



PLANNING AND ZONING COMMISSION MEETING MINUTES

Tuesday, July 09, 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 Kinzel.

ROLL CALL

MEMBERS PRESENT: Chair Bob Kinzel, Commissioners Chuck Hiltner, Gwen Carleton, Larry Kellerman and Council Liaison/Mayor Darrel Olson

MEMBERS ABSENT: Commissioner Howie Oswald

STAFF PRESENT: CD Director Josh Doty, Planner Matthew Gindele and City Administrator Bradley Chapulis

OTHERS: Eddy Wolf, Jason Vangalis Dennis Zaske, Kathleen Junker, Kathryn Flansburg, Chad Sunberg and Dan Davidson

MINUTES

1. Approve the Planning & Zoning Commission Meeting Minutes from June 11, 2024.

MOTION by Commissioner Kellerman, seconded by Commissioner Carleton to approve the Planning and Zoning Minutes from the June 11, 2024. Motion carried unanimously.

Chair Kinzel stated that this Commission is a recommending body, and that final approval/denial is taken with the City Council on July 16, 2024.

COMMENTS AND QUESTIONS

None

OLD BUSINESS

2. **PUBLIC HEARING.** Preliminary and Final Plat of "Ryan Addition to Baxter" and a Conditional Use Permit for outside storage for property located 12692 Timberwood Drive (city file 2024-019)

Chair Kinzel asked for the staff report. CD Director Doty stated the applicant is requesting a preliminary and final plat of "Ryan Addition to Baxter" and a conditional use permit for outside storage for property located 12692 Timberwood Drive.

CD Director Doty indicated the applicant is requesting approval of the following items for the roughly 16.4-acre site:

- Preliminary and Final Plat to allow "Potlatch Second Addition to Baxter" to create one lot and one outlot from two lots; and

- Conditional Use Permit (CUP) to allow outdoor storage.

Ryan Companies is proposing to develop this 20-acre site with a +/- 50,000 SF building and associated site improvements. The end user is expected to operate under the 'Industrial Office' land use designation. The proposed use will be a last mile delivery facility.

CD Director Doty reviewed the site plan and topography with the Commission. He reviewed the lot layout, road extension and utilities with the Commission. The preliminary, final plat, site plan layout, parking for the vans, building location, landscaping and the three access points were reviewed. He explained the tree location, fencing screening for the vans and the stormwater plan. The elevations and floor plan were also reviewed with the Commission.

CD Director Doty indicated park dedication will be required to be paid prior to recording the plat, according to the most recent fee schedule at that time. This has been added as a condition of the draft resolution.

The Utility Commission reviewed the application on June 5, 2024, and recommended approval of the plat and conditional use permit subject to the following:

1. Enter into a Development Agreement prior to issuing a building permit.
2. Enter into a Construction Repair and Maintenance Agreement for Stormwater Utilities, Sanitary Sewer, and Water main for Project Timber Wolf 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.

CD Director Doty stated the conditional use permit is requested to have the van parking lot east of the building as outdoor storage of the delivery vans. The delivery vans will be parked overnight in this lot. Most of the vans will be used during the day for offsite deliveries. Visually this will not have an impact to adjoining properties, as it will be screened from the east, south, and west by a combination of fence, berms, and/or vegetation. The property to the north is Simonson Lumberyard and has existing outdoor storage along the northern property line. The land is designated as General Industrial in the Comprehensive and Land Use Plan, and the proposed use is consistent with this.

There has been a traffic study completed and forwarded on to the State of Minnesota.

Staff recommends approval of the preliminary and final plat of "Ryan Addition to Baxter" and a conditional use permit for outside storage, subject to the findings and conditions in the draft resolutions.

Chair Kinzel indicated he drove out to the site today, from what he could see the new building will be behind Brock White/Simonson Lumber. He asked staff if the parking area was going to be bituminous. CD Director Doty stated the majority will be bituminous and there will be concrete loading areas.

Chair Kinzel stated with all of the rain Baxter has had this year, will the stormwater pond be adequate for the amount of bituminous. CD Director Doty stated that the engineers on this project worked closely with staff to determine the size of the stormwater pond to ensure the pond would meet the 100-year storm water run off.

Chair Kinzel indicated that he read the traffic study but that it contained a lot of technical information that was over his head and asked if with all of the additional traffic on 210 are neighbors

and residents going to be OK with that much additional traffic. CD Director Doty stated the traffic study ensures the roads/infrastructure are going to meet the appropriate sizing and lanes for the additional amount of traffic.

Chair Kinzel asked about signage, where is it going to be placed and what is it going to say. CD Director Doty stated he could ask the applicant what the signage is going to say. He added that the property is allowed one sign and it cannot be placed on 210, as there is not off-site signage allowed. He stated that signage would be reviewed at the time of building permit.

Chair Kinzel asked if the fencing was to secure the vans. CD Director Doty stated the fencing was a request of the City as part of the conditional use for screening of the vans.

Commissioner Hiltner asked if there were specific times the trucks and vans would be running and the difference between customer and employee parking. CD Director Doty indicated that there may be a few customers but for the most part it is employee parking; the applicant will have to respond to questions regarding operations.

Commissioner Carleton asked about the lighting for the site. Staff has seen the lighting plan and it does appear to be code compliant, a closer review will be done at time of building permit. Commissioner Carleton asked about the rectangle piece, CD Director Doty indicated that was done when Potlatch sold to Simonson, it was plated that way for access for a future expansion to separate the building.

Commissioner Hiltner asked who the neighbors to this property were. CD Director Doty explained what the City owns and the remaining is Potlatch property.

Chair Kinzel opened the public hearing.

Mr. Eddy Wolf, 6331 134th Lane, Savage, MN-Representing Ryan Companies and the end user approached the podium. He indicated that the end user is in the audience tonight. Until recently there was a non-disclosure agreement with all parties, we can now say the end user is Amazon. He was willing to answer questions regarding parking, he indicated that the parking is for employees, not for the general public. He answered the question regarding the coming and going of 150 vans, Amazon is very good about off-setting peak times with when they have shifts to minimize traffic impacts.

Jason Vangalis Manager, Economic Development for Amazon based out of Madison, WI approached the podium. Regarding the number of semi-trucks per day, he thought from the traffic study it was roughly 50 a day. The truck typically comes into the location 10-11:00 pm and continue until about 4-5:00 am. This building with the largest head-count would start at 1:00pm and end around 8:00-9:00 am, is when they will be sorting packages. He referenced the floor plan, how the packages are sorted by route and loaded at that time. He explained the conveyor belts, get placed into a cart and then gets loaded on the vans within 10 minutes. The vans are staggered to keep the packages moving. They dispatch the waves from about 9:00 am until roughly 12:00 noon.

Commissioner Carleton stated she didn't hear the number of semi's per day. Mr. Vangalis indicated roughly 50 a day. The trucks will largely be coming from Minneapolis, Sioux Falls, Wisconsin and will be pre-packaged. This center will receive larger packages such as chairs etc.

Chair Kinzel asked about the work force, where will it come from. Mr. Vangalis indicated that leadership will come from other locations, for a better transition. The other employees, as they call them "under the roof employees" will be recruited locally if possible. The drivers will come from businesses that they contract with and some of those will be recruited as well.

Chair Kinzel thinks this is great for the area, he is a little concerned about the number of semi's on the local roads. Mr. Vangalis indicated the semi traffic will depend on the busy season, on regular days it may only be 10-20 semi's. Commissioner Hiltner asked if this location will be open seven days a week. Mr. Vangalis indicated it is seven days a week. Chair Kinzel asked if they would be having vans go up to Canada. Mr. Vangalis indicated that they will be delivering packages within a one-hour radius.

Chair Kinzel asked the applicant if he had any questions or concerns. Mr. Wolf indicated that staff has been great to work with and it has been refreshing for a project to go smooth.

Commissioner Hiltner asked about the number of total employees. Mr. Vangalis indicated this center will have roughly 75 employees with a maximum of 100 employees. He added it will start with 25 and ease up to 75.

Commissioner Hiltner asked the Council Liaison/Mayor Olson if he new of a HWY 210 going to four lane all the way to Pillager in the future, being there is a lot of traffic in the morning and in the evening. Council Liaison/Mayor Olson was not aware of a four lane being proposed, however the hours they are talking about should have a minimum impact on Baxter. He added that he felt it was a great location for this type of use being that it is an industrial district with direct access to the highway largely surrounded by undeveloped land.

Chair Kinzel closed the public hearing

MOTION by Commissioner Carleton, seconded by Commissioner Hiltner to approve the Preliminary and Final Plat of "Ryan Addition to Baxter" and a Conditional Use Permit for outside storage for property located 12692 Timberwood Drive as presented by staff in the draft resolution. Motion carried unanimously

NEW BUSINESS

3. **PUBLIC HEARING.** Preliminary and Final Plat of "Heritage Church" to consolidate two lots together for property located at 13242 Berrywood Drive and the vacant lot to the south (City file 24-26)

Chair Kinzel asked for the staff report. Planner Gindele stated the applicant is requesting approval of a preliminary and final plat to allow two lots to be consolidated into a single lot. The purpose of the plat is to allow for the existing parking lot to be expanded to the south.

On the aerial Planner Gindele explained that there is a lot line going through the southerly parcel, City code requires a primary use before a secondary use, such as the parking lot, thus the reason for the replat. He reviewed the aerial site plan and items located around the church.

The subject properties total approximately 13.47 acres in size and are zoned R-3, High Density Residential. The site has little topography, and the site is mostly open, except for a tree stand on the south side of the property. The site is not located in a shoreland overlay district and does not contain any wetlands or FEMA floodplain.

Planner Gindele indicated the R-3, High Density Residential zoning district requires a minimum lot area of 25,000 sq. ft., a minimum lot width of 100 feet for interior lots and 120 feet for corner lots, and that all lots abut on a public street. The proposed plat would plat a 351,965 sq. ft. lot and a 234,788 sq. ft. lot into one 586,753 sq. ft. lot; both of the existing lots are currently legally described in metes-and-bounds. The resulting platted lot would meet the minimum lot width requirement and have frontage on a public street.

The subject property is currently, and would continue to be, served by Berrywood Drive to the west and College Road to the north. Berrywood Drive has a 66-foot-wide right-of-way and College Road has an 80-foot-wide right-of-way. The Utilities Commission recommends that no additional right-of-way is needed for the public streets.

Planner Gindele stated the proposed plat identifies an existing 10-foot-wide bike and pedestrian path easement on the north property line along College Road. The proposed plat also includes the standard drainage and utility easement inset which identifies 10-foot-wide easements on exterior lot lines shared with right-of-way and 5-foot-wide easements on interior lot line shared with adjacent properties.

Section 10-4-7 "Park Dedication" of the City Code states that park dedication requirements "shall not apply to lot combination/redivisions which do not increase the number of single-family residential or commercial lots or units, conversion of apartments to condominiums, or internal leasehold improvements. In other words, if a plat is presented with an existing house or business, the new lot or lots containing the existing house or business shall be exempted from the park dedication requirements but a fee shall be due if there is an increase in the number of homes, units or businesses within the platted area". The expansion of a parking lot doesn't increase commercial use and, therefore, doesn't trigger the requirement for park dedication.

Planner Gindele indicated there are two existing nonconforming accessory structures on the subject property(s) due to their size and placement on a lot with no principal structure. If the plat is approved, both structures will remain as nonconforming due to size but will be made more conforming since they would both be on a lot with a principal structure if the proposed plat is approved.

Staff notes that the applicant has designed a parking lot expansion; a site plan for the expansion is attached to this report. The parking lot is reviewed at the time of a grading permit application. However, staff has completed a preliminary review of the parking lot expansion and notes that the design, including stall dimensions, drive aisle dimensions, setbacks, and landscaping are in compliance with zoning regulations.

The Utility Commission reviewed the preliminary and final plat of "Heritage Church" at its regular meeting on July 3, 2024 and recommends approval of the application, subject to the following conditions:

- 1) Obtain a grading permit from the City prior to beginning construction of the parking lot expansion.
- 2) Enter into an escrow agreement with the City prior to issuance of a grading permit.
- 3) Enter into a Stormwater Facilities Maintenance Agreement with the City prior to issuance of a grading permit.
- 4) Waive the additional 7-feet of right-of-way dedication pursuant to section 11-4-2 of the City Code.

Staff recommends approval of the preliminary and final plat of "Heritage Church", subject to the findings and conditions in the attached resolution.

CD Director Doty shared with the persons in the audience, that the stand of trees on the south end of the property will be saved. Chair Kinzel asked how much further south will the parking lot being expanded, roughly 150 feet. There will be a storm water addition around the shed.

Chair Kinzel opened the public hearing.

Mr. Chad Sundberg 13242 Berrywood Dr. representing the Heritage Church approached the podium. Chair Kinzel asked if there were any questions or concerns. Mr. Sundberg indicated that Widseth and staff has been great to work with and there were no concerns.

Mr. Dan Davidson 8190 Hinkley Ct. approached the podium. He noted the last applicant talked about landscaping and fencing and asked if there is going to be any of those items with this application. Planner Gindele stated there is a landscaping plan that was included, they are adding trees in the parking lot islands and there will be trees on the south and west side of the parking lot.

Chair Kinzel closed the public hearing

MOTION by Commissioner Kellerman, seconded by Commissioner Hiltner to approve the Preliminary and Final Plat of "Heritage Church" to consolidate two lots together for property located at 13242 Berrywood Drive and the vacant lot to the south, as presented by staff in the draft resolution. Motion carried unanimously

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

Chair Kinzel asked for the staff report. CD Director Doty stated this 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.

CD Director Doty noted 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.

Chair Kinzel asked how many people are on the Long Range Planning Commission. CD Director Doty indicated there are seven members. Chair Kinzel stated that those seven people made decisions that are now going to fall on this Commission. CD Director Doty stated the Long Range Planning Commission did a lot of work on the Comprehensive Plan over the course of three years. He gave the history of the Commission. CD Director Doty noted when the comprehensive plan needs to be updated in the future there can be a task force put together to assist with the update, to take some work off this Commission, however this Commission would make the final motion to City Council.

CD Director Doty explained that when an applicant comes in for a plat, rezoning and a comp. plan amendment. They would have to go to four different meeting currently, Long Range Planning for the comp. plan amendment, the Council for that approval, Planning & Zoning for the plat and rezoning and the Council for those approvals. If the changes are approved tonight, the applicant would only have to go to two meetings. It is a more streamline process for the applicant.

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

Chair Kinzel opened the public hearing and closed the hearing with no one to speak from the audience.

MOTION by Commissioner Hiltner, seconded by Commissioner Kellerman to approve the Zoning Ordinance Amendment to transfer authorities of the Long Range Planning Commission to the Planning Commission, as presented by staff in the draft resolutions. Motion carried unanimously

City Administrator Chapulis approached the Commission and thanked them for their time and dedication to the development related issues and guidance to City Council. He noted that CD Director Doty had mentioned the changes in reviewing development by dissolving the Long Range Commission. CD Director Doty and staff have done a great job with ordinances and zoning related items.

City Administrator Chapulis stated that he has taken over the responsibility of Title 2 which gives the power to commissions. There is a need for some housekeeping in Title 2, such as term limits. The City hasn't been keeping up with the term limits outlined in the code. Such as each Commissioner can serve up to (3) three year terms. The goal is to bring the boards and commissions back into compliance with the code.

City Administrator Chapulis stated that his reason for being here tonight to get the Commission back into a term system and has nothing to do with the Commissions service. He is here to place each of the Commissioners into a term. The ordinance says that not more than half of a Commission can be up for terms at the same time, so it is staggered into 1-2-3 year terms. The other item in the code that is being changed, is noting three full terms. He then noted that Commissioner Kellerman hasn't been on the board for even a year. He would ask Commissioner Kellerman to take the 3-year term and asked the other four Commissioner what they would like their terms set at. This is a mutual agreement with the City Council. Chair Kinzel stated that this Commission needs 3-4 people that understand all of the paperwork that is placed in front of them. The Commission agreed that it is a learning curve. The Commission discussed how long they have been and that some of them were not

sure how long they had been on the Commission. Chair Kinzel and Commissioner Carleton agreed to one more term and Commissioner Oswald and Hiltner appointed as two-year terms.

CD Director Doty reviewed the comprehensive plan with the Commission to familiarize them with what is in it.

Commissioner Hiltner, going back to the Amazon application, asked if the land to the east that is owned by the City is all swamp. CD Director Doty indicated that there was some up land. Commissioner Hiltner thought of the question about truck noise after the representatives left. He wanted to know how far the residential lots were regarding noise. CD Director Doty stated it was quite a distance. Commissioner Hiltner asked if those roads were 10-ton, CD Director Doty stated the applicant will be reconstructing the roads to 10-ton roads.

Commissioner Kellerman asked where he could find former comprehensive plans from the last 10 years. He read through the plan and 10 years could leave a lot of outdated stuff. CD Director Doty indicated what maps have been updated mainly future land use and zoning maps are updated the most.

UPDATES

None

ADJOURN

MOTION by Commissioner Hiltner, seconded by Commissioner Kellerman to adjourn the meeting at 7:44 p.m. Motion unanimously approved.

Approved by:

Submitted By:

Chair Kinzel
Chair

Shanna Newman
CD Administrative Assistant