BAXTER

*"A Growing Community"*

# LONG RANGE PLANNING COMMISSION
## January 25, 2016
## 6:00 p.m.

1. Call to Order
2. Approval of Minutes of December 07, 2015
3. Inglewood Planning Area – Comprehensive Plan Amendment
4. Wildlife Management Areas
5. City Land Sale – Property located at Conservation Drive and Excelsior Road
6. Adjourn

**LONG RANGE PLANNING COMMISSION MEETING**
**December 7, 2015**

The Long Range Planning Commission meeting was called to order at 5:30 p.m. by Chair Donnay.

MEMBERS PRESENT: Chair Kevin Donnay, Commissioners Rock Ylimeini, Lori Rubin, Bob Ryan, Mark Cross, Jim Kalkofen, Cathy Clark and Council Liaison Todd Holman

MEMBERS ABSENT: None

STAFF PRESENT: Community Development (CD) Director Josh Doty and Planner Matthew Gindele

OTHERS: None

**Approval of Minutes**
Motion by Commissioner Ryan, second by Commissioner Clark to approve the minutes of the October 26, 2015 meetings. Motion carried unanimously.

**Inglewood Drive Planning Area Meeting**
CD Director Doty went through the presentation that would be given at the neighborhood meeting and was enclosed in the packet. The highlights of the presentation and comments were as followed:

CD Director Doty informed the Commission that a few of the calls received regarding the Inglewood Drive annexation were tax related due to the annexation. Staff did contact the County and confirmed that the taxes had increased roughly 50% for properties that entered the City. CD Director Doty asked County staff if future land use/zoning changed, would that affect taxes. The County explained to staff that a change in future land use/zoning could change taxes. Several Commissioners discussed the approximate 50% tax increase.

CD Director Doty gave background on the annexation, the comprehensive plan update and the objective for the City, which is to develop a plan for this area of the City with updates to the City's Comprehensive Plan and Zoning Ordinance, as needed. CD Director Doty explained that leading up to the public hearing, staff would review the comments heard from the neighborhood meeting. He added that staff anticipates publishing for a public hearing in January to amend the comprehensive plan.

CD Director Doty reviewed maps within the packet and described the existing conditions, wetlands, topography, and utilities for this area. CD Director Doty explained the previous County zoning that was included in the packet. He noted that the current development on Inglewood to date has followed the County zoning. CD Director Doty reviewed the land use map in the North Baxter AUAR. He explained that development has not occurred following the AUAR land use map and that the AUAR has expired.

CD Director Doty reviewed two Future Land Use map options for consideration related to a comprehensive plan update. The options included commercial/industrial to the north with low density residential to the south and a possible mix of medium density in the northeast portion of the annexed

area. Commissioner Ylimeini asked about the heating business (Krutchen's) and if that business would be allowed to continue. CD Director Doty indicated that it would be considered legal non-conforming and the business could continue, but could not be expanded if the zoning is R-1. The zoning for that property would have to be changed to a business district to allow their business to be a conforming use. Commissioner Cross stated that he would not be opposed to the east side being orange (medium density) and the west side being yellow (low density residential) with the north remaining purple (commercial).

The Commission discussed the medium density and the number of units allowed per acre. Commissioner Ryan brought up the example of a potential apartment type complex and the amount of traffic that would be generated if medium density was allowed. CD Director Doty stated that staff had thought about that situation too and understood the concern. CD Director Doty added that the other consideration is that higher density does help related to the cost of infrastructure. Council Liaison Holman stated that when Menards came in, they paid for the water and sewer to come in and over time those around hooked up. His point was that if someone wants water and sewer, there are ways to make it happen. The Commission discussed the uses and the ability to provide city water and sewer in the future to several of the existing vacant parcels. The commission also discussed the needs for different types of housing. Council Liaison Holman noted that the Crow Wing County just completed a housing study, which may be helpful to review to see what is going on around the city.

Chair Donnay asked if there were any questions of CD Director Doty at this time, there were none.

**Wildlife Management Areas**

CD Director Doty informed the Commission that the Department of Natural Resources (DNR) proposed the possibility of establishing a new Wildlife Management Areas (WMAs) within the City of Baxter, on the southwest side of the city. During a recent Council work session, the Council received a presentation from Ms. Christine Reisz with the DNR. The City Council directed that staff present this information with the Long Range Planning Commission for your recommendation. He reviewed the information in the packet with the Commission. The highlights were the following:

- The primary interest is off Mapleton Rd. with two small shallow water lakes (Island Lake and unnamed Lake 18-382) with each lake having a single property owner; both owners are willing to sell the property.
- The hunting map would need to be reviewed as portions of the area are within 500 feet of residential homes.
- The land encompassing Island Lake that is owned by Mr. Marlow does not include enough land for a WMA and would require acquiring additional adjacent land owned by Potlatch. Potlatch is interested in selling some land to the DNR if these WMAs are approved.
- The Commission reviewed the minimum and maximum amount of the land that the DNR would like to purchase for WMAs area.
- Future Utilities and roads could be a concern if they need to get through WMAs.
- The State would manage the land.
- The statue requires County approval; however, the County would most likely defer this to the City Council for approval.
- There was discussion about how trails in this area work with the potential WMAs areas.

Do to time restraints the presentation was ended. CD Director Doty requested that the Commission review the remaining portion of the staff report and that we would pick up the discussion at the January. The Commission was interested in having Ms. Christine Reisz at a future meeting.

**Other Business**

The next meeting was scheduled for December 28, 2015 at 6:00 p.m., however, it was canceled due to the holidays. The next scheduled meeting is January 25, 2016 at 6:00 p.m.

**Adjournment**

Motion by Commissioner Cross, second by Commissioner Rubin to adjourn the meeting at 6:53 p.m.

Approved By:

_____

Chair Kevin Donnay

Submitted By:

_____

Shanna Newman
CD Administrative Assistant

Agenda Item 3

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"A Growing Community"

**TO:** Baxter Long Range Planning Commission

**FROM:** Joshua Doty, Community Development Director

**DATE:** January 21, 2016 for the January 21, 2016 Long Range Planning Commission Meeting

**SUBJECT:** Inglewood Drive Area Comprehensive Plan Amendment

## Background

In July, 2015, the City of Baxter and Crow Wing County agreed to an orderly annexation of land to the City of Baxter. The annexed property includes land on the east and west sides of Inglewood Drive from Woida Road to Pine Beach Road. The annexation was related to the recently completed reconstruction of Inglewood Drive. Specifically, the roadway was built to a 10-ton design with specifications consistent with the load limits for Inglewood drive to the south within the City of Baxter. Since the road (after construction) functions more as an arterial City roadway than a County road, the City agreed to take over the responsibility for this new roadway together with an annexation of land on the east and west sides of Inglewood Drive.

Since the annexation occurred after the City updated the Comprehensive Plan, the City has not planned for this area within the Comprehensive Plan. The City zoning ordinance states the following related to annexed lands:

> Annexations: Areas annexed to the city shall be placed in the zoning district closest to the definition of their existing zoning, pending study of the area by the long range planning commission. The long range planning commission shall recommend the proper zoning classification to the city council within twelve (12) months of the date of annexation of such area. (Ord. 2006-21, 8-1-2006)

## December 7, 2015 Open House

On December 7, 2015, the Long Range Planning Commission held an open house to provide presentation on the area with information provided regarding: 1) existing conditions, 2) wetlands 3) topography, 4) utilities, 5) previous county zoning and 6) the North Baxter AUAR. Staff used these factors to propose two land use options for the area. The Open House was intended to receive feedback from anyone who had comments regarding the long range planning for this new land area in the City of Baxter. The City spoke with several residents within the planning area. All of which were interested in the ability to sell their properties in the future. One resident spoke to request medium or high density land use for their family property located north and

northeast of the City water tower property at the northeast corner of Inglewood Drive and Woida Road.

**Land Use Options**

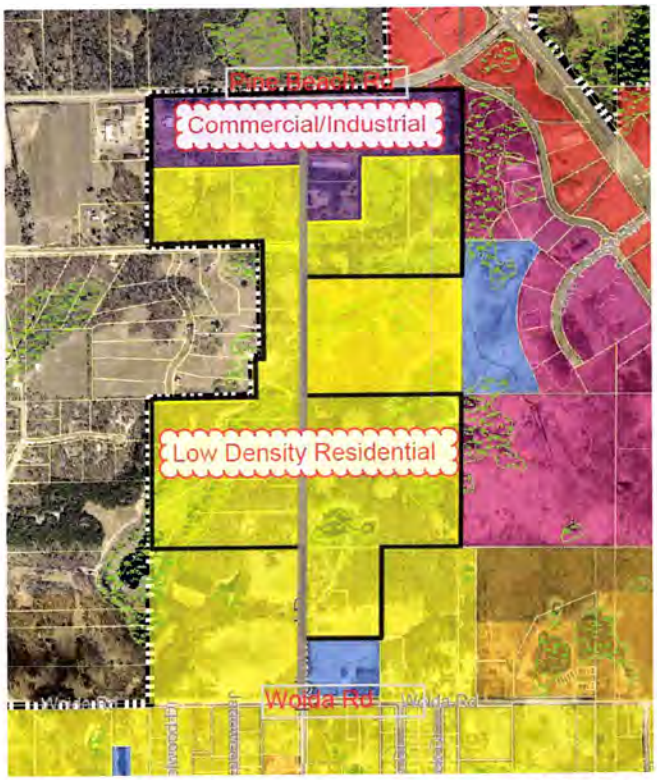
A comprehensive plan is a long-range vision and guide for the entire community. The future land use plan for the Inglewood Planning Area should work together with the City's recently approved Comprehensive Plan. When considering future land use the City should consider the following:

- Public comments
- Land use surrounding the Planning Area
- Existing conditions of the land
- Availability of utilities
- Transportation System
- Existing development pattern
- Past land use study's/designations, such as the previous County zoning, North Baxter AUAR, and the City's Comprehensive Plan.

Land Use Options One and Two (below) were the options presented at the open. Based on the comments heard at the Open House, staff has added a third option for the LRPC's consideration.

Land Use Option One

Land Use Option One includes the establishment of a new land use designation of "Commercial/Industrial" for the north portion of the site. This designation would require that a new zoning district is also created. There are 11 properties within this land area. Of which, there are five business properties, four vacant properties, and two single family homes on the east side of the site. Staff finds that the existing businesses are of a light industrial nature. Therefore, planning a non-industrial land use would make the existing buildings non-conforming. Therefore, the approach to provide a Commercial/Industrial land use would allow the existing businesses to be conforming, while also allowing the introduction of commercial and office uses, which falls in line with the previous AUAR for the property.

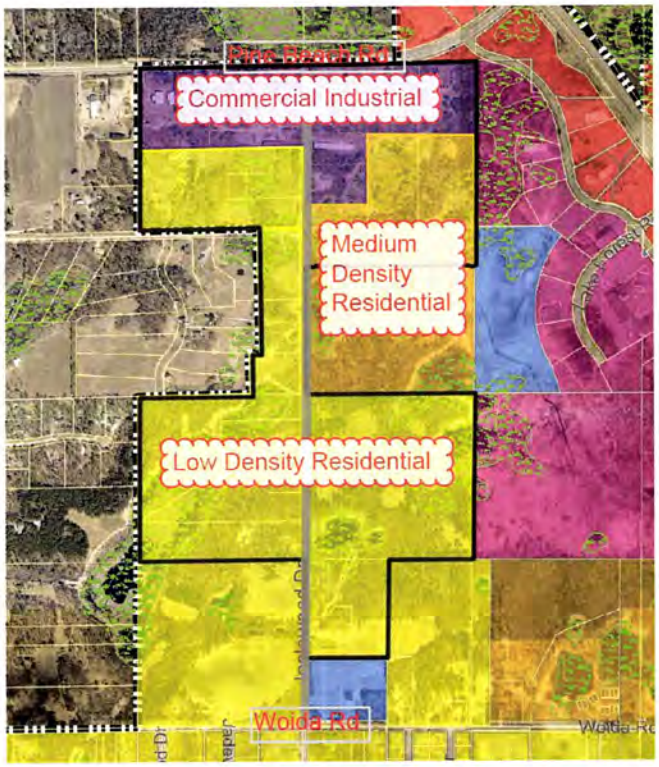



Land Use Option One includes low density residential for the remaining land. Staff finds that planning for business districts should be in blocks of land with a transportation system to allow more of a direct access towards major arterial roads, such as Highway 371. This option recognizes that with the exception of Inglewood Drive, the properties identified as Low Density Residential are more isolated from Highway 371. Staff also notes that this option includes a re-

guiding of property that outside of the planning area in the west/central portion of the site. This land was planned as Medium Density Residential and is now shown as low density residential to be consistent with the surrounding Low Density Residential Land Use.

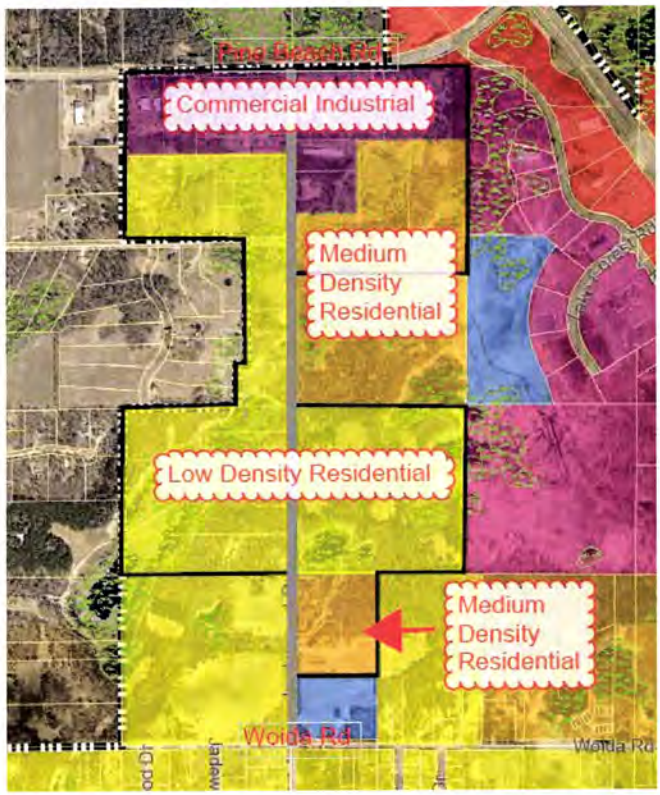
Land Use Option Two

Land Use Option Two includes the same "Commercial/Industrial" land use area for the northern portion of the site as shown in Option One. Option Two includes Medium Density Residential south of the Business District. This land use designation allows for a transition from higher business use to lower density residential areas. In addition, this option maintains the medium density residential that exists for the land outside of the planning area in the east/central portion of the site. Staff also considered Medium Density for the land southwest of the Commercial Industrial district. However, the position of an existing wetland does not make this property as conducive to medium density residential development.




Land Use Option Three

Land Use Option Three includes the same "Commercial/Industrial" land use area for the north portion of the site as shown in Option One. Option Three also includes the same Medium Density Residential south of the Business District and low density for the remainder of the properties in the planning area, as identified with option two with one exception. Land Use Option three introduces an approximately 11 acre node of Medium Density residential for the land located north of the City water tower property. The medium density designation considers the request by the property owner for medium or high density residential.




Staff notes that as you look at the existing land use in Baxter, the City has successfully established smaller acre tracts of medium density that is surrounded by low density residential

development, which would be the case with this option. Staff notes that north of the 11 acres is a wetland which would provide a transition from medium to low density residential. In addition, west of the 11 acres is Inglewood Drive and South of the 11 acres is the City water tower property. Therefore, the only immediate transition from medium to low density development is to the west.

Staff notes that the owner of the 11 acres also owns the larger parcel of immediately to the West. Staff considered the idea of continuing the medium and high density land use that was established further to the East. Staff notes that the High Density to Medium Density approach was established to transition density from north to south from the mixed use area to the north. Staff notes that the mixed use property is not adjacent to the property east of the 11 acres. Therefore, although this could an reasonable approach to land use for this area, staff finds that this land area could also remain low density residential at this time. Staff was also concerned with the amount of medium and high density land use that could be established if this transition approach was continued from the East to the City water tower property. Under this scenario, there would medium density would be the sole land use for all of the land north of Woida Road from the commercial land near Highway 371 to the City water tower property. Staff further notes that the land east of the 11 acres is not in the planning area. Therefore, if the City would like staff to look at changing land use in this area from low density, that would need to occur through a separate planning process where all four of the directly affected property owners would be notified together with surrounding properties.

**Land Use Descriptions**

Staff has drafted an Annexed Commercial Industrial zoning district (attached) for property owners and the City to review a draft of what the allowed uses and requirements could be for development within the district. The Commercial Industrial zoning district is a combination of the City's existing Industrial Office Zone and the City's existing Neighborhood Commercial Zone. Higher intensity uses, such as distribution center, bus terminals, funeral homes, and outside storage for front yard areas have been removed from the draft zoning district. The city also removed residential care facilities such as nursing homes, assisted living and similar health hospital facilities from the district.

The draft zoning district defines this district as an area for future urban services. As is the case with other business districts in the City of Baxter, the draft Annexed Commercial Industrial Zoning District requires that new development shall only be allowed when a full range of municipal services and facilities are available to serve the site. However, to recognize the existing buildings that are already developed, the draft district allows existing buildings on private well and septic systems to expand up to 20 percent of the total ground floor area that

existed on the property, as of the date of this chapter. Any expansion would but subject to all other requirements of the City Code.

In addition to the draft zoning district, the Comprehensive Plan land use table has been amended to reflect the Commercial Industrial designation as follows:

| | | |
|---|---|---|
| **Business Gateway** | The Business Gateway land use is intended to provide for office, light industrial and limited retail uses that create a high quality, attractive "north woods" image at the City's southeast and west gateways on Highways 371 and 210. | Will need a new Business Gateway zoning district |
| **Annexed Commercial/Industrial** | The Annexed Commercial/Industrial district is intended to allow existing light industrial and commercial uses in annexed areas of the city to continue as permitted uses and allow them to expand on well and septic until city services become available. | Will need a new Annexed Commercial/Industrial zoning district |
| **General Industrial** | Industrial related businesses including manufacturing, warehousing, automotive, trucking, wholesaling, and other related industrial uses. Medium and heavy industrial uses. | District has two tiers of design standards. |

Medium Density Residential allows twin and townhome development, multiplex development, and row-homes at a maximum density of 7 units per acre. The R-2, Medium Density Zoning District is applied to property shown as Medium Density Residential on the Future Land Use Plan. The City's existing R-2 Zoning District requires municipal services to serve development.

Low Density Residential allows single-family detached (and two-family units by PUD) residential development at a maximum density of 3 units per acre. The R-1, Low Density Residential Zoning District is applied to property shown as Low Density Residential on the Future Land Use Plan. The R-1 zoning district requires municipal services to allow development/subdivision. The exception is that one new single family home may be constructed on a private well and septic system per existing property, provided the home is not in proximity to existing services, as defined by the City Code.

**Related Comprehensive Plan Amendments**

In addition to planning for land use, staff notes that other Comprehensive Plan Amendments are also needed related to the Planning Area. Staff notes that planning for this new land area also requires that the City re-evaluate other sections of the Comprehensive Plan. Specifically, the City finds that revisions are needed to the City's Functional Classification and Long Range Transportation Plan, Water Plan, and Sanitary Sewer Plan. Staff finds that there are no new roads or Functional Classification changes that are required with the Future Transportation Plan. However, the map has been updated to show the new Baxter land area within the City's boundary. Staff finds that changes were needed with the water and sanitary sewer plans. Specifically, the City needed to study this new land area to ensure that the new land could be served in the future with City water and sewer service. WSN (the author of the original plans)

has this area of the City and revised the plans show how this area of the city can be served in the future with water and sewer services. The three draft plans are attached for your review.

**Findings and Conclusions**

Staff finds that when considering future land use for properties, that a review of the existing and planned future development pattern of the area together with a review of existing conditions of properties helps to guide the City to recommend one land use designation over another. However, staff also finds that there are still many options that could be considered by the LRPC. Therefore, any of the three future land use options or other options could be reasonably recommended. Lastly, staff notes that feedback from the public also must be part of the process before the City establishes future land use for this area of the City.

**Recommendation**

Staff recommends approval of the attached resolution approving Comprehensive Plan Amendments for the Inglewood Planning Area including Option Three for Future Land Use, revisions to the Future Land Use table, revisions to the Functional Classification and Future Transportation Plan, revisions to the Water Plan and revisions to the Sanitary Sewer Plan.

**Attachments**

1. Resolution 16-___ approving Comprehensive Plan amendment
2. Draft Functional Classification and Future Transportation Plan
3. Draft Water Plan
4. Draft Sanitary Sewer Plan
5. Draft Annexed Commercial Industrial Zoning District

**CITY OF BAXTER, MINNESOTA**
**RESOLUTION 16-_____**

**A RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT TO ESTABLISH FUTURE LAND USE FOR PROPERTIES RECENTLY ANNEXED INTO THE CITY OF BAXTER LOCATED ON THE EAST AND WEST SIDES OF INGLEWOOD ROAD FROM PINE BEACH ROAD TO WOIDA ROAD AND TO ALLOW OTHER RELATED COMPREHNSIVE PLAN AMENDMENTS**

WHEREAS, The City of Baxter has requested Comprehensive Plan Amendments to plan for newly annexed land into the city; and

WHEREAS, the properties that are specifically affected by the amendments are more specifically described as follows:

| | | |
|---|---|---|
| 030361100B00009 | 030361100BA0009 | 030361100A00009 |
| 030361100C00009 | 030361100BE0009 | 030361100BB0009 |
| 030361100BC0009 | 030361100BD0009 | 032440020080009 |
| 0324400090A0009 | 032440020090009 | 030364100A00009 |
| 030364100F00009 | 030364100B00009 | 030364100E00009 |
| 030364100C00009 | 030364100D00009 | 030312200CCB009 |
| 030312200CB0009 | 030312200BB0009 | 030312200BAC009 |
| 030312200AA0009 | 030312200CD0009 | 030312200CCC009 |
| 030312300AB0009 | 030312300AA0009 | 030312300B00009 |
| 0303123200000009 | 030313300B00009 | 030313300ABC009 |
| 030313300ABD009 | | |

WHEREAS, the Long Range Planning Commission has reviewed the proposed Comprehensive Plan Amendments at a duly called public hearing on January 25, 2016 and recommends approval;

WHEREAS, the City Council considered the Long Range Planning Commission recommendation at their February 2, 2016 meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does approve the Comprehensive Plan Amendment to establish future land use for properties recently annexed into the City of Baxter located on the East and West sides of Inglewood Drive between Pine Beach Road and Woida Road and to allow other related amendments to the Comprehensive Plan, based upon the finding the following findings:

1. The future land use for the properties would not negatively impact other elements of the existing Comprehensive Plan except for related map and text amendment to items such as the land use designations table, Functional Classification and Future Transportation Plan, Water Plan and Sewer Plan.

2. The proposed future land use would be compatible with the future land use and zoning of the surrounding properties.

**Whereupon, said Resolution is hereby declared adopted on this 2nd day of January 2016.**

_____

**Darrel Olson, Mayor**

**ATTEST:**

_____

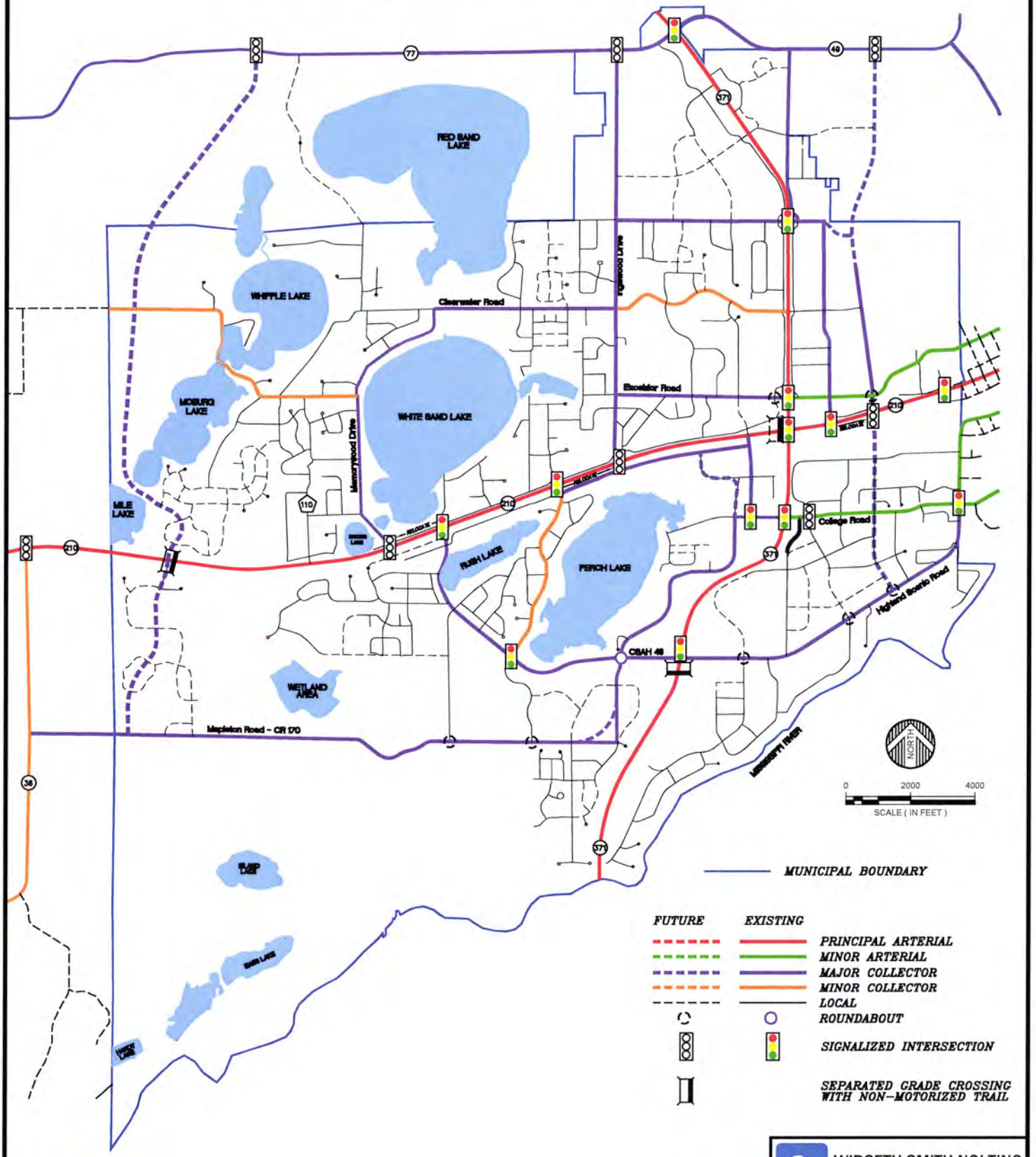
***City Seal***

**Kelly Steele, Assistant City Administrator/Clerk**

JANUARY, 2016

# CITY OF BAXTER

## LONG RANGE TRANSPORTATION AND FUNCTIONAL CLASSIFICATION STREET MAP

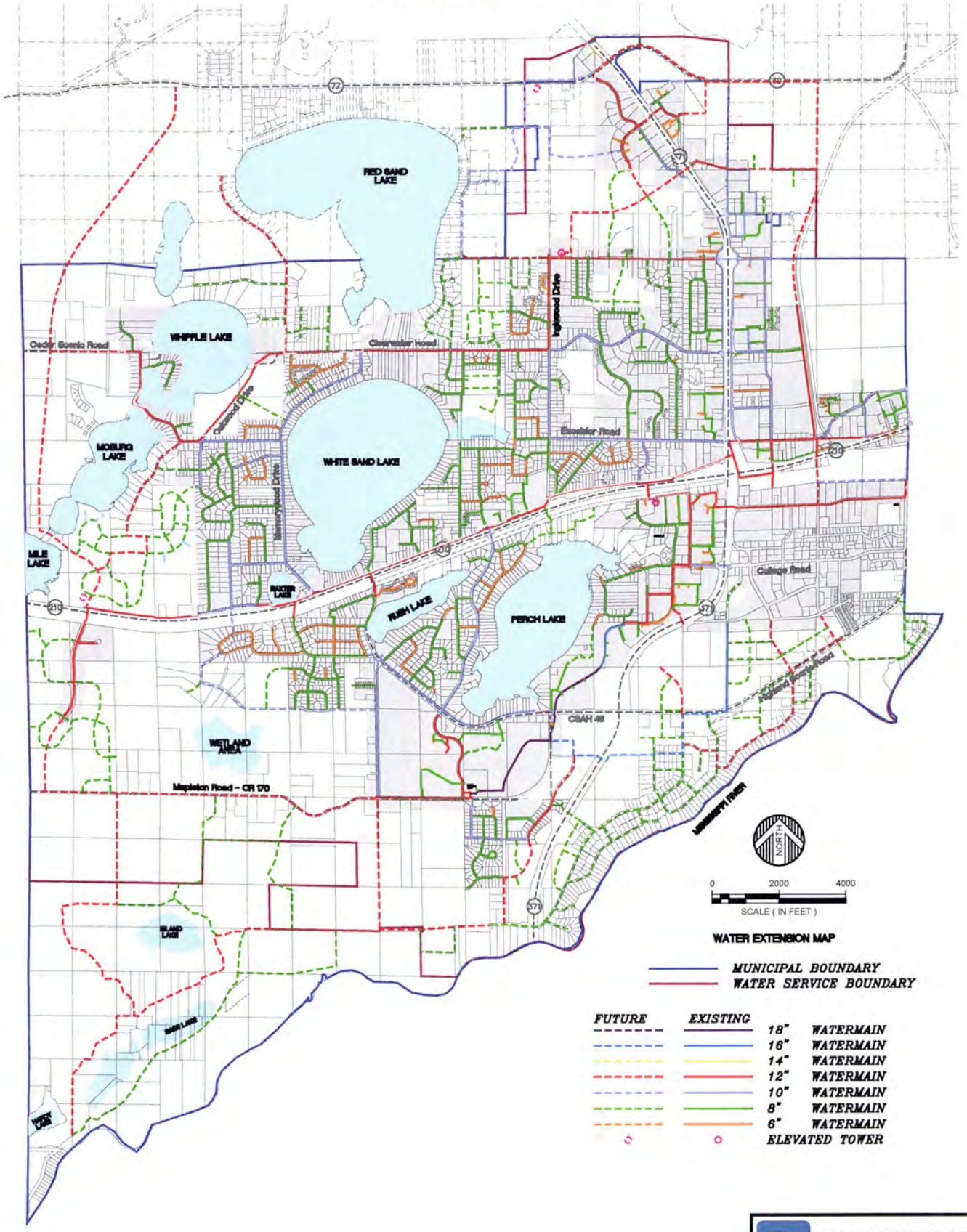



WIDSETH SMITH NOLTING

Engineering | Architecture | Surveying | Environmental

JANUARY, 2016

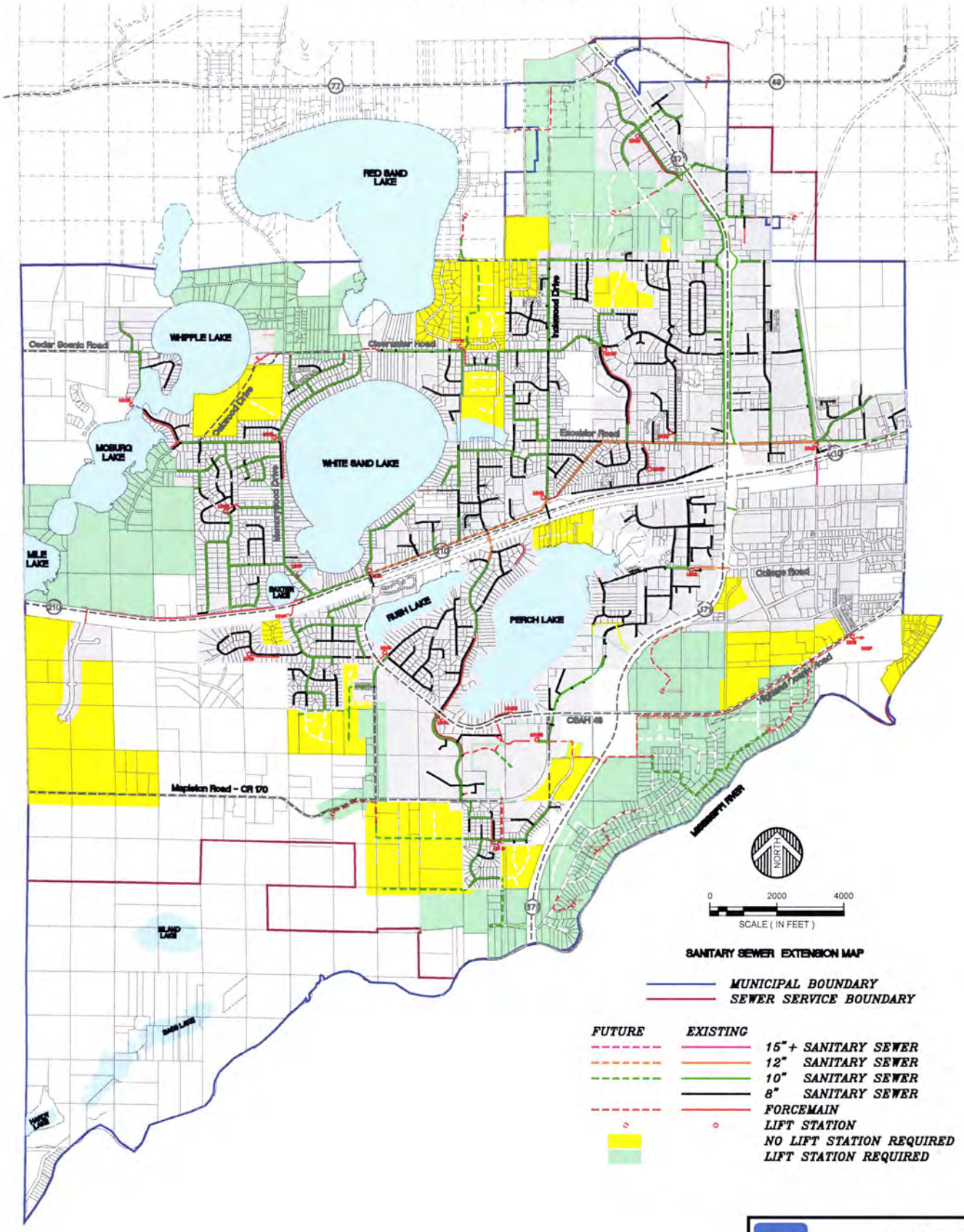
# CITY OF BAXTER
## WATER SYSTEM MAP




WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

JANUARY, 2016

# CITY OF BAXTER
## SANITARY SEWER MAP




WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

# Annexed Commercial Industrial District

## 10-3X-1: PERMITTED USES:

Brewery.

Civic buildings, city halls, fire stations, public works and the like.

Commercial recreation, indoor (e.g., bowling alleys, roller rinks and the like).

Contractor operations, lumberyard/building material sales and the like.

Essential services and structures.

Food processing or ice, cold storage plants, bottling works and the like.

Laboratories and research facilities.

Laundry, dry cleaning and dyeing plants.

Manufacturing or assembly of products that produces no exterior noise, glare, fumes, byproducts or wastes or creates other objectionable impact on the environment.

Motor vehicle detailing shops.

Offices, professional and medical.

Radio and television stations or studios.

Studios; art.

Warehousing, wholesale offices and showrooms, excluding explosives and hazardous waste.

The following uses with a ground floor footprint of thirty thousand (30,000) square feet or less:

Bakeries; retail.

Banks, savings and loans, credit unions and the like (without drive-through).

Barbershops, beauty shops; other personal service uses.

Civic buildings such as city halls, fire stations and the like (without outside storage).

Clinics including multispecialty outpatient clinic.

Convenience stores (without motor fuel stations).

Copy/printing services (excluding printing presses and publishing facilities).

Drugstores and pharmacies (without drive-through).

Dry cleaning and laundry pick ups, self-service laundromats, incidental pressing, tailoring, repair and

the like (without dry cleaning processing).

Essential services.

Fitness centers and fitness related studios such as karate, yoga, dance and the like (less than 5,000 square feet in size).

Florists, hobby, craft or variety stores and the like.

Hardware stores.

Restaurants (without drive-through).

Studios; art related.

Retail goods and services of a similar nature, as determined by the zoning administrator.

## 10-3X-2: ACCESSORY USES:

No accessory structure or use of land shall be permitted except for one or more of the following uses:

Accessory uses incidental and customary to uses allowed in section 10-3I-1 of this article in the I district, including retail, shall not occupy more than thirty percent (30%) of the gross floor area of the principal use.

Accessory structures as regulated by section 10-5-9, "Accessory Structures", of this title.

Adult use, accessory pursuant to title 3, chapter 4 of this code.

Licensed brewer taproom as an accessory to a brewery with limited accessory retail space provided:

A. The seating for the retail space is limited to no more than twelve (12) seats.

B. The retail space is limited to four hundred (400) square feet.

C. The on-sale of any liquor is limited to beer brewed on site as allowed by a valid liquor license(s).

D. The off-sale of any liquor is limited to beer brewed on site as allowed by a valid liquor license(s).

E. The hours of both on-sale and off-sale liquor are limited to the legal hours of off-sale liquor. Off-sale liquor must be removed from the premises before the applicable off-sale closing time.

F. There must be adequate street capacity as determined by the city (for the purposes of determining adequate street capacity, the property must be served by an urban collector street or greater capacity road).

G. Any required state, or city licenses are obtained and remain valid for the respective use.

H. That there is not another brewer taproom within one thousand three hundred twenty feet (1,320') ($^1/_4$ mile) as measured between the main front entrances following the route of ordinary pedestrian travel.

I. There is adequate screening in compliance with section 10-4-8, "Screening/Landscaping/Fencing", of this title.

Off street parking, loading and service entrances as regulated in sections 10-5-2, "Off Street Parking", and 10-5-3, "Loading Spaces", of this title.

Signs as regulated by section 10-5-1, "Signs", of this title. (Ord. 2014-19, 6-17-2014)

Wireless communications towers as accessory to a permitted principal use subject to title 9, chapter 4 of this code including section 9-4-3 of this code. (Ord. 2013-20, 11-19-2013)

## 10-3X-3: CONDITIONAL USES:

The following are conditional uses, subject to the conditions outlined in section 10-7-4 of this title and the specific standards and criteria that may be cited for a specific use:

Adult use, principal pursuant to title 3, chapter 4 of this code.

Car washes.

A. The site shall provide stacking space for the car wash. The amount of stacking space shall take into account the type of car wash and the amount of time it takes to wash a vehicle. Stacking spaces shall not interfere with parking spaces or traffic circulation.

B. The exit from the car wash shall have a drainage system which is subject to the approval of the city and gives special consideration to the prevention of ice buildup during winter months.

C. Hours of operation shall be limited to between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. daily.

D. A bypass lane shall be provided for each drive-through use, allowing cars to leave the drive-through lane from the stacking area.

Daycare facility provided:

A. Unless exempted by the zoning administrator, where an outdoor play area of a daycare facility abuts any commercial or industrial use or zone, or public right of way, the daycare facility shall provide screening along the shared boundary of such uses, zones or public rights of way. All of the required fencing and screening shall comply with section 10-4-8, "Screening/Landscaping/Fencing", of this title.

B. There shall be adequate off street parking which shall be located separately from any outdoor play area. Parking areas shall be screened from view of surrounding and adjoining residential uses in compliance with section 10-5-2, "Off Street Parking", of this title.

C. When a daycare facility is an accessory use within a structure containing another principal use, parking for each use shall be calculated separately for determining the total off street parking spaces required. An exception to this requirement may be granted by the zoning administrator in instances where no increase in off street parking demand will result.

D. Off street loading space in compliance with section 10-5-3, "Loading Spaces", of this title.

E. All signing and informational or visual communication devices shall be in compliance with section 10-5-1, "Signs", of this title.

F. The structure and operation shall be in compliance with state of Minnesota department of human services regulations and shall be licensed accordingly.

Ministorage/self-storage facilities:

A. Units are to be used for dead storage only. Units are not to be used for retailing, auto repair, human habitation, or any commercial activity, except as allowed by this section.

B. Combining office and/or retail space with a self-service storage facility may be allowed by conditional use permit.

C. Storage of hazardous or flammable materials is prohibited.

D. No exterior storage is allowed.

E. The facility shall be secured by either the walls of the structure and/or fencing. All doors on the units shall face inward and away from the street and property lines.

F. An on site manager is allowed only where adequate sanitary facilities are provided, either through use of a septic system or through connection to the public sanitary sewer system.

Motor fuel stations in compliance with section 10-5-8, "Motor Fuel Stations", of this title and the following:

A. Application Requirements: That the area and location of space devoted to nonautomotive merchandise sales shall be specified in the application and in the conditional use permit. Exterior sales or storage shall be only as allowed by the conditional use permit and shall be limited to ten percent (10%) of the gross floor area of its associated principal use.

B. Separation Of Spaces: The off street loading space(s) and building access for delivery of goods shall be separate from customer parking and entrances and shall not cause conflicts with customer vehicles and pedestrian movements.

C. Installations: Motor fuel facilities shall be installed in accordance with state and city standards. Additionally, adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

D. Compliance: All buildings, canopies, and pump islands shall be located to comply with the minimum setback requirements of the C1 district.

E. Canopy Lighting: All canopy lighting for motor fuel station pump islands shall be recessed or shielded to provide a ninety degree (90°) cutoff. Illumination levels for pump islands shall not exceed thirty (30) foot-candles.

F. Litter Control: The operation shall be responsible for litter control within three hundred feet (300') of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on site to facilitate litter control.

Motor vehicle, boat or equipment repair.

A. All servicing of vehicles and equipment shall occur entirely within the principal structure.

B. To the extent required by state law and regulations, painting shall be conducted in an approved paint booth, which thoroughly controls the emission of fumes, dust, or other particulated matter.

C. Storage and use of all flammable materials, including liquid and rags, shall conform with applicable provisions of the Minnesota uniform fire code.

D. Parking, driveway, and circulation standards and requirements shall be subject to sections 10-5-2, "Off Street Parking", and 10-5-3, "Loading Spaces", of this title and the review and approval of the city and shall be based upon the specific needs of the operation and shall accommodate large vehicle equipment and semitrailer/tractor trucks.

E. The storage of damaged vehicles and vehicle parts and accessory equipment must be completely inside a principal or accessory building.

F. The sale of products other than those specifically mentioned in this subsection 10-3I-2A shall be subject to a separate conditional use permit.

Multi-business signs, as regulated in section 10-5-1, "Signs", of this title.

Open storage in a side or rear yard, accessory to a principal use.

A. All applicable federal, state and/or county permits are obtained.

B. Storage area is blacktop or concrete surfaced unless specifically approved by the city council.

C. The storage area does not take up parking space or loading space as required for conformity to this chapter.

D. The storage area is screened from public streets and surrounding properties.

Veterinary; related indoor kennels provided:

A. All pens or cages must be completely enclosed within a building with the exception of incidental run areas that shall be limited to ten percent (10%) of the gross floor area of its associated principal use, to a maximum of five thousand (5,000) square feet.

B. All indoor activities shall include soundproofing and odor control.

C. When abutting a residential use or district, the property shall be screened and landscaped in accordance with section 10-4-8, "Screening/Landscaping/Fencing", of this title.

Wireless communication towers as accessory to a permitted principal use subject to title 9, chapter 4 of this code. (Ord. 2014-19, 6-17-2014)

## 10-3X-4: INTERIM USES:

The following are interim uses, subject to the conditions outlined in chapter 7 of this title, interim uses and the specific standards and criteria that may be cited for a specific use:

Buildings temporarily located for purposes of construction on the premises for a period not to exceed time necessary to complete said construction.

A. All building and safety codes are met. (Ord. 2013-20, 11-19-2013)

## 10-3X-5: LOT AREA, HEIGHT, LOT WIDTH, AND YARD REQUIREMENTS:

A. Minimum Area Requirements: The following requirements shall be required in the I district. New development shall only be allowed when a full range of municipal services and facilities are available to serve the site. Properties may be subject to special requirements as noted in article L, "SL Shore Land Overlay District", of this chapter. Existing buildings on private well and septic systems may be allowed to expand up to 20 percent of the total ground floor area that existed on the property, as of the date of this chapter, provided that all other requirements of the City Code are met with the expansion.

| | | **With Public Sewer And Water** |
|---|---|---|
| Minimum lot size | | 20,000 square feet |
| Minimum lot width | | 100 feet interior<br>120 feet corner |
| Minimum principal structure setbacks: | | |
| | Front yard | 35 feet |
| | Side yard | 10 feet interior<br>35 feet abutting corner |
| | Rear yard | 30 feet |
| Accessory structures | | 10 feet |
| Maximum lot coverage | | 50 percent |

| | |
|---|---|
| Maximum building height | 45 feet |
| Maximum impervious surface (other than shore land overlay district) | 88 percent |
| Maximum impervious surface (shore land overlay district) | 25 percent |

B. Fence, Screen Required: Whenever a CI district abuts an R district, a fence or compact evergreen screen is required pursuant to section 10-4-8, "Screening/Landscaping/Fencing", of this title. (Ord. 2014-19, 6-17-2014)

Agenda Item 4

BAXTER

"A Growing Community"

**TO:** Baxter Long Range Planning Commission

**FROM:** Joshua Doty, Community Development Director

**DATE:** January 20, 2016 for the January 25, 2016 Long Range Planning Commission Meeting

**SUBJECT:** Wildlife Management Areas

**Background**

In February, 2015, the DNR contacted the City about the possibility establishing Wildlife Management Areas (WMAs) in the Southwest portion of the City of Baxter. At the October 20, 2015 work session, the City Council received a presentation from Christine Reisz with the Department of Natural Resources regarding the possibility of establishing WMAs in Baxter. Then at the November 3, 2015 work session, the City Council directed staff to bring this discussion forward to the next Long Range Planning Commission meeting. At your January 7, 2015 meeting, staff provided a presentation of WMA's to the Long Range Planning Commission but there was not time for discussion. Staff is therefore bringing this information back to the LRPC for your consideration.

**LRPC Objectives**

The City Council has requested that the LRPC study this request and ultimately make a recommendation if the City should support WMA's in Southwest Baxter. If WMA's are supportable, the LRPC should also make a recommendation on the land area allowed for WMA's and define what the allowed uses would be within the given WMA.

On January 20, 2016 staff will review the presentation December 7, 2015 meeting. Department of Natural Resources staff will also be in attendance to speak to the Commission about their request. Staff requests that the LRPC provide direction to staff if additional information is needed to make a recommendation to the City Council regarding WMA's for Southwest Baxter and ultimately make a recommendation to the City Council.

**WMA Analysis** (Information Provided in December 7, 2015 packet)

According to a DNR information sheet, WMAs "are part of Minnesota's outdoor recreation system and are established to protect those lands and waters that have a high potential for wildlife production, public hunting, trapping, fishing and other

compatible recreational uses." The DNR's primary interest in Baxter is with two shallow lakes in Southwest Baxter shown on the attached DNR "Potential Wildlife Management Area Map" in yellow. The first lake is a shallow rice lake located North of Mapleton Road. The DNR would like to have this land available to bow hunting, trapping and other compatible recreational uses but would not allow any type of gun hunting. The second lake is named Island Lake, which is South of Mapleton Road. Both lakes are unique from the perspective that they have one owner for the land around the water body and both are willing sellers. Ms. Reisz added that that the DNR may also look to add other properties in Southwest Baxter. Specifically regarding the Island Lake basin, the DNR would like to expand the WMA beyond the lake basin property to provide more opportunities and more buffer property, since this WMA would allow muzzleloader and shotgun hunting.

**LRPC Consideration**

In order for the DNR to move forward with WMA's in Baxter, MN Statute language (attached) requires County Board approval. According to Christine, the DNR expects that the County Board would defer the approval to the City Council. To aid in the LRPC's discussion, the City should consider other factors related to the growth plan for Baxter and how that plan fits with WMA's within the City Limits. Specifically, please consider the following:

- WMA's would establish the preservation of outdoor recreational and preservation land. The City has established a conservation overlay boundary in this area of Baxter, due to the unique habitat in this area of the City. The parks plan map in the Comprehensive Plan identifies a "Potential Open Space/Wildlife Management Area" around Island Lake. WMA's also support the goals of the Army Compatible Use Boundary (ACUB) program. Specifically, Island Lake is within the 3-mile ACUB boundary and the rice lake area is just beyond the three mile boundary.
- The Future Land Use Plan in the Comprehensive Plan (attached) is a 20 year plan and identifies the land around the rice lake as future "Low Density Residential" land use, which is a growth area for the City with future urban services. The land around the Island Lake property is identified as "Rural Residential". The City should consider that as growth occurs toward the rural area, the City may (in the future) re-evaluate land use plan and identify this area as an urban growth area.
- Utilities for Sewer and Water service (plans attached) are likely needed in the future along the Mapleton Road Corridor. The City must consider the utility services plan and how that fits with any regulations associated WMA property

and whether the presence of a WMA will affect future utility routes and the feasibility of providing services to the adjacent areas. Staff notes that utilities have not been studied yet for the lands considered for potential WMAs.

- With the Exception of Mapleton Road, the City's Long Range Transportation Plan (attached) does not include a study of future roads needed in Southwest Baxter. Staff notes that a future roadway plans should be considered for how road corridors might be impacted by potential WMAs in the City. Staff also notes that the City is not aware of any formalized access to the Island Lake Property.
- The Parks and Trails Map (attached) identifies a "Future Bike and Pedestrian Trail" along the east/west power line in Southwest Baxter. This trail is identified through the Island Lake Property. In addition, this corridor is identified as a possible trial route for a Veterans trail. The Comprehensive Plan also states that the City will develop safe snowmobile/ATV trail routes. ATV advocates specifically identified this powerline corridor as an area of interest for a trail. There are numerous other trail advocates as well so the City should consider all of the various potential trail user groups and how that fits with WMA's. The Parks and Trails plan also identifies a potential expansion of Mississippi River Overlook Park, which is in the WMA interest area.
- Staff raised initial concerns with the DNR about hunting on the Rice Lake property, given that residential homes are adjacent to the water basin on the north side. The City's hunting ordinance has a minimum distance requirement of 500 feet from any gun hunting to a home or other occupied building. In consideration of this requirement, the DNR modified their plans to pursue an archery only WMA for the Rice Lake area. Staff notes that an archery only WMA for this basin would comply with the City's hunting ordinance/map. Staff notes that the 500 foot buffer would need to be maintained for any other WMA's that are established. The DNR my want to consider establishing a no-hunting buffer within any newly established WMA so that when future homes are developed, that the WMA remains in compliance with this regulation. Staff has attached the City's hunting map for the LRPCs review.
- Lastly the City must weigh the benefits of a WMA with potential loss in tax base for the City.

**Attachments**

1. MN State Statute
2. DNR Wildlife Management Area Information Sheet
3. DNR Potential Wildlife Management Area Map
4. Future Land Use Map
5. Sanitary Sewer Map
6. Water Map

7. Long Range Transportation Map
8. Future Parks and Existing Parks and Trails System Map
9. Hunting Map
10. Island Lake Contours
11. Rice Lake Contours

## 84.944 ACQUISITION OF CRITICAL NATURAL HABITAT.

§

Subdivision 1.**Acquisition considerations.**

(a) In determining what critical natural habitat shall be acquired or improved, the commissioner shall consider:

(1) the significance of the land or water as existing or potential habitat for fish and wildlife and providing fish and wildlife oriented recreation;

(2) the significance of the land, water, or habitat improvement to maintain or enhance native plant, fish, or wildlife species designated as endangered or threatened under section 84.0895;

(3) the presence of native ecological communities that are now uncommon or diminishing; and

(4) the significance of the land, water or habitat improvement to protect or enhance natural features within or contiguous to natural areas including fish spawning areas, wildlife management areas, scientific and natural areas, riparian habitat and fish and wildlife management projects.

(b) Based on the above clauses, the commissioner by rule must establish a process to prioritize what critical habitat shall be acquired or improved.

§

Subd. 2.**Designation of acquired sites.**

The critical natural habitat acquired in fee title by the commissioner under this section shall be designated by the commissioner as: (1) an outdoor recreation unit pursuant to section 86A.07, subdivision 3, or (2) as provided in sections 89.018, subdivision 2, paragraph (a), 97A.101, 97A.125, and 97C.001. The commissioner may so designate any critical natural habitat acquired in less than fee title.

§

Subd. 3.**County acquisition approval.**

The commissioner must follow the procedures under section 97A.145, subdivision 2, for critical natural habitat acquired under this section.

## 97A.145 WETLANDS FOR WILDLIFE.

§

Subdivision 1.**Acquisition; generally.**

(a) The commissioner or the commissioner of administration may acquire wetlands and bordering areas, including marshes, ponds, small lakes, and stream bottoms for water conservation relating to wildlife development. The lands that are acquired may be developed for wildlife, recreation, and public hunting. The wetlands may be acquired by gift, lease, purchase, or exchange of state lands.

(b) The commissioner may also acquire land owned by the state and tax-forfeited land that is suitable for wildlife development. The wetlands may not be acquired unless public access by right-of-way or easement from a public road is also acquired or available. In acquiring wetlands under this section the commissioner shall assign highest priority to type 3 and 4 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), that are public waters. Lands purchased or leased under this section may not be used to produce crops unless needed for wildlife. The commissioner may designate, by written order published in the State Register, land acquired under this section as a wildlife management area for purposes of the outdoor recreation system. Designations of wildlife management areas are exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.

§

Subd. 2.**Acquisition procedure.**

(a) Lands purchased or leased under this section must be acquired in accordance with this subdivision.

(b) The commissioner must notify the county board and the town officers where the land is located and furnish them a description of the land to be acquired. The county board must approve or disapprove the proposed acquisition within 90 days after being notified. The commissioner may extend the time up to 30 days. The soil and water conservation district supervisors shall counsel the county board on drainage and flood control and the best utilization and capability of the land.

(c) If the county board approves the acquisition within the prescribed time, the commissioner may acquire the land.

(d) If the county board disapproves the acquisition, it must state valid reasons. The commissioner may not purchase or lease the land if the county board disapproves the acquisition and states its reasons within the prescribed time period. The landowner or the commissioner may appeal the disapproval to the district court having jurisdiction where the land is located.

(e) The commissioner or the owner of the land may submit the proposed acquisition to the Land Exchange Board if: (1) the county board does not give reason for disapproval, or does not approve or disapprove the acquisition within the prescribed time period; or (2) the court finds that the disapproval is arbitrary and capricious, or that the reasons stated for disapproval are invalid.

(f) The Land Exchange Board must conduct a hearing and make a decision on the acquisition within 60 days after receiving the proposal. The Land Exchange Board must give notice of the hearing to the county board, the commissioner, the landowner, and other interested parties. The Land Exchange Board must consider the interests of the county, the state, and the landowner in determining whether the acquisition is in the public interest. If a majority of the Land Exchange Board members approves the acquisition, the commissioner

may acquire the land. If a majority disapproves, the commissioner may not purchase or lease the land.

§

Subd. 3.**Management.**

If a drainage outlet is petitioned and drainage proceedings are conducted under the Drainage Code, chapter 103E, the commissioner should not interfere with or unnecessarily delay the proceedings.

# Proposed Wildlife Management Area (WMA) Information Sheet

**What is a Wildlife Management Area?**

- WMAs are areas established to protect lands and waters that have a high potential for wildlife production, public hunting, trapping, fishing and other compatible uses.
- Key to protect wildlife habitat for future generations and to provide citizens with opportunities for hunting/fishing/trapping and wildlife viewing.

**What does a typical WMA look like?**

- Open to hunting and trapping during established seasons unless special restrictions have been placed on the area
- Other compatible uses are allowed and include berry picking, wildlife viewing, other non-motorized uses
- General snowmobile use on WMAs is prohibited in this area south of Highway 210

- Facilities typically include:
    - Primitive (gravel or grass) parking areas generally sized according to the size of the area of the WMA to limit over-crowding.
    - Hunter walking trails-grass trails mowed once a year in late summer to provide access into the interior of the WMA for hunters
    - Boundary signs-yellow WMA signs delineating the boundary of the WMA
    - Gates- trail heads for the hunter walking trails are typically gated to allow for equipment access for maintenance and to prohibit unwanted uses such as ATV use
    - Other informational signs as needed to assist the public in understanding the rules on a WMA

**What a typical WMA does not have:**

- ATV trails
- paved biking/walking trails
- groomed ski trails
- Picnic tables/trash cans/outhouses

**Why are we interested in a WMA here?**

- Unique/rare opportunity to find nearly the entire shoreline of a lake owned by one landowner and that landowner willing to sell to the DNR. In this case we have two willing landowners and 2 shallow lakes.
- This area has been identified as an area of High biodiversity significance-meaning that the area contains good quality occurrences of the rarest species, high-quality examples of native plant communities and/or important functional landscapes.
- The DNR has identified a need to provide more opportunities near population centers to encourage families to continue the outdoor heritage MN is known for; forming a WMA in this area would meet that objective.
- Supports several projects: BWSR Wild Rice Shoreland Protection Project, the Camp Ripley's Army Compatible Use Buffer program, protection of the Mississippi River headwaters

**What are we proposing?**

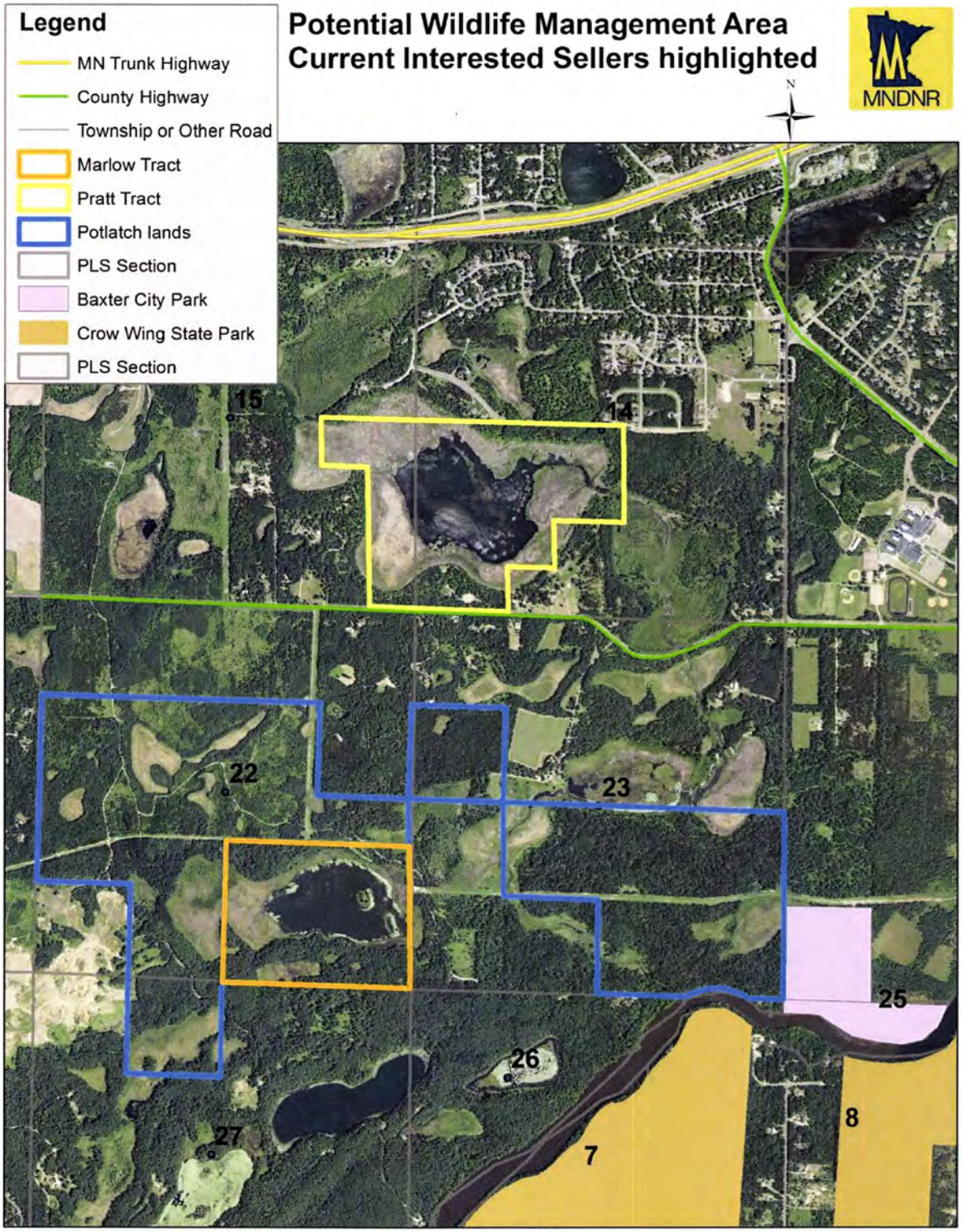
- Goal is to protect a large enough Wildlife Management Area so that it can support all hunting opportunities now allowed within the city of Baxter and preserve those opportunities into the future (See the attached map showing the current proposed WMA). However, we also understand the concern about safety adjacent to smaller tracts. With that in mind, we currently propose:
  - Tract north of Mapleton Road: propose acquisition of Pratt parcel (unnamed lake). This area would be closed to waterfowl and other firearms hunting; archery deer hunting and trapping would be allowed. This would protect valuable habitat and provide a waterfowl resting and feeding area.
  - Tracts south of Mapleton Road: propose acquisition of the Marlow (Island Lake parcel) and all or some of the adjacent Potlatch lands as shown in blue outline. In order to provide the full suite of hunting opportunities as stated previously, it is a goal to protect enough land to allow those uses even if the areas surrounding them become developed according to the City's land use plan. These areas would be open to all allowable hunting methods as are described on the City of Baxter's current hunting map (shotgun, muzzleloader, and archery) and also open to trapping.

**General Information and answers to previous questions:**

- The DNR acquires property only from willing sellers.
- To date Potlatch, Pratt, and Marlow are the only landowners in the City of Baxter that have indicated their willingness to consider sale to the State.
- WMAs require County Board approval for each proposed land tract purchase. If the City supports all or a portion of the project it is no guarantee that the County will also approve a particular acquisition, but City support holds greater weight than the DNR going to the County alone.

- We are here talking with Baxter city officials because we want City support of the project, without city support for all or part of the project we will not move forward.
- If, in the future, additional parcels become available for protection that make sense for inclusion in a WMA (connect parcels, further buffer the shallow lakes, etc...), we would return to the City Council for support for those parcels.
- If, in the future, the City would need easements for utility crossings, there is a current system within the DNR for reviewing and granting these types of easements.
- Paved trails and/or ATV trails are not supported uses for WMA lands at this time. If there are known routes for proposed future trails it would be best to exclude those corridors from the WMA and have another entity purchase those corridors to allow for those other uses in the future.
- We recognize that currently there is no public access to the Marlow (Island lake) or Potlatch parcels and that we would need to secure this as part of the project.

# Potential Wildlife Management Area
# Current Interested Sellers highlighted

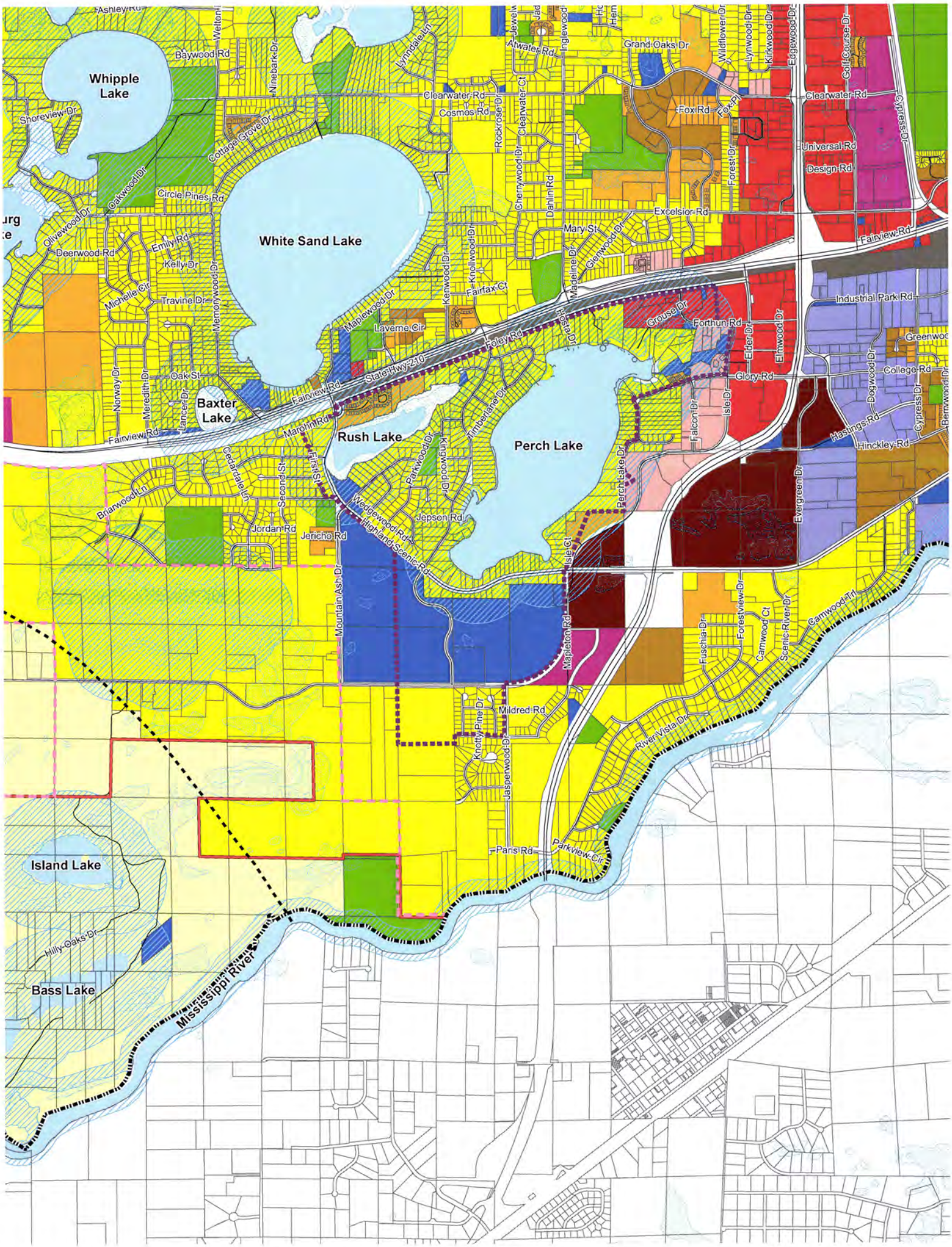



0.35 0.175 0 0.35 Miles

Map created 1/21/2016 by Christine Reisz

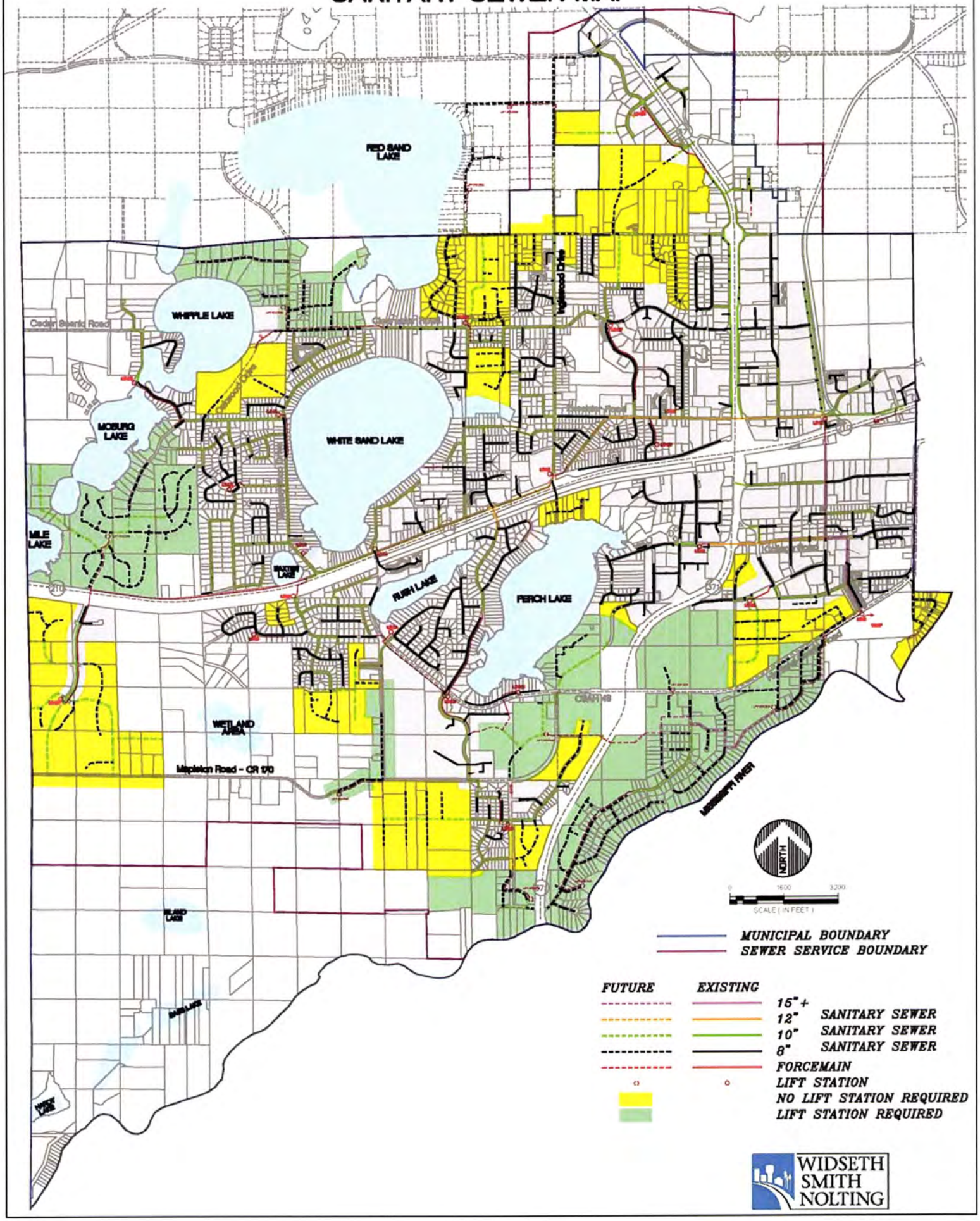
# Potential Wildlife Management Area

Map created 9/2/2015 by Christine Reisz


Whipple Lake
White Sand Lake
Baxter Lake
Rush Lake
Perch Lake
Island Lake
Bass Lake
Mississippi River
Ashley Rd
Baywood Rd
Welton
Ninebark Dr
Lynndale Ln
Atwater Rd
Inglewood
Grand Oaks Dr
Wildflower Dr
Lynwood Dr
Kirkwood Dr
Edgewood Dr
Golf Course Dr
Shoreview Dr
Cottage Grove Dr
Clearwater Rd
Cosmos Rd
Rockrose Dr
Clearwater Ct
Fox Rd
Fox Pl
Universal Rd
Design Rd
Cypress Dr
Oakwood Dr
Circle Pines Rd
Olivewood Dr
Deerwood Rd
Emily Rd
Kelly Dr
Michelle Cir
Travine Dr
Memorywood Dr
Cherrywood Dr
Danlin Rd
Excelsior Rd
Forest Dr
Mary St
Fairview Rd
Knollwood Dr
Kenwood Dr
Fairfax Ct
Madeline Dr
Glenwood Dr
Industrial Park Rd
Maplewood Dr
Laverne Cir
Foley Rd
Rosia Dr
Grouse Dr
Forthun Rd
Elder Dr
Elmwood Dr
Greenwood
Norway Dr
Meredith Dr
Oak St
State Hwy 210
Glory Rd
College Rd
Dogwood Dr
Lancer Dr
Marphin Rd
Timberlane Dr
Falcon Dr
Isle Dr
Hastings Rd
Hinckley Rd
Cedardale Ln
First St
Second St
Parkwood Dr
Kingwood Dr
Perch Lake Dr
Briarwood Ln
Jordan Rd
Jericho Rd
Weddewood Rd
Jepson Rd
Highland Scenic Rd
Isle Ct
Evergreen Dr
Mountain Ash Dr
Mapleton Rd
Forestview Dr
Camwood Ct
Scenic River Dr
Camwood Trl
Fuschia Dr
Mildred Rd
Knotty Pine Dr
Jasperwood Dr
River Vista Dr
Paris Rd
Parkview Cir
Hilly Oaks Dr

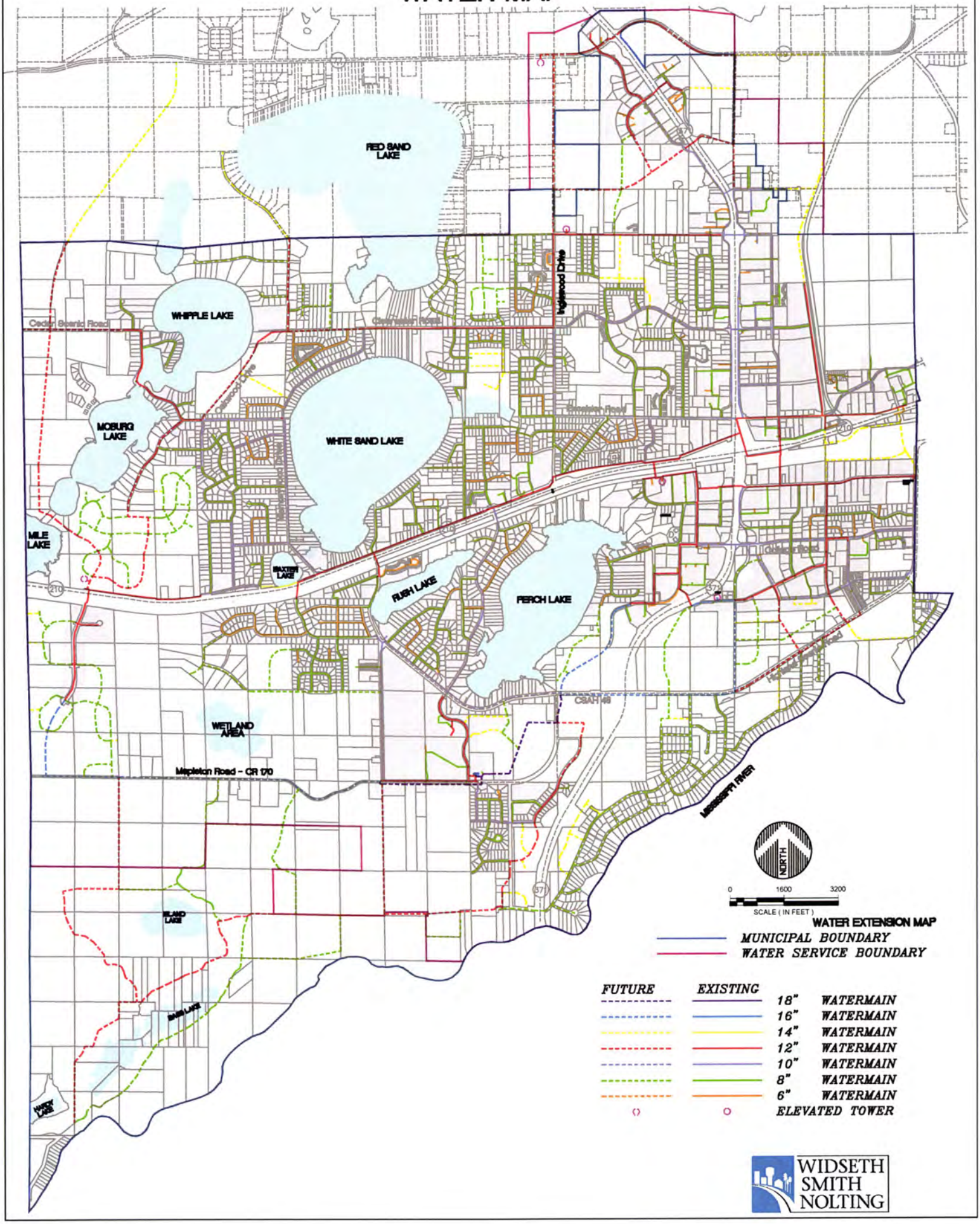
DECEMBER, 2018

# CITY OF BAXTER
## SANITARY SEWER MAP



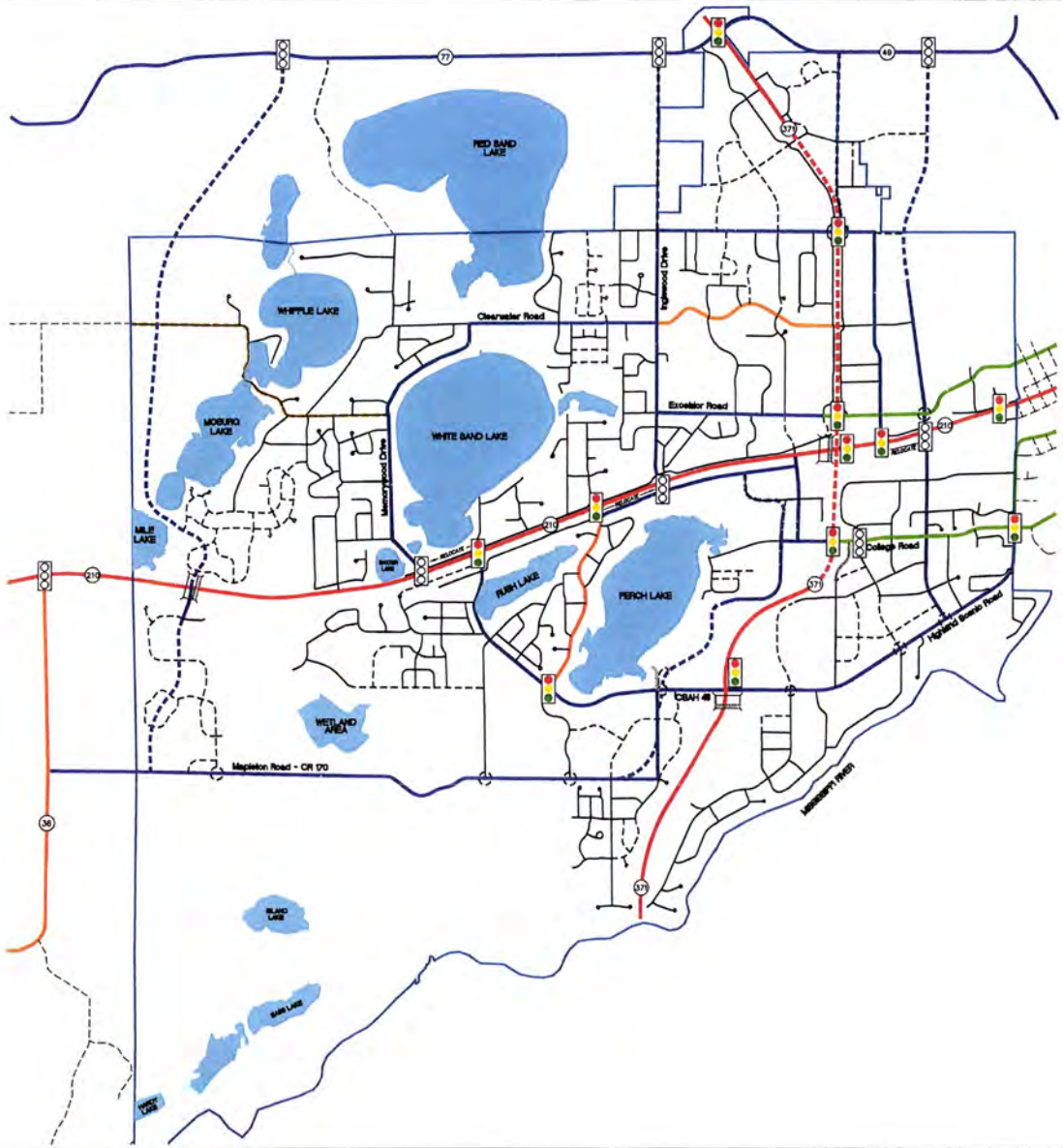
DECEMBER, 2013

# CITY OF BAXTER
## WATER MAP




WIDSETH SMITH NOLTING

2-11-15




# CITY OF BAXTER

## LONG RANGE TRANSPORTATION AND FUNCTIONAL CLASSIFICATION STREET MAP

NORTH

0 1600 3200

SCALE ( IN FEET )

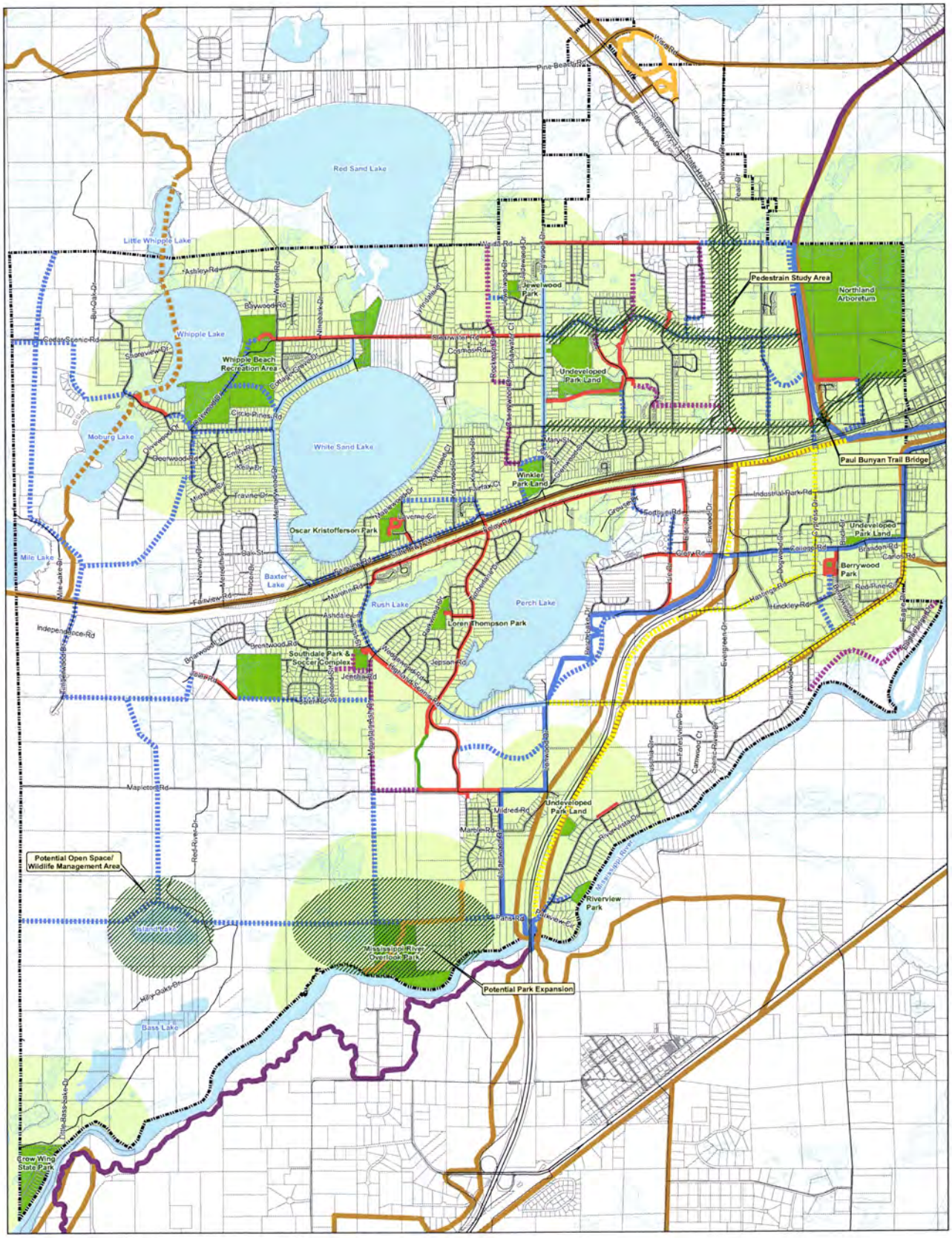
MUNICIPAL BOUNDARY

| FUTURE | EXISTING | |
|---|---|---|
| | | PRINCIPAL ARTERIAL |
| | | MINOR ARTERIAL |
| | | MAJOR COLLECTOR |
| | | MINOR COLLECTOR |
| | | LOCAL |

SIGNALIZED INTERSECTION

SEPARATED GRADE CROSSING WITH NON-MOTORIZED TRAIL

WIDSETH SMITH NOLTING




# Future and Existing Parks and Trails System

**City of Baxter Comprehensive Plan**

- Paul Bunyan State Trail - Baxter Segment
- Paul Bunyan State Trail Crow Wing County Segment
- Paul Bunyan State Trail Safety Re-Route Options
- Bike/Pedestrian Trail
- Wood Chip Trail
- Paved Roadway Shoulder
- Private Trail
- Future Bike/Pedestrian Trail
- Future Trail - Easement
- Snowmobile Trail
- Snowmobile Trail on Water Body
- MunicipalBoundary
- Parks
- Half-Mile Park Service Areas

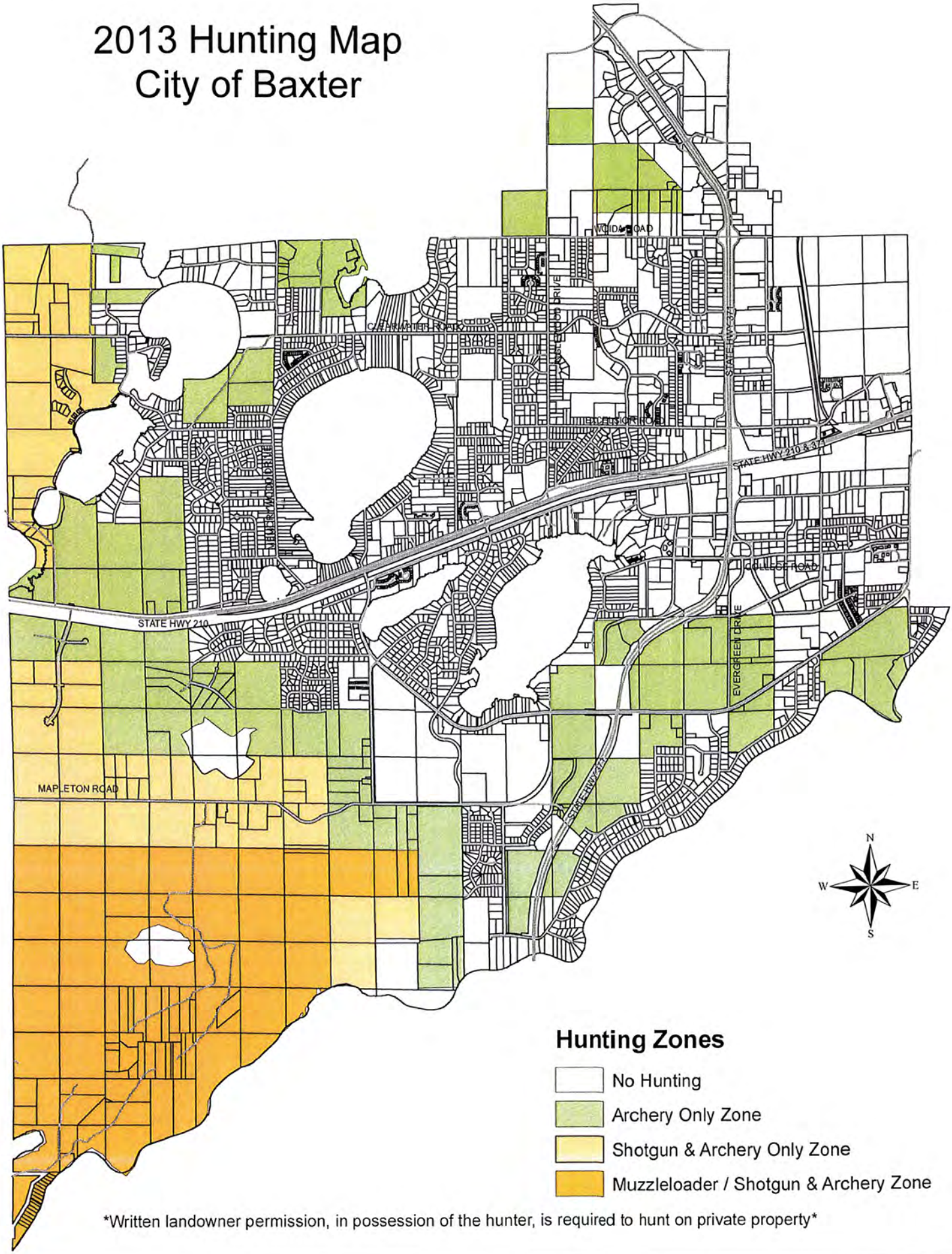
N W E S

0 0.5 1 Miles

July 23, 2015

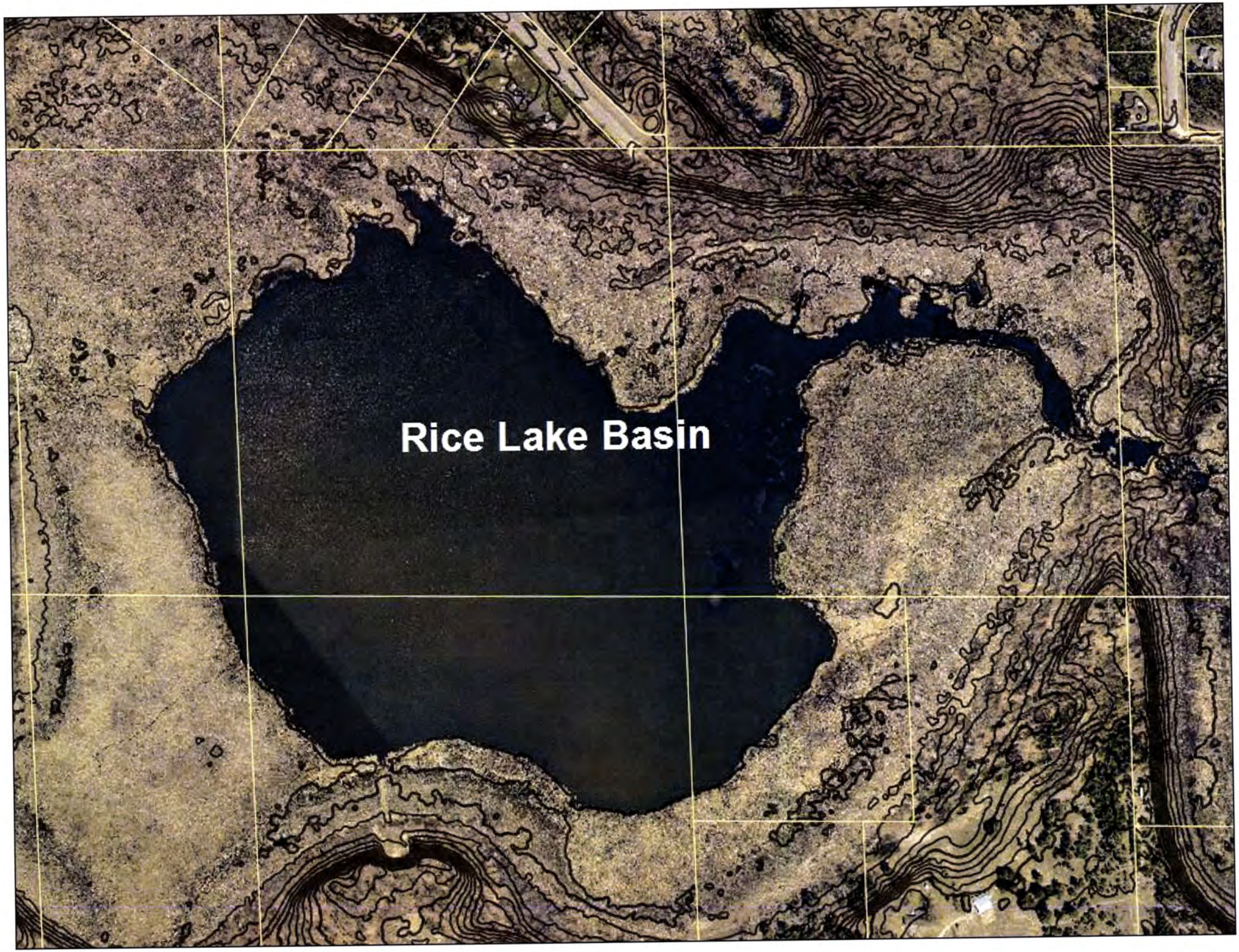
Stantec

# 2013 Hunting Map
# City of Baxter




*Written landowner permission, in possession of the hunter, is required to hunt on private property*

Island Lake


Rice Lake Basin

Agenda Item 5

BAXTER

"A Growing Community"

**TO:** Baxter Planning and Zoning Commission

**FROM:** Joshua Doty, Community Development Director

**DATE:** January 21, 2016 for the January 25, 2016 Long Range Planning Commission Meeting

**REQUEST:** **PUBLIC MEETING. City Land Sale** for the Northland Arboretum to have a sign located at the corner of Conservation Drive and Excelsior Road

**APPLICANT:** City of Baxter

## 1. Application Request

City staff received a request for from the Northland Arboretum to have a permanent sign located at the corner of Conservation Drive and Excelsior Road. The City owns this property for Conservation Drive and for the storm water pond located at the northeast corner of Conservation Drive and Excelsior Road. The City cannot permit the arboretum to have an off-site advertising sign on the City property. Therefore, the City is considering a sale of this land to allow the sign, while keeping easements on the remainder of the property for the roadway, the ponding area and utilities. Prior to selling city-owned land, state law requires that the city determine if the land sale is consistent with the City's Comprehensive Plan.

## 2. Background

The Northland Arboretum building is located on a property owned by Crow Wing County. The Northland Arboretum has a long term lease with the County. The City of Baxter owns a separate property south of the Arboretum building property adjacent to Excelsior Road where Conservation Drive and the City storm water pond is located. The subject proposal would include the sale of the City property to Crow Wing County. The County would then establish a long term lease of this property with the Northland Arboretum. As part of the transaction, the City would ensure that except for an area for a sign, that the land would be entirely covered with a right-of-way, ponding and utility easement so that the City maintains control of the existing infrastructure on the property.

## 3. Long Range Planning Commission Role

The City Council will make the final decision regarding the land sale. However, before sending the land sale forward to the City Council, the Long Range Planning Commission is required to review the request to see if the proposed land sale is consistent with the comprehensive plan.

Staff Findings

The applicant could construct a permanent sign on their property located north of the City property. However, the sign would need to be located north of the City storm water pond, which over 325 feet from the intersection of Conservation Drive and Excelsior Road. Therefore, staff finds that selling the property is the only feasible way for the Northland Arboretum to have a sign that is visible from Excelsior Road. Staff also finds that if the City creates an easement for right-of-way, ponding and utilities over the entire property (except for the sign area), that the City can maintain the existing public infrastructure on the property.

The Comprehensive Plan states that the Northland Arboretum "is an integral part of the City's stormwater management. The City of Baxter is committed to the sustainability of the Arboretum and engaging in planning, developing, preserving and enhancing the facility. Staff therefore, finds that the sale of the land to allow the Northland Arboretum to have a permanent sign is consistent with the City's Comprehensive Plan.

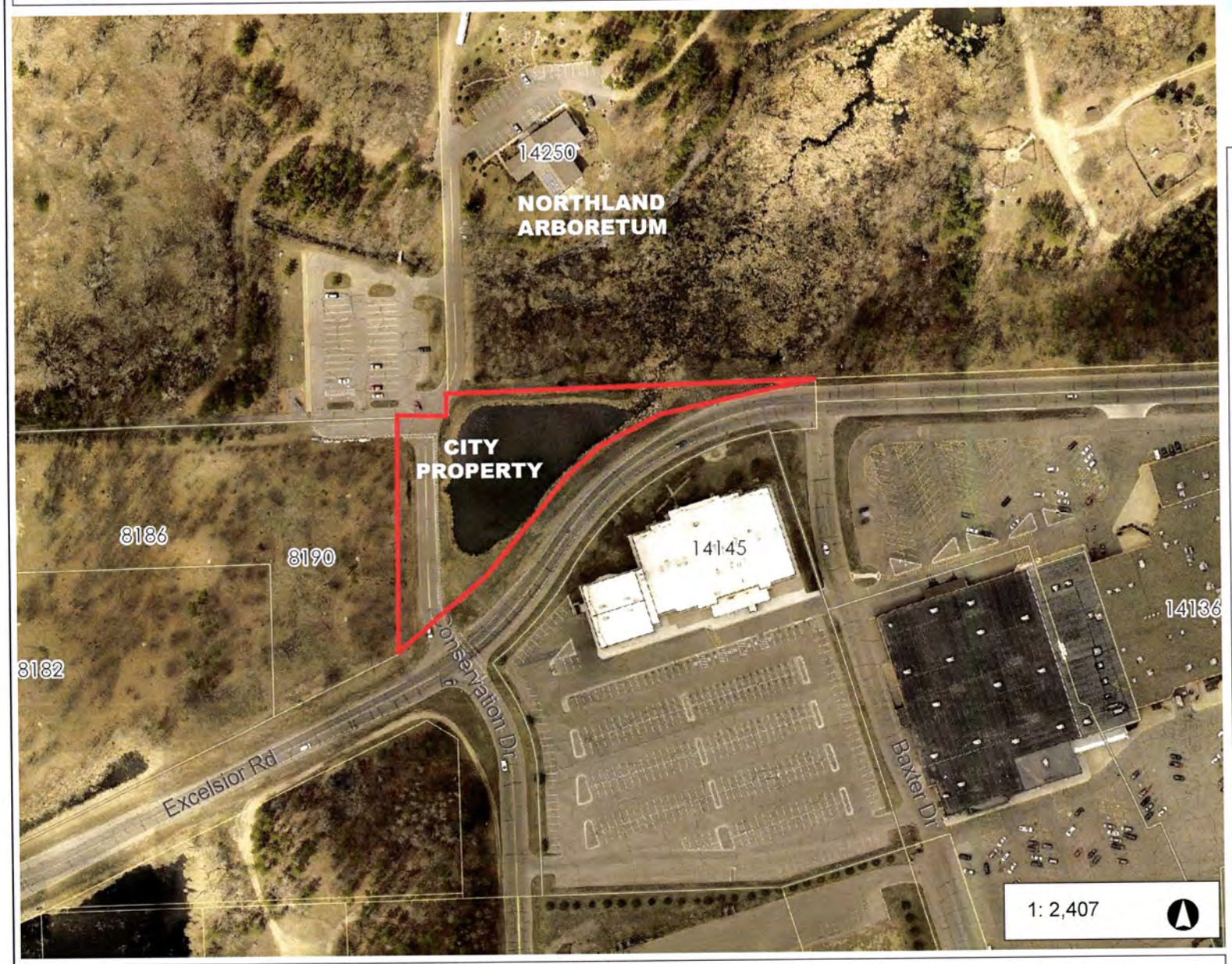
## 4. Recommendation

Staff recommends that the Long Range Planning Commission recommend approval of the resolution approving finding that the land sale is consistent with the City's Comprehensive Plan.

**Attachments**

1. Draft Resolution
2. Site Aerial Photo

BAXTER
"A Growing Community"



**Legend**

- Streets
- Locations
  - Current
  - Pending
  - Vacant
  - Retired
  - Other
- Parcels
- Land Use Cases
- Encumbrances
- Municipal Boundaries
- Historical Parcels

**Notes**

401.2 0 200.60 401.2 Feet

NAD_1983_HARN_Adj_MN_Crow_Wing_Feet
City of Baxter

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**CITY OF BAXTER, MINNESOTA**
**RESOLUTION 16-_____**

**A RESOLUTION APPROVING FINDINGS OF FACT FOR THE SALE OF CITY OF BAXTER LAND FOR PROPERTY LOCATED AT THE NORTHEAT CORNER OF CONSERVATION DRIVE AND EXCELSIOR ROAD**

WHEREAS, the City of Baxter is initiating a land sale of City property to Crow Wing County and for Crow Wing County to lease the land to the Northland Arboretum to allow a sign to be constructed on the property for the Northland Arboretum; and

WHEREAS, the Long Range Planning Commission reviewed the request for sale of the City land at their January 25, 2016 meeting; and

WHEREAS, the City Council reviewed the proposed land sale at a duly called public meeting and recommends approval;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does approve the land sale, based upon the finding the following findings:

1. That the proposed land sale would be consistent with State law and the City's Comprehensive Plan, and compatible with other provisions of the City Code.

2. The land sale to Crow Wing County would include a long term lease to the Northland Arboretum to allow the Arboretum to construct a permeant sign on the property, in compliance with City requirements.

**Whereupon, said Resolution is hereby declared adopted on this ____day of _____ 2016.**

_____
**Darrel Olson, Mayor**

**ATTEST:**

_____

***City Seal***

**Kelly Steele, Assistant City Administrator/Clerk**