



ITEM REPORT PLANNING AND ZONING COMMISSION

Agenda Date: 7/9/2024
Agenda Section: New Business

TO: Baxter Planning and Zoning Commission

FROM: Joshua Doty, Community Development Director

REQUEST: **PUBLIC HEARING.** Zoning Ordinance Amendment to transfer authorities of the Long Range Planning Commission to the Planning Commission (City file no. 2024-022)

APPLICANT: City of Baxter
N/A

ZONING:

1. Application Request

The City of Baxter is requesting a Zoning Ordinance Amendment to transfer authorities of the Long Range Planning Commission to the Planning Commission. It is unique for cities to have a Long Range Planning Commission and Baxter's Long Range Planning Commission has served the City Council and City with incredible services for many years. Most recently, the Long Range Planning Commission helped the City develop the City's most recent Comprehensive Plan and worked on many implementation projects from the Comprehensive Plan in subsequent years; and other long range planning initiatives. Given that many of the long-range planning initiatives from the Comprehensive Plan are now complete and given the city doesn't receive many requests for comprehensive plan amendments, the City Council has provided consensus support to transfer the duties of the LRPC to the Planning Commission. This amendment would officially release the Long Range Planning Commission from service. This change would not mean that the city will stop long-range planning efforts. Rather it would change how this work would be completed. The planning commission would hold hearings and make recommendations regarding amendments and updates to the plan, which would increase service to the private sector by reducing time of multiple commission and council meetings for projects. However, the City Council can also consider establishing task forces for larger long range planning projects or initiatives where volunteer services are established for the period of time needed for the project or initiative, rather than an open-ended service of a formal commission.

2. Amendments

To transfer authorities from the Long Range Planning Commission to the Planning Commission, the City's Comprehensive Plan, City Code, and the Zoning Ordinance needs to be amended. The Long Range Planning Commission held a public hearing for the comprehensive plan amendment on June 17, 2024, to recommend the transfer. The Planning Commission must hold a public hearing for the zoning ordinance amendments. Then lastly, the City Council must consider the Comprehensive Plan Amendment, City Code Amendments, and Zoning Ordinance Amendments.

Below are the specific zoning ordinance amendments requested:

10-7-2: COMPREHENSIVE PLAN AMENDMENTS:

- A. Power To Amend: The city council may adopt amendments to this comprehensive plan. Comprehensive plan amendments shall only be used as a means to reflect changes in conditions and/or the goals and policies of the city.

B. Comprehensive Plan Amendments: An application for a comprehensive plan amendment shall be approved or denied pursuant to Minnesota statutes chapter 462.357.

1. Filing: A comprehensive plan amendment application shall be filed with the planning and zoning administrator on an official application form. The application shall be accompanied by the fee as set forth in this code. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the planning and zoning administrator, fully describing the proposed amendment. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified submittal requirements, as described in this section.

2. Staff Analysis: Upon receiving a complete application, as determined by staff review, the planning and zoning administrator shall refer copies of the comprehensive plan amendment application to the city staff and other applicable public agencies as needed in order to receive written comments. The planning and zoning administrator shall instruct the appropriate staff person to: a) coordinate an analysis of the application, b) prepare technical reports, and c) assist in preparing a recommendation to the ~~long-range~~ planning commission and city council.

3. Public Hearing Notice: Upon completion of staff's analysis of the application, the planning and zoning administrator, when required, shall set a public hearing date for an upcoming ~~long-range~~ planning commission meeting. Notice of the hearing, including a description of the request and the legal description of the property, shall be published in the city's official newspaper, "The Brainerd Daily Dispatch", at least ten (10) days prior to the hearing. Written notification of the hearing shall also be mailed to all property owners located within five hundred feet (500') of the site at least ten (10) days prior to the hearing. Failure of a property owner to receive mailed notice or defects in the notice shall not invalidate the proceedings.

4. ~~Long-Range~~ Planning Commission Consideration: The ~~long-range~~ planning commission shall consider the application, as follows:

- a. ~~Long-range~~ ~~p~~Planning ~~e~~Commission shall review the request and conduct the official public hearing. At the public hearing, all persons interested in the proposed amendment shall be heard.
- b. The applicant or representatives thereof may appear before the ~~long-range~~ planning commission to present information and answer questions concerning the proposal.
- c. ~~Long-range~~ ~~p~~Planning ~~e~~Commission and staff shall have the authority to request additional information from the applicant concerning the proposal, as deemed necessary to formulate a recommendation on the proposal.
- d. The city should consider the following issues when reviewing a comprehensive plan amendment request:
 - (1) The extent to which the location criteria of applicable existing or proposed land use plan classifications are satisfied.
 - (2) Evidence submitted by the applicant demonstrating the reason(s) that the plan should be changed, including, but not limited to, whether new information has become available since the comprehensive plan was adopted that supports reexamination of the plan, or that existing or proposed development offers new opportunities or constraints that were not previously considered by the plan.
 - (3) Whether or not the change is needed to allow reasonable development of the site.
 - (4) The relationship of the proposed amendment to the supply and demand for particular land uses within the city and the immediate vicinity of the site.
 - (5) A demonstration by the applicant that the proposed amendment has merit beyond the interests of the proponent.
 - (6) The possible impacts of the amendment on all specific elements of the comprehensive plan as may be applicable.
 - (7) Consideration of the impact of the proposed amendment upon current and future special assessments and utility area charges, future property tax assessments or other fiscal impacts upon the city.

5. City Council Consideration: The city council shall consider a comprehensive plan application, as follows:

- a. Upon receiving the reports and recommendations of the ~~long-range~~ planning commission and staff, the city administrator shall schedule the application for city council consideration. The council shall have the option of receiving additional testimony on the matter if they so choose.
 - b. The council shall either approve or deny the application. Failure of the council to act within one hundred twenty (120) days of submission of the application is deemed approval of such application, unless the applicant agrees to an extension.
 - c. Approval of a comprehensive plan amendment by the city council shall require passage by a four-fifths ($\frac{4}{5}$) vote of all its members. The council may require plan revisions and may impose conditions upon approval, as deemed necessary to protect the health, safety, and general welfare of the city.
6. Effect Of Denial: If a comprehensive plan application is denied by the city council, the ~~long-range~~ planning commission or city council shall not consider a similar application for the same amendment for at least six (6) months from the date of its denial. (Ord. 2014-24, 10-21-2014)

3. Recommendation

Staff recommends approval of the zoning ordinance amendment, subject to the attached ordinance.

Attachments

Draft Ordinance Approving Zoning Ordinance Amendment

Draft Resolution Approving Findings of Fact for the Ordinance Amendment