffer

The developer is proposing a wetland buffer 15-25 feet wide all the way around the large wetland on the east side of the apartment building. Although portions of this buffer will be disturbed during construction of the project, the developer proposed to restore and maintain the buffer after construction as a no-mow natural wetland buffer. Staff finds that providing a natural buffer to the wetland is a PUD project upgrade. A condition has been added to the draft resolution requiring the wetland buffer shown on the plans to be restored and maintained as a no-mow natural wetland buffer.

Landscaping

Landscaping is proposed to meet the requirements of the ordinance. It is important to note that the developer is proposing to save a large quantity of existing trees on site that are allowed to be credited toward the total number of trees planted. The developer proposing to plant a minimum of 55 trees; the rest of the required trees are made up in the amount of existing trees being preserved. The preservation of the existing trees is considered a PUD upgrade.

Development Amenities

Amenities would include a community pool with an accessory pool building, an outdoor play area, a pickleball court, pet washroom, carwash, fitness center, library and a community room. The apartment would include a centralized elevator, in-unit washer and driers, and main floor heated garage parking. Staff finds that these amenities are development upgrades with the PUD.

Architectural Review

The applicant has submitted an architectural review application. Staff has determined that the applicants design for the apartment and pool building complies with the Architectural Review Ordinance (see attached memo), except for two items: the roof pitch on the apartment building and the 100% CMU on the pool building. The roof pitch for certain roof lines of the apartment are at 4:12 and 5:12 roof pitch, where 6:12 is required. The architectural ordinance allows up to 30% of any façade to be CMU but allows utility buildings that are 500 sq. ft. or less that require a higher level of durability to request CMU exceeding 30% through the CUP process. Being that this is a PUD, both the roof pitches and the CMU exceeding 30% requires PUD flexibility. Staff supports the proposed roof pitches and the CMU design of the pool building as identified in the plans.

4. Findings

Staff finds that the PUD development plan allows for minimal impact to the natural landscape for the proposed development by limiting the amount of construction disturbance to preserve existing trees and the wetland. The

PUD offers flexibility to the developer as it relates to unit totals per building, building setback, parking stall dimensions, and roof pitch. In turn, the developer is proposing project upgrades such as: a wetland buffer, preservation of natural landscape, trail connectivity, climate-controlled garage, and related amenities for residents. Except for the flexibility requested, the development meets the City's ordinance requirements. With the conditions in the approving resolutions, the design of the development and building would meet or exceed all the City's requirements.

5. Recommendation

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

Attachments

1. Draft Resolution 2025-007 Approving Preliminary and Final Plat of Timberline Heights
2. Draft Resolution 2025-008 Approving the Comprehensive Plan Amendment
3. Draft Ordinance 2025-001 Approving the Re-zone
4. Draft Resolution 2025-009 Approving the PUD General and Final Plan
5. Architectural Review Memo
6. Traffic Study
7. Applicant's Narrative
8. Site Location Map
9. Preliminary and Final Plat
10. Civil Drawings
11. Architectural Drawings & Elevations
12. 3D Renderings