

# BAXTER



"A Growing Community"

## Planning and Zoning Commission Agenda May 10, 2016 @ 6:00 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Approval of regular meeting minutes from April 12, 2016**
4. **Commission Comments and Questions.**

**ALL OLD AND NEW BUSINESS ITEMS ARE OPEN FOR PUBLIC COMMENT**

5. **Old Business**  
None

6. **New Business**

- A. **PUBLIC HEARING.** Zoning Text Amendment to allow a "Brewery Taproom" and "Brewery" as a permitted use in the C-2, Regional Commercial zoning district (City file 16-10)

Requested by: Patrick Sundberg (Jack Pine Brewery) 7942 College Rd. Ste. 115 Baxter, MN 56425

- B. **PUBLIC HEARING.** Preliminary and final plat named "Elmwood Addition", Rezoning from C-2, Regional Commercial to PUD, Planned Unit Development and a PUD General Plan for a new multi-tenant retail development for property located at the Southeast corner of Elder Drive and Forthun Road. PT OF SE1/4 OF NE1/4 & PT NE1/4 OF SE1/4 (full legal available at City Hall) Section 7, Township 133, Range 28 (City file 16-11)

Requested by: HJ Development, LLP 15600 Wayzata Blvd. Suite 201 Wayzata, MN 55391

- C. **PUBLIC HEARING.** Preliminary and final plat named "Central Lakes Third Addition", Rezoning from C-2, Regional Commercial to PUD, Planned Unit Development and a PUD General Plan for a new multi-tenant retail development for property located at the Southwest corner of State Highway 371 and Glory Road. Outlot A of Central Lakes Crossing Section 7, Township 133, Range 28 (City file 16-12)

Requested by: HJ Development, LLP 15600 Wayzata Blvd. Suite 201 Wayzata, MN 55391

- D. **PUBLIC HEARING.** Zoning Ordinance Text Amendments throughout Title 10 of the Baxter City Code. Amendments are being proposed to update to the City's Zoning Ordinance. (City File 16-14)

Requested by: City of Baxter 13190 Memorywood Dr. Baxter, MN 56425

7. **Other Business**

8. **Adjournment**

**PLANNING & ZONING COMMISSION MINUTES**  
**April 12, 2016 - 6:00 p.m.**

**CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission was called to order at 6:00 p.m.

MEMBERS PRESENT: Commissioner Howie Oswald, Gwen Carleton, Bob Ryan and Council Liaison Steve Barrows

MEMBERS ABSENT: Chair Bob Kinzel and Commissioner Steve Lund

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

OTHERS PRESENT: Ben VonBank, Mike Patrick, Bettie & Greg DenHerder and Tim Schulke

**APPROVAL OF MINUTES**

**MOTION** by Commissioner Carlton, seconded by Council Liaison Barrows to approve the minutes from the March 08, 2016 meeting as presented. Motion carried unanimously.

**PUBLIC HEARINGS**

*All items under old and new business items will go to City Council on  
April 19, 2016 if not tabled, continued or otherwise noted.*

Acting Chair Ryan stated that this Commission is advisory and the final approval/denial is given at the City Council Meeting on April 19, 2016 at 7:00 pm.

**OLD BUSINESS**

None

**NEW BUSINESS**

1. PUBLIC HEARING. Conditional Use Permits to allow cumulative accessory building square footage to exceed 1,800 square feet and to allow grading within a shoreland area for property located 6245 Paris Rd. Lots 3 and 4, Paris Acres, Section 24, Township 133, Range 29 (City file 16-03)

Requested by: Greg & Betty DenHerder 6245 Paris Road Baxter, MN 56425

Acting Chair Ryan asked Planner Gindele to review the application with the Commission. Planner Gindele explained that the applicant is requesting a conditional use permit (CUP) to allow cumulative accessory building square footage to exceed 1,800 square feet by adding an additional 704 square foot garage and to allow grading within a shoreland area for property located along the Mississippi River (6245 Paris Rd.). The current property has 1,250 square feet, with the requested 704 square feet the total accessory structures would then be 1,954 square feet, thus the reason for the CUP. Planner Gindele added that currently the property is two parcels, however there is a request in to staff to administratively combine the lots to make one large lot that will accommodate the setbacks required for the proposed

garage. Planner Gindele reviewed the aerial with the Commission. He explained that there is a water feature in the back yard that was put in by the former residents, the feature has fallen into disrepair and the applicants are planning on removing the feature. Planner Gindele reviewed the impervious calculation, setbacks, the lot size and conditions, grading plan and location of the garage. He stated that staff is recommending approval with the conditions in the resolution.

Acting Chair Ryan opened the public hearing.

Mr. Tim Schulke, contractor for the applicant stated that they have no concerns regarding the conditions.

Acting Chair Ryan closed the public hearing.

**Motion** by Commissioner Carleton, second by Commissioner Oswald to recommend the City Council approve the conditional use permit to allow cumulative accessory building square footage to exceed 1,800 square feet and to allow grading within a shoreland area for property located 6245 Paris Rd. as presented in the resolution by staff. Motion carried unanimously.

2. PUBLIC HEARING. Conditional Use Permits to allow grading in the shoreland overlay district for a garage and yard improvements for property located 13230 Timberlane Dr. (Lot 2, Block 4 Parkwood, Section 12, Township 133, Range 29 (City file 16-09)

Requested by: Mike Patrick 13230 Timberlane Drive Baxter, MN 56425

Acting Chair Ryan asked Planner Gindele to review the application with the Commission. Planner Gindele explained that the applicant is requesting a conditional use permit to allow grading of a riparian lot (Perch Lake) and for a new detached garage within the shoreland overlay district at 13230 Timberlane Dr. Planner Gindele explained the impervious surface being 24 percent of the lot, which meets the 25 percent allowed, setbacks, DNR requirements for filling below the OHWL and the lot does have city services. The applicant has provided a site plan, erosion control plan and grading plan as there is a small area that would need to be filled in and is part of this CUP. Planner Gindele reviewed aerial views of the property with the Commission. Staff is recommending approval with the conditions set forth in the resolution. Planner Gindele indicated that condition 9, regarding gutters was in place to keep water from going towards the neighbor's home.

Acting Chair Ryan asked for clarification regarding the additional parking pad, if that was included in the impervious calculations, Planner Gindele indicated that it was.

Council Liaison Barrows asked if the condition regarding the gutters was going to cause a different location for water to accumulate being they are already requesting to fill one small area. Planner Gindele provided a map with contours that explained where the water would drain to in the future.

Acting Chair Ryan opened the public hearing.

Mr. Mike Patrick, owner/applicant further explained the benefit of grading towards the street and away from the neighbor's house. He indicated that he has no concerns with the conditions being requested.

Acting Chair Ryan closed the public hearing.

**Motion** by Commissioner Oswald, second by Commissioner Carleton to recommend the City Council approve the conditional use permit to allow grading in the shoreland overlay district for a garage and yard improvements for property located 13230 Timberlane Dr. as presented by staff in the resolution. Motion carried unanimously.

3. PUBLIC HEARING. Zoning Text Amendment to allow convenience stores/meat markets (without motor fuel stations) with an accessory propane fill station as a conditional use in the Regional Commercial District and a conditional use permit to allow a propane fill station at Von Hanson's Meats located at 15811 Audubon Way. (Lot 5, Block 1 The Nature Learning Trail Business Plat, Section 21, Township 133, Range 28 (City file 16-08)

Requested by: Ben VonBank (VonHanson Meats) 15811 Audubon Way Baxter, MN 56425

Acting Chair Ryan asked CD Director Doty to review the application with the Commission. CD Director Doty explained that the applicant is requesting a zoning text amendment to allow convenience stores/meat markets (without motor fuel stations) with an accessory propane fill station as a conditional use in the C-2 Regional Commercial District and a conditional use permit (CUP) to allow a propane fill station at Von Hanson's Meats located at 15811 Audubon Way. CD Director Doty stated that currently the zoning ordinance does not allow for propane fill stations without having a gas station. This request would institute a City wide amendment to allow propane fill stations without a gas station in the C-2 district with a conditional use permit (CUP). CD Director Doty provided an aerial view of the Von Hanson's Meats locations and explained where the propane fill station would be situated on the site. He reminded the Commission that previously a request to re-install fuel tanks was from Village Pumper and that request is still valid, however staff is not sure if the pumps will move forward. The aerial showed the red box location of where the propane tank and weigh station would sit and the green circles were trees that staff is requesting with a fence as well to fully screen the tank from view. The Commission reviewed additional views to see how the tank would be situated.

CD Director Doty indicated that people would be using this site to fill tanks for grills, fish houses and any small type propane tanks. The applicant is requesting a 1,000 gallon tank and that has been written into the regulations. CD Director Doty reviewed all of the requirements with the Commission. CD Director Doty stated that the earth tone color regulation is going to be difficult to meet as the applicant has found a silver stainless steel tank and that does not meet the requirements, however the applicant is willing to paint the fence earth tone colors and the weigh station would not meet the earth tones. He stated that the building official needs to review the building of the fence and safety concerns. CD Director Doty stated that there is a 30' easement and the fence and tank will not be installed within that easement. Staff is recommending earth tone colors to meet the regulations; if the regulations are met then staff would recommend approval. CD Director Doty stated that the application was sent to MN DOT for approval and their letter back indicated that they were comfortable with the location.

Commissioner Carleton asked if staff is or is not recommending earth tone colors. CD Director Doty stated that staff would like earth tones. Council Liaison Barrows asked if the weigh station could be boxed in with only the door would be exposed. Acting Chair Ryan stated that the question would probably be best answered by the supplier as ventilation is likely required. Commissioner Carleton asked if stainless steel can be painted. Acting Chair Ryan stated that it can be powder coated and painted.

Acting Chair Ryan opened the public hearing.

Mr. Ben Von Bank, applicant approached the Commission and stated that he contacted the supplier and asked about the stainless steel weigh station. The supplier indicated to him that stainless steel doesn't rust as easy. He provided a picture of one that was painted white; it was showing signs of rust already. Mr. Von Bank stated that he is passionate about this and will abide by the Commission's request. He further stated that this will benefit all of the business around him. Commissioner Carleton asked if there were going to be additional tanks, Mr. Von Bank indicated that there would not be any additional tanks, only those being filled by customers. CD Director Doty stated that an additional condition could be added to make sure in the future that others don't try to have outside storage or additional tanks. Council Liaison Barrows asked staff if painting the weigh station cabinet would look worse in the long run. CD Director Doty stated that his concern would be the glare from the sun that could cause a problem for drivers along Hwy 371.

Acting Chair Ryan stated that he spoke to a person that works with high end stainless steel on different projects. That was how he learned what applications could be applied to stainless steel. Acting Chair Ryan asked about increasing the size of the fence by one foot to insure screening. CD Director Doty stated that anything over 6' is a CUP, this would add another fee and a building permit to this application. Commissioner Carleton asked how expensive it would be to powder coat, Acting Chair Ryan indicated that he was not sure.

Acting Chair Ryan closed the public hearing.

Commissioner Carleton indicated that she wasn't fully in support of earth tone colors for the weigh station. Commissioner Oswald agreed as long as the tank is painted.

**Motion** by Commissioner Carleton, second by Commissioner Oswald to recommend the City Council approve the Zoning Text Amendment to allow convenience stores/meat markets (without motor fuel stations) with an accessory propane fill station with modification to the weigh station not having to be earth tone in section 10-3G-3E as a conditional use in the Regional Commercial District and a conditional use permit to allow a propane tank fill station at Von Hanson's Meats located at 15811 Audubon Way.

Council Liaison Barrows asked prior to the vote for clarification regarding the weight station. If the earth tone is taken out and the next applicant comes in with a different material, then that applicant will not have to meet the earth tone requirements as well, CD Director Doty stated that was correct. He stated that if the earth tone color requirement is left in the zoning amendment then this applicant will be required to move forward with the earth tone weight station. CD Director Doty explained to the Commission a few different options that the Commission could require. Commissioner Carleton requested a revision to her motion.

**Amended Motion** by Commissioner Carleton, second by Commissioner Oswald to recommend the City Council approve the Zoning Text Amendment to allow convenience stores/meat markets (without motor fuel stations) to have an accessory propane fill station with modification made to 10-3G-3E stating "the propane tank shall be earth tone and the weigh station shall be stainless steel or painted earth tone colors" as a conditional use in the Regional Commercial District. Motion carried unanimously.

CD Director Doty stated that now a motion is needed for the site.

**Motion** by Commissioner Oswald, second by Commissioner Carleton to recommend the City Council

approve a conditional use permit to allow a propane tank fill station at Von Hanson’s Meats located at 15811 Audubon Way as presented in the resolution provided by staff. Motion carried unanimously.

**OTHER BUSINESS**

**Seasonal Vending Update**

CD Director Doty wanted to provide an update on this topic because it was in the paper and the Council had a discussion at the last work session. Morey’s is asking for seasonal vending outside of their building instead of a mobile vending unit. He just wanted to make the Commission aware of the situation. CD Director Doty gave the background on the mobile vending regulations including number of locations, location from brick and mortar building and days allowed (no more than 2 days in length per site), the new request by Morey’s is to have the mobile vending stay at one location for a whole summer. Currently staff is being asked to allow a cooked version of the foods within that store being sold on site.

Acting Chair Ryan asked if it is any different from the fundraisers every Friday in front of the Cub or Super One store. CD Director Doty indicated that fundraisers are not part of the mobile vending ordinance; fundraisers with small grilling areas were exempt. Acting Chair Ryan stated that this will be a flag ship ordinance and it shouldn’t be so specific that it only works for certain locations. CD Director Doty agreed that it would be allowed at stores that sell food products. CD Director Doty stated that the ordinance hasn’t been written yet, but there are expansions that would need to be looked at such as power cords running across parking lots and signage going up. Acting Chair Ryan stated that it would be nice to see the ordinance be site friendly. Commissioner Carleton asked if it would require a permit at the beginning of every the year. CD Director Doty indicated that it most likely would to make sure the regulations are known to the applicant such as where a trailer can be parked, signage allowed and if seats can be placed outside. CD Director Doty stated that there were still some issues to think about including SAC/WAC charges possibly being explored. The Commission agreed that SAC/WAC charges would be totally out of line as these units would not be hooked into city water and sewer. Acting Chair Ryan asked if a public restroom would need to be provided, CD Director Doty stated that there are requirement for restrooms in the mobile vending regulations and the building code. Acting Chair Ryan stated that this shouldn’t be considered in the same category of mobile vending, these businesses have already paid for their buildings and SAC/WAC fees.

**ADJOURNMENT**

**MOTION** by Commissioner Carleton, seconded by Commissioner Oswald to adjourn the meeting at 7:16 p.m. Motion carried unanimously.

Approved by:

Submitted by:

\_\_\_\_\_  
Acting Chair Bob Ryan

\_\_\_\_\_  
Shanna Newman CD Administrative Assistant



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**TO:** Baxter Planning Commission

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

**DATE:** May 6, 2016 for the May 10, 2016 Planning Commission Meeting

**REQUEST:** **PUBLIC HEARING. Zoning Text Amendment** to allow "Brewery Taproom" and "Brewery" as a permitted use in the C-2, Regional Commercial Zoning District. (City File number 2016-10)

**APPLICANT:** Jack Pine Brewery

**ZONING:** C-2, Regional Commercial

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## 1. Application Request

The applicant is requesting approval of a Zoning Text Amendment to allow "Brewery Taproom" and "Brewery" as a permitted use in the C-2, Regional Commercial Zoning District. Jack Pine Brewery is planning to move from their industrial location to a new site on Edgewood Drive, which is zoned C-2, Regional Commercial.

## 2. Background/Analysis

### Zoning Ordinance Amendment

The applicant is requesting a zoning ordinance amendment to allow "Brewery Taproom" and "Brewery" as a permitted use in the C-2, Regional Commercial Zoning District. The City of Baxter currently allows "Brewery" and "Brewery Taprooms in the I (Industrial Office) zoning district. Specifically, "Brewery" is a permitted use and Licensed brewer taproom as an accessory to a brewery with limited accessory retail space is an accessory use provided that:

- 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.

### *Staff Analysis and Findings*

A brewery and taproom use includes a combination of industrial and retail elements in on business, with the brewery being more of an industrial function and the taproom being more of a retail function. Therefore, the above conditions of approval that the City approved for the Industrial Office district relate taprooms located in an industrial district. Staff finds that the same conditions do not appear to be necessary for a taproom to locate in the C-2, regional commercial district. Conversely, the City should consider if there are any industrial related concerns related to brewery in the C-2 district.

Generally speaking, City staff has more reasons for conditions related to the taproom use in industrial than the brewery use in commercial. Specifically, the taproom has the potential to gather people, which industrial areas are not necessarily designed to accommodate. However, the City's Commercial district does have access to higher order roadways, which can handle truck traffic that may be associated with the brewery use. In addition, the brewery would have to be quite large before a trucking operation would dominate to the point of mandating an industrial site. Attached is an email response from the applicant describing the truck traffic that they expect.

One of the other questions related to the brewery use is odor. Attached is an email response from the applicant that addresses odor concerns related to Jack Pine Brewery. Staff notes that there is the potential that another brewer could move into a different C-2 location and have odor and/or trucking issues. However, staff finds that the risk of these issues seems to be minimal. Many City's have allowed brewery's and tap rooms as permitted uses within their primary commercial zoning districts without conditions of approval. However, the city can choose to add a condition to a permitted use. An example of this would be to allow brewery and brewery taprooms located at least 200 feet from a residential home.

## **ARTICLE G. C2 REGIONAL COMMERCIAL DISTRICT**

### **10-3G-1: PERMITTED USES:**

Brewery and Brewery Taproom

### **3. Recommendation**

Community Development staff recommends approval of the Zoning Ordinance Amendment, subject to the attached ordinance and resolutions.

#### **Attachments**

1. Draft ordinance for the Zoning Amendments
2. Draft resolution approving findings of fact for the Rezoning
3. Applicant's Narrative
4. Site Graphics

**CITY OF BAXTER, MINNESOTA  
RESOLUTION 16-\_\_\_\_\_**

**A RESOLUTION APPROVING FINDINGS OF FACT FOR AN ORDINANCE AMENDING THE  
TEXT OF TITLE 10, CHAPTER 3, ARTICLE G (CONVENIENCE COMMERCIAL ZONING  
DISTRICT) TO ALLOW BREWERY AND BREWERY TAPROOM AS A PERMITTED USE  
(City File 2016-10)**

WHEREAS, Jack Pine Brewery, initiated an amendment to the C-2, Convenience Commercial zoning district to allow Brewery and Brewery Taproom as a permitted use; and

WHEREAS, the amendment would be consistent with the Comprehensive Plan and other City policies and goals; and

WHEREAS, the Planning Commission has reviewed the proposed text amendments at a duly called public hearing and recommends approval;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their May 17, 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 amendments, based upon the finding the following findings:

1. That the proposed amendments would be consistent with State law and the City's Comprehensive Plan, and compatible with other provisions of the City Code.
2. The proposed use would be consistent with the purpose and intent of the C-2 district.
3. Zoning standards provide design guidelines and improvement requirements to protect the public health, safety and welfare.

**Whereupon, said Resolution is hereby declared adopted on this 17<sup>th</sup> day of May 2016.**

\_\_\_\_\_  
**Darrel Olson, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kelly Steele, City Clerk**

**City Seal**

**CITY OF BAXTER, MINNESOTA  
ORDINANCE 2016-\_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS, CHAPTER 3, ARTICLE G (CONVENIENCE COMMERCIAL ZONING DISTRICT) TO ALLOW BREWERY AND BREWERY TAPROOM AS A PERMITTED USE (City File 2016-10)**

THE CITY OF BAXTER ORDAINS:

**SECTION 1.** Amendments. The text of Title 10 (Zoning Regulations) of the Baxter City Code, Chapter 3, Article G-1, is hereby amended by ~~deleting the stricken material~~ and adding the underlined material as follows:

**ARTICLE G. C2 REGIONAL COMMERCIAL DISTRICT**

**10-3G-1: PERMITTED USES:**

Brewery and Brewery Taproom

**Section 2.** Effective Date. This amendment shall take effect upon its passage.

**Whereupon, said Ordinance is hereby declared adopted on this 17<sup>th</sup> day of May 2016.**

\_\_\_\_\_  
**Darrel Olson, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kelly Steele, City Clerk**

*City Seal*

**CITY OF BAXTER, MINNESOTA  
ORDINANCE 2016-\_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS, CHAPTER 3, ARTICLE G (CONVENIENCE COMMERCIAL ZONING DISTRICT) TO ALLOW BREWERY AND BREWERY TAPROOM AS A PERMITTED USE (City File 2016-10)**

THE CITY OF BAXTER ORDAINS:

**SECTION 1.** Amendments. The text of Title 10 (Zoning Regulations) of the Baxter City Code, Chapter 3, Article G-1, is hereby amended by ~~deleting~~ the stricken material and adding the underlined material as follows:

**ARTICLE G. C2 REGIONAL COMMERCIAL DISTRICT**

**10-3G-1: PERMITTED USES:**

Brewery and Brewery Taproom

**Section 2.** Effective Date. This amendment shall take effect upon its passage.

**Whereupon, said Ordinance is hereby declared adopted on this 17<sup>th</sup> day of May 2016.**

\_\_\_\_\_  
**Darrel Olson, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kelly Steele, City Clerk**

*City Seal*

# JACK PINE • BREWERY •

7942 College Rd, Ste 115 - Baxter, MN 56425  
www.JackPineBrewery.com - (218) 270-8072



April 19<sup>th</sup>, 2016

City of Baxter  
13190 Memorywood Drive  
Baxter, MN 56425

RE: Commercial Zoning Amendment – Brewery and Taproom

To whom it may concern;

I, Patrick Sundberg, request that “Brewery” and “Brewery Taproom” be added as permitted uses in the C2 Regional Commercial District. I have a signed purchase agreement for a parcel of land within the C2 Regional Commercial District pending zoning approval for said use.

Over the past three years, our brewery has grown and needs to expand. The brewing industry and culture around the state has grown as well with the continued interest in locally produced beer and an increased interest in brewery taprooms. We have certainly seen more interest and activity in our taproom than initially expected with no signs of it slowing down. The taproom has become a favorite meeting spot to have great discussion with good friends over a beer. With additional breweries now open in the area, we are also seeing beer-centric tourism increase. The number of beer flights being poured on a Saturday continues to grow and many of these travelers speak of being on their way up to Nisswa to check out the other two breweries. Beer tourism is becoming as much an activity as wine tourism in the state and nation-wide.

We have outgrown the Conditional Use zoning for “Brewery Taproom” within the Industrial Zoning District and need to re-locate. The Taproom portion of the business fits well within the C2 Regional Commercial District as businesses with similar operations already exist within that district.

Because a Brewery Taproom is the main driver on potential impact upon the neighbors within a district, it has driven my search for the appropriate zoning. Brewing is a very low-impact form of food manufacture and is barely noticeable by adjoining businesses. This is evident with the lack of complaints over the past three years even with our immediate proximity to residentially used properties and with our shared occupancy with other businesses in our current building. This is also supported by the number of other breweries within the state that operate in a variety of zoning districts without restrictions. I feel that “Brewery” would be an acceptable permitted use within the C2 district.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Sundberg', written in a cursive style.

Patrick Sundberg  
Founder – Owner – Brewer  
Jack Pine Brewery  
Baxter, MN

## Josh Doty

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**From:** patrick.sundberg@gmail.com on behalf of Patrick Sundberg  
<patrick@jackpinebrewery.com>  
**Sent:** Friday, April 29, 2016 12:10 PM  
**To:** Josh Doty  
**Subject:** Industrial Nature of Jack Pine Brewery

Josh,

Here's a summary of what I could best project for the industrial impact and nature of Jack Pine Brewery over the coming years in the new location.

### Vapors & Odors

The upgraded equipment will produce about 10x the amount of beer in each batch than what we are brewing now. The primary odor will be boiling wort which smells similar to baking bread and occasionally fresh-cut grass when hops are added. Given our very close proximity to residential in our current location, I don't feel this would be noticeable beyond the proposed property. The impact of a brewery in the form of vapors and odors would be less than a restaurant with a fryer hood, even with substantial growth.

### Receiving Truck Traffic

Currently, we receive 2-3 shipments a month of grain, bottles, and the occasional bulk purchase of hops via truck. Each shipment is 1-2 pallets. As we grow, the quantity in each shipment will certainly increase much more than the frequency of deliveries. It's just inconvenient to take multiple deliveries a month and we certainly won't fill a truck with the amount we are brewing.

### Shipping Truck Traffic

Our distributor currently picks up beer once a week. Because we are growing, we keep it at once a week to keep empty kegs coming back in a timely manner. They would prefer every two weeks, if not longer. In the new space, we have the potential to add distributors, but we would be coordinating the shipment for those distributors and the economies of scale would require fewer shipments as well.

### Shipping and Receiving Summary

Because of the strong distributor network in this state and the requirement for larger breweries to utilize these distributors, there is little risk of a brewery starting up in a commercial zone that would function as a beer distributor itself with product moving in and out on a daily basis. The amount of raw materials coming in on a monthly basis also wouldn't justify a large number of deliveries. Even with substantial growth planned, I don't see more than one truck a day, on average for even the busiest of breweries in the commercial zone. Growth beyond this would require a much larger facility and would justify an additional facility geared towards large-scale production.

I hope this information is helpful. Please reach out with any other questions and/or concerns that may arise.

Patrick Sundberg  
Owner - Founder - Brewer  
Jack Pine Brewery  
Baxter, MN

## Josh Doty

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**From:** patrick.sundberg@gmail.com on behalf of Patrick Sundberg  
<patrick@jackpinebrewery.com>  
**Sent:** Monday, May 02, 2016 12:33 PM  
**To:** Josh Doty  
**Subject:** Private Room Use @ Jack Pine Brewery

Josh,

A few quick notes to explain the intended use for the private room at Jack Pine Brewery.

We've noticed some definite patterns at the brewery taproom. First, is that Fridays and Saturdays are our peak times. We are the busiest by far on those to days than any other day of the week by far. The ability to adjust the taproom space with the ebb and flow of the business is one of my primary goals for the private room / overflow taproom space.

The intent for the space is to have a large doorway with either a sliding door or pocket doors, that can be opened up on a busy Friday or Saturday to essentially grow our taproom space when we are busy. Other nights of the week, the door would be closed so the space doesn't feel so large and empty. On our off nights, we would have the ability to rent out the private room for birthday parties, presentations, club events, etc.

Currently, I host the local homebrew club, the Blue Ox Brewers Society's monthly meetings on the Second Tuesday of the month.

I also host the newly formed TechBytes group on the Third Tuesday of the month.

Both groups often have presentations, while the BOBS has a formal club meeting each month.

I see the overflow/private space as being a great asset to community organizations like these. It would also allow me to have the taproom open any day of the week without having to cut off these groups from a free space.

Essentially, I consider the space an extension of the taproom that we can partition off, if the need arises.

Hope this helps.

Patrick Sundberg  
Owner - Founder - Brewer  
Jack Pine Brewery  
Baxter, MN

# JACKPINE BREWERY

PROJECT ADDRESS

NOT FOR CONSTRUCTION

I hereby certify that this site, specifications, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Washington.

LICENSE NO. \_\_\_\_\_  
PRINT DATE: **4/14/2016 10:52:03 AM**

PROJECT NUMBER: 3260

ISSUED FOR PERMIT:

REVISION DATE

MAIN LEVEL FLOOR PLAN

## A1.1



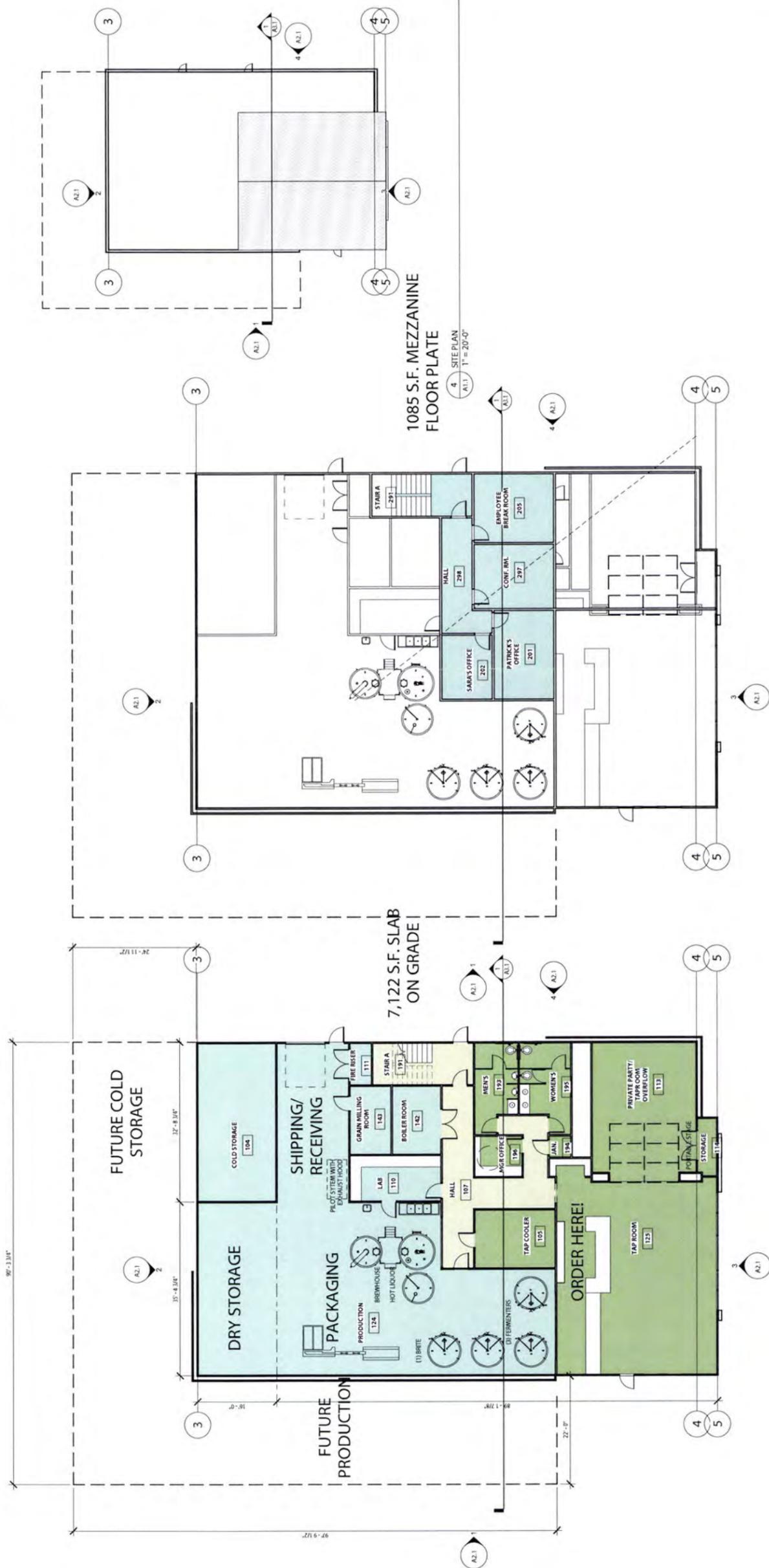
3 PRESENTATION VIEW

### MAIN LEVEL ROOM FINISH SCHEDULE

MARK	DESCRIPTION	NET AREA	FLOOR FINISH	BASE FINISH	N.	S.	E.	W.	FINISH	CEILING	HEIGHT	REMARKS
104	COLD STORAGE	507 SF										
105	WATER COOLER	10 SF										
110	LAB	415 SF										
111	LAB	169 SF										
113	PRIVATE PARTY/TAP ROOM	37 SF										
114	PRIVATE PARTY/TAP ROOM	585 SF										
115	PRIVATE PARTY/TAP ROOM	44 SF										
116	PRIVATE PARTY/TAP ROOM	2,893 SF										
124	PRODUCTION	1,310 SF										
142	BOILER ROOM	136 SF										
143	GRAIN MILLING ROOM	115 SF										
191	STAIR A	175 SF										
193	MENS	146 SF										
194	WOMENS	175 SF										
195	WOMENS	175 SF										
196	HIGH OFFICE	178 SF										
		6,792 SF										

### UPPER LEVEL ROOM FINISH SCHEDULE

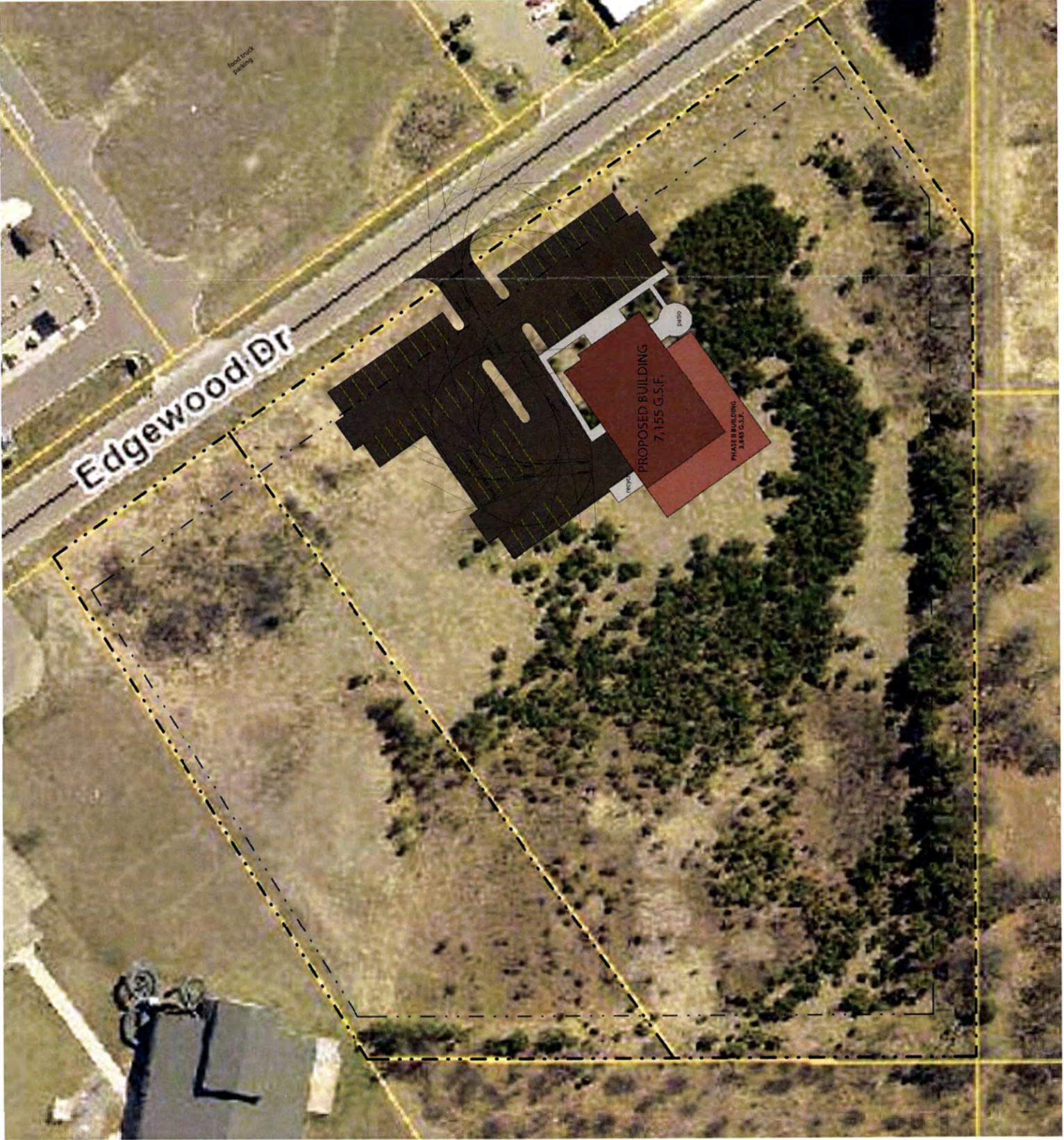
MARK	DESCRIPTION	NET AREA	FLOOR FINISH	BASE FINISH	N.	S.	E.	W.	FINISH	CEILING	HEIGHT	REMARKS
201	PATRICK'S OFFICE	222 SF										
202	SARA'S OFFICE	137 SF										
205	EMPLOYEE BREAK ROOM	226 SF										
207	STAIR A	175 SF										
208	CONF. RM.	165 SF										
209	HALL	165 SF										
		1,138 SF										



1 MAIN LEVEL FLOOR PLAN  
A1.1 3/32" = 1'-0"

2 SECOND LEVEL PLAN  
A1.1 3/32" = 1'-0"

SITE AREA SCHEDULE		
Type	Area	
SITE - ASPHALT PAVING	127,233 SF	
SITE - CONCRETE SIDEWALK	2,126 SF	
SITE - BLOC	7,108 SF	
SITE - BLOC CURB	15,049 SF	



**JACKPINE  
BREWERY**

PROJECT ADDRESS

NOT FOR CONSTRUCTION

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

LICENSE NO: \_\_\_\_\_  
PRINT DATE: **4/14/2016 10:57:19 AM**

PROJECT NUMBER: 3261

ISSUED FOR PERMIT:

REVISION	DATE

SITE PLAN

**A0.1**




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**TO:** Baxter Planning and Zoning Commission

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

**DATE:** May 6, 2016 for the May 10, 2016 Planning and Zoning Commission Meeting

**REQUEST:** **PUBLIC HEARING. Preliminary and Final Plat** to allow "Elmwood Addition" to consolidate two lots into one lot, **Rezoning** from C-2, Regional Commercial to PUD, Planned Unit Development, and a **PUD General Plan** for a new multi-tenant retail development for property located at 13499 Elmwood Drive (city file 16-11)

**APPLICANT:** H. J. Development

**ZONING:** C-2, Regional Commercial

---

## 1. Application Request

The applicant is requesting approval of the following items for the roughly 8.9-acre site located at 13499 Elmwood Drive:

- **Preliminary and Final Plat** to allow "Elmwood Addition" to consolidate two lots into one lot;
- **Rezoning** from C-2, Regional Commercial to PUD, Planned Unit Development; and
- **PUD General Plan** for a new multi-tenant retail development

Under the plan, the applicant would create one buildable lot for a new four-tenant, 89,179-square foot retail building. The store front and parking lot would face east toward Elmwood Drive.

## 2. Context

### Adjacent Land Use and Zoning

	<b>Adjacent Land Use</b>	<b>Zoning</b>
<b>North</b>	Commercial Property, Costco	C-2, Regional Commercial
<b>East</b>	Commercial Property	C-2, Regional Commercial
<b>South</b>	Commercial Property	C-2, Regional Commercial
<b>West</b>	Commercial Property	C-2, Regional Commercial

### Natural Characteristics of the Site

The site has very minimal topography although there is one hill in the southwest portion of the site. The site does have trees across the property but would not be considered forested. There are two heavier clusters of trees in the northwest and southeast portions of the site. The property is not

located in a shoreland overlay district and there are no wetlands or floodplain.

#### Utility Commission Review

The Utility Commission reviewed the application on April 4, 2016 and recommend approval subject to the following:

1. Additional 10-feet of right-of-way on Elder Drive
2. Developers Agreement must be in place before the building permit is issued.
3. Dedicated 30' x 30' site triangle at the intersection of Elder Drive and Forthun Road.
4. Dedicated 30' x 30' site triangle at the intersection of Forthun Road and Elmwood Drive.
5. Dedicated 30' x 30' site triangle at the intersection of Elder Drive and Garrison Road.
6. All water and sanitary sewer easements be dedicated on the plat.
7. Pedestrian Ramp connecting to the north trail.

#### Architectural Commission Review

The applicant has submitted an architectural review application. The architectural commission will review the application on the same evening as the Planning Commission. Therefore, staff will need to consolidate the Architectural Review Commission recommendation with the Planning Commission and Utility Commission recommendations prior to the application moving forward to the City Council.

### **3. Analysis of Request**

#### Preliminary and Final Plat

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

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

The C-2, Regional Commercial zoning district requires a minimum lot area of 20,000 square feet and a minimum lot width of 120 feet for corner lots. The plat includes a lot that would be 386,370 square feet and 578 feet wide, which meets the minimum requirements.

#### *Park Dedication*

Staff notes that park dedication is required with the plat subject to the City's park dedication ordinance and fee schedule and subject to the previous park dedication agreement.

#### *Traffic*

A traffic study was required for the subject development. Staff notes that the application is subject to the conditions of the traffic study which are discussed throughout this report and conditioned in the draft resolutions.

### *Right-of-Way*

As part of a traffic study that was completed for the development, staff is recommending a required dedication of approximately 10-feet of right-of-way on the west side of the plat. The additional right-of-way is needed to allow turn lanes along Elder Drive for the development. In addition, the applicant shall submit the necessary roadway easement for a right turn lane at the southeast corner of Garrison Road and Elder Drive. The Utilities Commission has also recommended the dedication triangle corners of land at all four corners of the rectangular property. The triangular corners are requested to allow space for utilities and any future sidewalk improvements. Staff has added conditions to the resolution requiring the right of way dedication.

### *Access*

As part of the development, access locations would be provided at all four sides of the site. Access locations were reviewed as part of the traffic study and it was recommended that the westerly access to the loading dock area on the west side of the site be moved north to allow greater spacing from the intersection of Elder Drive and Garrison Road and to avoid turn lane conflicts with the turn lane improvements needed for the development.

### *Rezoning to PUD and PUD General Plan*

The City's PUD Ordinance states the following:

The purpose of the planned unit development district (PUD) is to provide a comprehensive procedure intended to allow greater flexibility in the development of neighborhoods or nonresidential areas than would be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the city council to make in its legislative capacity. The intent of this article is to:

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

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

*Sidewalks*

Staff notes that there are existing sidewalk and trail improvements in the immediate area surrounding the development. Staff notes that the developer is proposing sidewalk connectivity to the north and south through the storefront sidewalk. In addition, the applicant is proposing a trail along the south property line to provide east/west connectivity. Although the applicant has not provided sidewalks all of the way around the site, the applicant has provided sidewalks and trails in strategic locations to provide sidewalk connectivity.

*Loading Docks/Screening*

Due to the length of the building, the fact that each tenant requires a loading dock and that the site is surrounded by streets on each side, loading dock screening is a challenge for this project. Staff has worked with the applicant from the first meeting on this challenge. Elder Drive is a primary corridor in the City of Baxter and the buildings in the area that the back side of the building facing Elder have four-sided architecture to maintain the views along this corridor. Staff has requested architecturally treated wing walls to screen the loading docks in addition to coniferous trees to screen the loading docks. The applicant has proposed to provide screening through the use of berms and landscaping instead. Staff notes that the current landscape plan does not screen the loading dock area along Elder Drive. Therefore, staff has added a condition to the approving resolution that the loading dock areas must be fully screened from all views.

*Freestanding Signage*

The applicant has requested two free standing signs with the PUD, where one freestanding sign is allowed by the zoning ordinance. In addition, the applicant has requested that each sign be allowed at 400 square feet, for a total of 800 square feet, where 200 total square feet is allowed. Staff would support two signs at 200 square feet each but does not support the amount of signage requested. Staff has added a condition to the draft resolution that the applicant reduce the signage to 200 square feet per sign.

	<b>Ordinance Requirement</b>	<b>Proposed</b>	<b>Meets/Exceeds Requirements</b>
<b>Building Setbacks</b>	35-foot front setback	35 feet	Yes
<b>Parking &amp; Drive Aisle Setbacks</b>	10-foot setback	10 feet	Yes
<b>Parking</b>	357 spaces	373 spaces	Yes
<b>Parking Stall Dimensions</b>	10 feet by 18 or 20 feet	10 feet by 20 feet	Yes
<b>Drive Aisle Dimensions</b>	24 feet	24 feet	Yes
<b>Parking Lot Sidewalks</b>	Sidewalk Connections	Sidewalk Connections	Yes
<b>Building Height</b>	45 feet	44 feet to top of parapet	Yes
<b>Structural Coverage</b>	50 percent	23 percent	Yes
<b>Impervious Surface</b>	88 percent (non-shoreland)	86.4 percent	Yes
<b>Landscaping</b>			
Number of Trees	92 trees	106 trees	Yes
Size of Trees	2.5-inch and 6 foot	2.5 inch and 10 foot	Yes

Priority Placement of Trees	Front Yard Priority	No trees on Elmwood	No*
Number of Shrubs	199 shrubs	266 shrubs	Yes
Size of Shrubs	3 gallon	5-gallon	Yes
<b>Parking Lot Islands</b>	One island per 10 stalls	One island per 10 stalls	Yes
	One Overstory Tree Per Island	Not all islands have trees	No*

\*Discussion Below

### Landscaping and Island Trees

The landscape ordinance states that trees shall be placed along site perimeters. Staff notes that some trees should be added to the Elmwood frontage. The ordinance also requires that one deciduous overstory tree must be added per required parking lot island. Staff notes that some interior islands do not have trees and other islands have two ornamental trees per island. Staff could support PUD flexibility to allow two ornamental trees per island in the parking lot sidewalk island locations. However the remainder of the islands should have at least one deciduous overstory tree per required island. Staff has added conditions to the approving resolutions.

#### 4. Recommendation

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

#### Attachments

1. Draft resolution approving preliminary and final plat
2. Draft Ordinance Approving the Rezoning
3. Draft Resolution Approving the PUD General Plan
4. Traffic Study
5. Applicant's Narrative
6. Site Location Map
7. Site Graphics

**CITY OF BAXTER, MINNESOTA  
RESOLUTION 16-\_\_\_\_\_**

**RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT  
FOR "ELMWOOD ADDITION" FOR PROPERTY LOCATED AT 13499 ELMWOOD DRIVE  
(CITY FILE NUMBER 2016-11)**

WHEREAS, Aldi Inc. ("the applicant") has requested approval of a preliminary and final plat on property located at 13499 Elmwood Drive, legally described as follows:

That part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) and that part of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4), all in Section Seven (7), Township One Hundred Thirty-Three (133), Range Twenty-Eight (28), Crow Wing County, Minnesota, described as follows:

Commencing at Point B-19 as shown on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46, dated February 26, 1988, filed March 16, 1988, in the Crow Wing County Recorder's office as Document No. 524940, thence Easterly to Point B-20 on said plat, thence Southerly to Point B-26 on said plat, thence Westerly to Point B-24 on said plat, thence Northerly to the point of beginning, and there ending. Containing 8.31 acres, more or less.

TOGETHER WITH: That part of Parcel 18, MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46, Crow Wing County, Minnesota, according to the recorded plat thereof, described as follows:

Beginning at Point B26, said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46; thence South 00 degrees 18 minutes 53 seconds East, bearing based on the City of Baxter Coordinate Database NAD 83/88, 39.96 feet along the southerly extension of a line drawn from Point B22, said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46 through said Point B26; thence North 89 degrees 22 minutes 58 seconds West 611.33 feet to the intersection with a line distant 10.00 feet east of as measured at right angles to and parallel with a line drawn from Point B13, said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46; thence North 00 degrees 56 minutes 00 seconds East 40.00 feet along said parallel line to its intersection with a line drawn from said Point B24 to said Point B26; thence South 89 degrees 22 minutes 44 seconds East 610.46 feet along said line to the point of beginning.

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called a Public Hearing on May 10, 2016 and recommends approval, and;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their May 17, 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 request to approve preliminary and final plat, based on the finding that the standards in Title 11 of the Baxter Subdivision Ordinance are met. Specifically:

1. The subdivision does not landlock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;
2. The subdivision does not fall within the corridors of any planned or proposed street as shown upon the official map or approved area plans; and
3. The subdivision does not violate any local, state or federally adopted law, ordinance, regulation, plan or policy.

**FURTHER BE IT RESOLVED** that the following conditions of approval shall be met:

1. The approval of the preliminary and final plat is based on the plat and plans received by the city on April 19, 2016, except as may be amended by this resolution.
2. **Prior to Recording the plat**, the applicant shall shall:
  - a. Pay the required park dedication fee at the city's rate at the time of payment.
  - b. Submit plat recording checklist items as reviewed and approved by city staff.
  - c. Provide 10-feet of additional right-of-way on Elder Drive.
  - d. Provide right of way easements as needed to provide a right turn lane at the southeast corner of Elder Drive and Garrison Rd. to, as required by the traffic study.
  - e. Dedicated 30' x 30' site triangle at the intersection of Elder Drive and Forthun Road.
  - f. Dedicated 30' x 30' site triangle at the intersection of Forthun Road and Elmwood Drive.
  - g. Dedicated 30' x 30' site triangle at the intersection of Elder Drive and Garrison Road.
  - h. All water and sanitary sewer easements be dedicated on the plat.
3. A building permit is required prior to beginning any new construction.
4. No building permits shall be issued until the final plat, agreements, and easements are filed and recorded with Crow Wing County.
5. The final plat approval shall expire two years from of the date of this approval unless the applicant has recorded the plat or requested an extension in writing.

**Whereupon, said Resolution is hereby declared adopted on this 17<sup>th</sup> day of May, 2016.**

---

**Darrel Olson, Mayor**

**ATTEST:**

---

**Kelly Steele, City Clerk**

**City Seal**

**CITY OF BAXTER, MINNESOTA  
ORDINANCE 2016-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE CITY'S OFFICIAL ZONING MAP, WHICH IS ADOPTED AS ORDINANCE, PURSUANT TO TITLE 10, CHAPTER 3-2 OF THE CITY CODE TO RECLASSIFY CERTAIN LAND LOCATED AT THE SOUTHWEST CORNER OF ELMWOOD DRIVE AND FORTHUN ROAD (CITY FILE NUMBER 2016-11)**

THE CITY OF BAXTER ORDAINS:

**Section 1. Amendment of the City Code.** Title 10 of the Zoning Ordinance of the City Code of the City of Baxter, Minnesota, is hereby amended by changing the classification on the City of Baxter Zoning Map from C-2 (Regional Commercial) to PUD (Planned Unit Development) for 8.87 acres at 13499 Elmwood Drive and legally described as follows:

That part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) and that part of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4), all in Section Seven (7), Township One Hundred Thirty-Three (133), Range Twenty-Eight (28), Crow Wing County, Minnesota, described as follows:

Commencing at Point B-19 as shown on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46, dated February 26, 1988, filed March 16, 1988, in the Crow Wing County Recorder's office as Document No. 524940, thence Easterly to Point B-20 on said plat, thence Southerly to Point B-26 on said plat, thence Westerly to Point B-24 on said plat, thence Northerly to the point of beginning, and there ending. Containing 8.31 acres, more or less.

TOGETHER WITH: That part of Parcel 18, MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46, Crow Wing County, Minnesota, according to the recorded plat thereof, described as follows:

Beginning at Point B26, said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46; thence South 00 degrees 18 minutes 53 seconds East, bearing based on the City of Baxter Coordinate Database NAD 83/88, 39.96 feet along the southerly extension of a line drawn from Point B22, said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46 through said Point B26; thence North 89 degrees 22 minutes 58 seconds West 611.33 feet to the intersection with a line distant 10.00 feet east of as measured at right angles to and parallel with a line drawn from Point B13, said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46; thence North 00 degrees 56 minutes 00 seconds East 40.00 feet along said parallel line to its intersection with

a line drawn from said Point B24 to said Point B26; thence South 89 degrees 22 minutes 44 seconds East 610.46 feet along said line to the point of beginning.

**Section 2. Effective Date.** This amendment shall take effect upon its passage.

**Whereupon, said Ordinance is hereby declared adopted on this 17<sup>th</sup> day of May 2016.**

\_\_\_\_\_  
**Darrel Olson, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kelly Steele, City Clerk**

*City Seal*

**CITY OF BAXTER, MINNESOTA  
RESOLUTION 16-\_\_\_\_\_**

**RESOLUTION APPROVING A PUD, PLANNED UNIT DEVELOPMENT GENERAL PLAN  
FOR A MULTI-TENANT RETAIL DEVELOPMENT LOCATED AT 13499 ELMWOOD DRIVE  
(CITY FILE NUMBER 2016-11)**

WHEREAS, HJ Development, LLP ("the applicant") has requested approval of a preliminary and final plat on property located at 13499 Elmwood Drive, legally described as follows:

That part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) and that part of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4), all in Section Seven (7), Township One Hundred Thirty-Three (133), Range Twenty-Eight (28), Crow Wing County, Minnesota, described as follows:

Commencing at Point B-19 as shown on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46, dated February 26, 1988, filed March 16, 1988, in the Crow Wing County Recorder's office as Document No. 524940, thence Easterly to Point B-20 on said plat, thence Southerly to Point B-26 on said plat, thence Westerly to Point B-24 on said plat, thence Northerly to the point of beginning, and there ending. Containing 8.31 acres, more or less.

TOGETHER WITH: That part of Parcel 18, MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46, Crow Wing County, Minnesota, according to the recorded plat thereof, described as follows:

Beginning at Point B26, said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46; thence South 00 degrees 18 minutes 53 seconds East, bearing based on the City of Baxter Coordinate Database NAD 83/88, 39.96 feet along the southerly extension of a line drawn from Point B22, said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46 through said Point B26; thence North 89 degrees 22 minutes 58 seconds West 611.33 feet to the intersection with a line distant 10.00 feet east of as measured at right angles to and parallel with a line drawn from Point B13, said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46; thence North 00 degrees 56 minutes 00 seconds East 40.00 feet along said parallel line to its intersection with a line drawn from said Point B24 to said Point B26; thence South 89 degrees 22 minutes 44 seconds East 610.46 feet along said line to the point of beginning.

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called a Public Hearing on May 10, 2016 and recommends approval, and;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their May 17, 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 request to approve PUD general plan, based on the finding that the standards in Title 10 of the Baxter Zoning Ordinance are met. Specifically:

1. The PUD is consistent with the City's Comprehensive Plan ;
2. With the conditions in this resolution, the PUD is consistent with zoning ordinance requirements; and
3. The PUD does not violate any local, state or federally adopted law, ordinance, regulation, plan or policy.

**FURTHER BE IT RESOLVED** that the following conditions of approval shall be met:

1. The approval of the PUD General Plan and the development standards of the PUD are as indicated on the plans received by the city on April 19, 2016 and revised elevations received on May 5, 2016, except as amended by this resolution.
2. The allowable uses for the PUD are any permitted or accessory uses allowed in the C-2, zoning district, except that pet stores shall be considered a permitted use. These uses shall be considered "permitted" in the PUD, provided they comply with all the development standards and conditions approved by City Council.
3. Development standards of the PUD shall be subject to zoning ordinance standards and the standards specifically listed in the C-2, District, except as specifically amended.
4. Approval of the PUD General Plan is contingent on the Rezoning to PUD and approval of the Preliminary and Final plat.
5. The PUD is subject to any conditions of approval submitted by the Architectural Review Commission.
6. A building permit is required prior to beginning any new construction.
7. **No building permits shall be issued until a PUD final plan is approved by city staff.**
8. **Prior to issuance of a building permits**, the applicant shall:
  - a. Record the final plat and any required agreements, or easements with Crow Wing County.
  - b. Enter into and record an approved development agreement.
  - c. Provide a pedestrian trail connection on the North side of Forthun Road to connect the north/south development sidewalk.
  - d. Provide a minimum low floor elevations as required by the City Code.
  - e. Provide a three foot separation from the bottom of ponding to the top of the ground water as required by the MPCA and NPDES permit.
  - f. The applicant shall provide revised screening plan for review and approval by staff for the loading dock that includes a complete and opaque year-round screen of the loading docks.
  - g. The applicant shall provide revised screening plan for any trash enclosures including a complete and opaque year-round screen. In addition the trash enclosure shall be

- included with the loading area and shall not be located in separate locations on the site.
- h. The westerly access shall be moved north, as required by the traffic study.
  - i. The PUD shall be in compliance with all conditions of the Traffic Study.
  - j. Provide compliance with zoning review items related to the development plan.
  - k. Revise the landscape plan to add trees along Elmwood Drive for review and approval by staff.
  - l. Revise the landscape plan to add at least one overstory deciduous tree per parking lot island. The applicant may substitute two ornamental trees per island along the parking lot sidewalk island locations.
9. All signage shall require separate permits and shall be in conformance with the City's sign ordinance, except that two free standing signs are allowed with the PUD for the subject property. Each freestanding sign shall not exceed 200 square feet.
10. The PUD General Plan shall expire one year from the date of this approval unless the applicant has recorded the plat or commenced construction or has requested an extension in writing.

**Whereupon, said Resolution is hereby declared adopted on this 17<sup>th</sup> day of May, 2016.**

\_\_\_\_\_  
**Darrel Olson, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kelly Steele, City Clerk**

**City Seal**



# This Traffic Study is the same for Item 6B and 6C

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15574 Edgewood Drive  
Suite 103  
Baxter, MN 56401  
Tel: 218-824-3960

## *Memorandum*

**To:** *Trevor Walter, PE, Public Works Director / City Engineer  
Josh Doty, Community Development Director  
City of Baxter, Minnesota*

**From:** *Chuck Rickart, PE, PTOE, Project Manager  
WSB & Associates, Inc.*

**Date:** *April 27, 2016*

**Re:** *HJ Development – Central Lakes Crossing  
Traffic Engineering Review and Analysis  
City of Baxter  
WSB Project No. 2037- 013*

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## *Introduction*

The purpose of this study is to determine the potential transportation impacts for two sites within the Central Lakes Crossing development area, proposed by HJ Development. One site is located south of TH 210 and west of TH 371 on Elder Drive, just south of Costco. The second site is located south of Glory road and west of TH 371 in the Walmart parking lot. *Figure 1* shows the project locations.

The proposed sites will be developed with retail and restaurant uses. Site 1 on Elder Drive will include 89,000 sf with four separate retail uses ranging from 10,000 sf to 40,000 sf. Site 2 on Glory Road will include 7,011 sf with four separate spaces, three restaurant sites and one retail site ranging from 1,200 sf to 2,299 sf. The proposed site plans are shown on *Figure 2* and *Figure 3*.

The transportation impacts of the existing and proposed traffic condition were evaluated on Elder Drive and Glory Road at the following intersections.

- Elder Drive at Forthun Road
- Elder Drive at Garrison Road
- Elder Drive at Glory Road
- Glory Road at Walmart East Access
- Glory Road at TH 371

The City prepared the *Elder Drive/Isle Drive Transportation Study* that analyzed the impacts of anticipated area developments and recommended roadway improvements. Since the completion of the Study in March of 2013 several developments have occurred as well as several transportation improvements have been completed.

The original study identified future land use and traffic conditions adjacent to Elder Drive and Isle Drive both north and south of Glory Road. The Traffic Engineering Review and Analysis in this Study for the proposed HJ development areas was conducted to determine the impacts the sites will have on; the area traffic operations, lane geometry/traffic control, access locations, right of way needs based on the previously completed analysis and recommendations.

The following sections of this memorandum document the findings, conclusions and recommendations for the future traffic operation adjacent to the proposed HJ development area sites.

Date Printed: 4/18/2016  
WSB Filename: K:\2013-150\Coon\Exhibits\2013-150\_fig-01Project\_Location.dwg

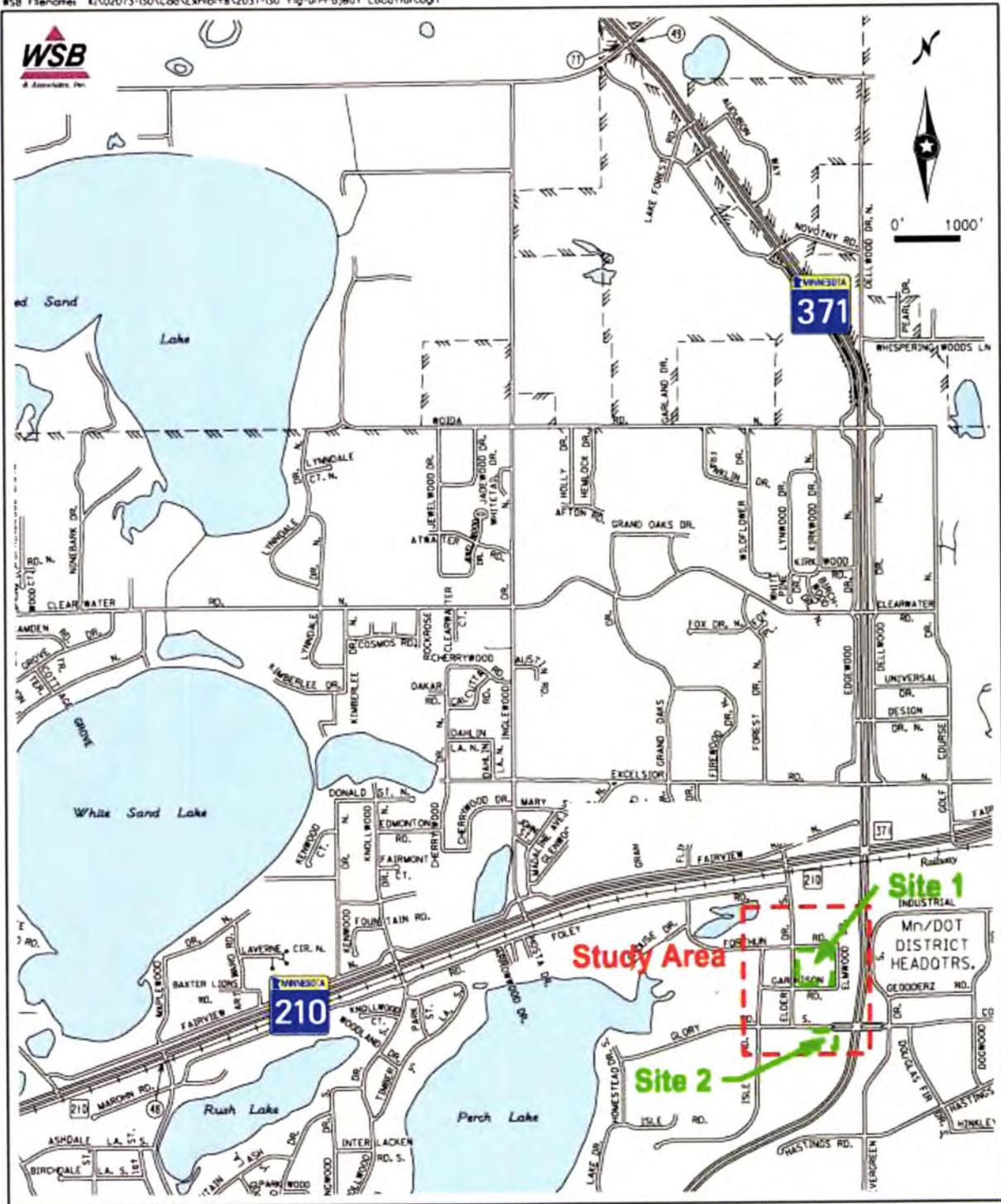


Figure 1  
**Project Location**





### ***Existing Traffic Characteristics***

**Glory Road** is an east/west street extending from the Homestead Drive near Perch Lake to TH 371. East of TH 371 Glory Road turns into College Road and extends into the City of Brainerd. West of TH 371 Glory Road has a 72 foot to 80 foot cross section with two lanes in each direction and left and right turn lanes at TH 371, Wal-Mart Entrance/Elder Drive and Isle Drive. West of Isle Drive Glory Road narrows to a 44 foot two lane section. Traffic signal control is provided at the Elder Drive/Wal-Mart Entrance and TH 371 intersections. A 30mph speed limit is posted on Glory Road.

**Elder Drive** is a north/south street extending from Glory Road to TH 210. The street has a primary 44 foot two-lane urban cross section with no turn lanes. It was upgraded with the Costco development to include left turn lanes at Foley Road and Forthun Road. The intersection of TH 210 provides “3/4” access with a right-in/right-out on Elder Drive and a left turn from TH 210. The left turn movement from Elder Drive to TH 210 is not provided. The right turn out movement is controlled with a Stop sign. The intersection of Glory Road is signalized with left and right turn lanes provided on all the approaches. A 30mph speed limit is posted on Elder Drive.

#### **Elder Drive at Forthun Road – Side Street Stop control**

NB Elder Drive approaching Forthun Rd – one right/through, one left  
SB Elder Drive approaching Forthun Rd – one right/through, one left  
WB Forthun Rd approaching Elder Dr – one right/through/left lane  
EB Forthun Rd approaching Elder Dr - one right/through/left lane

#### **Elder Drive at Garrison Road – Side Street Stop control**

NB Elder Drive approaching Garrison Rd – one right/through, one left  
SB Elder Drive approaching Garrison Rd - one right/through, one left  
WB Garrison Rd approaching Elder Dr – one right/through/left lane  
EB Garrison Rd approaching Elder Dr - one right/through/left lane

#### **Elder Drive at Glory Road – Traffic Signal control**

NB Elder Drive approaching Glory Rd – one right, one through, one left  
SB Elder Drive approaching Glory Rd – one right, one through, one left  
WB Glory Rd approaching Elder Dr – one right/through, one through, one left lane  
EB Glory Rd approaching Elder Dr - one right, two through, one left lane

#### **Glory Road at Walmart East Access – Side Street Stop control**

WB Glory Rd approaching Walmart Access – two through lanes  
EB Glory Rd approaching Walmart Access – one right/through, one through  
NB Walmart Access approaching Glory Rd – one right lane

#### **Glory Road at TH 371 – Traffic Signal control**

WB Glory Rd approaching TH 371 – one right, two through, one left  
EB Glory Rd approaching TH 371 – one right, two through, one left  
NB 371 approaching Glory Rd – one right, two through, one left  
SB 371 approaching Glory Rd – one right, two through, two left

Peak hour turning movement and daily counts were conducted during the week of April 4, 2016. These counts were used as the existing baseline conditions for the area. **Figure 4** shows the existing intersections that were analyzed as part of this traffic study, with the existing 2016 AM and PM peak hour and traffic volumes and intersection lane geometrics.

### ***Background (Non Development) Traffic Growth***

Traffic growth in the vicinity of a proposed site will occur between existing conditions and any given future year due to other development within the region. This background growth must be accounted for and included in future year traffic forecasts. Reviewing the historical traffic counts in the area, traffic has stayed somewhat constant or dropped in the past few years. However, in order to account for some background growth in traffic the Crow Wing County State Aid traffic growth projection factor of 1.7 over a 20 year period was used to project traffic from the 2016 counts to the 2018 and 2030 analysis years.

### ***Area Development Site Trip Generation***

The *Isle Drive/Elder Drive Area Transportation Study* outlined future development in the area west of TH 371 and south of TH 210. Since the study was completed in 2013 several developments have been completed. **Figure 5** shows the anticipated development areas. **Table 1** on the following page shows the updated land use and traffic generation for the development area. The trip generation used to estimate the proposed traffic is based on rates for other similar land uses as documented in the Institute of Transportation Engineers *Trip Generation Manual, 9<sup>th</sup> Edition*. The table shows the Daily, AM and PM peak hour trip generation for the anticipated area development.

### ***Development Site Trip Generation***

The estimated trip generation from the proposed HJ Development project is shown on the next page in **Table 2**. The trip generation used to estimate the proposed site traffic is also based on rates for other similar land uses as documented in the Institute of Transportation Engineers *Trip Generation Manual, 9<sup>th</sup> Edition*. The table shows the weekday AM and PM peak hour trip generation for the proposed development.

### ***Trip Distribution***

The direction of approach/departure for the proposed future traffic was based on:

- Previous traffic and transportation studies in the area
- Anticipated origins and destinations for specific land use (i.e. location of commercial uses in relationship to residential).
- Existing travel patterns and future roadway connections.

Based on these parameters the following general traffic distribution was used:

- 20% north
- 20% west
- 35% east
- 25% south

**Table 1 – Future Area Trip Generation**

Area	Planned Use	Size	Unit	ADT			PM Peak Hour		
				Total	In	Out	Total	In	Out
1	Costco	Completed Development							
	Gas Station	Completed Development							
	Bank	4,000	SF	593	296	296	103	52	52
	Fast Food	6,000	SF	2,977	1,488	1,488	203	106	97
	Retail	17,500	SF	751	376	376	65	32	33
2	Commercial / Retail	Proposed HJ Development							
3	Restaurant	Completed Development							
4	Commercial / Retail	100,000	SF	4,294	2,147	2,147	373	183	190
5	Commercial / Retail	Proposed HJ Development							
	Commercial / Retail	90,000	SF	3,865	1,932	1,932	336	164	171
6	Office / Service	60,000	SF	661	330	330	89	15	74
7	Medical Office	80,000	SF	2,890	1,445	1,445	277	75	202
8	Residential	120	Lots	1,148	574	574	121	76	45
	Office	50,000	SF	550	275	275	74	47	27
	Office	Completed Development							
9	Medical Office / Office	250,000	SF	7,863	3,931	3,931	1,295	350	945
10	Office / Service	325,000	SF	3,578	1,789	1,789	484	82	402
11	Commercial / Retail	250,000	SF	10,735	5,368	5,368	933	457	476
<b>Total New Trips</b>				<b>39,905</b>	<b>19,952</b>	<b>19,952</b>	<b>4,353</b>	<b>1,639</b>	<b>2,715</b>

Source: Institute of Transportation Engineers Trip Generation Manual, 9th Edition

**Table 2 - Estimated HJ Development Site Trip Generation**

Area	Planned Use	Size	Unit	ADT			PM Peak Hour		
				Total	In	Out	Total	In	Out
<b>Site 1 – Elder Drive</b>									
2	Retail	89,000	SF	3,822	1,911	1,911	332	163	169
<b>Total New Trips Site 1</b>				<b>3,822</b>	<b>1,911</b>	<b>1,911</b>	<b>332</b>	<b>163</b>	<b>169</b>
<b>Site 2 – Glory Road</b>									
5	Restaurant (3 sites)	180	Seats	515	257	258	47	32	15
5	Retail	2,024	SF	87	44	43	8	4	4
<b>Total New Trips Site 2</b>				<b>602</b>	<b>301</b>	<b>301</b>	<b>55</b>	<b>36</b>	<b>19</b>

Source: Institute of Transportation Engineers Trip Generation Manual, 9th Edition

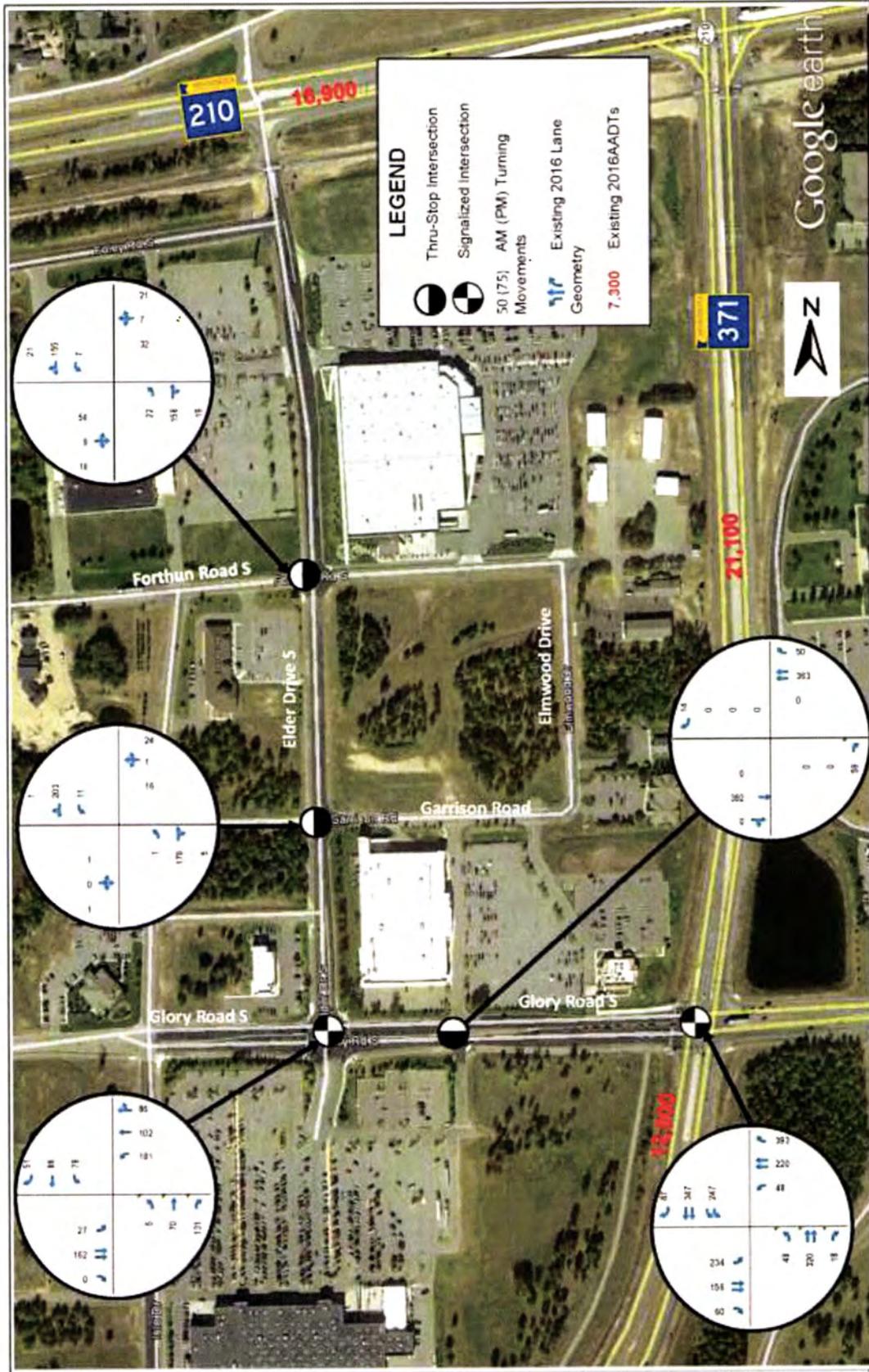


Figure 4  
 2016 Existing Conditions  
 Traffic Volumes

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### ***Projected Traffic Volumes***

The traffic forecasts were prepared by adding the projected annual background traffic growth and the projected non-development traffic to the existing 2016 traffic counts to determine the “No-Build” traffic conditions. The anticipated site development traffic was then added to the no-build to determine the “Build” traffic conditions. *Figures 6 - 7* shows the projected 2018 and 2030 Build PM peak hour traffic volumes.

### ***Traffic Operations***

This section describes the methodology used to assess the operations and provides a summary of traffic operations for each scenario.

#### ***Analysis Methodology***

The intersection and driveways was evaluated during the PM peak hour using Synchro/SimTraffic micro simulation software. The results are derived from established methodologies documented in the Highway Capacity Manual (HCM) 2010. The software was used to evaluate the characteristics of the roadway network including lane geometrics, turning movement volumes, traffic control, and estimated average peak hour vehicle delays and queues.

One of the primary measures of effectiveness used to evaluate intersection traffic operations, as defined in the HCM, is Level of Service (LOS) – a qualitative letter grade, A – F, based on seconds of vehicle delay due to a traffic control device at an intersection. By definition, LOS A conditions represent high quality operations (i.e., motorists experience very little delay or interference) and LOS F conditions represent very poor operations (i.e., extreme delay or severe congestion).

*Figure 8* depicts a graphical interpretation of delay times that define level of service. The delay thresholds are lower for un-signalized intersections than signalized intersections due to the public’s perception of acceptable delays for different traffic controls as indicated in the HCM. In accordance with the Minnesota Department of Transportation (MnDOT) guidelines, this analysis used the LOS D/E boundary as an indicator of acceptable traffic operations.

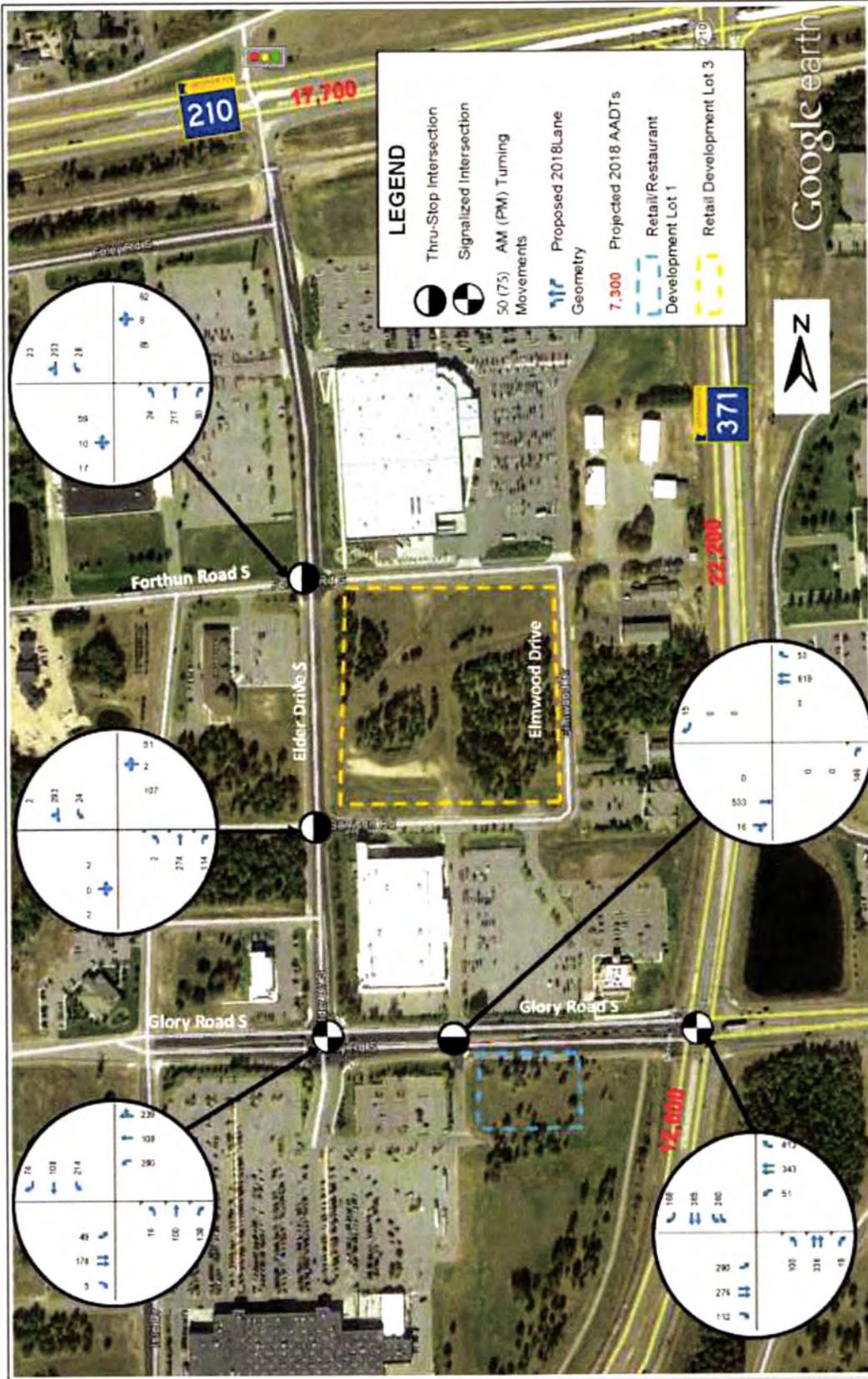


Figure 6  
 2018 Proposed Development  
 Traffic Volumes

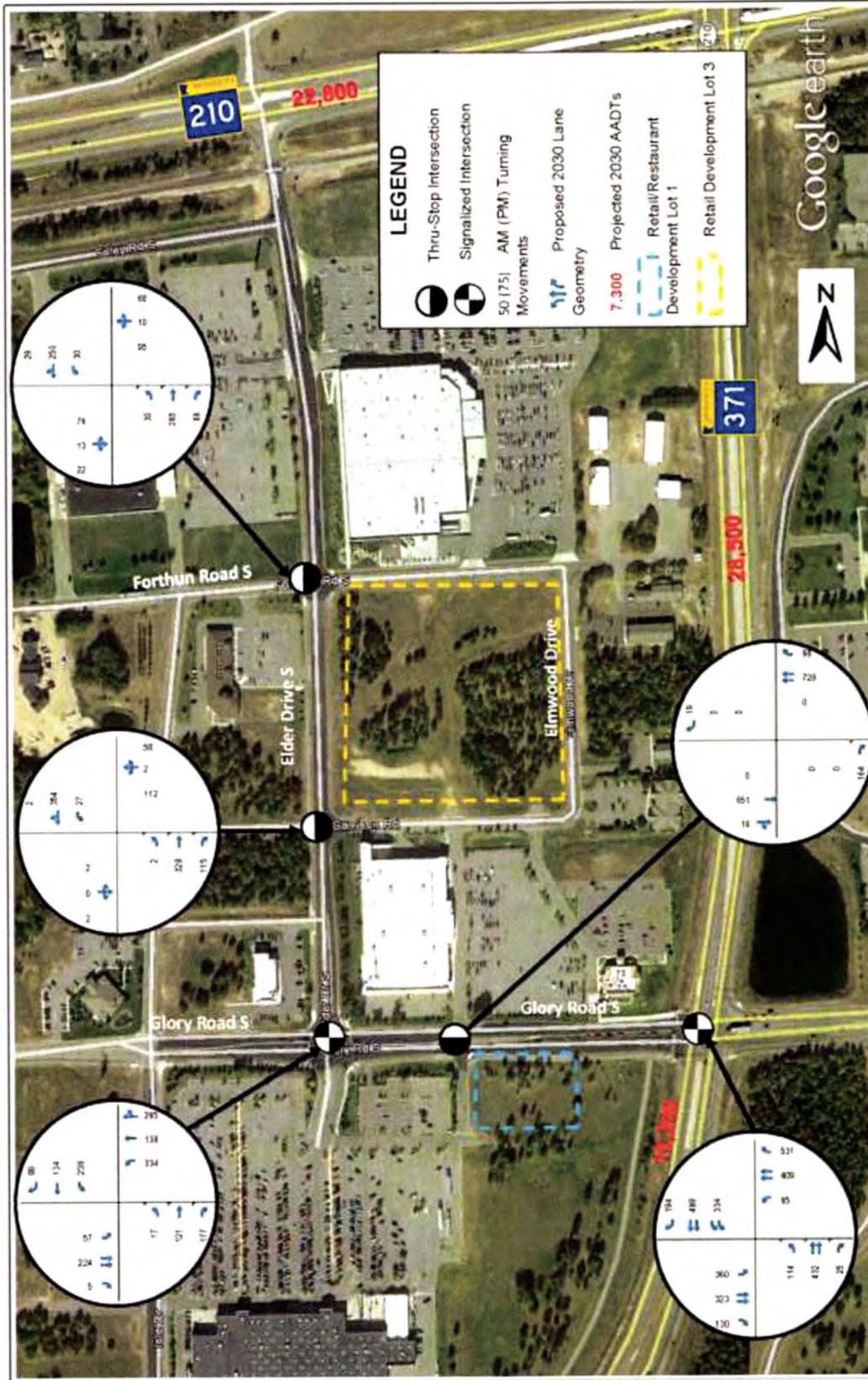
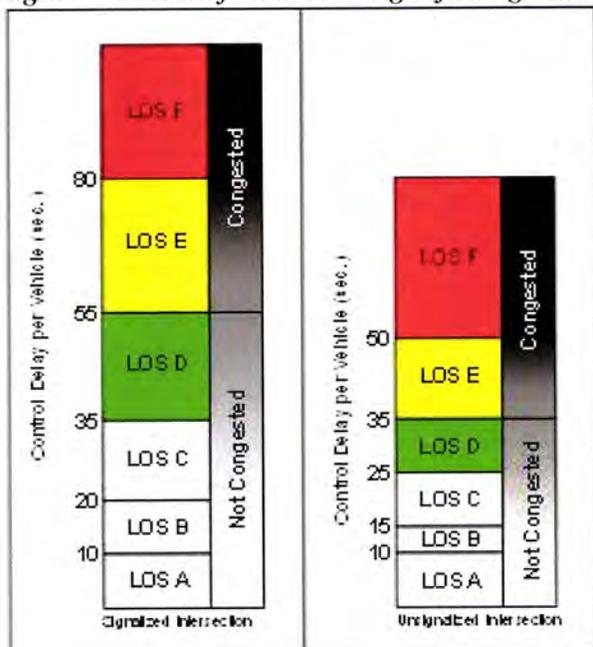


Figure 7  
 2030 Proposed Development  
 Traffic Volumes

**Figure 8 - Level of Service Ranges for Signalized and Un-signalized Intersections**



**Existing Level of Service Summary**

*Table 3*, below, summarizes the existing LOS at the primary intersections in the study area based on the current lane geometry, traffic control and 2016 traffic volumes. The table shows that all intersections are operating at an overall LOS C or better during the weekday PM peak hours with all movements operating at LOS C or better except the northbound TH 371 left turn to westbound Glory Road which is operating at a LOS D with 51 sec of delay and the eastbound Glory Road to northbound TH 371 left which is operating at a LOS D with 42 sec of delay.

**Table 3 – Existing (2016) Level of Service**

Intersection	PM Peak Hour	
	LOS	Delay (sec/veh)
Elder Drive at Forthun Road	A (A)	2
Elder Drive at Garrison Road	A (A)	1
Elder Drive at Glory Road	B (C)	12
Glory Road at Walmart Access	A (A)	2
Glory Road at TH 371	C (D)	26

B = Overall LOS, (C) = Worst movement LOS Source: WSB & Associates, Inc.

In addition to the operations analysis field observations have shown that, specifically for the eastbound Glory Road approach to TH 371 during peak times, vehicle queues are backing up past the end of the existing left turn lane. In some cases vehicles are using the eastbound through lane as a second left turn lane. This is a condition that was allowed during construction of Glory Road in the summer of 2015, with a split signal phasing for the Glory Road approaches.

By restriping the eastbound Glory Road approach and providing split phasing for the Glory Road approaches the overall intersection would remain at a LOS C, however the eastbound Glory Road to northbound TH 371 left turn movement would improve from a LOS D to a LOS C.

**Forecast Traffic Operations**

A capacity and LOS analysis was completed for the study area intersections for 2018 which is the year after the proposed HJ Development would be fully developed and for the 2030 conditions which represents the City’s Comprehensive Plan development time frame. The results of the analysis are discussed below and shown in *Table 4* and *Table 5*.

*Table 4 – Forecasted No Build*, shows that all intersections would continue to operate at overall LOS C or better in 2018 and 2030 during the weekday PM peak hour without the HJ Development traffic. Overall delays will increase slightly from the existing conditions to the 2030 conditions. However, with the increase in traffic, the two movements at the TH 371 and Glory Road intersection that show some concern are:

- The northbound left turn from TH 371 to westbound Glory Road would continue to operate at a LOS D with 57 sec of delay in 2018 and LOS E with 64 sec of delay by 2030, and;
- The eastbound left turn from Glory Road to northbound TH 371 would continue to operate at LOS D with 44 sec of delay in 2018 and LOS D with 52 sec of delay by 2030.

Restriping the intersection and providing split phasing for the Glory Road approaches to TH 371 and, providing a dual left turn lane for northbound TH 371 to westbound Glory Road, similar to southbound TH 371, would improve both movements to a LOS C in 2018 and 2030.

***Table 4 – Forecasted No Build - Level of Service***

Intersection	2018 PM Peak Hour		2030 PM Peak Hour	
	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)
Elder Drive at Forthun Road	A (A)	2	A (B)	3
Elder Drive at Garrison Road	A (A)	2	A (B)	3
Elder Drive at Glory Road	B (C)	13	B (C)	16
Glory Road at Walmart Access	A (A)	2	A (A)	2
Glory Road at TH 371	C (D)	29	C (E)	32

B = Overall LOS, (C) = Worst movement LOS      Source: WSB & Associates, Inc.

**Table 5 – Forecasted Build**, shows that, assuming the addition of the HJ Development traffic, all intersections would continue to operate at overall LOS C or better in 2018 and 2030 during the weekday PM peak hour except the TH 371 at Glory Road intersection which would operate at an overall LOS D in 2030. Overall LOS and delays do not show any other significant changes from the no- build condition. However, with the increase in traffic, the movements at the TH 371 and Glory Road intersection that continue to show concern are:

- The northbound left turn from TH 371 to westbound Glory Road would operate at a LOS E with 62 sec of delay in 2018 and LOS F with 84 sec of delay by 2030, and;
- The eastbound left turn from Glory Road to northbound TH 371 would operate at LOS E with 58 sec of delay in 2018 and LOS E with 62 sec of delay by 2030.

Similar to the no-build condition, by restriping the intersection and providing a split phasing for the Glory Road approaches to TH 371 and, providing a dual left turn lane for northbound TH 371 to westbound Glory Road, similar to southbound TH 371, would improve both movements to a LOS C in 2018 and 2030.

**Table 5 – Forecasted Build Access Alternative 1 - Level of Service**

Intersection	2018 PM Peak Hour		2030 PM Peak Hour	
	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)
Elder Drive at Forthun Road	A (B)	3	A (B)	3
Elder Drive at Garrison Road	A (B)	3	A (B)	3
Elder Drive at Glory Road	B (C)	16	B (D)	19
Glory Road at Walmart Access	A (A)	2	A (A)	3
Glory Road at TH 371	C (E)	33	D (F)	36

B = Overall LOS, (C) = Worst movement LOS Source: WSB & Associates, Inc.

### **Site Plan Review**

Based on a review of the proposed development site plans as shown in **Figure 2** and **Figure 3** we offer the following comments:

1. The proposed development site plan for Site 1 on Elder Drive shows driveway access from all four surrounding roadways. Each access location was reviewed with the following conclusions:
  - a. One access driveway is proposed on Elder Drive. This driveway is shown approximately 160 feet north of Garrison Road. The City’s access spacing guidelines indicated 330 feet to 660 feet for access spacing on a Major Collector such as Elder Drive. The distance between Garrison Road and Forthun Road is approximately 650 feet. Based on these requirements the driveway should be moved north to approximately half way between Garrison Road and Forthun Road.

- b. One access driveway is proposed on Forthun Road approximately 400 feet east of Elder Drive and 200 feet west of Elmwood Drive. This driveway is also lined up with the existing access to Costco on the north side of Forthun Road. Based on the proposed driveway location there are no concerns with this access.
      - c. Two access driveways are proposed on Garrison Road. One driveway is located approximately 340 feet east of Elder Drive and one approximately 75 feet west of Elmwood Drive. Both driveways line up with the existing driveways to the JC Penney development south of Garrison Road. The City's access spacing guidelines indicate that on local City streets 100 foot minimum access spacing be provided based on speed, traffic volume, site design, etc. Based on this guideline the east driveway closest to Elmwood Drive is below the 100 foot minimum distance. However, based on the very low traffic volume and its location across from the JC Penney driveway, it is not a concern allowing the driveway at this location.
      - d. Two access driveways are proposed on Elmwood Drive, one approximately 220 feet north of Garrison Road and one approximately 170 feet south of Forthun Road. The City's access spacing guidelines indicate that on local City streets a 100 foot minimum access spacing is provided based on speed, traffic volume, site design, etc. Both driveways meet this guideline, therefore no concern exist with these access locations.
2. In order to accommodate northbound truck traffic turning into the proposed Site 1 from Elder Drive a right turn lane should be provided at the proposed site driveway.
3. Right turn lanes should be provided on Elder Drive at Forthun Road and Garrison Road. By eliminating the turning traffic from the through lane, the safety of both through and right turn traffic on Elder Drive will be improved.
4. In order to accommodate left turning traffic at Forthun Road, Garrison Road and the proposed site driveway, a continuous center left turn lane should be provided on Elder Drive. Similar to the addition of the right turn lanes, the addition of these lanes will improve safety of both through and left turning traffic.
5. Additional right-of-way should be provided to accommodate the proposed site plans.
  - a. On Elder Drive an additional 10 feet of right-of-way should be provided to insure available space for construction of the recommended turn lanes.
  - b. In the southeast corner of Elder Drive at Forthun Road and the southwest corner of Forthun Road at Elmwood Drive a 30 foot by 30 foot site corner should be provided to accommodate any future improvements in the intersections.
  - c. Existing right-of-way and/or easements should be shown on the Site 2 plan adjacent to Glory Road and the existing Paul Bunyan Regional Trail.
6. Truck turning radius templates should be provided showing that trucks will be able to make all maneuvers in/out and through both Site 1 on Elder Drive and Site 2 on Glory Road.

### ***Pedestrian System Review***

The pedestrian trail and sidewalk system for both site plans was review. The we offer the following comments:

1. Development Site 1 on Elder Drive:
  - a. A pedestrian path is shown on the north side of Garrison Road from Elmwood Drive to Elder Drive. A stripped pedestrian crossing with ADA compliant pedestrian ramps should be provided across Elder Drive to the existing path on the west side of the road.
  - b. A sidewalk is shown adjacent to the building between Garrison Road and Forthun Road. ADA compliant pedestrian ramps should be provided for crossing both roadways.
2. Development Site 2 on Glory Road:
  - a. A sidewalk is shown adjacent to the proposed building, a connection to the existing path adjacent to Glory Road and a connection to the parking lot south of the building should be provided.

### ***Conclusions / Recommendations***

Based on the analysis documented in this memorandum, WSB has concluded the following:

- The proposed HJ Development project includes the development of two sites, one on Elder Drive that is anticipated to include 89,000 sf of retail space and one on Glory Road that is anticipated to include 2024 sf of retail space and three restaurant sites totaling 180 seats. The developments are anticipated to generate an additional 4,424 daily trips and 387 PM peak hour trips.
- Additional trips will also be generated from future development in the Isle Drive / Elder Drive corridors west of TH 371 between TH 210 and south of CSAH 48, as outlined in the *Isle Drive / Elder Drive Transportation Study*. These future uses are anticipated to generate an additional 4,353 PM peak hour trips by the year 2030 in the area.
- Existing traffic operations analysis shows that all intersection are operating at an overall LOS C or better during the weekday PM peak hour with all movements operating at LOS C or better except the northbound TH 371 left turn to westbound Glory Road which is operating at a LOS D with 51 sec of delay and the eastbound Glory Road to northbound TH 371 left turn which is operating at a LOS D with 42 sec of delay.

- Intersection traffic operations for the future no-build condition show that all intersections would continue to operate at overall LOS C or better in 2018 and 2030 during the weekday PM peak hour without the HJ Development traffic. However, with the increase in traffic; the northbound left turn from TH 371 to westbound Glory Road would continue to operate at a LOS D with 57 sec of delay in 2018 and LOS E with 64 sec of delay by 2030, and; the eastbound left turn from Glory Road to northbound TH 371 would continue to operate at LOS D with 44 sec of delay in 2018 and LOS D with 52 sec of delay by 2030.
- Intersection traffic operations for the future build condition show that, assuming the addition of the HJ Development traffic, all intersections would continue to operate at overall LOS C or better in 2018 and 2030 during the weekday PM peak hour except the TH 371 at Glory Road intersection which would operate at an overall LOS D in 2030. However, with the increase in traffic; the northbound left turn from TH 371 to westbound Glory Road would operate at a LOS E with 62 sec of delay in 2018 and LOS F with 84 sec of delay by 2030, and; the eastbound left turn from Glory Road to northbound TH 371 would operate at LOS E with 58 sec of delay in 2018 and LOS E with 62 sec of delay by 2030.
- The proposed development site plan for Site 1 on Elder Drive shows driveway access from all four surrounding roadways. The proposed access locations on Forthun Road, Garrison Road and Elmwood Drive are shown in acceptable locations. The access driveway on Elder Drive should be moved north to provide improved safety and spacing.
- Additional right-of-way and/or easements will be required to accommodate proposed and future anticipated improvements.
- Both development site plans provide pedestrian accommodations on site. However, connections to the local and regional systems are needed.

Based on these conclusions and the traffic analysis and review of the site plans the following is recommended.

1. The proposed site access driveway on Elder Drive from development Site 1 should be moved north to approximately half way between Garrison Road and Forthun Road.
2. Provide a continuous center left turn lane on Elder Drive from Forthun Rd to Garrison Rd including a left turn into the proposed Site access driveway.
3. Provide northbound right turn lanes on Elder Drive at Forthun Rd, Garrison Rd and the proposed Site access driveway.
4. Provide an additional 10 feet of right-of-way on Elder Drive adjacent to development Site 1, and; provide a 30 foot by 30 foot site corner in the southeast corner of Elder Drive at Forthun Road and the southwest corner of Forthun Road at Elmwood Drive.

5. Include existing right-of-way and/or easements on development Site 2 plan adjacent to Glory Road and the existing Paul Bunyan Regional Trail.
6. Work with MnDOT to provide improvements at the intersection of TH 371 at Glory Road:
  - a. Short term - Update the traffic signal, including restriping the eastbound Glory Road approach and providing split phasing for the Glory Road approaches. By 2018 or with additional development in the Central Lakes Crossing development area.
  - b. Long term – Widen the eastbound Glory Road approach to provide dual left turn lanes. By 2030 or with future development analysis indicating need for the improvements.
  - c. Long term - Plan for a future dual left turn lane northbound on TH 371 to eastbound Glory Road similar to southbound TH 371. By 2030 or with future development analysis indicating need for the improvements.
7. Provided pedestrian connection improvements:
  - a. A stripped pedestrian crossing with ADA compliant pedestrian ramps across Elder Drive to the existing path on the west side of the road.
  - b. ADA compliant pedestrian ramps should be provided for crossing both Forthun Road and Garrison Road at the Site access driveways.
  - c. A connection to the existing path adjacent to Glory Road from the sidewalk adjacent to the proposed buildings.
  - d. A connection from the sidewalk adjacent to the proposed buildings to the parking lot south of the buildings.

**Figure 9** shows the recommended area improvements to accommodate the future full build traffic conditions.

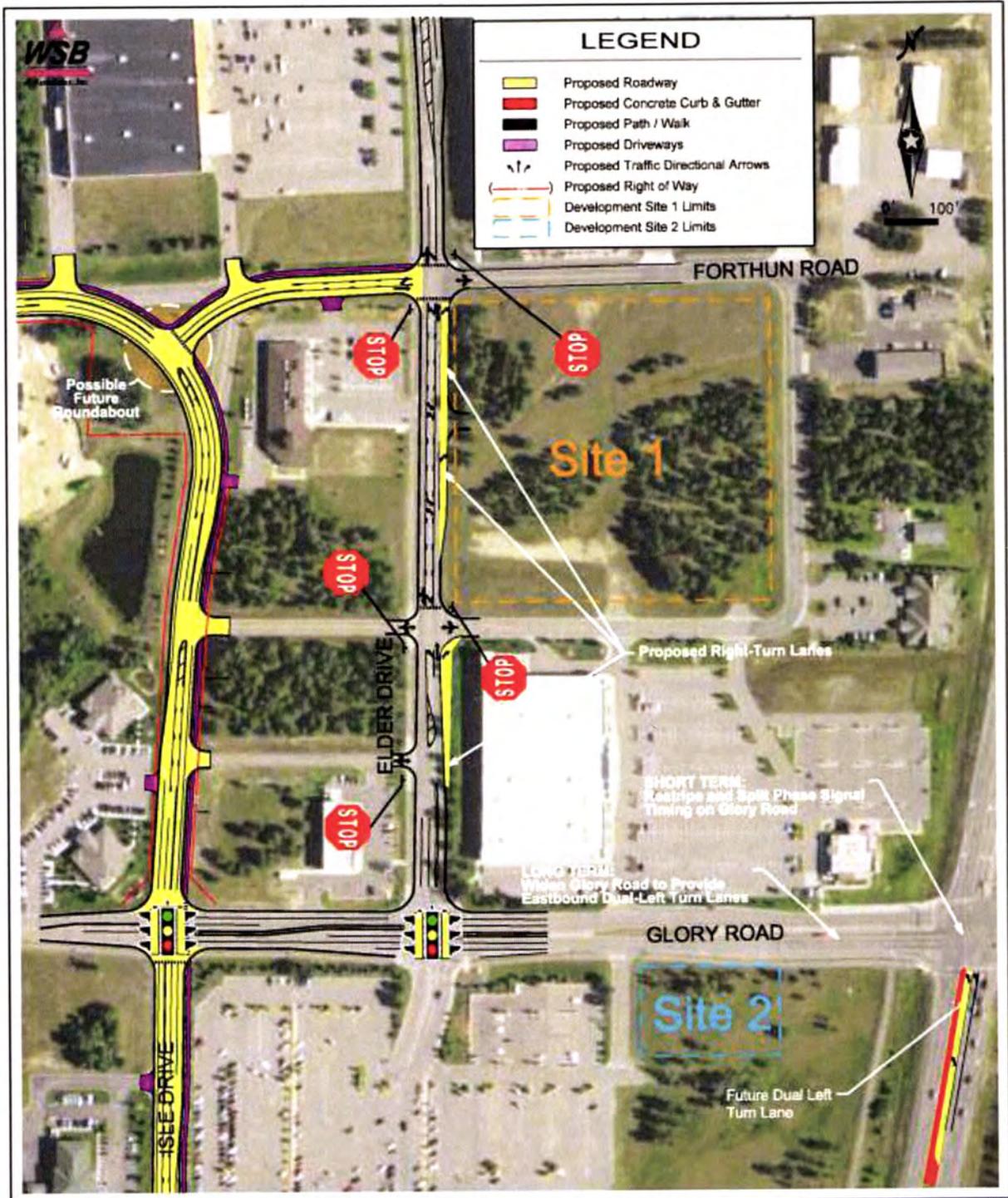


Figure 9  
**Proposed Roadway Improvements**

**To: City of Baxter Planning Department**

**RE: Submittal Narrative for a New 4 Tenant Junior Box Retail Development**

Wayzata, MN based HJ Development, LLP (Applicant) is seeking approval of a Planned Unit Development (PUD) from the City of Baxter, MN (City) to construct an approximately 89,000 square foot retail shopping center on 8.87 acres of land generally located between the existing Costco and JC Penny stores.

The property will be home to a National Sporting Goods Retailer, TJ Maxx, PetSmart, and ULTA Cosmetics.

The proposed building will exhibit four sided architecture to ensure that all elevations of the property are visually pleasing. The proposed building will be constructed out of decorative precast concrete and other materials as noted on the provided building elevations. It is the intention of the Applicant to deliver a building that is both architecturally significant and built to last so that it remains a complement to Baxter's growing commercial district for years to come.

Pedestrian friendly design elements have been incorporated into the development in an effort to enable use and access to the development by means other than automobile travel such as walking and biking as is evidenced by the bituminous trails and bike racks on the site plan.

10'x 20' parking stalls are proposed to ensure large vehicles can easily park when visiting the development. The current parking ratio exceeds the ordinance required 4 stalls per 1,000 square feet of building area. Parking stalls in the rear of the building will be marked for employee parking.

The rear of the building will house the shipping and receiving functions of the tenants. Applicant will build a heavily landscaped earthen berm along Elder drive and other perimeter areas that require it to screen the loading area from traffic passing by as well as tenants of neighboring properties. The landscape plan provided details the types and quantities' of landscaping that will be used. Applicant plans to provide a virtual tour of the rear elevation of the building to better convey the proposed screening method to the City at a later date.

All Tenants will require signage on the building above their spaces. All storefronts on the front elevation of the building are reflective of the Tenant's prototypical storefronts that they look to have to aid in their brand recognition efforts on a national level. Tenants on the north and south ends of the building will look to place signage on the endcaps as well as their storefronts. No signage is proposed on the back of the building along Elder Drive. Additionally, all tenants will require pylon signage. Two, two sided pylon signs with 400 sf of sign area per sign are proposed as detailed in the provided pylon sign renderings. The size of signage being requested is being driven by the requirements of the tenants that will occupy the building. Each pylon will contain signage for two tenants that split the 400 Sf of sign area

equally. Visibility to HWY 371 is very important to these tenants and their success in the City of Baxter hence the request for flexibility pertaining to signage that goes beyond ordinance guidelines.

Tenants within the development will look to have seasonal outdoor displays to exhibit merchandise and draw additional traffic to their stores. As such, the Applicant is requesting flexibility in the existing ordinance guidelines so that seasonal outdoor sales will be permitted. The Applicant believes that the presence of seasonal outdoor sales adds excitement to the development and provides an opportunity for retailers to draw additional shoppers to their stores.

Lastly, Applicant is seeking to place national pet supply retailer, PetSmart, in the project and is looking for the city to approve their use within the PUD. Their use includes the retail sales of pet food, pet supplies, pet grooming, veterinary care, the sale of reptiles, fish and small mammals and periodic pet adoption events whereas dogs and cats without homes are offered up for adoption in their store. Seeing as these activities require approval from the city Applicant is requesting the use be approved within the PUD.

The Applicant looks forward to working with the city on the entitlement process in a timely manner so that it can break ground on the project this August which will allow the retail stores to open in the spring of 2017.

Best Regards

Chris Moe

HJ Development, LLP



# Elmwood Strip Mall



1: 1,920



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

NAD\_1983\_HARN\_Adj\_MN\_Crow\_Wing\_Feet  
City of Baxter

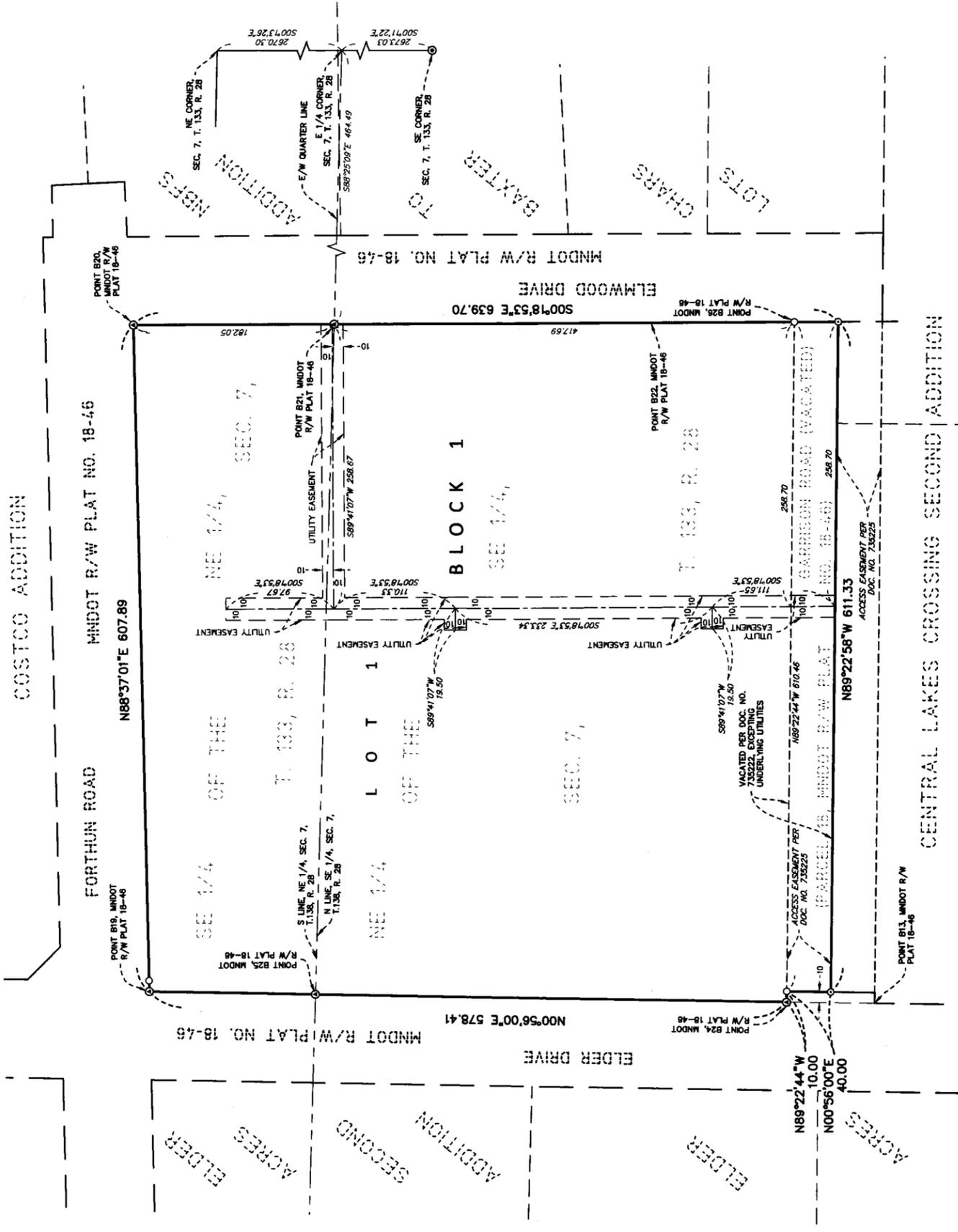
## Legend

- Streets
- Locations
  - Current
  - Pending
  - Vacant
  - Retired
  - Other
- Parcels
- Land Use Cases
- Encumbrances
- Municipal Boundaries
- Historical Parcels
- 2013 Imagery
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

## Notes



# ELMWOOD ADDITION



- DENOTES 1/2 INCH BY 1.4 INCH IRON MONUMENT SET AND MARKED BY LICENSE NO. 43933.
  - ⊙ DENOTES MAG NAIL SET.
  - ⊙ DENOTES MNDOT RIGHT OF WAY MONUMENT FOUND.
  - ⊙ DENOTES SECTION CORNER MONUMENT.
- THE EAST WEST QUARTER LINE OF SECTION 7 IS ASSUMED TO HAVE A BEARING OF SOUTH 88 DEGREES 25 MINUTES 09 SECONDS EAST.

KNOW ALL PERSONS BY THESE PRESENTS: That H.J. Development L.L.P., a Minnesota limited liability partnership, owner of the following described property: That part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) and that part of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4), all in Section Seven (7), Township One Hundred Thirty-Three (133), Range Twenty-Eight (28), Crow Wing County, Minnesota, described as follows: Commencing at Point B-19 as shown on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46, dated February 26, 1988, filed March 16, 1988, in the Crow Wing County Recorder's office as Document No. 524960; thence Easterly to Point B-20 on said plat; thence Southerly to Point B-26 on said plat, thence Westerly to Point B-24 on said plat, thence Northerly to the point of beginning, and there ending. Containing 8.31 acres, more or less.

TOGETHER WITH: That part of Parcel 18, MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46, Crow Wing County, Minnesota, according to the recorded plat thereof, described as follows: Beginning at Point B26, said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46; thence South 00 degrees 18 minutes 53 seconds East, bearing based on the City of Baxter Coordinate Database MAD 83/88, 39.96 feet along the southerly extension of a line drawn from Point B22, said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46 through said Point B26; thence North 89 degrees 22 minutes 58 seconds West 611.33 feet to the intersection with a line distant 10.00 feet east of as measured at right angles to and parallel with a line drawn from Point B13, said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-46; thence North 00 degrees 55 minutes 00 seconds East 40.00 feet along said parallel line to its intersection with a line drawn from said Point B24 to said Point B26; thence South 89 degrees 22 minutes 44 seconds East 610.46 feet along said line to the point of beginning.

Has caused the same to be surveyed and platted as ELMWOOD ADDITION and does hereby dedicate to the public for public use the utility easements as created by this plat.

In witness whereof said H.J. Development L.L.P., a Minnesota limited liability partnership, has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SIGNED: H.J. Development L.L.P., a Minnesota limited liability partnership  
By: \_\_\_\_\_, as \_\_\_\_\_

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_  
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ of H.J. Development L.L.P., a Minnesota limited liability partnership, on behalf of the partnership.

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

I, Mark R. Salo, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.1, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Mark R. Salo, Licensed Land Surveyor, Minnesota License No. 43933

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_  
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Mark R. Salo.

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

CITY OF BAXTER, CITY COUNCIL, BAXTER, MINNESOTA

This plat of ELMWOOD ADDITION was approved and accepted by the City Council of the City of Baxter, Minnesota at a regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.09, Subd. 2.

City Council, City of Baxter, Minnesota

By: \_\_\_\_\_ Mayor By: \_\_\_\_\_ Clerk

COUNTY AUDITOR/TREASURER, CROW WING COUNTY, MINNESOTA

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year \_\_\_\_\_ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Auditor/Treasurer, Crow Wing County, Minnesota By: \_\_\_\_\_ Deputy





POPE ARCHITECTS  
 1295 BANDANA BLVD N, SUITE 200  
 ST. PAUL, MN 55108-2735  
 (651) 642-9200 | FAX: (651) 642-1101  
 www.popearch.com



CENTRAL LAKES  
 CROSSING  
 BAXTER, MN

PROPOSED FOUR  
 TENANT JUNIOR BOX  
 RETAIL DEVELOPMENT  
 BAXTER, MN

CITY SUBMITTAL  
 04-19-2016

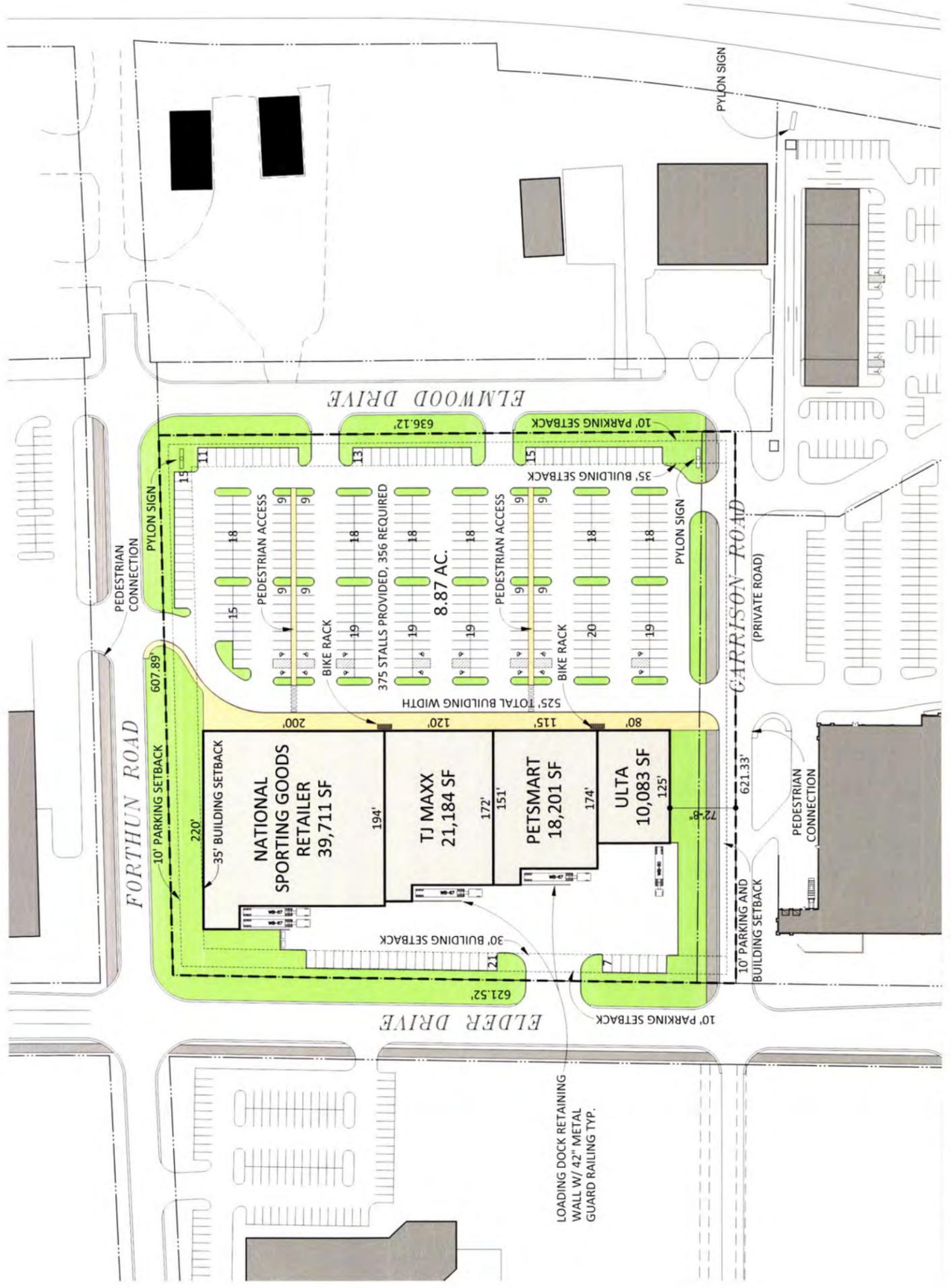
PROPOSED  
 ARCHITECTURAL  
 SITE PLAN

Issue and Revision:  
 ISSUE CITY SUBMITTAL 4-19-16

Commission No. 34228-M15-045  
 Drawn by NAC  
 Checked by DP  
 SHEET

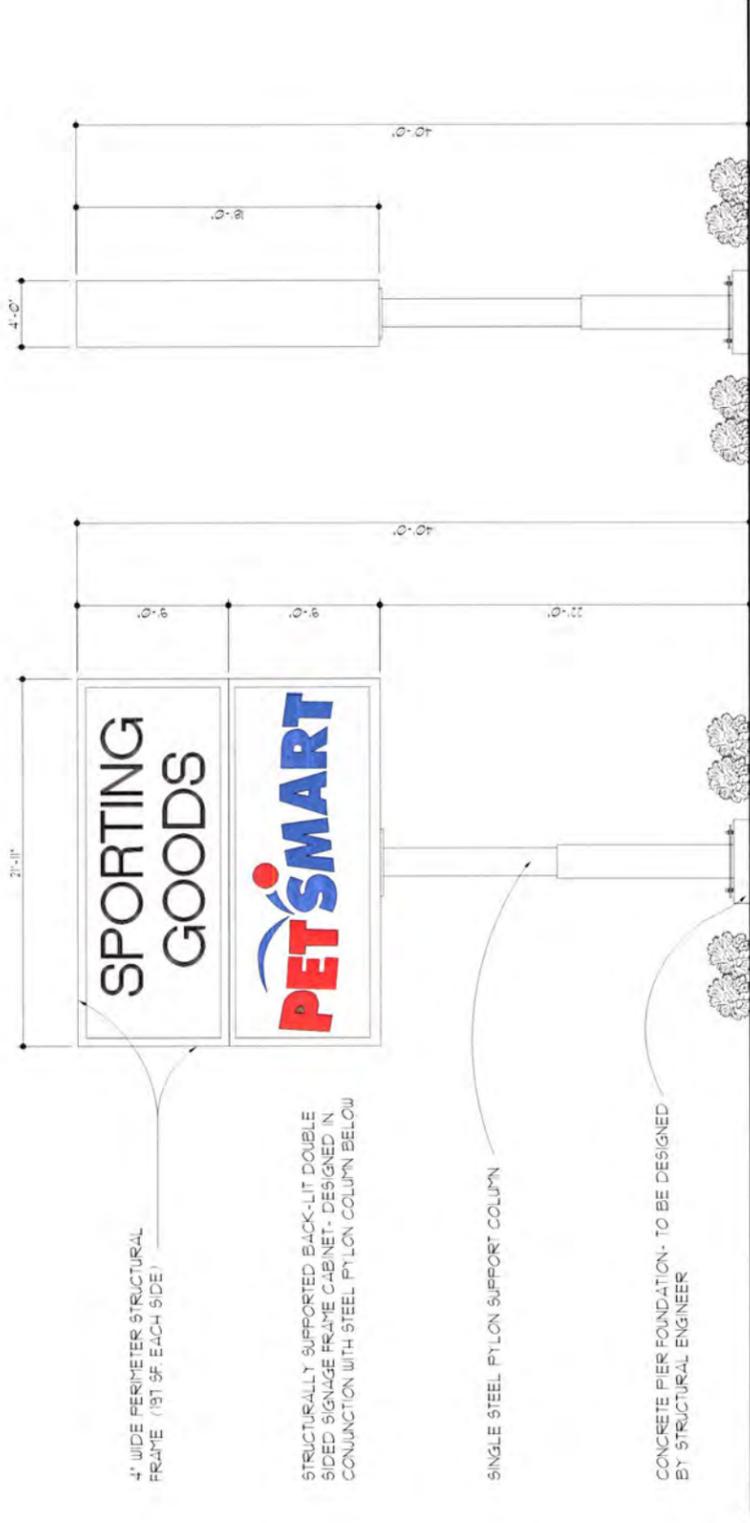
A1.0

<b>SITE DATA:</b>	(8.87 ACRES) 386,370 S.F.
TOTAL SITE AREA	
ZONING DISTRICT:	C-2 REGIONAL COMMERCIAL DISTRICT
PROPOSED BUILDING AREA	89,179 S.F.
CITY REQUIRED PARKING @ 4 STALLS PER 1,000 S.F.	356 STALLS
PARKING PROVIDED	373 STALLS
PARKING STALLS: 10'x20'	
PERVIOUS AREA	53,360 S.F.
PERCENTAGE OF PERVIOUS AREA: 53,560 S.F. / 386,370 S.F.	13.86%
12% REQUIRED PERVIOUS AREA	



1 PROPOSED ARCHITECTURAL SITE PLAN  
 A1.0 1"=30'-0"



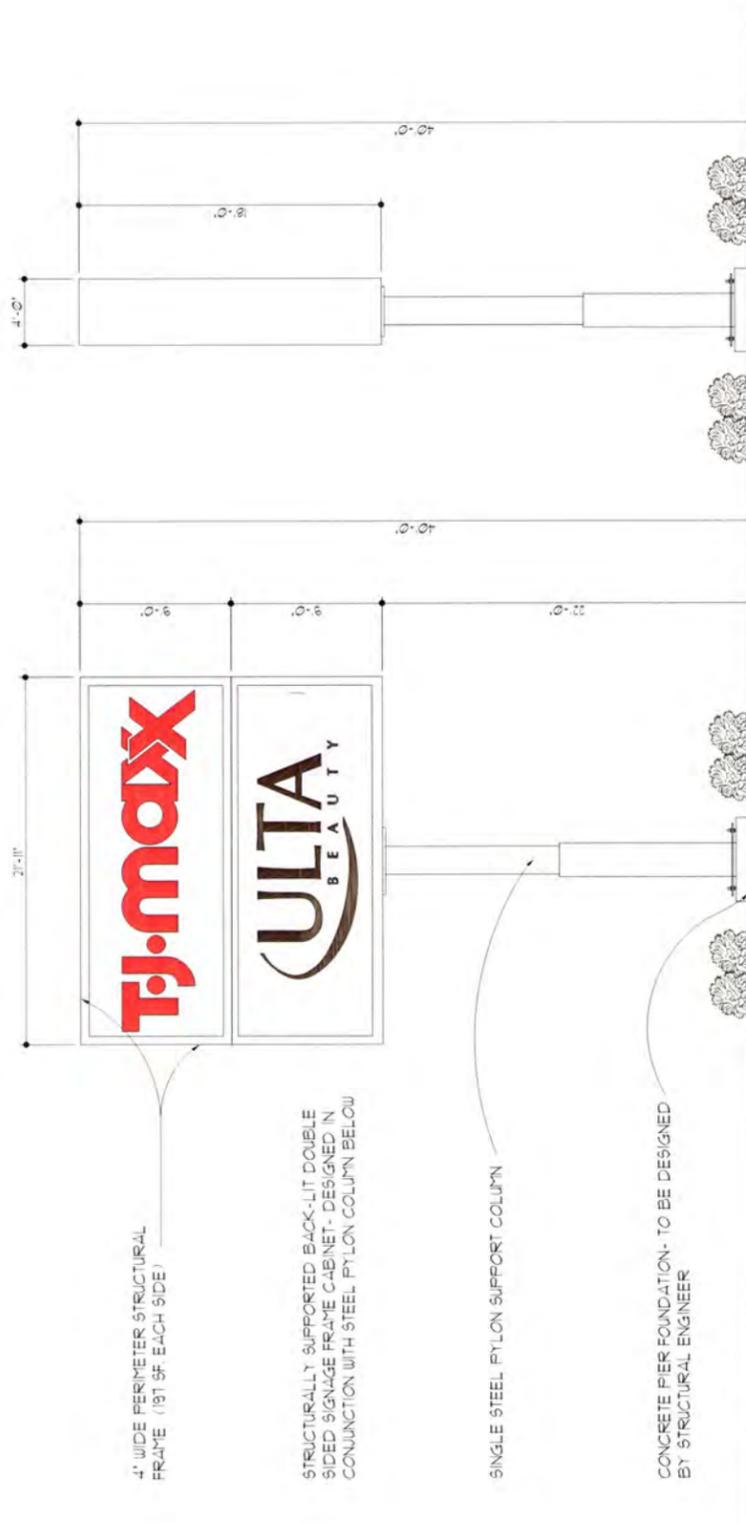


SIDE ELEVATION

FRONT ELEVATION

2 PROPOSED PYLON SIGN - NORTHEAST CORNER OF SITE - SPORTING GOODS/PETSMART

ALL 1/4"=1'-0"

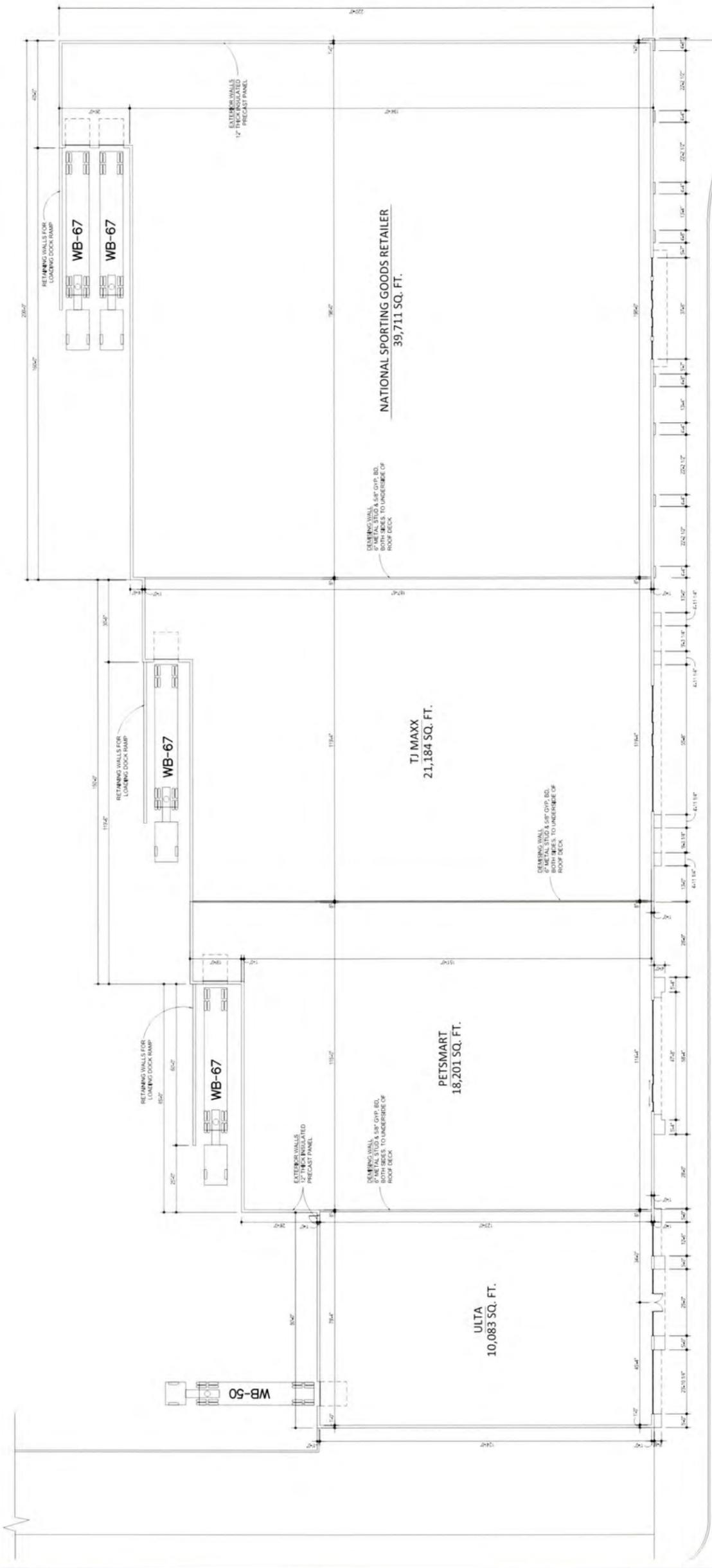


SIDE ELEVATION

FRONT ELEVATION

1 PROPOSED PYLON SIGN - SOUTHEAST CORNER OF SITE - T.J. MAXX / ULTA

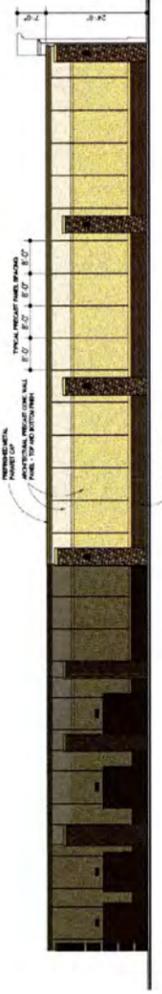
ALL 1/4"=1'-0"



89,179 SF. TOTAL BUILDING

1 OVERALL FOUR TENANT JUNIOR BOX RETAIL FLOOR PLAN  
A20 1/16"=1'-0"





**MATERIAL QUANTITIES**

PRECAST CONCRETE	2730 SF	60%
EIFS	448 SF	9%
BRICK	494 SF	11%
STONE	673 SF	15%
GLASS	27 SF	0%
TOTAL	4522 SF	100%

4 PROPOSED SOUTH SIDE ELEVATION (FACING JC PENNEY)

A3.2 1/16" = 1'-0"

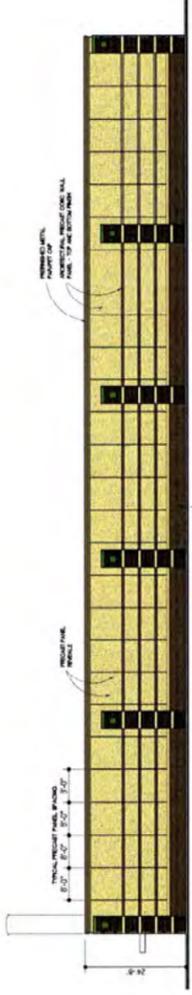


**MATERIAL QUANTITIES**

PRECAST CONCRETE	882 SF	7%
EIFS	0 SF	0%
BRICK	1629 SF	14%
STONE	785 SF	5%
GLASS	0 SF	0%
TOTAL	1576 SF	100%

3 PROPOSED WEST REAR ELEVATION (FACING ELDER DRIVE)

A3.2 1/16" = 1'-0"



**MATERIAL QUANTITIES**

PRECAST CONCRETE	3484 SF	70%
EIFS	0 SF	0%
BRICK	704 SF	14%
STONE	804 SF	16%
GLASS	0 SF	0%
TOTAL	4972 SF	100%

2 PROPOSED NORTH SIDE ELEVATION (FACING COSTCO)

A3.2 1/16" = 1'-0"



**MATERIAL QUANTITIES**

PRECAST CONCRETE	3879 SF	31%
EIFS	5049 SF	36%
BRICK	1083 SF	8%
STONE	1085 SF	14%
GLASS	178 SF	1%
TOTAL	12602 SF	100%

1 PROPOSED EAST FRONT ELEVATION (FACING HIGHWAY 371)

A3.2 1/16" = 1'-0"





**LEGEND**

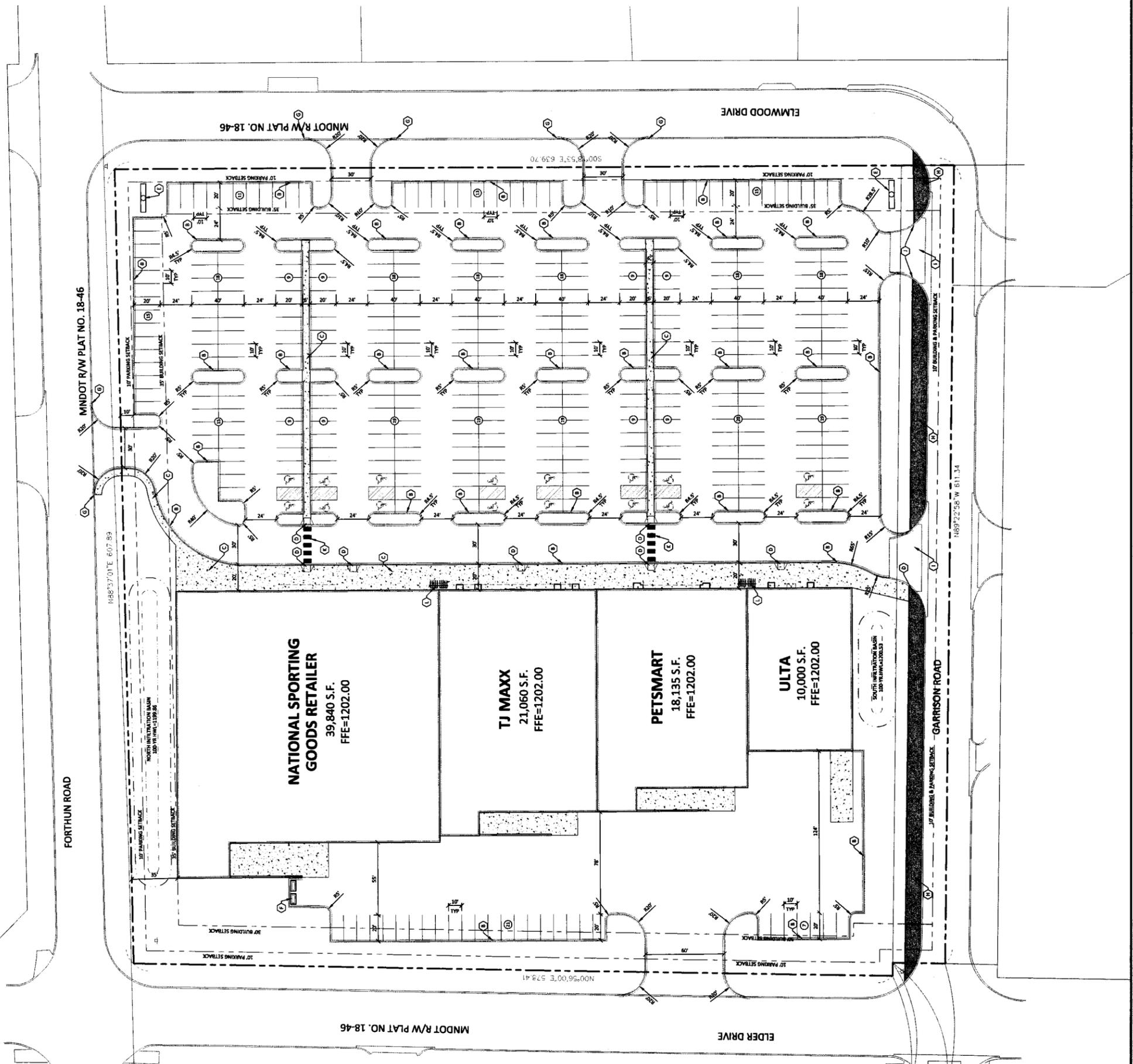
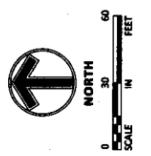
PROPOSED	EXISTING
PROPERTY LIMIT	STANDARD DUTY
SEWER	SEWER
EASEMENT	SEWER MAIN
BUILDING	SEWER MAIN
TREELINE	SEWER MAIN
SKIN	SEWER MAIN
PIPE BOLLARD	SEWER MAIN
STALLS FOR ROW	SEWER MAIN
KEY NOTE	SEWER MAIN

**DEVELOPMENT SUMMARY**

NET SITE AREA	86,117 SF
PERMITTED AREA	83,211 SF
PARKING SUMMARY	156 STALLS
PARKING PROVIDED	370 STALLS

- DEVELOPMENT NOTES**
1. ALL DIMENSIONS ARE ROUNDED TO THE NEAREST TENTH FOOT.
  2. ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED.
  3. ALL AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
  4. ALL PARKING STALLS TO BE 10' IN WIDTH AND 20' IN LENGTH UNLESS OTHERWISE INDICATED.
  5. SEE ARCHITECTURAL PLANS FOR PAVEMENT DETAILS.
  6. REFER TO FINAL PLAT FOR LOT DIMENSIONS, LOT NUMBER, LOT AREA, AND LOT DIMENSIONS.
  7. ALL GRADES ON SIDEWALKS ALONG THE ADA ROUTE SHALL HAVE A MAXIMUM LONGITUDINAL SLOPE OF 5% (1:20), EXCEPT AT CURB RAMPS (1:12), AND A MAXIMUM CROSS SLOPE OF 2.08% (1:48). THE CONTRACTOR SHALL VERIFY AND CORRECT THE GRADES IN THE FIELD ALONG THE ADA ROUTE PRIOR TO PLACING CONCRETE OR BITUMINOUS PAVEMENT. THE CONTRACTOR SHALL NOTIFY THE DESIGN GRADIENT AND COORDINATE WITH GRADING CONTRACTOR.
  8. "NO PARKING" SIGNS SHALL BE PLACED ALONG ALL DRIVEWAYS AS REQUIRED BY CITY.

- KEY NOTES**
- A. BUILDING, STOPS, STAIRS (SEE ARCHITECTURAL PLANS)
  - B. 8"X12" CONCRETE CURB AND GUTTER
  - C. CONCRETE SIDEWALK
  - D. ACCESSIBLE RAMP
  - E. PYLON SIGN (SEE ARCHITECTURAL PLANS)
  - F. TRASH ENCLOSURE (SEE ARCHITECTURAL PLANS)
  - G. CONNECT TO EXISTING CURB
  - H. 12" WIDE BITUMINOUS TRAIL
  - I. EXISTING CURB CUT
  - J. 2" NOSE DOWN CURB
  - K. CROSSWALK
  - L. BIKE LANE

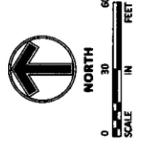
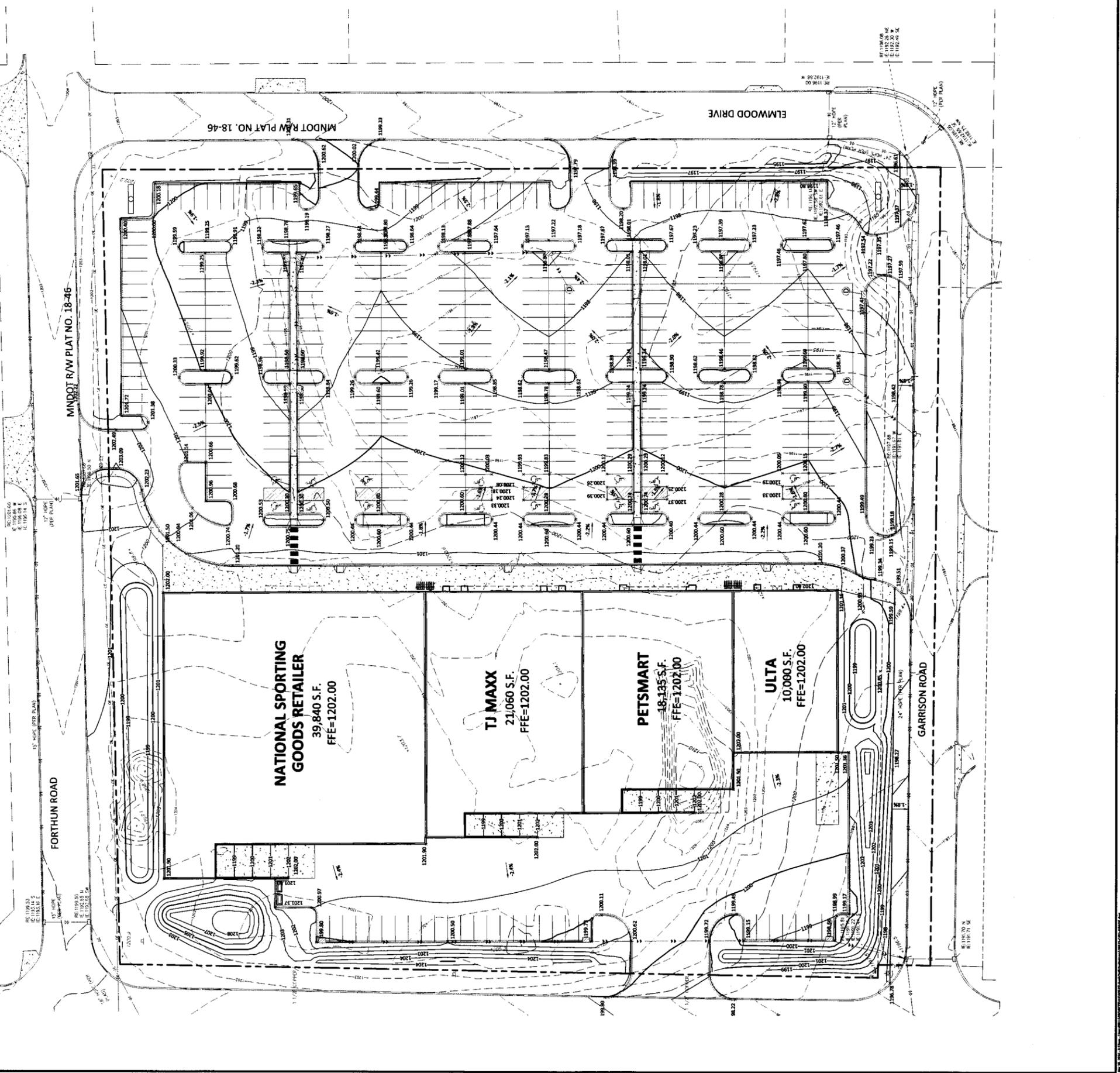


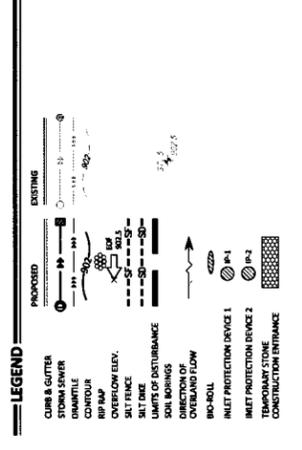
**LEGEND**

PROPOSED	EXISTING
PROPERTY LIMIT	PROPERTY LIMIT
CURB & GUTTER	CURB & GUTTER
STORM SEWER	STORM SEWER
SEWER	SEWER
ROADWAY	ROADWAY
RETAINING WALL	RETAINING WALL
CONCRETE	CONCRETE
SPOT ELEVATION	SPOT ELEVATION
CONTOUR	CONTOUR
OVERFLOW LEV.	OVERFLOW LEV.
SOIL BOUNDS	SOIL BOUNDS

**GRADING NOTES**

- PROPOSED CONTOURS ARE TO FINISHED SURFACE ELEVATION. SPOT ELEVATIONS ALONG PROPOSED CURB DENOTE GUTTER ELEVATION.
- ALL SPOTS ON OVERFLOW ARE TO FINISHED SURFACE ELEVATION. SPOT ELEVATIONS ALONG PROPOSED CURB DENOTE GUTTER ELEVATION.





- SEQUENCE OF CONSTRUCTION**
- PHASE I:**
1. INSTALL STABILIZED CONSTRUCTION ENTRANCES.
  2. PREPARE TEMPORARY PARKING AND STORAGE AREA.
  3. INSTALL TEMPORARY EROSION CONTROL MEASURES.
  4. INSTALL INLET PROTECTION AROUND ALL STORM SEWER STRUCTURES.
  5. CLEAR AND GRUB THE SITE.
  6. BEGIN GRADING THE SITE.
  7. START CONSTRUCTION OF BUILDING PAD AND STRUCTURES.
- PHASE II:**
1. TEMPORARILY SEED DENUDATED AREAS.
  2. INSTALL UTILITIES, UNDERDRAINS, STORM SEWERS, CURBS AND GUTTERS.
  3. INSTALL PERMANENT EROSION CONTROL MEASURES.
  4. INSTALL INLET PROTECTION AROUND ALL STORM SEWER STRUCTURES.
  5. PREPARE SITE FOR PAVING.
  6. PAVE SITE.
  7. INSTALL INLET PROTECTION DEVICES.
  8. REMOVE ALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES (ONLY IF SITES STABILIZED), IF REQUIRED BY THE CONTRACT.

**NOTE TO CONTRACTOR**

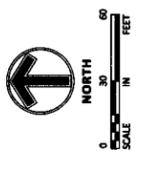
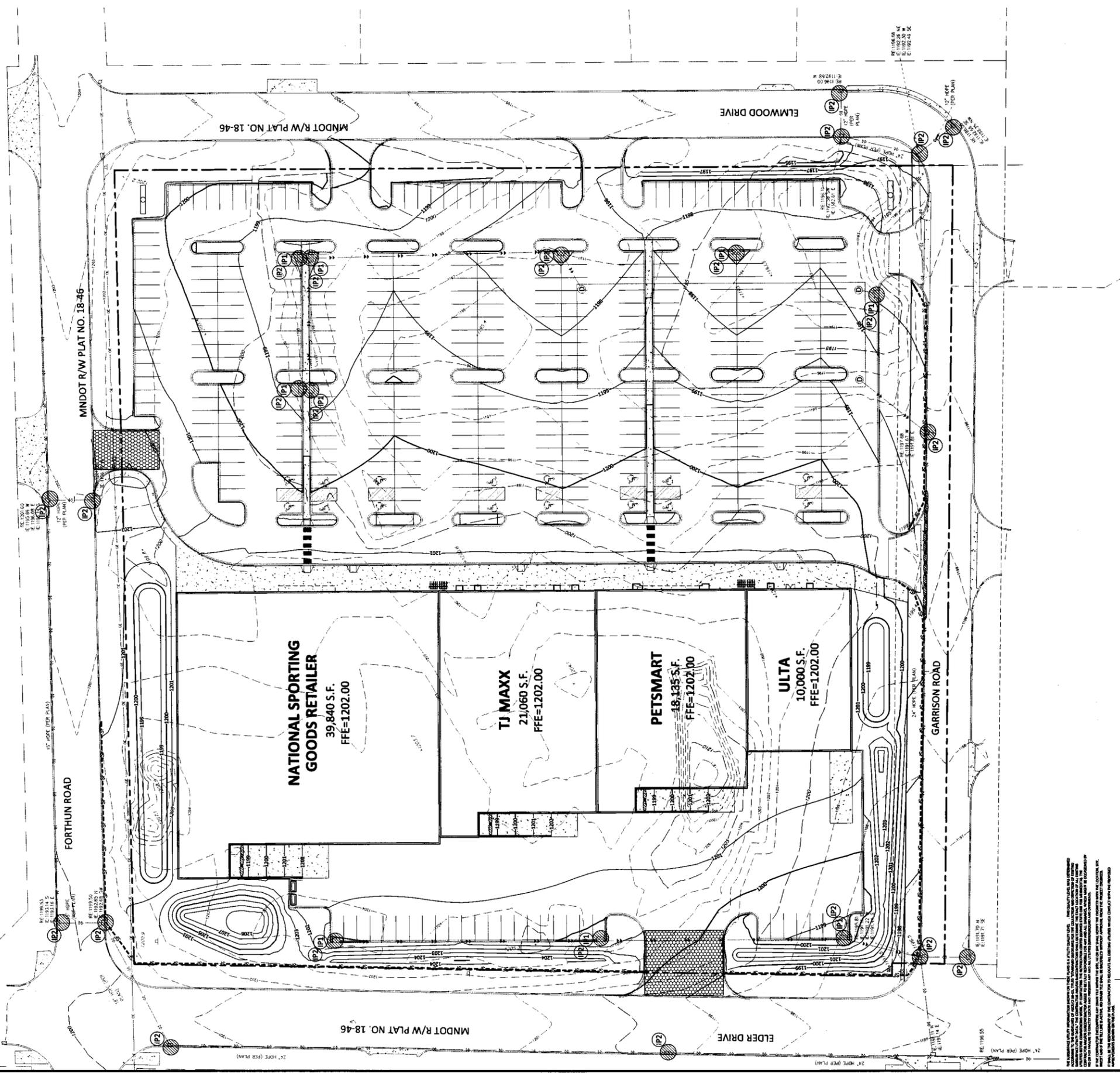
THE EROSION CONTROL PLAN SHEETS, ALONG WITH THE REST OF THE SWPPP MUST BE KEPT ON SITE UNTIL THE PROJECT IS COMPLETE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL EROSION CONTROL MEASURES, INCLUDING THE EROSION CONTROL PLAN SHEETS AS NECESSARY TO INCLUDE ADDITIONAL REQUIREMENTS, SUCH AS ADDITIONAL OR MODIFIED BARRIERS DESIGNED TO CORRECT PROBLEMS IDENTIFIED. AFTER FINISHING THE EROSION CONTROL MEASURES, THE CONTRACTOR SHALL SUBMIT A REPORT TO THE OWNER, TO BE KEPT ON FILE IN ACCORDANCE WITH THE RECORD RETENTION REQUIREMENTS DESCRIBED IN THE SWPPP MAINTENANCE.

**AREA SUMMARY IN ACRES**

PAVEMENT AREA	6.57 ACES
BUILDING AREA	2.09 ACES
SEEDED AREA	1.72 ACES
TOTAL DISTURBED	8.88 ACES
PRE-CONSTRUCTION IMPERVIOUS	0.00 ACES
POST-CONSTRUCTION IMPERVIOUS	7.64 ACES

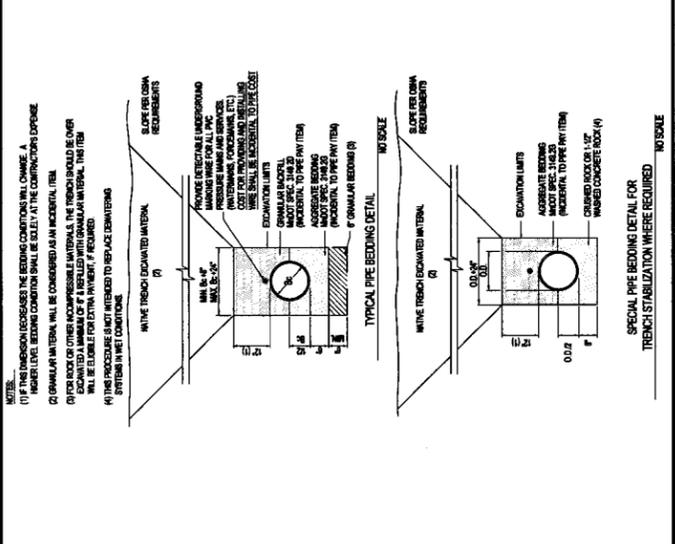
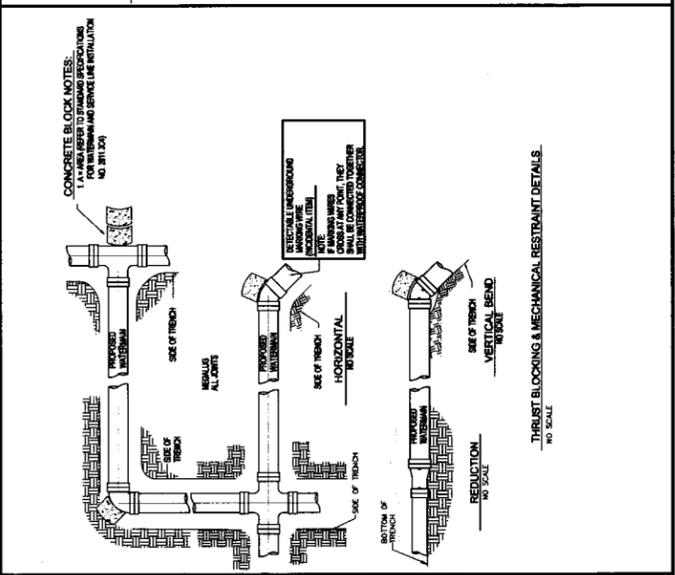
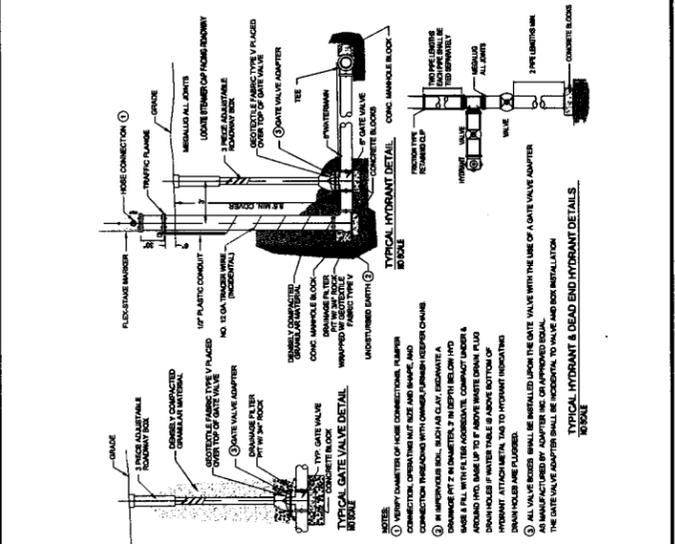
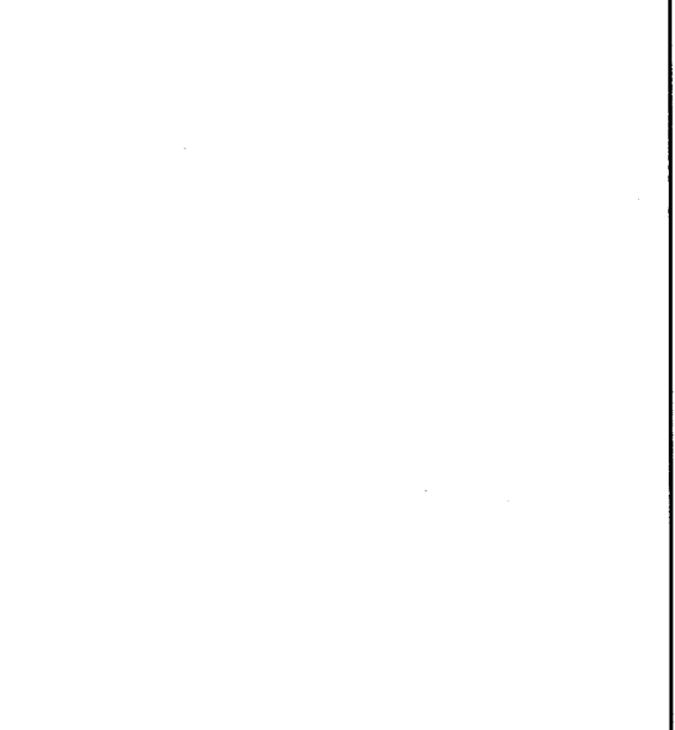
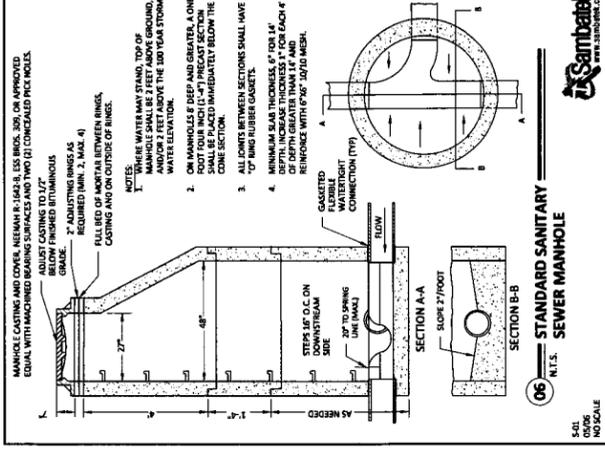
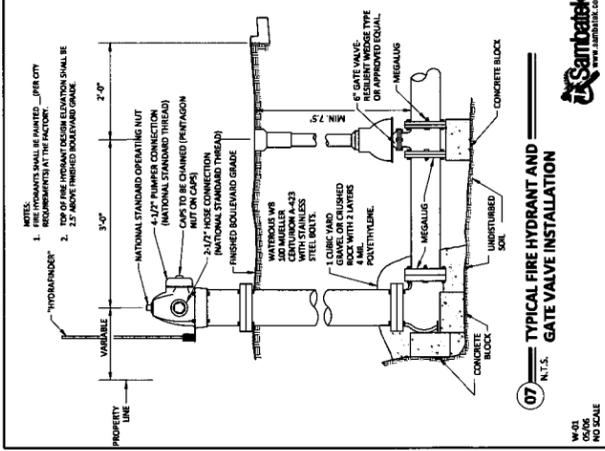
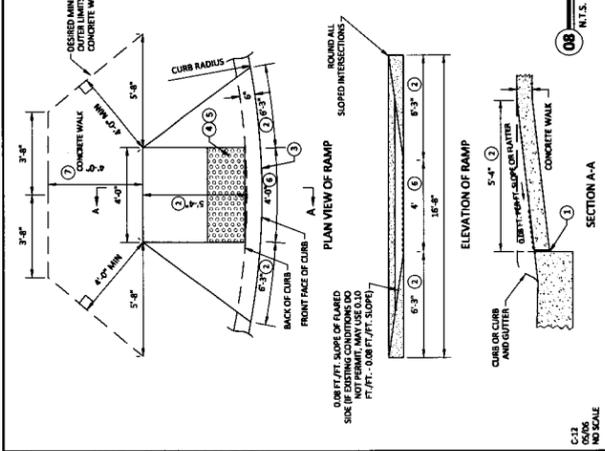
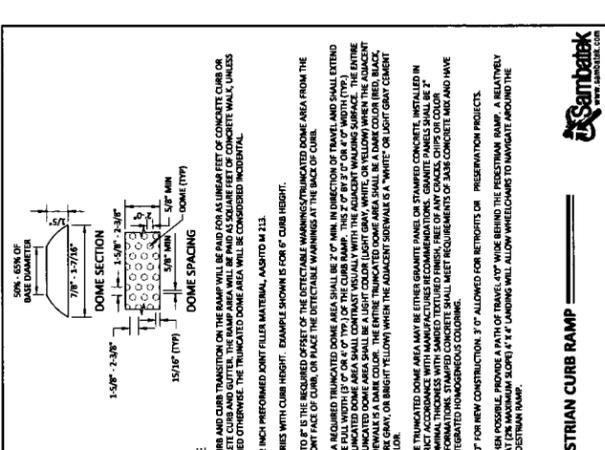
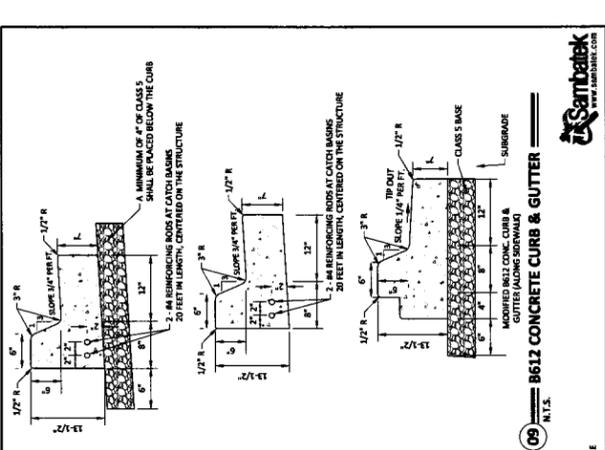
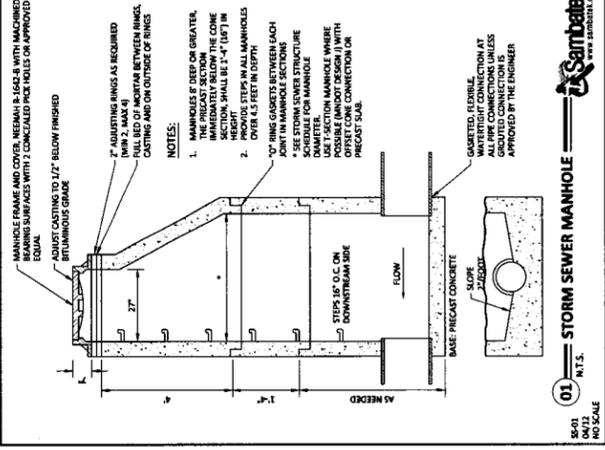
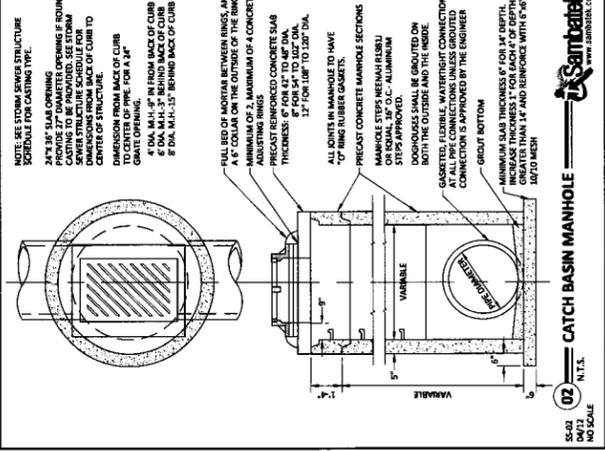
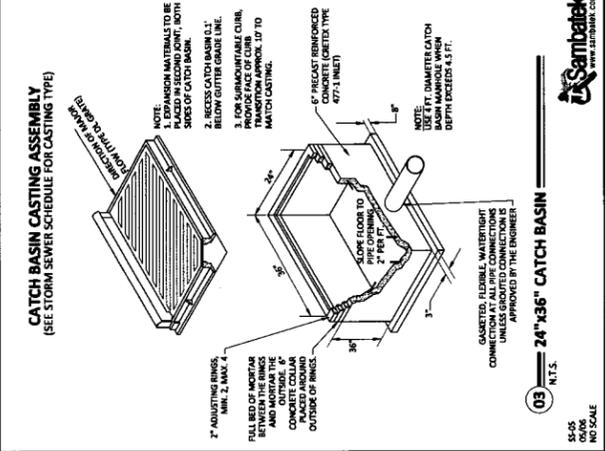
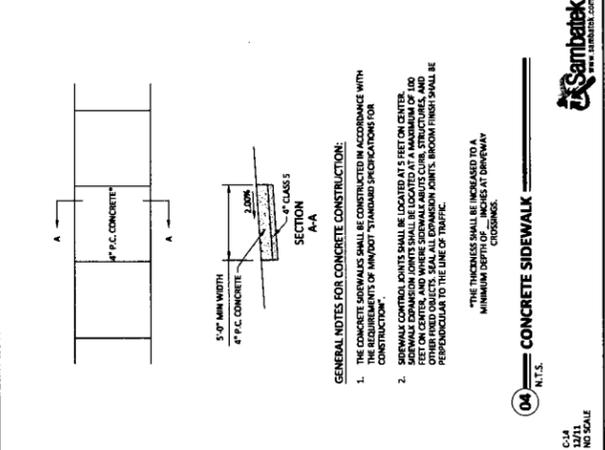
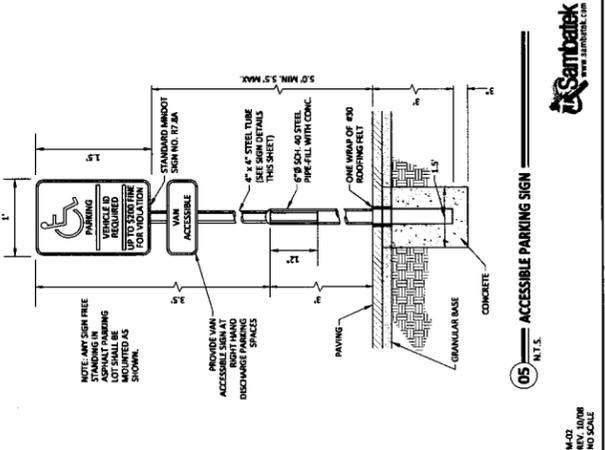
**EROSION CONTROL MATERIALS QUANTITIES**

ITEM	UNIT	QUANTITY
SILT FENCE	LINEAR FEET	1,230
BIO-ROLL	LINEAR FEET	200
CONSTRUCTION ENTRANCE	UNIT	2
INLET PROTECTION DEVICE (IP-1)	UNIT	10
INLET PROTECTION DEVICE (IP-2)	UNIT	22



THIS PLAN IS THE PROPERTY OF SAMBATEK, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SAMBATEK, INC. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. SAMBATEK, INC. SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DATA AND INFORMATION PROVIDED TO SAMBATEK, INC. FOR THIS PLAN. SAMBATEK, INC. SHALL NOT BE RESPONSIBLE FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS PLAN. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. SAMBATEK, INC. SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DATA AND INFORMATION PROVIDED TO SAMBATEK, INC. FOR THIS PLAN. SAMBATEK, INC. SHALL NOT BE RESPONSIBLE FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS PLAN.





**Project**  
**CENTRAL LAKES CROSSING JUNIOR BOX RETAIL**

**Location**  
**BAXTER, MN**  
 SE QUADRANT OF ELDER DRIVE S AND FORTHUN ROAD S

**Certification**  
 I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer or Architect under the laws of the State of Minnesota.

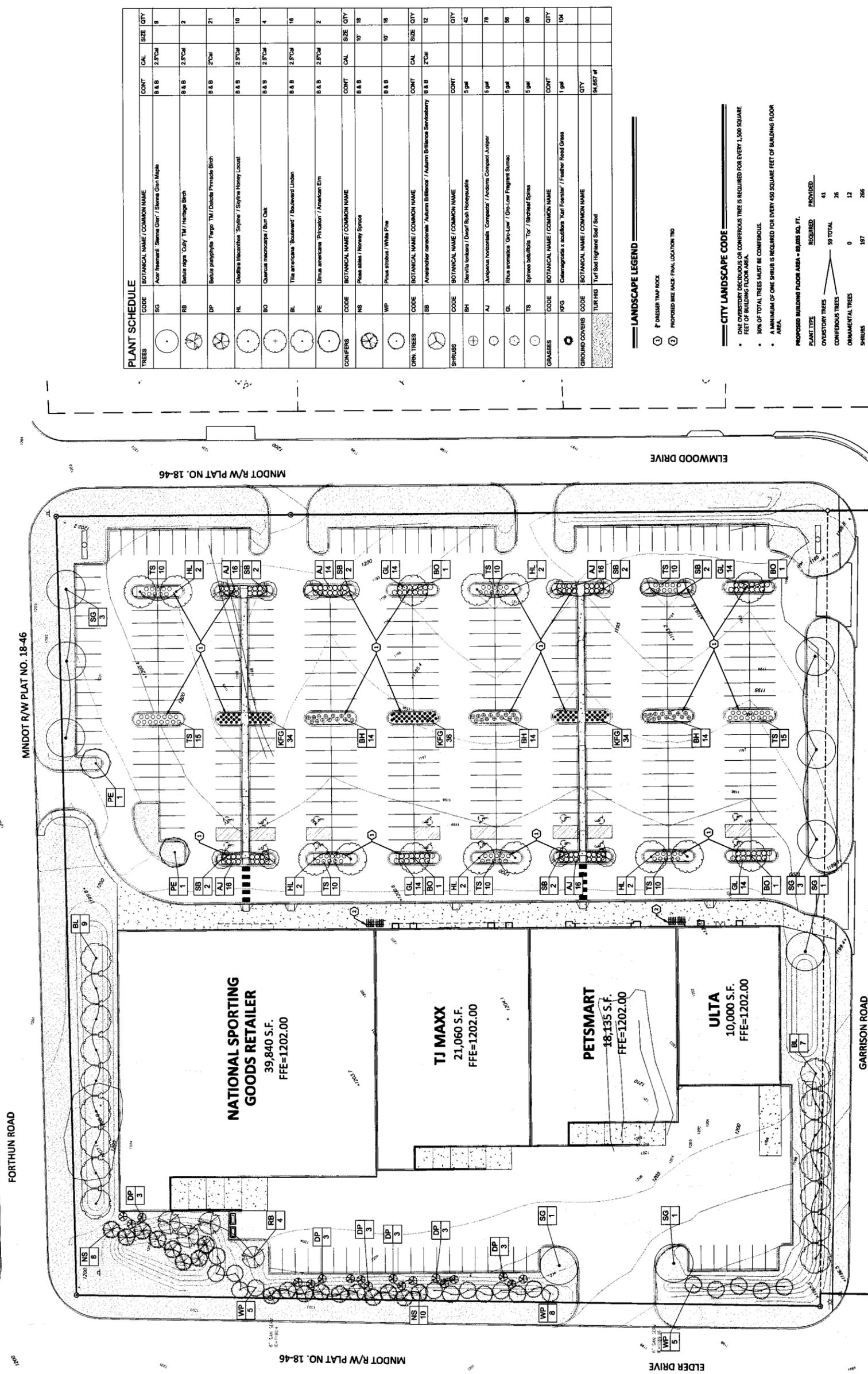
**Summary**  
 Design: AA  
 Book / Page:  
 Phase: Preliminary Initial Issued: 04/13/2016

**Revision History**  
 No. Date By Submittal / Revision  
 04/29/16 JAM CH Submittal

**Sheet Title**  
**LANDSCAPE PLAN**

**Sheet No. Revision**  
**L1.01**

**Project No.** HID20525



**PLANT SCHEDULE**

TREES	CODE	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	QTY
	SG	Acer freemanii / Shreve Elm	8 & B	2.5' Cal	8"	8
	RB	Betula nigra / Cully TM / Heritage Birch	8 & B	2.5' Cal	2"	2
	DP	Betula papyrifera / Paper Birch / Double Pruned Birch	8 & B	2' Cal	21"	21
	HL	Quercus laevis / Skyline Honey Locust	8 & B	2.5' Cal	10"	10
	BO	Quercus macrocarpa / Bur Oak	8 & B	2.5' Cal	4"	4
	BL	Tilia americana / Boulevard / Boulevard Linden	8 & B	2.5' Cal	16"	16
	PE	Ulmus americana / Princeton / American Elm	8 & B	2.5' Cal	2"	2
CONIFERS	CODE	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	QTY
	NS	Pinus strobus / Norway Spruce	8 & B	10"	10"	18
	WP	Pinus strobus / White Pine	8 & B	10"	10"	18
ORN TREES	CODE	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	QTY
	SB	Amelanchier canadensis / Autumn Brilliance / Autumn Brilliance Serviceberry	8 & B	2' Cal	12"	12
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY		
	BH	Ostrya latifolia / Dwarf Bush Honeylocust	5 gal	42		
	AJ	Jungfrau nana / Compact Juniper	5 gal	78		
	GL	Rhus aromatica / Gro-Low / Fragrant Sumac	5 gal	56		
	TS	Spiraea betulifolia / Tor / Bechtel Spirea	5 gal	90		
GRASSES	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY		
	KFG	Calamagrostis x scutellaria / Karl Foerster / Feather Reed Grass	1 gal	104		
GROUND COVERS	CODE	BOTANICAL NAME / COMMON NAME	QTY			
	TUR HIG	Turf Sod Highland Sod / Sod	94,857 #			

**LANDSCAPE LEGEND**

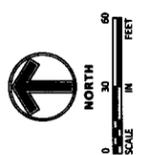
- 1' DIAMETER TRAMP ROCK
- PROPOSED BEE HIVE - FINAL LOCATION TBD

**CITY LANDSCAPE CODE**

- ONE OVERSTORY DECIDUOUS OR CONIFEROUS TREE IS REQUIRED FOR EVERY 1,500 SQUARE FEET OF BUILDING FLOOR AREA.
- 30% OF TOTAL TREES MUST BE CONIFEROUS.
- A MINIMUM OF ONE SHRUB IS REQUIRED FOR EVERY 450 SQUARE FEET OF BUILDING FLOOR AREA.

PROPOSED BUILDING FLOOR AREA = 84,857 SQ. FT.

PLANT TYPE	REQUIRED	PROVIDED
OVERSTORY TREES	59 TOTAL	41
CONIFEROUS TREES	0	26
ORNAMENTAL TREES	197	12
SHRUBS	266	266







**TO:** Baxter Planning and Zoning Commission

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

**DATE:** May 6, 2016 for the May 10, 2016 Planning and Zoning Commission Meeting

**REQUEST:** **PUBLIC HEARING. Preliminary and Final Plat** to allow "Central Lakes Crossing 3<sup>rd</sup> Addition", **Rezoning** from C-2, Regional Commercial to PUD, Planned Unit Development, and a **PUD General Plan** for a new multi-tenant retail development for property located at 7361 Glory Road (city file 16-12)

**APPLICANT:** H. J. Development

**ZONING:** C-2, Regional Commercial

**1. Application Request**

The applicant is requesting approval of the following items for the roughly 8.9-acre site located at 13499 Elmwood Drive:

- **Preliminary and Final Plat** to allow "Central Lakes Crossing 3<sup>rd</sup> Addition";
- **Rezoning** from C-2, Regional Commercial to PUD, Planned Unit Development; and
- **PUD General Plan** for a new multi-tenant retail development.

Under the plan, the applicant would create one buildable lot and two outlots for a new four-tenant, 7,011-square foot retail building. The store front and parking lot would face east toward State Highway 371.

**2. Context**

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
<b>North</b>	Commercial Property	C-2, Regional Commercial
<b>East</b>	Business Gateway Property	I, Industrial Office
<b>South</b>	Vacant Commercial Property	C-2, Regional Commercial
<b>West</b>	Commercial Property	C-2, Regional Commercial

Natural Characteristics of the Site

The site has very minimal topography but does have some slope from the high point in the northwest corner of the site to the low point of the site in the southeast portion of the property. The site has very few trees. The property is not located in a shoreland overlay district and there are no wetlands

or floodplain.

#### Utility Commission Review

The Utility Commission reviewed the application on April 4, 2016 and recommend approval subject to the following conditions:

1. All water and sanitary sewer easements be dedicated on the plat.
2. Developers Agreement must be in place before the building permit is issued.

#### Architectural Commission Review

The applicant has submitted an architectural review application. The architectural commission will review the application on the same evening as the Planning Commission. Therefore, staff will need to consolidate the Architectural Review Commission recommendation with the Planning Commission and Utility Commission recommendations prior to the application moving forward to the City Council.

### **3. Analysis of Request**

#### Preliminary and Final Plat

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

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

The C-2, Regional Commercial zoning district requires a minimum lot area of 20,000 square feet and a minimum lot width of 120 feet for corner lots. Staff has added a condition to the resolution that the applicant remove the two outlots from the plat and create one buildable lot. Therefore, with this condition, the plat would include one lot that would be 58,759-square feet and 476 feet wide, which meets the minimum requirements.

#### *Park Dedication*

Staff notes that park dedication is required with the plat subject to the City's park dedication ordinance and fee schedule and subject to the previous park dedication agreement.

#### *Traffic*

As part of the review for this request, the applicant paid for a traffic study to ensure that traffic would function properly, with the addition of the development. The traffic study did not include any direct conditions for the project.

#### *Right-of-Way*

Staff is recommending a required dedication of approximately 10-feet of right-of-way on the north side of the plat. The additional right-of-way is needed to allow future dual left turn lanes along Glory Road. Staff notes that this condition will require a revised site layout, as the building and parking lot

will need to be moved south. Staff has added conditions to the resolution requiring the right of way dedication.

#### *Access*

As part of the development, access locations would be provided from the north and east sides of the site. Access locations were reviewed as part of the traffic study were found to be acceptable. Staff notes that a cross access easement is required with the subject property and the property to the south to set up a future shared drive aisle connection on the south side of the project. In addition, existing cross access easements with the Walmart property to the West shall be revised as needed to reflect the new development.

#### *Rezoning to PUD and PUD General Plan*

The City's PUD Ordinance states the following:

The purpose of the planned unit development district (PUD) is to provide a comprehensive procedure intended to allow greater flexibility in the development of neighborhoods or nonresidential areas than would be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the city council to make in its legislative capacity. The intent of this article is to:

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

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

### Sidewalks

Staff notes that there are existing sidewalk and trail improvements in the immediate area surrounding the development. The developer is proposing sidewalk connectivity to the north and east through the site. In addition, the connectivity to the north is to an existing trail along Glory Road, which connects to the businesses to the West. The applicant has provided sidewalks and trails in strategic locations to provide sidewalk connectivity.

### Freestanding Signage

The applicant has requested that one free standing signs be approved with the PUD that exceeds the size requirements of the sign ordinance. Specifically, the applicant is requesting 248 square feet, where 200 square feet is the maximum allowed per property. The height of the sign would be 23 feet tall, where 28.3 feet is the maximum height allowed per the ordinance. Staff finds that a PUD can offer sign flexibility from the strict ordinance standards provided that the flexibility is factored with the project elements that exceed ordinance standards. However, staff is not supportive of the flexibility request for 248 total square feet of signage. Staff would support 200 square feet of signage at this time. If the applicant could prepare the sign structure to be able to add sign panels in the future (under a future PUD request) for future development to the south. Therefore, staff has added a condition to the approving resolution requiring that the free standing sign is a maximum of 200 square feet.

	<b>Ordinance Requirement</b>	<b>Proposed</b>	<b>Meets/Exceeds Requirements</b>
<b>Building Setbacks</b>	35-foot front setback	10 feet	No*
<b>Parking &amp; Drive Aisle Setbacks</b>	10-foot setback	10 feet	Yes
<b>Parking</b>	81 spaces	89 spaces	Yes
<b>Parking Stall Dimensions</b>	10 feet by 18 or 20 feet	10 feet by 20 feet	Yes
<b>Drive Aisle Dimensions</b>	24 feet	24 feet	Yes
<b>Parking Lot Sidewalks</b>	Sidewalk Connections	Sidewalk Connections	Yes
<b>Building Height</b>	45 feet	22.6 feet to top of parapet	Yes
<b>Structural Coverage</b>	50 percent	6.5 percent	Yes
<b>Impervious Surface</b>	88 percent (non-shoreland)	80 percent	Yes
<b>Landscaping</b>			
Number of Trees	17 trees	10 trees	No*
Size of Trees	2.5-inch and 6 foot	2.5-inch and 10 foot	Yes
Priority Placement of Trees	Front Yard Priority	No front yard trees	No*
Number of Shrubs	16 shrubs	108 shrubs	Yes
Size of Shrubs	3 gallon	5 gallon	Yes
<b>Parking Lot Islands</b>	One island Per 10 stalls One Overstory Tree Per Island	One island per 10 stalls One Overstory Tree Per Island	Yes Yes

\*See discussion below

### Building Setback

The zoning ordinance requires a front yard setback of 35 feet. The applicant is proposing a building setback of 10 feet. Staff notes that there is an existing trail in the 10 foot setback next to the

building. In addition, staff is requiring the dedication of 10 feet of right-of-way. Therefore, the building must be moved south to allow the dedication of right-of-way. Staff notes that if the applicant moves the building and parking lot South 10 feet, there would still be a 10 foot front setback proposed (with the dedication). Staff is supportive of PUD flexibility to allow a 10 foot north front setback with after the dedication of 10 feet of right-of-way.

#### *Landscaping*

The applicant has proposed less trees than the minimum allowed by the zoning ordinance. Staff finds that the applicant should meet or exceed the city's minimum tree planting and priority placement requirements in the zoning ordinance. Staff has added conditions to the approving resolution.

#### *South Drive Aisle*

Staff finds that the applicant must build the entire south drive aisle with this project to provide two-way access to the site. Staff has added a condition to the resolution that the applicant construct the entire drive aisle over the south lot line with cross access easements in place for the future shared drive aisle.

#### **4. Recommendation**

Staff recommends approval of the application subject to the ordinance and conditions and findings in the attached resolutions.

#### **Attachments**

1. Draft Resolution approving preliminary and final plat
2. Draft Ordinance Approving the Rezoning
3. Draft Resolution Approving the PUD General Plan
4. Traffic Study
5. Applicant's Narrative
6. Site Location Map
7. Site Graphics

**CITY OF BAXTER, MINNESOTA  
RESOLUTION 16-\_\_\_\_\_**

**RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT  
FOR "CENTRAL LAKES CROSSING 3<sup>RD</sup> ADDITION" FOR PROPERTY LOCATED AT 7361  
GLORY ROAD (CITY FILE NUMBER 2016-12)**

WHEREAS, H.J. Development ("the applicant") has requested approval of a preliminary and final plat on property located at 7361 Glory Road, legally described as follows:

That part of Outlot A, CENTRAL LAKES CROSSING, according to the recorded plat thereof, Crow Wing County, Minnesota

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called a Public Hearing on May 10, 2016 and recommends approval, and;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their May 17, 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 request to approve preliminary and final plat, based on the finding that the standards in Title 11 of the Baxter Subdivision Ordinance are met. Specifically:

1. The subdivision does not landlock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;
2. The subdivision does not fall within the corridors of any planned or proposed street as shown upon the official map or approved area plans; and
3. The subdivision does not violate any local, state or federally adopted law, ordinance, regulation, plan or policy.

**FURTHER BE IT RESOLVED** that the following conditions of approval shall be met:

1. The approval of the preliminary and final plat is based on the plat and plans received by the city on April 19, 2016, except as amended by this resolution.
2. **Prior to Recording the plat**, the applicant shall:
  - a. Pay the required park dedication fee at the city's rate at the time of payment.
  - b. Submit plat recording checklist items as reviewed and approved by city staff.
  - c. Provide 10-feet of additional right-of-way on Glory Road and move the building and parking lot at least 10 feet to the south.
  - d. Remove the two outlots from the plat and create one buildable lot for the site.
  - e. All water and sanitary sewer easements be dedicated on the plat.

- f. Submit a cross access easement for review and approval by the City Attorney between the subject site and the property to the south. The cross access easement shall be recorded with the plat.
  - g. Submit a revised cross access easement as needed for review and approval by the City Attorney between the subject site and the property to the east. If revisions are required to the cross access easement, the revisions shall be made and the revised cross access easement shall be recorded with the plat.
3. A building permit is required prior to beginning any new construction.
  4. No building permits shall be issued until the final plat, agreements, and easements are filed and recorded with Crow Wing County.
  5. The final plat approval shall expire two years from of the date of this approval unless the applicant has recorded the plat or requested an extension in writing.

Whereupon, said Resolution is hereby declared adopted on this 17<sup>th</sup> day of May, 2016.

\_\_\_\_\_  
Darrel Olson, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Steele, City Clerk

*City Seal*

**CITY OF BAXTER, MINNESOTA  
ORDINANCE 2016-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE CITY'S OFFICIAL ZONING MAP, WHICH IS ADOPTED AS ORDINANCE, PURSUANT TO TITLE 10, CHAPTER 3-2 OF THE CITY CODE TO RECLASSIFY CERTAIN LAND LOCATED AT 7361 GLORY ROAD (CITY FILE NUMBER 2016-12)**

THE CITY OF BAXTER ORDAINS:

**Section 1. Amendment of the City Code.** Title 10 of the Zoning Ordinance of the City Code of the City of Baxter, Minnesota, is hereby amended by changing the classification on the City of Baxter Zoning Map from C-2 (Regional Commercial) to PUD (Planned Unit Development) for 1.35 acres at the Southwest corner of Glory Road and State Highway 371, legally described as follows:

That part of Outlot A, CENTRAL LAKES CROSSING, according to the recorded plat thereof, Crow Wing County, Minnesota

**Section 2. Effective Date.** This amendment shall take effect upon its passage.

**Whereupon, said Ordinance is hereby declared adopted on this 17<sup>th</sup> day of May 2016.**

\_\_\_\_\_  
**Darrel Olson, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kelly Steele, City Clerk**

***City Seal***

**CITY OF BAXTER, MINNESOTA  
RESOLUTION 16-\_\_\_\_\_**

**RESOLUTION APPROVING A PUD, PLANNED UNIT DEVELOPMENT GENERAL PLAN  
FOR A MULTI-TENANT RETAIL DEVELOPMENT LOCATED AT 7361 GLORY ROAD (CITY  
FILE NUMBER 2016-12)**

WHEREAS, HJ Development, LLP (“the applicant”) has requested approval of a preliminary and final plat on property located at 7361 Glory Road, legally described as follows:

That part of Outlot A, CENTRAL LAKES CROSSING, according to the recorded plat thereof, Crow Wing County, Minnesota

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called a Public Hearing on May 10, 2016 and recommends approval, and;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their May 17, 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 request to approve PUD general plan, based on the finding that the standards in Title 10 of the Baxter Zoning Ordinance are met. Specifically:

1. The PUD is consistent with the City’s Comprehensive Plan ;
2. With the conditions in this resolution, the PUD is consistent with zoning ordinance requirements; and
3. The PUD does not violate any local, state or federally adopted law, ordinance, regulation, plan or policy.

**FURTHER BE IT RESOLVED** that the following conditions of approval shall be met:

1. The approval of the PUD General Plan and the development standards of the PUD are as indicated on the plans received by the city on April 19, 2016 and, except as amended by this resolution.
2. The allowable uses for the PUD are any permitted or accessory uses allowed in the C-2, zoning district. These uses shall be considered “permitted” in the PUD, provided they comply with all the development standards and conditions approved by City Council.
3. Development standards of the PUD shall be subject to zoning ordinance standards and the standards specifically listed in the C-2, District, except as specifically amended.

4. Approval of the PUD General Plan is contingent on the Rezoning to PUD and approval of the Preliminary and Final plat.
5. The PUD is subject to any conditions of approval submitted by the Architectural Review Commission.
6. A building permit is required prior to beginning any new construction.
7. **No building permits shall be issued until a PUD final plan is approved by city staff.**
8. **Prior to issuance of a building permits**, the applicant shall:
  - a. Record the final plat and any required agreements, or easements with Crow Wing County.
  - b. Enter into and record an approved development agreement
  - c. Revise plans to dedicate 10 feet of right-of-way along the North side of the site and move the building South at least 10 feet.
  - d. Provide a minimum low floor elevations as required by the City Code.
  - e. Provide a three foot separation from the bottom of ponding to the top of the ground water as required by the MPCA and NPDES permit.
  - f. Revise plans to increase to identify that the entire 30 foot drive aisle on the south side of the site would be built at this time.
  - g. Revise the landscape plan to meet or exceed the minimum tree requirements. The trees shall also be in compliance with priority placement requirements, minimum coniferous requirements, and the other requirements of the landscape ordinance.
  - h. A specific plan for any exterior trash enclosure shall be reviewed and approved by City staff to provide a fully opaque screen of the trash.
  - i. Revise the sign plan to reduce the sign area to 200 square feet.
  - j. Provide compliance with zoning review items related to the development plan.
9. All signage shall require separate permits and shall be in conformance with the City's sign ordinance.
10. The PUD General Plan shall expire one year from of the date of this approval unless the applicant has recorded the plat or commenced construction or has requested an extension in writing.

**Whereupon, said Resolution is hereby declared adopted on this 17<sup>th</sup> day of May, 2016.**

---

**Darrel Olson, Mayor**

**ATTEST:**

---

**Kelly Steele, City Clerk**

***City Seal***

**To: City of Baxter Planning Department**

**RE: Submittal Narrative for 3-4 Multi-Tenant Small Shop Retail Development**

Wayzata, MN Based retail developer and property manager HJ Development, LLP(Applicant) is seeking approval of a Planned Unit Development (PUD) from the City of Baxter, MN(City) to construct an approximately 7,000 SF multi-tenant retail center immediately south of Glory Rd in front of the existing Walmart Supercenter.

The building will be home to nationally recognized retailers, fast casual restaurants and service businesses.

In connection with the development of this project Applicant plans to construct a pond in the NE corner of the site that will be engineered so that it will hold water and also have a decorative fountain/water feature in it. The pond will be designed to be a visually pleasing outdoor element to be enjoyed by patrons visiting the property and more specifically those dining on the outdoor patios that will sit at the building's rear overlooking the pond. Given that many associate the Baxter area with outdoor activities involving water the Applicant feels this feature will be a significant draw to the property and something that the City can be proud to showcase at the first prominent intersection visible by visitors traveling north to Baxter on Hwy 371.

Applicant is planning to make this site very pedestrian friendly given that it neighbors the highly trafficked Paul Bunyon Trail. A direct bituminous connection from the Paul Bunyon Trail will allow for users of the trail to stop at the property for food and drink. An ample amount of bike racks will be available at the property and ample outdoor seating options will be available as well.

The site is designed so that approximately 5000 sf of building could be occupied by restaurants and still meet ordinance required parking calculations for 10' x 20' parking stalls.

Tenants will require building signage on both the front and rear of the building and those tenants that occupy endcaps will look to have the ability to sign 3 sides of the building. Signage to the traffic on Hwy 371 will be very important in the Applicant's efforts to secure notable tenants for this property.

In addition to building signage, Applicant is looking to build a monument sign that will showcase tenants that occupy the building.

Applicant looks forward to working with the City of Baxter to obtain the necessary approvals to move forward with development of the site. Applicant plans for the construction of the site to start in the spring of 2017 with a fall 2017 open date.

Chris Moe

HJ Development, LLP



# Glory Road Strip Mall



1: 2,400



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

NAD\_1983\_HARN\_Adj\_MN\_Crow\_Wing\_Feet  
City of Baxter



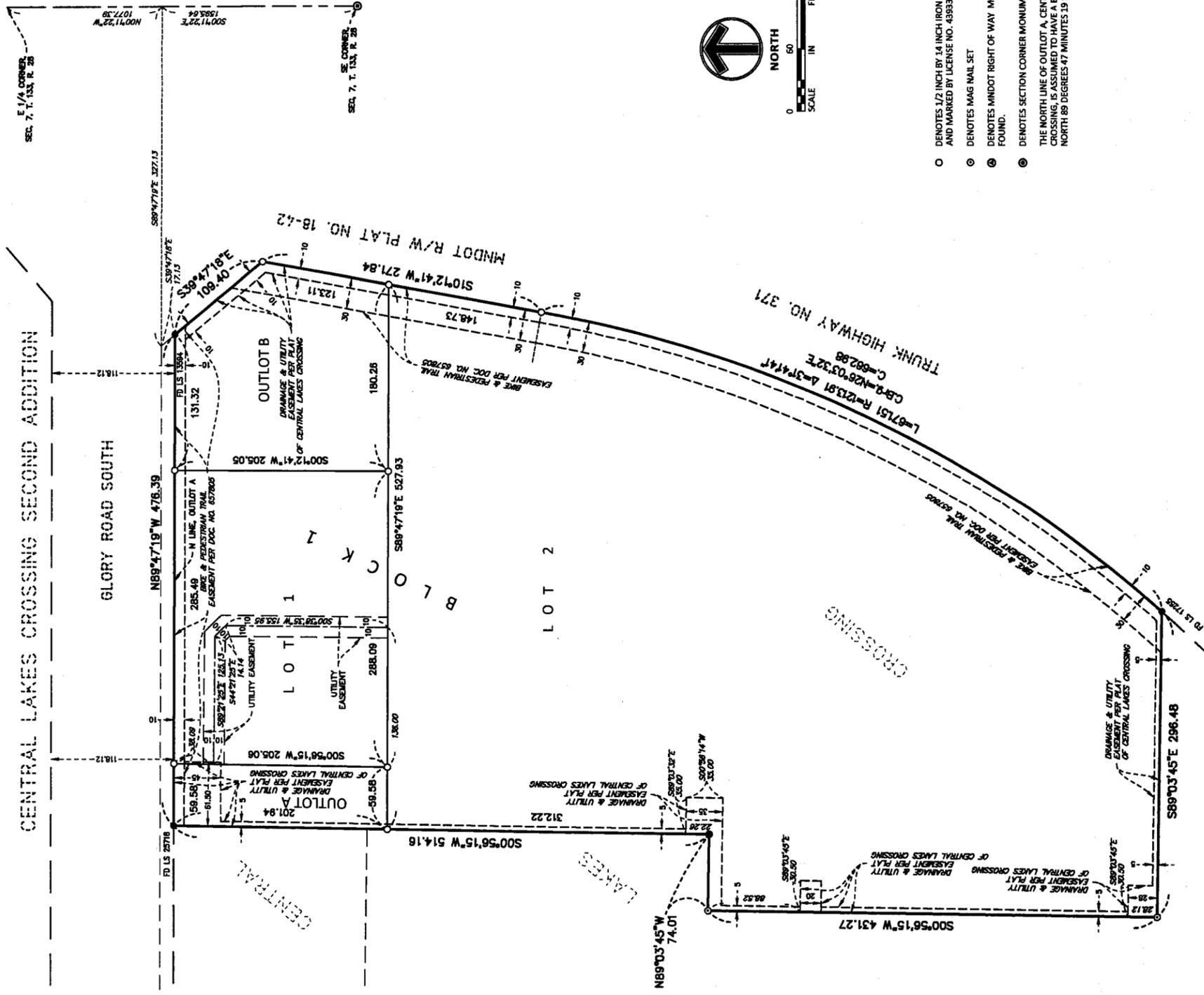
## Legend

- Streets
- Locations
  - Current
  - Pending
  - Vacant
  - Retired
  - Other
- Parcels
- Land Use Cases
- Encumbrances
- Municipal Boundaries
- Historical Parcels
- 2013 Imagery
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

## Notes



# CENTRAL LAKES CROSSING 3RD ADDITION



NORTH  
0 60 120  
SCALE IN FEET

- DENOTES 1/2 INCH BY 1/4 INCH IRON MONUMENT SET AND MARKED BY LICENSE NO. 49933.
  - ⊙ DENOTES MAG NAIL SET
  - ⊙ DENOTES MIDDOT RIGHT OF WAY MONUMENT FOUND.
  - ⊙ DENOTES SECTION CORNER MONUMENT.
- THE NORTH LINE OF OUTLOT A, CENTRAL LAKES CROSSING, IS ASSUMED TO HAVE A BEARING OF NORTH 89 DEGREES 47 MINUTES 19 SECONDS WEST.

KNOW ALL PERSONS BY THESE PRESENTS: That H.J. Development L.L.P., a Minnesota limited liability partnership, owner of the following described property:  
 Outlot A, CENTRAL LAKES CROSSING, according to the recorded plat thereof, Crow Wing County, Minnesota

Has caused the same to be surveyed and platted as CENTRAL LAKES CROSSING 3RD ADDITION and does hereby donate to the public for public use the utility easements as created by this plat.

In witness whereof said H.J. Development L.L.P., a Minnesota limited liability partnership, has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SIGNED: H.J. Development L.L.P., a Minnesota limited liability partnership

By: \_\_\_\_\_, as \_\_\_\_\_

STATE OF MINNESOTA  
 COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ of H.J. Development L.L.P., a Minnesota limited liability partnership, on behalf of the partnership.

Notary Public,  
 My Commission Expires \_\_\_\_\_  
 County, Minnesota

I, Mark R. Salo, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey, that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.1, Subd. 3, as of the date of this certificate are shown and labeled on this plat, and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mark R. Salo, Licensed Land Surveyor, Minnesota License No. 439933

STATE OF MINNESOTA  
 COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Mark R. Salo.

Notary Public,  
 My Commission Expires \_\_\_\_\_  
 County, Minnesota

CITY OF BAXTER, CITY COUNCIL, BAXTER, MINNESOTA

This plat of CENTRAL LAKES CROSSING 3RD ADDITION was approved and accepted by the City Council of the City of Baxter, Minnesota at a regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Baxter, Minnesota

By: \_\_\_\_\_ Mayor By: \_\_\_\_\_ Clerk

COUNTY AUDITOR/TREASURER, CROW WING COUNTY, MINNESOTA

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year \_\_\_\_\_ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Auditor/Treasurer, Crow Wing County, Minnesota  
 By: \_\_\_\_\_, Deputy



**LEGEND**

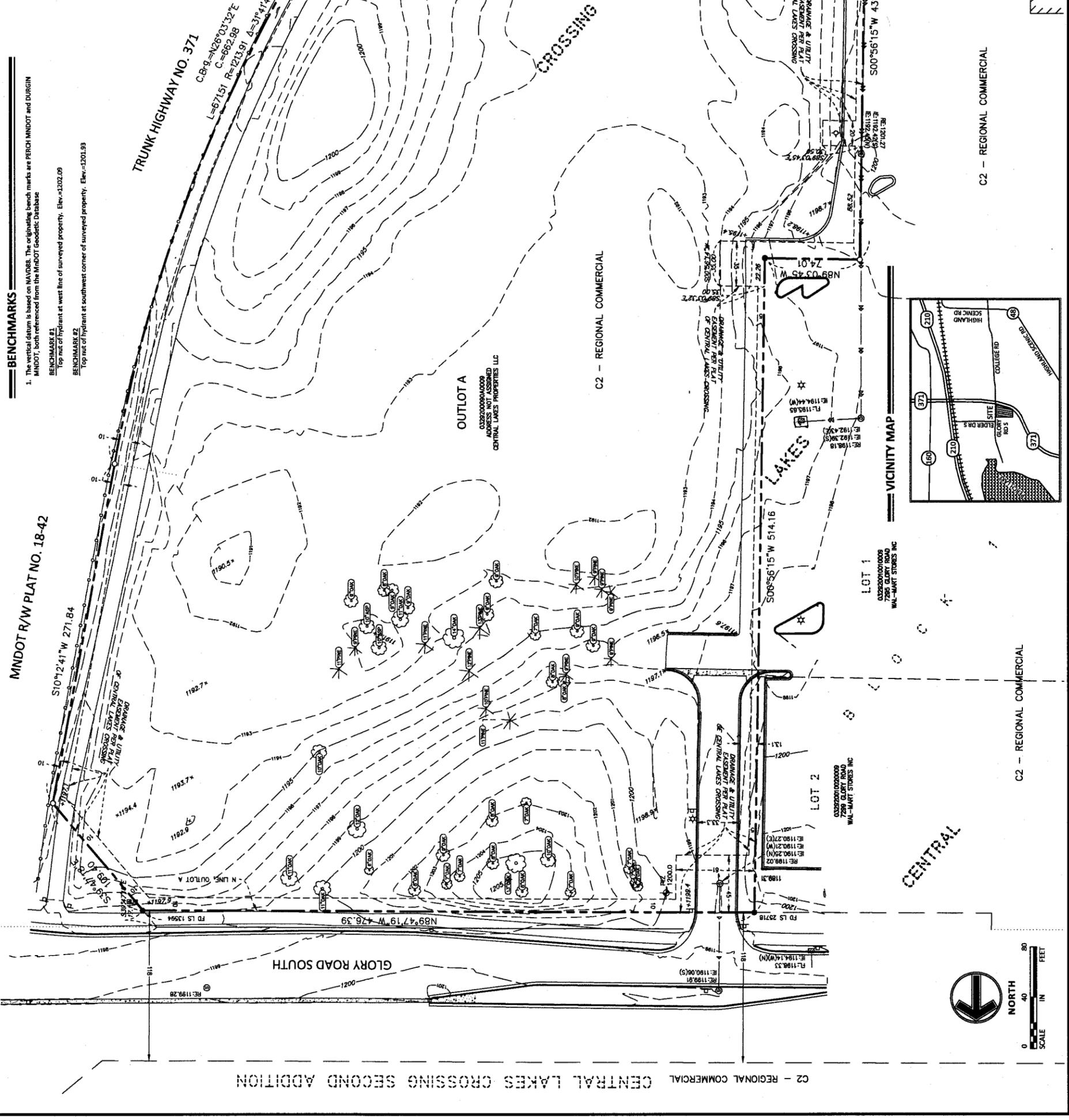
● FOUND MONUMENT	— WATERMAIN
○ SET MONUMENT	— SANITARY SEWER
○ MARKED LS 47481	— STORM SEWER
⊠ ELECTRIC METER	— FLARED END SECTION
⊠ LIGHT	— ELECTRIC TRANSFORMER
⊠ AIR CONDITIONER	— TELEPHONE PEDISTAL
⊠ GUY ANCHOR	— GAS METER
⊠ HANDICAP STALL	— OVERHEAD WIRE
⊠ UTILITY POLE	— CHAIN LINK FENCE
⊠ POST	— IRON FENCE
⊠ SIGN	— WIRE FENCE
	— WOOD FENCE

**SURVEY NOTES**

- The bearing system for this survey is based on the north line of Outlot A, CENTRAL LAKES CROSSING having an assumed bearing of North 89 degrees 47 minutes 19 seconds West.
- This survey was prepared without the benefit of a title commitment or abstract and the surveyor has made no claim for record, either for this survey or for any other facts that may be shown thereon. This survey may be revised by showing that which would be cited in a title commitment and then illustrated on the survey.
- Field work was completed on 04/05/2016.

**DESCRIPTION**

Outlot A, CENTRAL LAKES CROSSING, according to the recorded plat thereof, Cow Wing County, Minnesota.

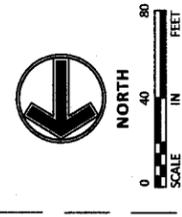
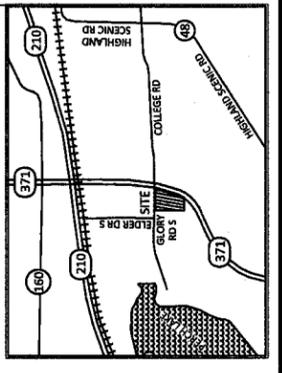


**BENCHMARKS**

- The vertical datum is based on NAVD83. The originating bench marks are PERCH MNDOT and DURGIN MNDOT, both referenced from the MNDOT Geodetic Database.

**BENCHMARK #1**  
 Top nut of hydrant at west line of surveyed property. Elev. = 1202.09

**BENCHMARK #2**  
 Top nut of hydrant at southwest corner of surveyed property. Elev. = 1201.93



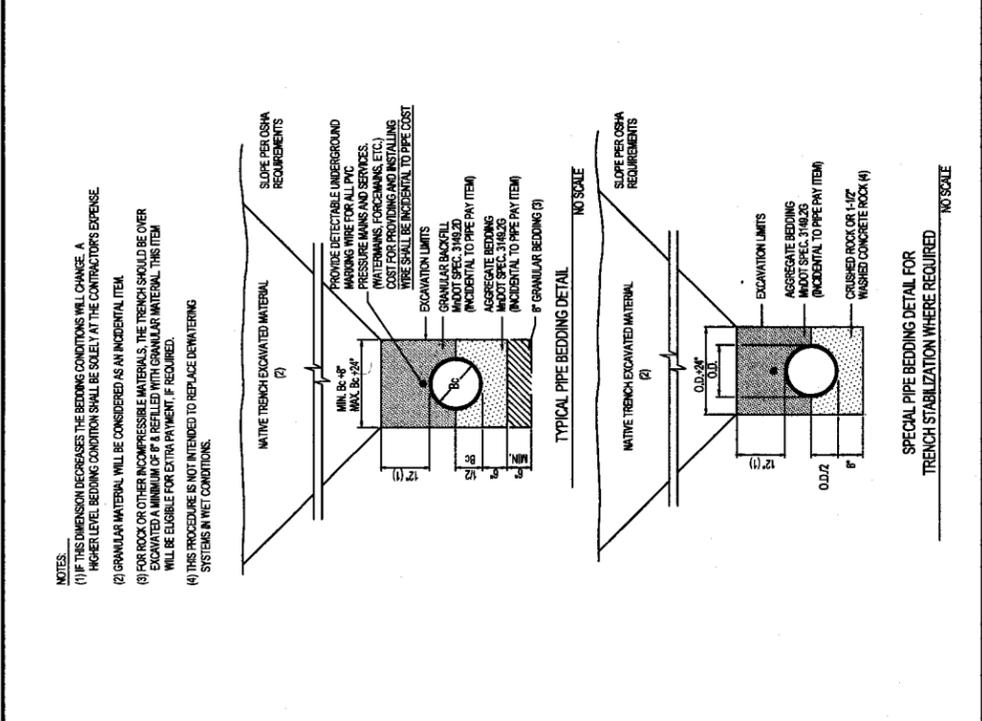
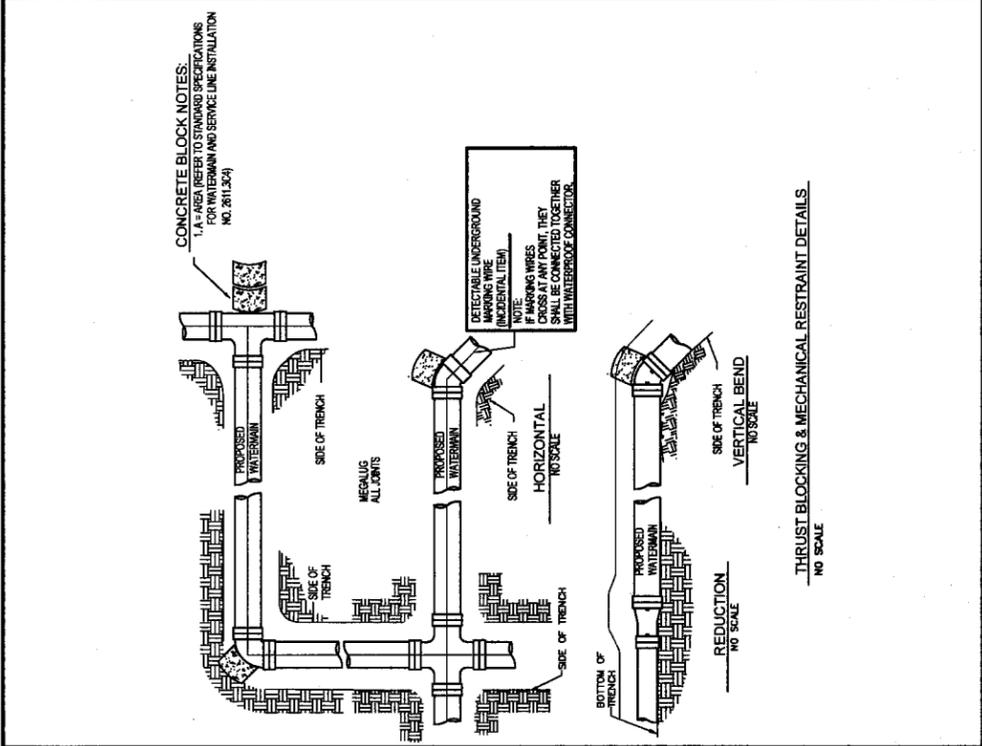
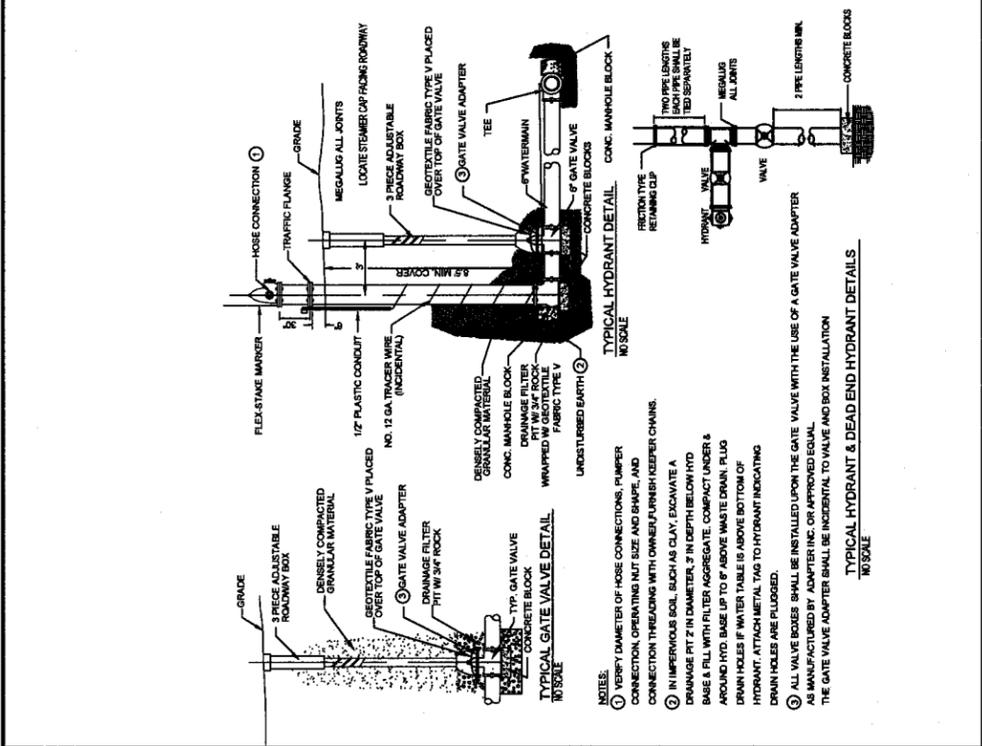
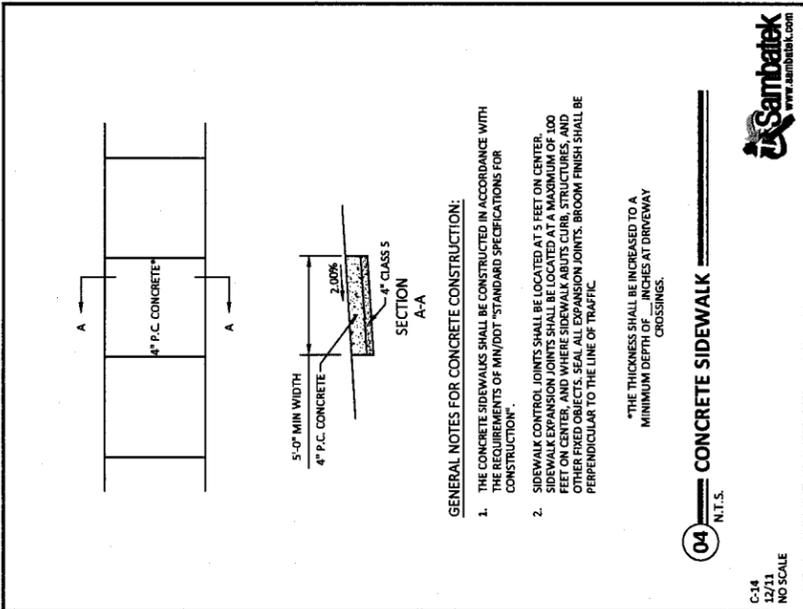
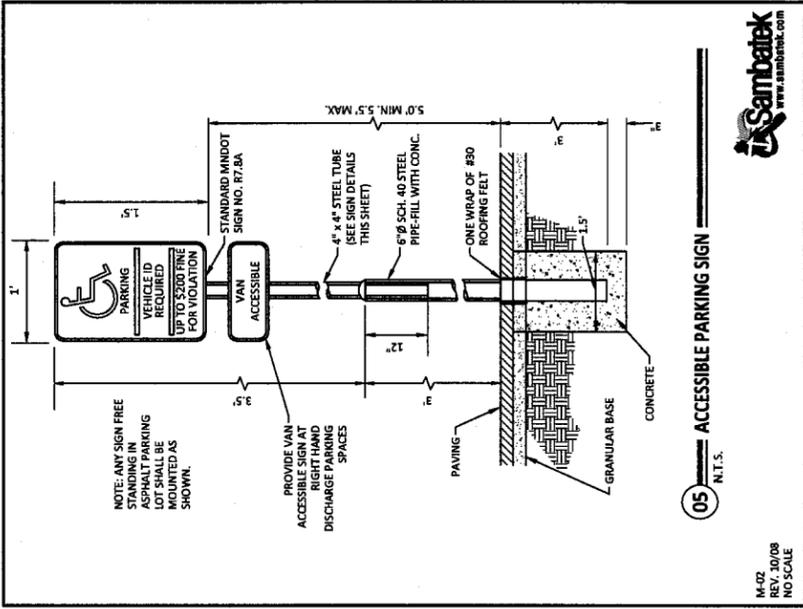
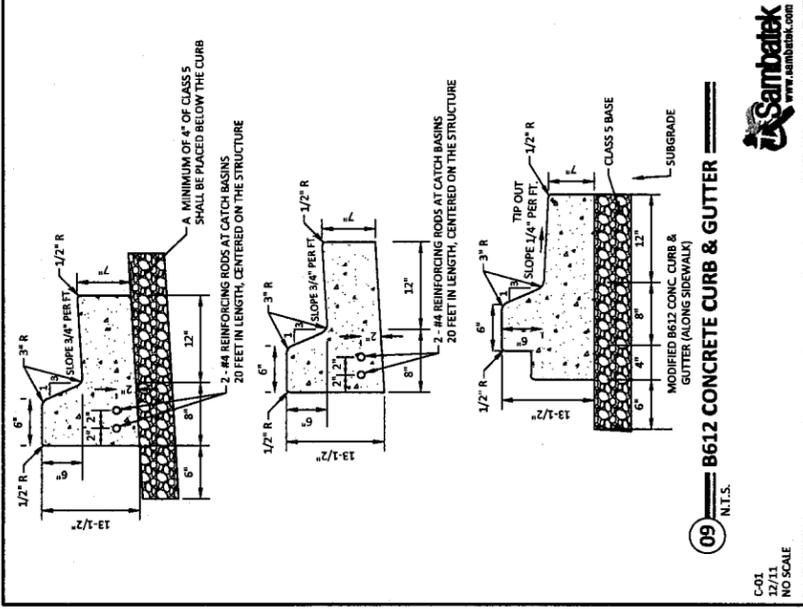












**Client**  
 HJ  
 DEVELOPMENT,  
 LLP  
 15600 WAYZATA BLVD, SUITE 201  
 WAYZATA, MN 55391

**Project**  
 CENTRAL LAKES  
 CROSSING  
 MULTI-TENANT

**Location**  
 BAXTER, MN  
 SW QUADRANT OF HIGHWAY 371  
 AND GLORY ROAD S

**Certification**  
 I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed LANDSCAPE ARCHITECT under the laws of the State of Minnesota.

**PRELIMINARY**  
 Joshua J. Mckinnon Date: 04/19/16  
 Registration No. 1000000000  
 The contents of this drawing are valid unless noted in blue ink. If you wish to contract us for a site signed copy of this survey which is available upon request at Sambatek, Minneapolis, MN office.

**Summary**  
 Designed: JMW Drawn: JMW  
 Approved: Book / Page:  
 Phase: PRELIMINARY Initial Issue: 04/19/2016

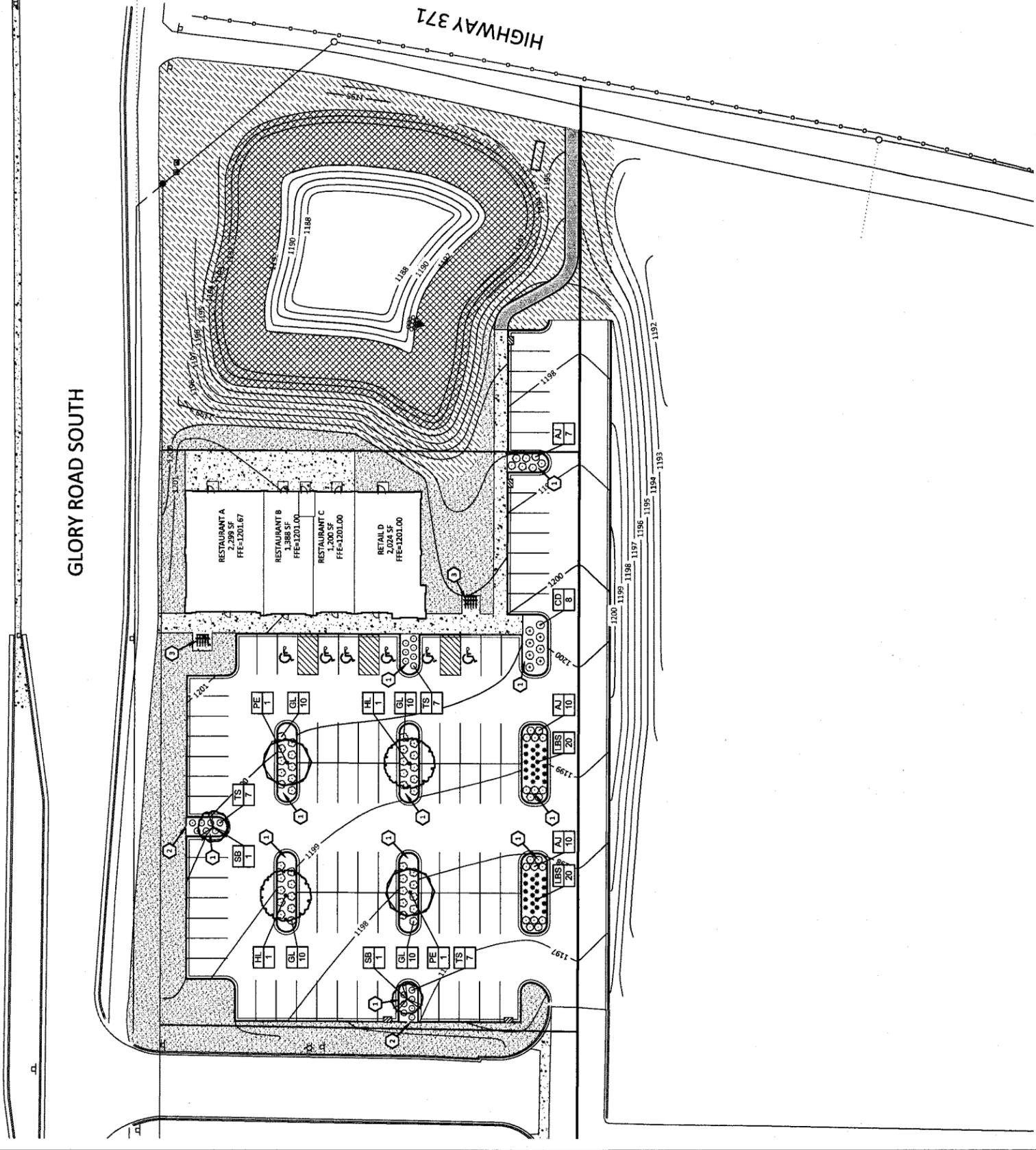
**Revision History**  
 No. Date By Submittal / Revision  
 04/19/16 JMW City Submittal

**Sheet Title**  
 LANDSCAPE  
 PLAN

**Sheet No. Revision**  
 L1.01

**Project No.** HUD20526

PLANT SCHEDULE						
TREES	CODE	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	QTY
	WS	Betula papyrifera 'White Spruce' / Whitespire Birch	B & B	2.5" Cal	3"	3
	HL	Gleditsia triacanthos 'Skyline' / Skyline Honey Locust	B & B	2.5" Cal	2"	2
	SO	Quercus bicolor / Swamp White Oak	B & B	2.5" Cal	1"	1
	PE	Ulmus americana 'Princeton' / American Elm	B & B	2.5" Cal	2"	2
CONIFERS	CODE	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	QTY
	WP	Pinus strobus / White Pine	B & B	6"	1"	1
ORN. TREES	CODE	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	QTY
	SB	Amelanchier canadensis 'Autumn Brilliance' / Autumn Brilliance Serviceberry	B & B	2" Cal	2"	2
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY		
	RD	Cornus baileyi / Bailey's Red-twig Dogwood	5 gal	12		
	CD	Cornus sericea 'Alleman's Compact' / Dwarf Red-twig Dogwood	5 gal	8		
	AJ	Juniperus horizontalis 'Compacta' / Andromeda Compact Juniper	5 gal	27		
	GL	Rhus aromatica 'Gro-Low' / Gro-Low Fragrant Sumac	5 gal	40		
	TS	Spiraea betulifolia 'Tor' / Birchleaf Spirea	5 gal	21		
GRASSES	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY		
	LBS	Schizachyrium scoparium 'Blue Heaven' / Blue Heaven Little Bluestem	1 gal	40		
GROUND COVERS	CODE	BOTANICAL NAME / COMMON NAME	QTY			
	TUR DRO	Turf Seed Drought Tolerant Dwarf Fescue Blend	14,310 sf			
	TUR MN	Turf Seed MN 33-361 / Shumwater Basin Seed Mix	12,054 sf			
	TUR HIG	Turf Sod Highland Sod / Sod	14,318 sf			



**LANDSCAPE LEGEND**

- 1 DRESSER TRAP ROCK
- 2 STEEL EDGER
- 3 PROPOSED BIKE RACK. EXACT LOCATION TBD.

**CITY LANDSCAPE CODE**

- ONE OVERSTORY DECIDUOUS OR CONIFEROUS TREE IS REQUIRED FOR EVERY 1,500 SQUARE FEET OF BUILDING FLOOR AREA.
- 30% OF TOTAL TREES MUST BE CONIFEROUS.
- A MINIMUM OF ONE SHRUB IS REQUIRED FOR EVERY 450 SQUARE FEET OF BUILDING FLOOR AREA.

PROPOSED BUILDING FLOOR AREA = 7,011 SQ. FT.

PLANT TYPE	REQUIRED	PROVIDED
CONIFER TREES	4	10
DECIDUOUS TREES	2	1
SHRUBS	15	108









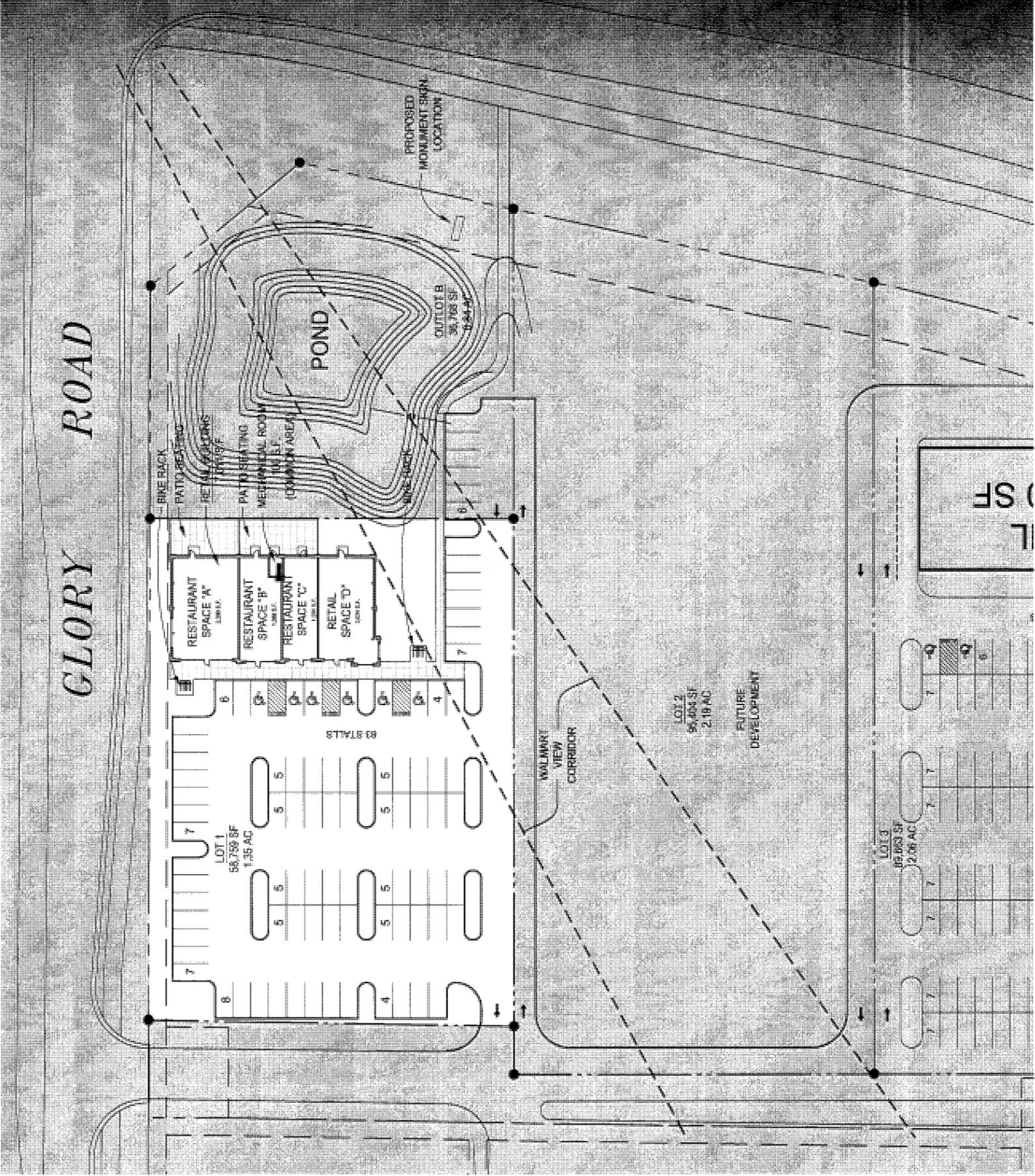
0 15' 30' 60'

1 PROPOSED ARCHITECTURAL SITE PLAN

A1.0 1" = 30'-0"

**SITE DATA:**

SITE AREA - LOT 1	(1.35 ACRES) 58,759 S.F.
PROPOSED RESTAURANT SPACE A AREA	2,299 SF
CITY REQUIRED PARKING @ 1 STALL PER 2.5 SEATS - ASSUME 80 SEATS	32 STALLS
PROPOSED RESTAURANT SPACE B AREA	1,388 S.F.
CITY REQUIRED PARKING @ 1 STALL PER 2.5 SEATS - ASSUME 50 SEATS	20 STALLS
PROPOSED RESTAURANT SPACE C AREA	1,200 S.F.
CITY REQUIRED PARKING @ 1 STALL PER 2.5 SEATS - ASSUME 50 SEATS	20 STALLS
PROPOSED RETAIL SPACE D AREA	2,024 S.F.
CITY REQUIRED PARKING @ 4 STALLS PER 1,000 S.F.	9 STALLS
TOTAL PARKING REQUIRED	81 STALLS
TOTAL PARKING PROVIDED	83 STALLS

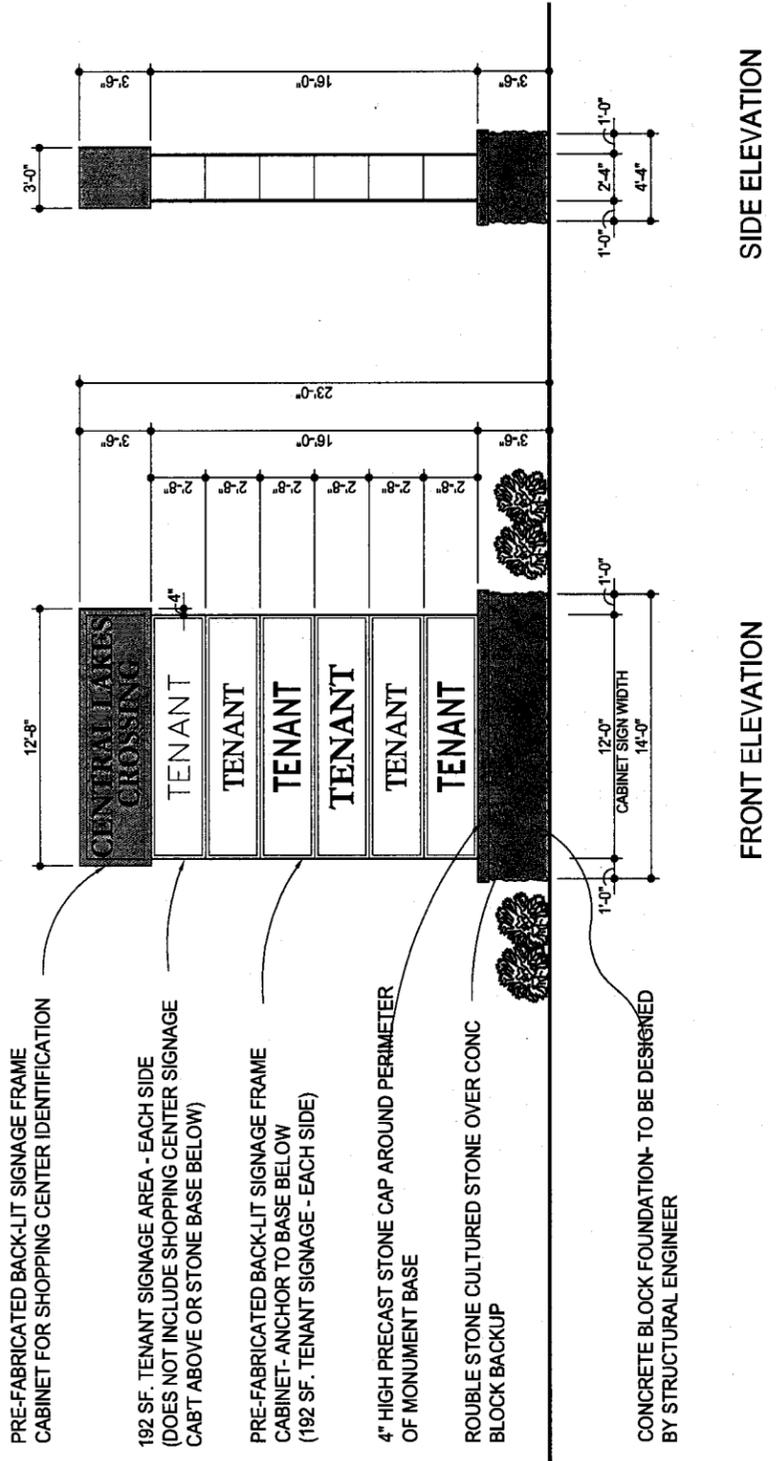




Issue # Revision:

ISSUE CITY SUBMITTAL	04/19/16

Drawing No.	34228-M16-086
Date Pl.	MFA
Drawn by	DTP
SHEET	



- PRE-FABRICATED BACK-LIT SIGNAGE FRAME CABINET FOR SHOPPING CENTER IDENTIFICATION
- 192 SF. TENANT SIGNAGE AREA - EACH SIDE (DOES NOT INCLUDE SHOPPING CENTER SIGNAGE CABT ABOVE OR STONE BASE BELOW)
- PRE-FABRICATED BACK-LIT SIGNAGE FRAME CABINET- ANCHOR TO BASE BELOW (192 SF. TENANT SIGNAGE - EACH SIDE)
- 4" HIGH PRECAST STONE CAP AROUND PERIMETER OF MONUMENT BASE
- ROUBLE STONE CULTURED STONE OVER CONC BLOCK BACKUP
- CONCRETE BLOCK FOUNDATION- TO BE DESIGNED BY STRUCTURAL ENGINEER

SIDE ELEVATION

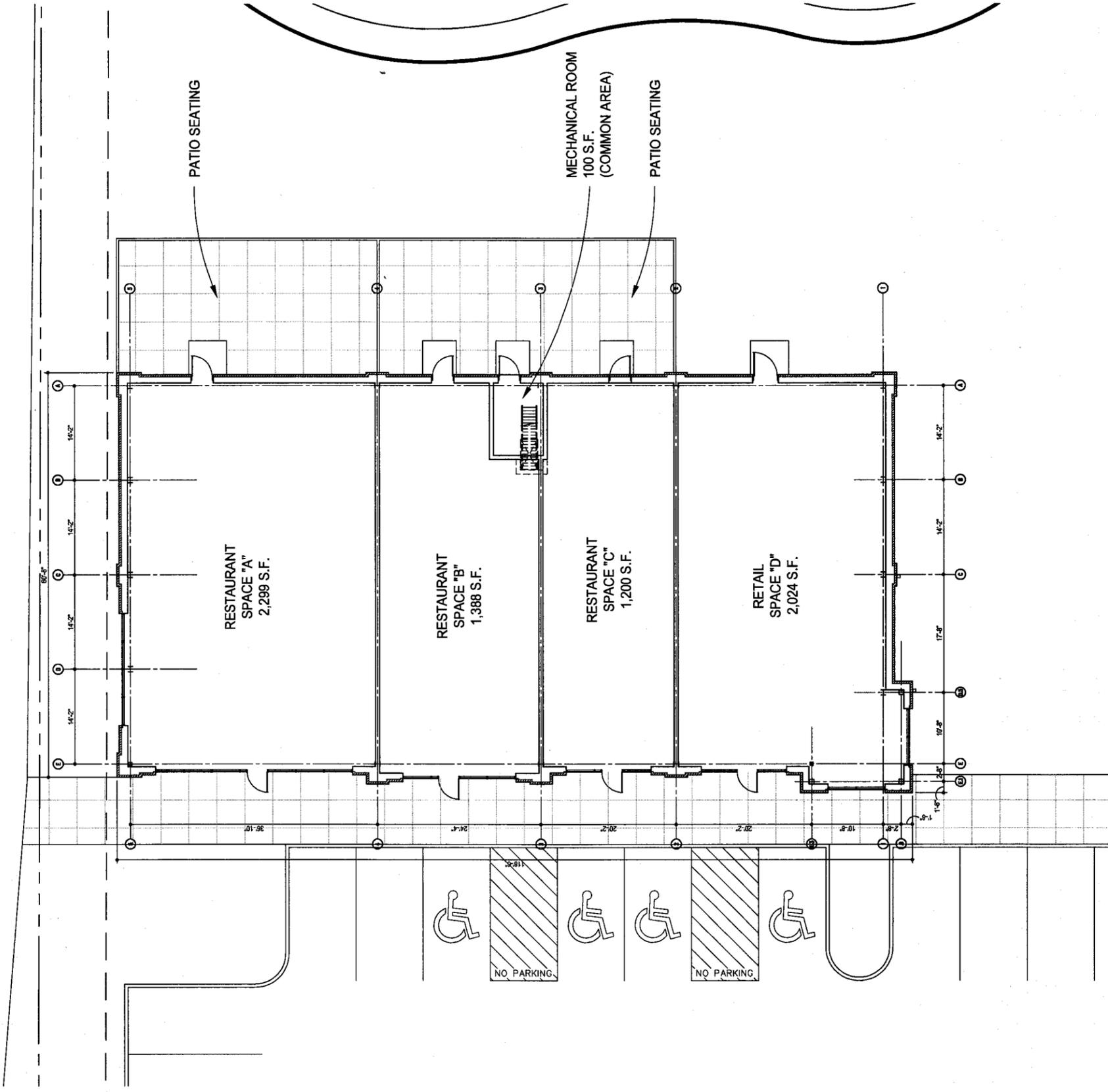
FRONT ELEVATION

1 PROPOSED MONUMENT SIGN - SOUTHEAST CORNER OF POND  
A1.1 1/4"=1'-0"

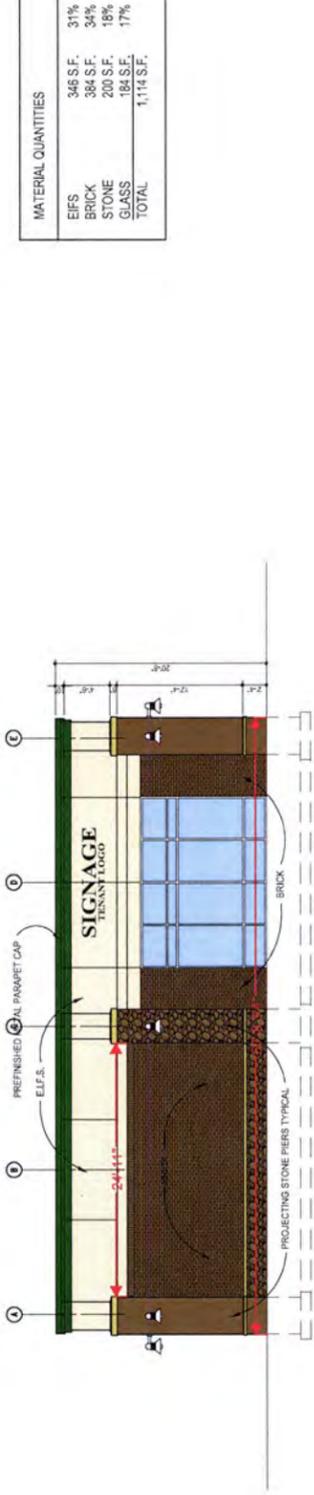


1 OVERALL MULTI-TENANT RETAIL FLOOR PLAN

A2.1 1/8" = 1'-0"

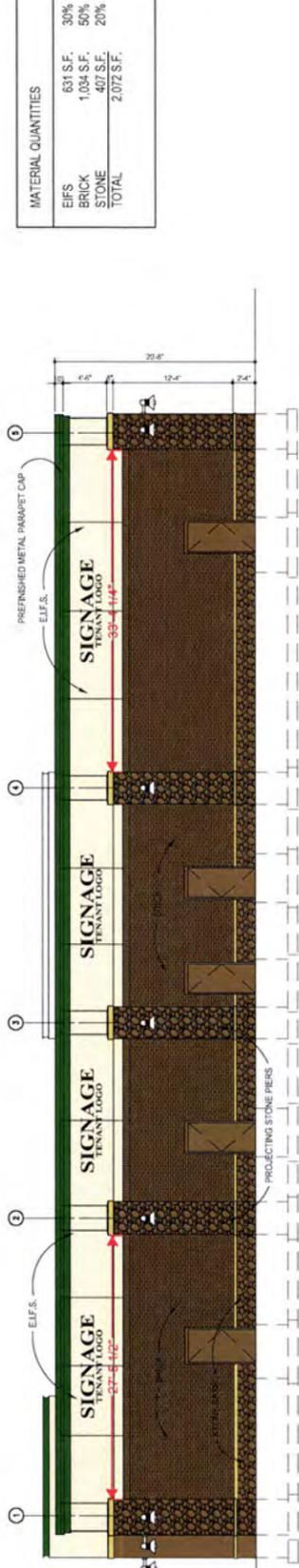


MATERIAL QUANTITIES	
EFS	945 S.F. 31%
BRICK	384 S.F. 34%
STONE	200 S.F. 18%
GLASS	184 S.F. 17%
TOTAL	1,114 S.F.



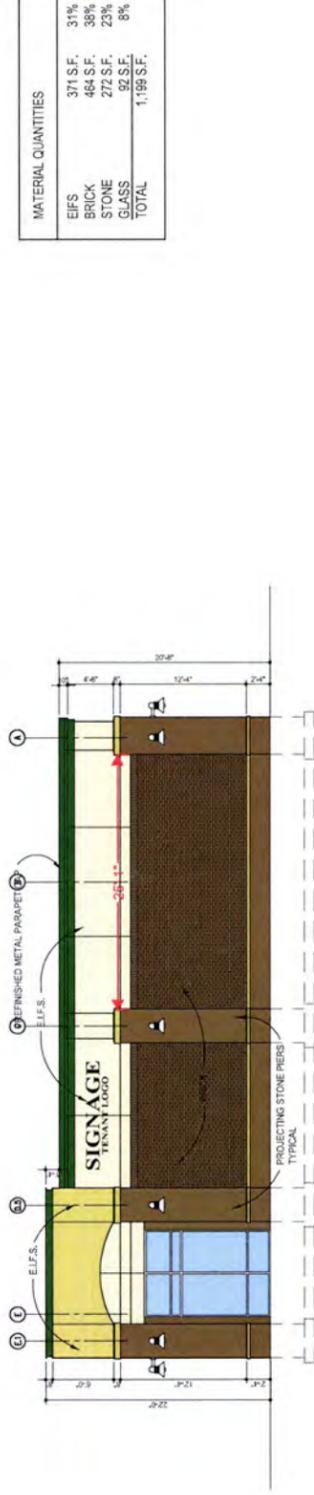
4 PROPOSED NORTH ELEVATION (REAR)  
A3.1 1/8" = 1'-0"

MATERIAL QUANTITIES	
EFS	631 S.F. 30%
BRICK	1,034 S.F. 50%
STONE	407 S.F. 20%
TOTAL	2,072 S.F.



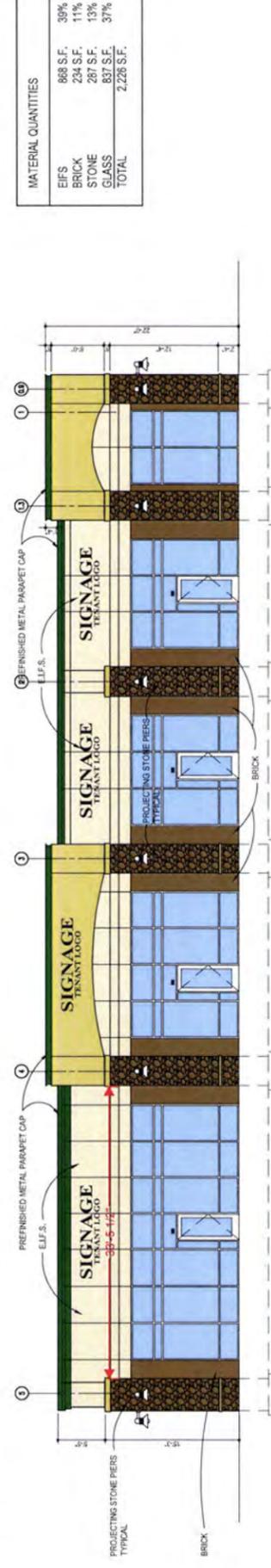
3 PROPOSED EAST ELEVATION (REAR)  
A3.1 1/8" = 1'-0"

MATERIAL QUANTITIES	
EFS	371 S.F. 31%
BRICK	464 S.F. 38%
STONE	272 S.F. 23%
GLASS	92 S.F. 8%
TOTAL	1,199 S.F.



2 PROPOSED SOUTH SIDE ELEVATION  
A3.1 1/8" = 1'-0"

MATERIAL QUANTITIES	
EFS	868 S.F. 38%
BRICK	234 S.F. 11%
STONE	287 S.F. 13%
GLASS	837 S.F. 37%
TOTAL	2,226 S.F.



1 PROPOSED WEST ELEVATION (FRONT)  
A3.1 1/8" = 1'-0"



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**TO:** Baxter Planning and Zoning Commission

**FROM:** Matthew Gindele, Planner

**REVIEWED BY:** Josh Doty, Community Development Director

**DATE:** May 10, 2016 Planning and Zoning Commission Meeting

**REQUEST:** **PUBLIC HEARING. Zoning Ordinance Text Amendment** to update the General Provisions, Definitions, Zoning Districts, General Building and Performance Standards and Special Provisions ordinance requirements of the Zoning Code. (City file no. 16-14).

**APPLICANT:** City of Baxter

**60-DAY REVIEW DEADLINE:** N/A

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## 1. Application Request

Consider a comprehensive ordinance amendment to address a number of issues with the General Provisions, Definitions, Zoning Districts, General Building and Performance Standards and Special Provisions chapter of the zoning ordinance. These updates resulted in revisions to the rules, scope and interpretation in Section 10-1-3 (subsection D); definitions in Section 10-2-2; lot area, height, lot width and yard requirements in Section 10-3-4 (Articles A, B, D, E, F, G, H, and I subsection 5A and Article C subsection 5B); dimensional requirements in Section 10-3-4 Article L subsection 7C); storage standards in Section 10-4-7 (subsection B); screening/landscaping/fencing in Section 10-4-8 (subsections A and D); architectural design standards in Section 10-4-10 (subsections E and F); signs in Section 10-5-1 (subsections D and F); lighting standards in Section 10-4-5 (subsections D and E); drive-through businesses in Section 10-5-5 (subsection A); motor fuel stations in Section 10-5-8 (subsection B) and accessory structures in Section 10-5-9 (subsection A).

The primary purpose of the changes is to provide greater flexibility in some areas of the zoning code and also to provide increased clarity of the intent of some areas of the zoning code.

## 2. Amendment Highlights

**Chapter 1: Section 3**-added procedure for determining setback using the string rule to be consistent with procedure described in Chapter 4. This procedure was also added to the shoreland overlay district in Chapter 3 Article L.

**Chapter 2**-added verbiage to the drive-through business definition to exclude certain business types from meeting the definition of a drive-through.

**Chapter 3**-added additional setback requirements for accessory structures on corner lots

**Chapter 4:**

**Section 10-4-7**- added hard surfacing requirements to be consistent with district standards in Chapter 3

**Section 10-4-8-**added verbiage clarifying screening requirements. Also added the Special Residential and Forestry districts to landscape performance standards for residential districts.

**Section 10-4-10-**added verbiage allowing architectural metal panels to exceed 50% of a building façade in the C1 and C2 zoning districts without a variance; architectural metal panels exceeding 50% would still require review by the ARC Commission and approval by the City Council. Verbiage was also added to allow “other materials” that have been reviewed by the ARC Commission and approved by the City Council to be permitted materials for other future applicant.

**Chapter 5:**

**Section 10-5-1-** added verbiage allowing 10% of any face of a canopy to be dedicated to signage. Brightness standards for canopies were also added to be consistent with other areas of Chapter 5.

**Section 10-5-4-** deleted verbiage regarding pole-mounted light height to clarify the maximum height they are allowed to be. Also deleted verbiage requiring strip accent lighting to be at least 300 feet from trunk highway ROW; verbiage was added requiring strip accent lighting to count toward the 10% maximum signage requirement for any wall or canopy face and limiting the brightness of strip accent lighting to be consistent with brightness standards in chapter 5.

**Section 10-5-5-** Amended the stacking requirements for banks to require stacking for 3 vehicles, rather than 4, for banks with square footage less than 6,000 square feet.

**Section 10-5-8-** deleted verbiage requiring earth tone colors for canopies, also deleted verbiage requiring canopies to be non-illuminated.

**Section 10-5-9-** amended accessory structures section to be consistent with State Building Code. Specifically, verbiage requiring a building permit for structures greater than 120 square feet was altered to require a building permit for structures greater than 200 square feet.

**3. Recommendation**

Staff recommends approval of the draft zoning ordinance

**Attachments**

1. Draft zoning ordinance (red-line copy)
2. Draft zoning ordinance (clean copy)

CITY OF BAXTER, MINNESOTA  
ORDINANCE 2016-\_\_\_

AN ORDINANCE AMENDING THE TEXT OF TITLE 10 OF THE BAXTER CITY CODE,  
ENTITLED BAXTER ZONING REGULATIONS  
RED LINE COPY

THE CITY OF BAXTER ORDAINS:

**SECTION 1. Amendments.** The text of Chapter 1, Section 3D “Rules, Scope And Interpretation: Rules” of Title 10 (Zoning Regulations) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

**10-1-3: RULES, SCOPE AND INTERPRETATION:**

**D. Rules:**

1. **Building Permit Required:** No person shall erect, alter, wreck, or move any building or part thereof without first securing a building permit. Application for a building permit shall be made to the city on forms furnished by the city. Each application for a permit to construct, expand, or alter a building shall be accompanied by a site plan drawn to scale showing the dimensions of the lot to be built upon, the size and location of all existing and proposed buildings and accessory buildings and evidence of either a complying individual sewer treatment system (ISTS) per title 9, chapter 8 of this code or connected to a city system. Exceptions to the ISTS compliance requirement shall be made for the following building permits: (Ord. 2014-19, 6-17-2014)
  - a. Residential reroofing, re-siding, window replacement/installation, hot water heater replacements, heating/venting/air conditioning (HVAC) replacement, and electrical work.
  - b. Commercial and industrial maintenance work as determined by the city. (Ord. 2009-13, 7-21-2009)
2. **Certificate Of Survey Required:** A certificate of survey or registered land survey showing property boundaries/monuments in the field, all existing and proposed structures, significant features, etc., shall accompany a building permit application if the property consists of any of the following:
  - a. The lot is not platted or is described by metes and bounds.
  - b. The land is composed of partial lots.
  - c. The lot has or had an existing structure that is to be redeveloped.
  - d. The lot/structure is in a plat that is older than five (5) years unless deemed unnecessary by the city.
3. **Minor Additions:** If the application is for an alteration that does not expand the bulk of the building or is for a minor addition that is well within the setback requirements, some or all of the aforementioned requirements may be waived by the city.
4. **Other Information:** Applications for any kind of building permit shall contain such other information as may be deemed necessary for the proper enforcement of this title. For some applications, the city may require the submission of a boundary survey with topographic data prepared by a registered land surveyor or engineer where drainage, change in grade, distance

between existing and/or proposed structures, or proximity to an environmentally sensitive area is a concern. In this case, existing and proposed grades shall be provided at one foot (1') contours unless otherwise allowed by the city. The city will review and approve existing and proposed grades to prevent drainage and other impacts on public streets, adjacent properties and environmentally sensitive areas.

5. **Conformity Required:** No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this title. For the new construction of structures with common walls located on a property line, once construction of the foundation has been completed, verification by a registered land surveyor of the location of the foundation or other confirmation of the foundation's accuracy acceptable to the city shall be required before the framing of the structure is begun. (Ord. 2006-21, 8-1-2006)
6. **Use Prohibited As Dwelling:** No cellar, garage, tent, trailer, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit unless otherwise authorized in subsection 10-5-6B of this title. The basement portion of a finished home may be used for normal living, eating and sleeping purposes provided it complies with the habitable space requirements of the building code, and is approved by the city. (Ord. 2014-19, 6-17-2014)
7. **Moving Or Relocating Buildings:**
  - a. **Conditional Use Permit Required; Exceptions:** A conditional use permit is required for all building moving when the destination is in the city, except for:
    - (1) Premanufactured or modular homes moved onto a vacant lot of record.
    - (2) Accessory buildings less than three hundred (300) square feet where allowed by this title.
    - (3) Agricultural buildings, when permitted by this title.
    - (4) Temporary structure to be located on a lot for eighteen (18) months or less.
  - b. **State License Required:** No person shall move, remove, raise or hold up any building within the limits of the city without a license to do so from the state.
  - c. **Conditional Use Permit:**
    - (1) The conditional use is subject to the conditions outlined in section 10-7-4, "Conditional Use Permit", of this title and the additional standards and criteria listed in this section.
      - (A) **Application:** The conditional use permit application shall include all of the materials outlined in section 10-7-4 of this title and the following additional information:
        - (i) A detailed description of the building proposed to be moved including dimensions, height to peak/number of stories, year built, type of siding, roofing, windows, number of units, etc.
        - (ii) The construction material of the building, number of rooms, condition of exterior and interior, and photographs showing the following: a) the structure to be moved from at least two (2) different angles, b) the lot on which the structure is to be located, c) adjacent lots and nearest existing structures.

- (iii) A boundary survey with topographic data prepared by a registered land surveyor or engineer showing the proposed location of the building, proposed grading at one foot (1') contours, scaled drawing showing the front building elevation together with nearest adjacent structures, proposed first floor elevation and finished grade in relation to adjacent structures and grade.
  - (iv) The address of building's origin.
  - (v) The address of building's destination.
  - (vi) The highways, streets, alleys, and other rights of way over, along or across which the building is proposed to be moved.
  - (vii) The proposed moving date and hours. No movement is allowed on federal holidays or holiday weekends.
  - (viii) Proof of a building mover license/bond as issued by the state in conformity with Minnesota statutes section 221.81.
  - (ix) Utilities and government agencies must be notified for the disconnection of cable, telephone, sewer, water, and gas services before a permit will be issued.
  - (x) Building destination within city limits: The structure must be inspected and approved by a city building inspector, a site plan submitted, and building permit issued.
  - (xi) Building destination outside city limits: The foundation must be inspected and a demolition permit issued.
  - (xii) Proof of insurance must be required.
  - (xiii) Any additional information that the city finds necessary to make a fair determination of whether a permit should be issued.
- (B) Performance Criteria:
- (i) The building to be moved must comply in all respects with the building code and other applicable ordinances. If the existing building does not comply, the person proposing to move the building shall present to the city complete and detailed plans showing changes which will be made in order to attain compliance with said ordinances. In the event that such changes are required, a city moving permit shall not be issued until the owner has agreed in writing to complete the necessary changes within a period of six (6) months, the city has approved the plan, the building permit fee has been paid, the building permit has been issued and a security acceptable to the city equal to the cost of said proposed work as approved by the city has been provided to the city guaranteeing completion of said changes.
  - (ii) The architecture of the building to be moved must be compatible in nature to the buildings in the immediate area. Architectural elements considered shall include, but are not limited to, siding, roofing, design/style and age.
  - (iii) The building to be moved, after being so moved, must be worth at least seventy five percent (75%) of the cost of a similar new building, as determined by the city.

- (iv) Prior to issuance of the moving permit, the city shall remove the water meter. Also, prior to issuance of the moving permit, all sewer and water connections shall be plugged or disconnected at the main or as determined by the city and any known cesspools, septic tanks and cisterns shall be removed and filled with appropriate granular material.
- d. City Moving Permit Required: A city moving permit is required for a building move if any of the following apply:
  - (1) The destination is in the city.
  - (2) The origin is in the city.
  - (3) Both the origin and destination are in the city.
  - (4) The move is a pass-through building move in which city rights of way or other public nonroadway property is used for the route.
- e. Exemptions To City Moving Permit: No city moving permit is required for accessory structures that are one hundred twenty (120) square feet or less and ten feet (10') wide or less.
- f. Performance Requirements For All Permits: Any moving permit from the city shall comply with the following:
  - (1) Street Occupancy Period: Remove the building from the city streets after one day of occupancy, unless the city grants an extension.
  - (2) Display Lights And Barricades: Cause red lights to be displayed between sunset and sunrise on every side of the building while it is located on a street in such manner as to warn the public of the obstruction. Erect and maintain barricades in accordance with the "Minnesota Manual On Uniform Traffic Control Devices" across the street in such manner as to protect the public from damage or injury. If the house mover is not able to yield the right of way to oncoming traffic or if vehicle/load encroaches into oncoming traffic lane or if traffic must be directed or controlled, a city police escort may be required and shall be operated per Minnesota statutes section 169.20, subdivision 5. Wide load signs and proper flagging (lighting at night) will be required for all oversize loads. Night moves shall be done in the early morning hours from one o'clock (1:00) A.M. to six o'clock (6:00) A.M. Warning lights with open flame shall not be used.
  - (3) Pay Expenses Of Officer: Employ a professional mover service and/or pay the expense of a traffic officer ordered by the city to accompany the movement of the building to protect the public from injury. Requests for city police escorts must be submitted at least ten (10) working days prior to the move by the building mover.
  - (4) Notify Of Damage: Notify the city in writing of any and all damages done to property belonging to the city or any public utility property within twenty four (24) hours after the damage or injury has occurred.
  - (5) Pay Additional Fees: In addition to all other required fees, pay an hourly fee for each city inspector for the time spent in connection with the inspection.
  - (6) Notify Affected Persons Of Movement: In the manner directed by staff, and at the applicant's expense, notify the Baxter police department and all persons in the path of the building being moved of when, where and how the building is to be moved.

- (7) **Payment Of Taxes:** It is unlawful to move any building if the point of origin and/or destination is within the city, regardless of the route of movement, without having paid in full all real and personal property taxes, special assessments, and municipal utility charges due on the premises of origin, and filing written proof of such payment with the city.
- g. **Removal Date And Payment Of Fees:**
  - (1) **Removal Date:** The permit shall specify a reasonable date certain by which the building shall be located at its final destination, if in the city, or completely removed from the city limits. Buildings that have not been completely located or removed by the removal date shall be subject to a fee in the amount of five hundred dollars (\$500.00) per calendar day for payment of the expense of a traffic officer and inspector, as provided in subsections D7f(3) and D7f(5) of this section. The city may grant an extension to the location or removal date, but it is not obligated to do so.
  - (2) **Payment Of Fees:** Fees incurred as provided in subsection D7f of this section shall be invoiced to the permit holder by the city. In the event payment of said fees is not received, the city shall revoke any current permits for that same permit holder and the city shall notify the Minnesota department of transportation that the license holder has failed to comply with the requirements of the local moving permit.
- h. **Violations:** No person who has had a permit revoked by the city shall receive another moving permit for a period of one year. Further, as provided in section 9-1-4 of this code, violation of the requirements of any permit issued pursuant to this section shall constitute a misdemeanor. (Ord. 2014-24, 10-21-2014)
8. **Nonconforming Uses, Lots, Structures And Other Site Improvements:**
  - a. **Generally:** It is the purpose of this subsection to provide for the regulation of existing uses, lots and structures and other improvements of land that do not conform to the requirements of the district in which they are located. Any structure or use lawfully existing upon the effective date of this code may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified, or subsequently amended. This subsection D8 does not govern nonconforming signs.
  - b. **Nonconforming Uses:**
    - (1) **Expansion:** A nonconforming use shall not be enlarged, moved, or extended to occupy a greater area of land without a variance. Nonconforming single-family dwelling uses may be enlarged as long as all expansions meet any applicable setbacks of that district.
    - (2) **Continuation:** A nonconforming use may be continued through repair, replacement, restoration, or maintenance. When any nonconforming use has been changed to a conforming use, it loses any nonconforming status and thus may not return to a nonconforming use.
    - (3) **Reduction Of Nonconformity:** A nonconforming use may be changed to lessen the nonconformity of that use.
    - (4) **Discontinuance:** A nonconforming use may not be resumed if normal operation of the use has been discontinued, or if a nonconforming building has been removed and not replaced, for a period of twelve (12) or more months. Time will be calculated as beginning on the day following the last day in which the use was in normal operation

and will run continuously thereafter. Following the expiration of twelve (12) months, only uses that are permitted by this title are allowed to be established.

- (5) **Removal/Destruction:** Removal or destruction of a nonconforming use to the extent of more than fifty percent (50%) of its estimated market value by fire or other peril, excluding land value as determined by the county assessor, terminates the right to continue or replace any nonconforming use, except if a valid and complete building permit application has been submitted to the city within one hundred eighty (180) days after the property was removed or destroyed.
- (6) **Replacement:** Replacement, reconstruction, or restoration of a lawful nonconforming use may occur without any land use approval from the city provided that: a) the resulting use does not create any new adverse impacts on adjacent property and b) matches exactly the conditions that existed before the work was undertaken or before the use was damaged or destroyed. Work that would not meet this requirement may not be undertaken unless the appropriate approval required below has been granted for the property. Conditions may be imposed to protect the public health, safety, or welfare, and to mitigate any newly created impacts on adjacent property.
- (7) **City Approval Only If Adverse Effects:** If replacement, reconstruction, or restoration of a lawful nonconforming use is allowed, it may occur without any land use approval from the city if the resulting use does not create any new adverse impacts on adjacent property and matches exactly the conditions that existed before the work was undertaken or before the use was damaged or destroyed, except for internal repairs and improved materials used to replace roof surfaces, siding, windows, doors, and similar components. Work that would not meet this requirement may not be undertaken unless the appropriate approval required below has been granted for the property. The city may impose conditions in its approval to protect the public health, safety, or welfare, and to mitigate any newly created impacts on adjacent property.

c. **Nonconforming Lots:**

- (1) **Vacant Nonshore Land Lots:** A vacant nonconforming lot may be allowed as a buildable lot provided that all the following conditions are met:
  - (A) It is a lot of record;
  - (B) The proposed structure will meet all setback requirements which currently apply to the lot and the lot is at least seventy percent (70%) of the required size and dimension of the applicable zoning district;
  - (C) All other applicable requirements of this chapter are met;
  - (D) The lot has adequate access as solely determined by the city; and
  - (E) Said lot is not in the shore land overlay district.
- (2) **Vacant Shore Land Lots:** For nonconforming lots within the shore land overlay district, all of the above rules apply but if the lot is riparian, no improvements or buildings may be constructed without a conditional use permit. No conditional use permit shall be issued until the city determines how to protect the lake by mitigating erosion and stormwater drainage during and after construction, visual impacts or any other impact caused by construction upon a nonconforming riparian lot.

In addition, nonconforming riparian lots shall be buildable only if no owner of any

abutting lot has an ownership interest in the nonconforming lot through any relationship of blood, marriage or business with any owner of the nonconforming lot at or before the time of application. If the adjacent lot is owned in this manner, both lots shall be considered one lot for zoning purposes.

- (3) Accessory Structures: For single-family dwellings only, nonconforming nonriparian lots containing a conforming principal structure and use may add a permitted accessory structure provided that the accessory structure will meet all minimum setbacks, coverage, and other requirements of this title. A conditional use permit shall be required to add an accessory structure on nonconforming riparian lots after it is determined how to mitigate any impacts from the existing and proposed development.
- (4) Additions To Single-Family Dwellings On Nonconforming Lots: For single-family dwellings only, additions to conforming principal or accessory structures and uses located on nonconforming nonriparian lots may be permitted provided that any such addition will meet all minimum setback requirements of this title. A conditional use permit shall be required for additions to principal or accessory structures on nonconforming riparian lots after it is determined how to mitigate any impacts from the existing and proposed development
- (5) Reduction Of Nonconformity: The city may allow a replat of an existing nonconforming lot that results in a reduction of the nonconformity. (Ord. 2009-18, 1-5-2010)

d. Nonconforming Structures:

- (1) Expansion: Nonconforming principal structures shall not be enlarged without a variance unless the structure is a single-family dwelling.

If the structure is a single-family dwelling on a nonriparian lot, it may be enlarged as long as the new construction does not increase the nonconformity. For example, if the structure is nonconforming since it is too close to the front yard setback, the owner may add on to the back of the home as long as it meets the rear yard setback, without any variance or other city zoning approval. However, additions that make it closer to said front yard setback shall require a variance, unless said addition complies with section 10-4-2 of this title. (Ord. 2014-19, 6-17-2014)

No nonconforming structure on a riparian lot shall be expanded without a conditional use permit. A conditional use permit shall not be issued until the city determines how to protect the lake by mitigating any erosion and stormwater drainage both during and after construction, visual impacts from increased density or any other impact caused by construction.

- (2) Continuation: A nonconforming structure may be used and continued, including through repair, replacement, restoration, or maintenance, but not including expansion, only in compliance with the provisions of this title.

- (3) Moving: If a nonconforming structure is moved for any distance whatsoever, it shall conform to the regulations of the district in which it is located after it is moved.
  - (4) Reconstruction: Replacement, reconstruction, restoration or repair to a nonconforming structure shall be permitted.
  - (5) Safe Condition: Nothing in this subsection D8 shall prevent the necessary repairs to a structure so it is in a safe condition after the structure is declared unsafe by the building official, provided that a building permit has been applied for within one hundred eighty (180) days of when the property is declared unsafe.
  - (6) String Rule: If adjacent structures to a proposed new structure encroach upon a front setback, the front setback of a new structure may conform to the "string rule" rather than the prevailing setback in that district. The "string rule" is defined as where principal structures exist immediately on both sides of a proposed building site, structural setbacks may be reduced to a distance equaling the average front yard setback of existing principal structures adjacent to the lot fronting on the same street. The zoning administrator shall approve the reduced setback if there is compliance with this chapter and all other applicable ordinances.~~altered to take setbacks of existing structures into account, as solely determined by the zoning administrator.~~ However, in no case shall improvements or buildings be allowed in the shore impact zone or the bluff impact zone. Furthermore, structures shall not be constructed too close to any public right of way, as solely determined by the zoning administrator.
  - (7) Architectural Review: Any additions or expansions to any existing building may trigger the architectural performance rules as set forth in section 10-4-10 of this title.
  - (8) Lawful Nonconforming Accessory Structure: A lawful nonconforming accessory structure may not be expanded without a variance except a nonconforming accessory structure in an R-1 district may be expanded to increase the usability provided that the entire expansion meets the current zoning regulations and the structure is accessory to a single-family dwelling. If the nonconforming structure is on a riparian shore land lot, a conditional use permit shall be required and measures taken to mitigate any impacts on the water body.
  - (9) Decks: Lawful nonconforming single-family dwellings in R-1 districts, including riparian shore land lots, may be expanded by adding a deck provided that the deck meets the current district setbacks and information deemed necessary by the city such as a certificate of survey is provided to determine compliance.
- e. Nonconforming Outside Improvements:
- (1) Nonconforming outside improvements may continue to serve a principal use so long as the principal use or structure is not expanded or intensified. Whenever a principal use or structure is expanded or intensified to the extent that a building permit is required, the outside improvements shall be brought into compliance with the appropriate landscaping ordinances, parking ordinances, and other requirements set forth in this title unless a variance is granted by the city council.

(2) When expansion of an existing site improvement is required, the newly constructed portion of the site improvement shall meet all of the requirements of this title. (Ord. 2009-18, 1-5-2010)

9. Substandard Uses And Structures: (Rep. by Ord. 2009-18, 1-5-2010)

10. Miscellaneous Rules:

- a. Subdivisions: All subdivisions shall conform to, and be in harmony with, the comprehensive plan.
- b. Official Monuments, Bench Marks, Triangulation Stations: All international, federal, state, county and other official monuments, bench marks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the applicant to ensure that these markers are maintained in good condition during and following construction and development. All section, quarter section and sixteenth section corners shall be duly described and tied.
- c. 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)

**SECTION 2. Amendments.** The text of Chapter 2, Section 2 “General Definitions” of Title 10 (Zoning Regulations) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

#### **10-2-2: GENERAL DEFINITIONS**

For the purpose of these regulations, the following terms, phrases, words and their definitions shall have the meaning given in this section.

**ACCESSORY STRUCTURE COVERAGE OR SIZE:** The area of a lot covered by an accessory structure which is measured to the outside of the exterior walls and includes areas under extended roofs of over two feet (2') with no side walls such as carports.

**ACCESSORY USE OR STRUCTURE:** Any permanent subordinate building, structure, or use, that covers space on a lot or property for the purpose of accessory uses to the principal use. Examples would include, but are not limited to: unattached and attached garages, carports, sheds and other buildings, swimming pools, self-supported structures, playhouses, gazebos, permanent tip off storage containers, wind generators, tower antennas and unattached decks. That portion of an attached or tuck under garage is considered an accessory structure and shall count toward the maximums allowed. Signs, fences, parking lots and mailboxes are considered accessory uses but not accessory structures.

**ACRE:** A quantity of land containing forty three thousand five hundred sixty (43,560) square feet or one hundred sixty (160) square rods in whatever shape and pattern (e.g., circular, square, triangular, irregular, broad or narrow).

**ACRE, NET:** One acre of land, minus the following:

A. Two-thirds ( $\frac{2}{3}$ ) of that portion of the acre encompassed by wetlands, one-half ( $\frac{1}{2}$ ) of that portion of the acre encompassed wholly or partially by hills, mounds, or slopes that drop at a rate of twelve percent (12%) or more per every fifteen feet (15') or more of distance; and

B. The entire area of public street rights of way.

**ADMINISTRATOR:** The duly appointed person charged with enforcement of this title.

**AGRICULTURAL USES:** Uses customarily associated with the growing of farm produce, nursery stock and the raising of farm animals for general use; but not including raising and feeding (feedlots) of livestock, fur farms and kennels.

**ALLEY:** A public right of way which affords a secondary means of access to abutting property.

**ALTERATION:** As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location to another.

**ANIMAL:** Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom.

**ANIMAL; DOMESTIC:** Animals commonly accepted as domesticated household pets including dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, nonpoisonous, nonvenomous and nonconstricting reptiles or amphibians and other similar animals.

**ANIMAL; FARM:** Those animals commonly associated with a farm or performing work in an agricultural setting including members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese potbellied pigs), goats, bees and other animals associated with a farm, ranch or stable.

**ANIMAL; NONDOMESTIC (WILD):** Animals commonly considered to be naturally wild and not naturally trained or domesticated or which are commonly considered to be inherently dangerous to the health, safety and welfare of people. Nondomestic animals shall include:

Any member of the large cat family (family Felidae), including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats;

Any naturally wild member of the canine family (family Canidae), including wolves, foxes, coyotes, dingoes and jackals, but excluding commonly accepted domesticated dogs;

Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet;

Any member or relative of the rodent family, including any skunk (whether or not descended), raccoon, squirrel or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets;

Any poisonous, venomous, constricting or inherently dangerous member of the reptile or amphibian families, including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators;

Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including, but not limited to, bears, deer, monkeys and game fish.

**ANTENNA:** Equipment, used for transmitting and/or receiving telecommunication, television or radio signals, which is located on the exterior or outside of any building or structure.

**Dish Antenna:** A parabolic shaped antenna (including all supporting apparatus) which is used for transmitting or receiving telecommunications, television or radio signals, which is located on the exterior or outside of any building or structure.

**Class I:** Dish antenna under thirty inches (30") or more in diameter; six feet (6') in surface area; or six feet (6') in height.

**Class II:** Dish antenna thirty inches (30") or more in diameter; six (6) square feet or more in surface area; or six feet (6') or more in height.

**Tower:** Any pole, spire or structure, or any combination thereof, to which an antenna is attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces; including, but not limited to, a freestanding radio (including ham radio and private radio transmitting) or television receiving antenna, a windmill, and a wind powered generator.

**APARTMENT:** A room or suite of rooms located in a one- or two-family building or multiple dwelling, which shall include a bath and kitchen accommodations, intended or designed for use as an independent residence by a single household.

**APPEAL:** An application for the review of an order, requirement, decision, determination or interpretation of this title made by an administrative officer in the application and/or enforcement of this title.

**ARCHITECTURAL CONCRETE MASONRY UNIT:** A concrete masonry unit (CMU) displaying any one of several decorative finishes that affects the texture, color, or profile of the unit including, but not limited to, split, scored, ribbed, ground, slump, weathered, or glazed units. (Based on recommendation of the National Concrete Masonry Association.)

**ARCHITECTURAL GLASS:** A glass, produced as an exterior building material.

**ARCHITECTURAL METAL PANELS:** A metal wall or roof panel system, which can be of various alloys, with a high grade factory finish, that uses concealed fasteners and includes the system's associated gaskets and trim profiles.

**ARCHITECTURAL PRECAST PANEL:** A precast concrete panel as defined by the Concrete Precast Institute.

**ARTERIAL RIGHT OF WAY:** All streets or public rights of way so designated as arterial by the official Baxter long range functional classification street map.

**ATTORNEY:** The person licensed by the state to practice law who has been engaged by the city council.

**AUTOMOBILE REPAIR, MAJOR:** General repair, rebuilding or reconditioning of engines, motor vehicles or trailer, including bodywork, framework, welding and major painting service.

**AUTOMOBILE REPAIR, MINOR:** The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work; minor painting and upholstering service when said service above stated is applied to passenger automobiles and trucks not in excess of seven thousand (7,000) pounds' gross vehicle weight.

**AWNING:** A prefabricated device attached to the wall of a building placed over a window or door.

**BALCONY:** A platform that projects from the wall of a building having no walls, roof or support posts but may have a guardrail no higher than forty eight inches (48").

**BASEMENT:** A portion of a building located partly underground. A basement shall be counted as a story if it has one-half ( $\frac{1}{2}$ ) or more of its height above the highest level of the adjoining ground and/or if it is intended to be used for dwelling or business purposes.

**BILLBOARDS:** A commercial sign which directs attention to a business, activity, service, entertainment, or a product not exclusively related to the premises or property where such sign is located. A multi-business sign (MBS) shall not be considered a billboard if it is in compliance with subsection 10-5-1G1 of this title.

**BILLBOARDS, NONCONFORMING:** A sign which is a "billboard" as defined herein and which lawfully existed prior to February 16, 1982.

**BLOCK:** An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

**BLUFF:** A topographical feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff):

- A. Part or all of the feature is located in a shore land area;
- B. The slope rises at least twenty five feet (25') above the ordinary high water level of the water body;
- C. The grade of the slope from the toe of the bluff to a point twenty five feet (25') or more above the ordinary high water level averages thirty percent (30%) or greater; and
- D. The slope must drain toward the water body.

**BLUFF IMPACT ZONE:** A bluff and land located within twenty feet (20') from the top of the bluff.

**BOARDING HOUSE:** A building other than a motel or hotel where, for compensation for definite periods of time, meals or lodging are provided for three (3) or more unrelated persons, but not to exceed eight (8) persons.

**BOATHOUSE:** A structure designed and used solely for the storage of boats or boating equipment.

**BOULEVARD:** That portion of a street right of way between the curb or curb line and the property line.

**BREWER TAPROOM:** A facility on the premises of and accessory to a licensed brewery intended for the on-sale consumption and limited off-sale of beer produced on site by the brewer as authorized by Minnesota statutes section 340A.301, subdivision 6b.

**BUFFERING:** A strip of land containing live trees and shrubs at least fifty percent (50%) opaque from the ground to at least twelve feet (12') above the ground at all times of the year.

**BUILDING:** Any structure having a roof which may provide shelter or enclosure of persons, animals or chattel. When said structure is divided by party walls without openings, each portion of such building, so separated shall be deemed a separate building.

**BUILDING ENVELOPE:** See definition of Lot, Buildable Portion Of (Building Envelope).

**BUILDING FOOTPRINT:** The exterior line of the building.

**BUILDING HEIGHT:** The vertical distance from the highest elevation of the grade along the face of a building to the highest point of the roof surface of flat roofs, the deck line of mansard roofs, or the average height between the eaves and the highest ridge of gable, hip, or gambrel roofs. The height of a stepped or terraced building shall be the height of the tallest segment of the building.

**BUILDING INSPECTOR:** The inspector as provided for in the building code.

**BUILDING LINE:** A line parallel to a lot line or ordinary high water level at the required setback beyond which a structure may not extend.

**BUILDING, PRINCIPAL:** A building in which the principal use of the lot on which it is located is conducted.

**BULK MATERIALS:** Uncontained solid matter such as powder, grain, stone, sand, sulfur, etc., that has a tendency to become airborne.

**BULK/PROPORTION:** The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another and includes the following items:

- A. Size and height of buildings or structures.
- B. Location of exterior walls at all levels in relation to lot lines, street or to other buildings or structures.
- C. Gross floor area of buildings or structures in relation to lot lines, street or to other buildings or structures.
- D. All open spaces allocated to buildings or structures.
- E. Amount of lot area per dwelling unit.

**BUS/TRANSIT STATION:** A building or area which serves as a regular stopping place for buses and/or other forms of urban public transportation.

**BUSINESS:** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or

which occupies time, attention, labor and materials, or where services are offered for compensation.

**BUSINESS SERVICES:** Services performed primarily for other businesses, including such services as secretarial, clerical, employment agencies, business machine service, printing, etc.

**CELLAR:** A portion of a building located partly underground and having more than one-half ( $\frac{1}{2}$ ) of the floor to ceiling height below the average grade of the adjoining ground.

**CIVIC BUILDING:** A building that is operated by the U.S. federal government, state of Minnesota, Crow Wing County, city of Baxter or other government buildings for purposes of carrying out governmental duties. This definition does not include publicly or privately operated school facilities (e.g., classrooms, administrative offices, maintenance buildings).

**CLINIC:** A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

**CLUB OR LODGE:** A nonprofit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests.

**CLUBS, SPORTS, AND FITNESS:** A place to assemble where membership may be required and is directed toward the general public with the commercial promotions of sports and physical fitness.

**COLLECTOR RIGHT OF WAY:** All streets or public rights of way so designated as collector by the Baxter long range functional classification street map.

**COMMERCIAL FORESTRY:** Sustainable yield forest management.

**COMMERCIAL RECREATION:** Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement park, dance hall, skating, tavern, theater, firearms range, golf courses, country clubs, tennis clubs, public swimming pools and similar uses.

**COMMERCIAL USE:** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

**COMMERCIAL VEHICLE:** Meeting any of the following criteria: eight feet (8') or higher in height, twenty two feet (22') or longer and/or six thousand five hundred (6,500) pounds or more (empty weight).

**COMMISSIONER:** The commissioner of the department of natural resources.

**COMMUNITY BEHAVIORAL HEALTH HOSPITAL (CBHH):** An institution providing short term inpatient mental health care and treatment for patients on a referral basis. Services are limited to crisis/emergency response, assertive community treatment, and intensive residential treatment.

**COMMUNITY PARK:** A park designed to serve the entire community with a broad range of recreation opportunities.

**COMPREHENSIVE PLAN:** A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the city and its environs and may include, but is not limited to, the following items: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan execution.

**CONCEALED FASTENER:** A panel anchoring system designed to secure the panel and be hidden from view.

**CONDITIONAL USE PERMIT:** A permit specially and individually granted for a conditional use permitted in any use district. Means a land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in this title exist, that use or development conforms to the comprehensive land use plan, and the use is compatible with the existing neighborhood.

**CONVENIENCE STORE:** Any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.

**COUNCIL:** The city council, as established by the state law.

**DAYCARE FACILITY:** Any facility, public or private, which, for gain or otherwise, regularly provides one or more persons with care, training, supervision, rehabilitation or developmental guidance on a regular basis, for periods of less than twenty four (24) hours per day in a place other than the person's own home, including, but not limited to, family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, preschool programs, daytime activity centers, day treatment programs and day services. Daycare facilities are pursuant to Minnesota statutes chapter 245A as amended.

**DECK OR OPEN PORCH:** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached to a principal structure.

**DENSITY:** The number of dwelling units permitted by this title on one acre.

**DENSITY, NET:** The number of dwelling units permitted by this title on one net acre of land.

**DENSITY TRANSFER:** The relocation of housing units or square footage of building area computed on part of a building site to another part of the site resulting in an increase in density to the transfer area for the purpose of preserving open space, forested areas, environmental or terrain features deemed worthy of preservation by the planning and zoning commission.

**DENSITY, ZONING:** The provision of lot areas smaller than the minimum requirement of this title under conditions whereby the total number of dwelling units is not greater than the amount permitted under normal conditions for gross area.

**DESIGNATED CITY STAFF PERSON:** Staff person appointed by the city to manage this job function.

**DIRECTIONAL SIGN:** A private sign that directs traffic to a particular location. Such signs cannot exceed six (6) square feet.

**DOG KENNEL:** A structure specifically designed and commercially used for the harboring of three (3) or more dogs that are more than six (6) months old.

**DOG RUN:** A structure specifically designed for domestic use for the harboring and exercise of not more than two (2) dogs.

**DRIVE-THROUGH BUSINESS:** Any business establishment offering to customers a service which is primarily or exclusively laid out, designed, equipped or operated so as to allow customers to purchase and receive such service without having to enter the building and usually while remaining in their

automobiles. This definition shall exclude certain types of businesses such as service shops and car washes.

**DWELLING, MULTI-FAMILY:** A dwelling structure on a single lot, having two (2) or more units, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

**DWELLING UNIT:** Any structure, or portion of a structure, or other shelter designed as short or long term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

**DYNAMIC DISPLAY:** Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

**EARTH TONE COLOR:** Color schemes that draw from a color palette of off whites, browns, tans, beiges, grays, greens, blues, and some reds. The colors in an earth tone color scheme are muted and flat in an emulation of the natural colors.

**EASEMENT:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**ENGINEER:** The professional engineer engaged by the city council.

**ESSENTIAL SERVICE STRUCTURES:** Including, but not limited to, buildings such as telephone exchange stations, booster or pressure regulating stations, wells, pumping stations, elevated tanks, lift stations and electrical power substations, provided no building shall be located within thirty feet (30') of any lot line of an abutting lot in an R district.

**ESSENTIAL SERVICES:** Underground, onground or overhead gas, electrical, phone, cable, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

**EXPANSION, ENLARGEMENT, INTENSIFICATION:** Any increase in a dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of the nonconforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the city.

**Repair:** Maintenance, cosmetic enhancement, or other improvements that will make the nonconforming use better, more efficient, or more aesthetically pleasing, including any change that replicates what

preexisted, but does not include an expansion, enlargement, or intensification.

**EXTERIOR FINISH INSULATION SYSTEM (EFIS):** An approved exterior finish insulation system commonly referred to as "EFIS".

**EXTERIOR STORAGE:** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

**EYEBROW ROOF:** A small roof structure supported by corbels placed over an entrance.

**FACADE:** All the adjoining walls that are flat and contiguous, along an exterior side of a building including the entire building wall consisting of wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

**FAMILY:** An individual or two (2) or more persons living together as a single nonprofit housekeeping unit, using one kitchen as distinguished from a group occupying a motel, club, fraternity or sorority house.

**FENCE:** Any partition, structure, wall, or crate erected as a dividing marker, barrier, or enclosure.

**FINAL PLAT:** A drawing, in final form, showing a proposed subdivision containing all information and detail required by state statutes and by title 11 of this code to be presented to the city council for approval, and which, if approved, may be duly filed with the county recorder.

**FINISHED METAL PANEL:** A metallic exterior building material with a manufacturer's approved finish process.

**FLAT ROOF:** Any roof pitch below three feet (3') of rise for every twelve feet (12') of run (3:12).

**FLOOD DESIGN:** The design flood which has been calculated for a given watershed or area from record and study. In the absence of any special engineering studies, the federal emergency management administration maps, 1965 high water levels on rivers and May 1996 wetland water levels shall be used as a standard in this title in determining areas subject to flooding.

**FLOODPLAIN<sup>1</sup>:** The area adjoining a river, stream, drainage channel, lake, pond or any low area which is subject to flooding.

**FLOODWATER:** The water of any river, stream, drainage channel, low area, lake, or pond which is above and/or outside the channel or banks of such river, stream, drainage channel, lake or pond.

**FLOODWAY:** The channel or bed of a river, stream, drainage channel, lake, or pond and those portions of the floodplains adjoining which are required to efficiently carry and discharge the flow of the river or stream and for the purposes of this title.

**FLOOR AREA, GROSS OR GROSS FLOOR AREA:** The sum of the gross horizontal areas of the several floors of such building or buildings measured from the interior faces of the exterior walls. Basement areas devoted to storage, and space devoted to off street parking shall be excluded.

**FLOOR AREA, NET OR NET FLOOR AREA:** The sum of the total gross floor area less common, multiuse areas used solely for nonpublic purposes including, but not limited to, dead storage; mechanical rooms or closets, or both; window showcases; toilets or restrooms; atriums; elevators; elevator shafts and

ducts.

**FLOOR AREA RATIO:** The numerical value obtained through dividing the floor area of a building by the lot area on which such building is located.

**FORESTLAND CONVERSION:** The clear cutting of forested lands, removing living trees in a contiguous patch, strip, row, block, or legal parcel to prepare for a new land use. This definition does not apply to commercial forestry involving reestablishment of a new forest stand.

**FREESTANDING SIGN:** Any stationary or portable, self-supporting sign.

**FRONT BUILDING FACE:** All the adjoining walls, along that side of a building that faces a public or private right of way. A structure may have more than one front building face if it is located on a corner lot, through lot, or a lot bounded on additional sides by a public or private right of way. The number of front building faces will be determined by the city.

**FRONTAGE:** The uninterrupted front boundary line of a lot, or the length of such line, which abuts on a street or protected water. On a corner lot it shall be the shortest dimension on a public street.

**GARAGE, PRIVATE:** An accessory building or portion of the principal building which is intended and used for the storage of the private vehicles of the family who resides upon the lot upon which the garage is located.

**GARAGE, PUBLIC:** A building or portion of a building used for the storage of vehicles for remuneration.

**GARAGE, REPAIR:** A building or space for the repair or maintenance of motor vehicles, including bodywork, painting and vehicle wash, and incidental display and sales of automotive products but not including factory assembly of such vehicles, auto wrecking or junkyards.

**GARAGE, TRUCK:** A building which is used or to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding one ton rated capacity.

**GARDEN CENTER:** A place of business where retail and wholesale products and produce are sold to the consumer. These centers may include a nursery and/or greenhouses, nursery products, nursery stock, potting soil, hardware, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

**GOVERNING BODY:** The city council.

**GRADE:** The lowest elevation of the finished surface of the ground, sidewalk, or other paving within a five foot (5') horizontal distance from any structure.

**GROUP HOME:** A group facility in a residential setting utilized by unrelated people on a twenty four (24) hour per day basis for purposes of rehabilitation, education, supervision, and treatment.

**HARDSHIP:** The property in question cannot be put to a reasonable use if used under current conditions allowed by the official controls or the plight of the landowner is due to circumstances unique to his property not created by the landowner and the variance, if granted, will not alter the essential characteristics of the locality. Economic considerations alone shall not constitute a hardship if reasonable use of the property exists under the terms of this title.

**HIGH DENSITY RESIDENTIAL:** Structures with between two (2) and twenty (20) dwelling units.

**HIGH WATER MARK:** A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**HOME OCCUPATION:** A gainful occupation engaged in by a person residing in the dwelling in conformance with requirements set forth by the city.

**HOSPITAL:** An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central facilities, and staff offices that are an integral part of the facilities.

**HOSPITAL OUTPATIENT CARE:** Medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use for the purposes of parking demand when combined or operated in conjunction with a hospital.

**HOTEL:** A building having provision for nine (9) or more guests in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests and where no provision is made for cooking in any guestroom, and in which ingress and egress to and from all rooms is made through an inside lobby.

**HOUSE OF WORSHIP:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious activities or worship and related activities.

**HOUSE TRAILER:** Any trailer or semitrailer not used as a residence but used for temporary living quarters for recreational or vacation activities and one that is towed on public roads in connection with such use.

**HOUSEHOLD:** The persons occupying a single dwelling unit. A household may consist of a single family, one person living alone, two (2) or more families living together, or any group of related or unrelated persons who share living arrangements.

**IMPERVIOUS SURFACE:** A hard surface area that either prevents or retards the entry of water into the soil. Examples of impervious surfaces include, but are not limited to: roofs, storage areas, walkways, sidewalks, patios, driveways, parking lots, concrete paving, bituminous/asphalt paving, gravel roads or parking areas, and other packed earthen materials.

**INDUSTRY:** Principal uses such as the manufacturing, compounding, processing, packaging, treatment, assembling, or warehousing of products and materials.

**INSTITUTIONAL HOUSING:** Student or faculty housing, for four (4) or more persons on a rental basis, rest home, hospital, sanitarium, nursing home, convalescent home, or orphan home.

**JOINT DRIVEWAY:** A surfaced area needed for two-way vehicular access serving two (2) adjacent parking lots. The area extends from the edge of the surface of a public street into both subject properties and includes only that area necessary to access each parking lot but having no more than twenty five feet (25') of shared aisle space. The final design of the area must be approved by the city and the area must be located on both of the subject properties.

**JOINT PARKING AISLE:** A surfaced area extending beyond that of a joint driveway that provides two-

way circulation or access to parking bays, stalls or lots of two (2) adjacent parking lots on separate properties. The final design of the area must be approved by the city and the area must be located on both of the subject properties.

**JUNKYARD:** An area where used, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to, scrap iron, and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of materials in conjunction with construction or a manufacturing process shall not be included. Such use shall not include garbage.

**KENNEL, ANIMAL:** A place where three (3) or more of any single type of domestic animal, over six (6) months of age, are owned, boarded, bred, or offered for sale.

**LAKES:** Open water without emergent vegetation identified as protected waters by the department of natural resources.

**LANDSCAPE LOT AREA:** That portion of a lot required to remain as open space, free of buildings, parking, and drives. Landscape lot areas may consist of:

- A. Naturally vegetated areas;
- B. Wetlands or ponding areas;
- C. Planting beds, ground cover and mulch areas (vegetative, rock, bark chip, etc.);
- D. Decorative walkways and areas not to exceed fifteen percent (15%) of the required landscape lot area; and
- E. Outdoor recreation areas.

**LANDSCAPING:** Plantings such as trees, grass, shrubs and decorative timbers, arbors, rocks and water displays.

**LEED:** An acronym for leadership in energy and environmental design.

**LICENSED ENGINEER:** A person licensed as a professional engineer by the state of Minnesota.

**LOADING AREA:** Any area where trucks are maneuvered and parked for the purpose of loading or unloading products, materials, or equipment.

**LOT:** A parcel of land described by metes and bounds measurement, reference to a registered land survey plat, record of survey map, or other means, and separated from other parcels or portions by said description, and which is occupied by, or is suitable under this title and other applicable ordinances for occupancy by one principal building, or used together with any accessory buildings or uses and such open spaces as are required by this title.

**LOT AREA:** The area of a lot on a horizontal plane bounded by lot lines. For the purpose of meeting any area or dimensional requirements, the lot area shall not include any portion that lies within a public road easement or which is below the ordinary high water mark of any lake, river or stream. In addition, at least seventy five percent (75%) of the required minimum lot size for that district must be contiguous upland to

itself and not be within a wetland, floodplain, or bluff. In other words, the lot area would be the contiguous upland seventy five percent (75%) of the lot that is not within the wetland, floodplain or bluff.

**LOT AREA, NET BUILDABLE:** The space remaining on a lot after the minimum landscape area, open space, parking and setback requirements of this title have been met.

**LOT AREA, PER FAMILY:** The lot area required by this title to be provided for each family in a dwelling.

**LOT, BUILDABLE PORTION OF (Building Envelope)<sup>2</sup>:** The area of a lot on which a principal structure may be placed. The portion of a lot remaining after the minimum building setbacks have been met.

**LOT, BUTT:** A lot located on the end of a block, excluding corner lots.

**LOT, CORNER:** A lot situated at the junction of and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty five degrees (135°).

**LOT COVERAGE:** The total allowable amount of lot area, expressed as a percentage, which may be covered by a principal use and its accessory structures.

**LOT DEPTH:** The mean horizontal distance between the front lot line and the rear lot line.

**LOT, INTERIOR:** A lot other than a corner lot, including through lots.

**LOT LINE:** The property line bounding a lot except that where any portion of a lot extends into the public right of way or a proposed public right of way, the line of such public right of way shall be the lot line. For purposes of setback requirements, waterfront lots shall be deemed to have frontage on both the street and waterfront.

**LOT LINE, FRONT:** The boundary of a lot which abuts an existing or dedicated public street. In the case of a lot in a residential zoning district with more than one street frontage, it shall be that shortest dimension on a public street. Lots in nonresidential zoning districts with more than one street frontage shall be deemed to have a front lot line on each street.

**LOT LINE, REAR:** That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet (10') in length or if the lot forms a point at the rear, the rear lot line shall be a line ten feet (10') in length within the lot, parallel to the front lot line.

**LOT LINE, SIDE:** Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT OF RECORD:** A lot existing as of January 19, 1982, or approved by the city as a lot subsequent to that date.

**LOT, SHORELINE:** A lot having one or more lot lines fronting on public waters.

**LOT, THROUGH:** Any lot other than a corner lot which abuts more than one street.

**LOT WIDTH:** The horizontal distance between the side lot lines of a lot measured parallel to the front line of the lot at the setback line.

**LOW DENSITY RESIDENTIAL:** Single-family dwellings in standard neighborhood settings.

**MANUFACTURED HOME:** A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily filed a certification required by the secretary of the United States department of housing and urban development and complies with the standards established under section 10-5-6 of this title.

**MANUFACTURED HOME PARK:** Any site, lot, field or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

**MANUFACTURING, HEAVY:** All manufacturing, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located.

**MANUFACTURING, LIGHT:** All uses which include the compounding, processing, packaging, treatment or assembly of products and materials, provided such use will not generate objectionable influence that extends beyond the lot on which the use is located.

**MEDICAL CLINIC:** A structure intended for providing medical examinations and service available to the public. This service is provided without overnight care available.

**MEDIUM DENSITY RESIDENTIAL:** Existing mobile homes, manufactured housing, single-family homes, two-family dwelling, up to four-family dwelling including townhouses.

**MEMORIAL PARK/CEMETERY:** Burial ground or area set aside for passive recreation as a memorial to past generations.

**METES AND BOUNDS:** A method of property description utilizing directions and distances commencing from and terminating at an easily identifiable point.

**MINING:** The extraction of sand, gravel, rock, soil or other materials from the land in the amount of four hundred (400) cubic yards or more and the removal thereof from the site. The only exclusion from this definition should be removal of minerals associated with the nominal construction of a building.

**MONUMENT SIGN:** A sign that, excluding poles or other such structures, rests on the ground or very close thereto so that one cannot see beyond the sign by looking under the sign.

**MOTOR COURTS, MOTOR HOTEL OR MOTEL:** A building or group of buildings other than a hotel used primarily as a temporary residence.

**MOTOR FREIGHT TERMINAL:** A building in which freight brought by motor truck is transferred and/or stored for movement.

**MOTOR FUEL STATION:** A retail place of business engaged primarily in the sale of motor fuels, but

also may be engaged in supplying goods and services generally associated with the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services, and the performance of minor automotive maintenance and repair.

**MOTORIZED VEHICLE LEASING AND RENTALS:** A business that leases or rents motorized vehicles to the general public. Includes minor services and washing as an accessory use. Not more than eight (8) rental or lease vehicles on site at one time.

**MULTI-BUSINESS SIGN:** A freestanding sign which displays, or is capable of displaying, more than one business, of which at least one business is located upon a different parcel of real estate.

**MULTI-TENANT SIGN:** A pylon sign which displays, or is capable of displaying, more than one business.

**MULTIPLE OCCUPANCY BUILDING:** A building containing two (2) or more independent businesses with or without separate exterior entrances and for which signage, parking and site requirements are unified in a consistent visual and functional manner.

**MULTISPECIALTY OUTPATIENT CLINIC:** A medical facility containing at least three (3) specialty outpatient service and ancillary services such as laboratory services, urgent care, day surgery, physical therapy, OB/GYN, imaging services, pharmacy services, etc.

**NAMEPLATE SIGN:** A permanent wall sign affixed on the front facade of a residential structure.

**NEIGHBORHOOD PARK:** A park designed to provide for limited recreation needs of a neighborhood.

**NONCONFORMING LOT:** A lot that does not meet the minimum width, area, or other requirements of the zoning or subdivision regulations.

**NONCONFORMING STRUCTURE:** A nonconforming use which consists of a building or structure having one or more dimensional features that do not meet the current zoning regulations.

**NONCONFORMING USE:** A building, structure or use of a building, structure or parcel of land, or a portion thereof, lawfully existing as of the effective date hereof or amendment hereto, as a matter of right or by permit, which is not permitted in the zoning district in which it is located. A nonconforming structure is considered a nonconforming use.

**NOXIOUS MATTER OF MATERIALS:** Material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well being of individuals.

**NURSERY, DAY:** A use where care is provided for pay for three (3) or more children for periods of four (4) hours or more per day.

**NURSERY, LANDSCAPE:** A business growing and selling trees, flowering and decorative plants, and shrubs.

**OFF STREET PARKING AREAS:** Structures or areas of ground used for the storage or parking of motor vehicles.

**OFFICE:** A room, suite of rooms, or a building containing rooms or suites of rooms in which persons conduct commercial activities, provide professional services, or carry on occupations and where goods are not stored, produced, sold at retail or repaired, including, but not limited to, the following: financial institutions, executive and administrative offices, business offices such as insurance, real estate, sales and similar offices, professional offices such as offices of engineers, surveyors, architects, accountants, attorneys and bookkeepers and similar offices, but excluding medical clinics.

**OPEN SALES LOT:** Land devoted to the display of goods for sale, rent, lease or trade where such goods are not enclosed within a building.

**OPEN SPACE:** See definition of Landscape Lot Area.

**OPEN STORAGE:** Storage of material outside of a building.

**ORDINARY HIGH WATER MARK:** A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**ORNAMENTAL TREE:** A tree which is valued more for its appearance and visual benefits rather than its functional benefits.

**OUTSIDE IMPROVEMENTS:** Landscaping, parking lots, trash enclosures, drainage, and other required site improvements constructed to support or in conjunction with a principal building or use.

**OVERSTORY TREE:** A tree which occurs in the upper levels of the forest canopy, usually the dominant and codominant tree crown classes.

**OWNER:** An individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having proprietary interest in the land and/or building.

**PARKING SPACE:** A surfaced and maintained area for the storage of one standard automobile ten feet by twenty feet (10' x 20').

**PARTY WALL:** A common wall which divides two (2) independent dwelling units or businesses.

**PATHWAY, PEDESTRIANWAY:** A public or private way, running across or located within a platted lot or block or an unplatted parcel of land used primarily for pedestrian traffic.

**PEDESTRIANWAY:** The right of way across or within a block for use by pedestrian traffic.

**PERSON:** Any individual, firm, partnership, corporation, company, associates, joint stock association or body politic; includes any trustee, receiver, assignee or other similar representative thereof.

**PERSONAL SERVICES USE:** Establishments providing nonmedically related services, including beauty and barber shops; tattoo parlors and body piercing; tanning salons and massage parlors. These uses may also include accessory retail sales of products related to the services provided.

**PERVIOUS PAVEMENT:** Pervious materials that permit water to enter the ground by virtue of their porous nature or by large spaces in the material.

**PITCHED ROOF:** A roof that has no less than three feet (3') of rise for every twelve feet (12') of run (3:12).

**PLANNED UNIT DEVELOPMENT:** A tract of land under unified ownership or partnership to provide for a planned development project wherein there is more than one principal building or land use per lot and with adequate controls to protect adjacent development and ensure high standards of development in accordance with an integrated design and coordinated physical plan.

**PLANNING AND ZONING ADMINISTRATOR:** The duly appointed person charged with implementation and enforcement of this title.

**PORCH, COVERED:** A horizontal platform attached to a principal structure with a roof but no walls but may have a guardrail no higher than forty eight inches (48").

**PORTICO:** A porch or walkway with a roof supported by columns or posts leading to the entrance of a structure.

**PRESERVATION AREA:** To preserve a representative sample of ecologically significant land and the diversity of life it supports.

**PRIVATE RIGHT OF WAY:** Nonpublic rights of way as identified in the city of Baxter street/snowplowing map or private accesses for approved planned unit developments (PUD).

**PRIVATE SIGN:** Any sign that is erected by a nongovernmental entity.

**PROJECT:** The improvements of an entire proposed undertaking (involving new construction and/or modification of an existing building) identified on a building permit.

**PROJECT COSTS:** The total cost of all the improvements of a proposed project identified on a building permit.

**PUBLIC USE:** The use of any lot, parcel of land and any structure or building thereon exclusively for public purposes by any department or branch of government, federal, state, county or city, including independent school districts, without reference to the ownership of said lot, parcel of land, building or structure.

**PUBLIC WATERS:** A body of water capable of substantial beneficial public use. This shall be construed to mean, for the purposes of these regulations, any body of water which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there was no previous "shore land", as defined herein, for a designated private use authorized by the commissioner of natural resources, shall be exempt.

**PYLON SIGN:** A sign in which there is at least ten feet (10') between the ground and the face of the sign so that one could see beyond the sign by looking under the sign.

**RAILROAD RIGHT OF WAY:** A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops or water towers.

**RECREATION, COMMERCIAL:** Recreational facilities which are operated for profit or render a service which is customarily considered as a business.

**RECREATIONAL CAMPING VEHICLE:** As defined by Minnesota statutes section 327.14, or as further amended.

**RELIGIOUS INSTITUTION:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship and related community activities.

**REMODELING:** Construction which results in a change in the outside perimeter of the building (i.e., either larger or smaller).

**REPAIR OF EXTERIOR MATERIAL:** Restoration of the original exterior material to a sound condition.

**REPLACEMENT OF EXTERIOR MATERIAL:** Removal and reinstallation of the exterior material.

**REPLACEMENT, RECONSTRUCTION, OR RESTORATION:** Construction that exactly matches preexisting conditions and is completed in time frames set forth in subsection 10-1-3D8b(5) of this title.

**RESEARCH:** The use of any lot, parcel of land and any structure or building located thereon for the purpose of studying or investigating facts not readily available, such as, for example, medical, chemical, electrical, metallurgical, or other scientific research, but excluding the manufacture or processing of materials or goods for sale. Research with animals is considered a separate category.

**RESIDENTIAL CARE FACILITY:** Any facility licensed by the Minnesota department of human services, public or private, which for gain or otherwise regularly provides one or more persons with twenty four (24) hour per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to: state institutions under the control of the commissioner of public welfare, foster homes, halfway houses, residential treatment centers, maternity shelters, group homes, residential programs or schools for handicapped children.

**REST HOME OR NURSING HOME:** A building having accommodations where care is provided for two (2) or more invalid, infirm, aged, convalescent, or physically disabled persons that are not of the immediate family, but not including hospitals, clinics, sanatoriums, or similar institutions.

**RESTAURANT:** A business established whose principal business is the preparation, service and sale of food and beverages to be consumed by customers while seated at tables or counters located within the building on the premises.

**RETAIL SALES:** Establishments whose main purpose is the sale of goods in small quantities directly to consumers.

**ROOFLINE CHANGE:** Any horizontal or vertical change above the roof deck line of an existing building including increasing of a parapet or other feature but excluding the mere addition of mechanical equipment and associated screening.

**SANITARIUM OR SANATORIUM:** An institution for the inpatient care and treatment of chronic mental health patients for extended or permanent periods of time.

**SCHOOLS, GENERAL EDUCATION:** Nursery, primary, elementary, secondary schools and colleges.

**SCHOOLS, SPECIAL EDUCATION:** Trade, vocational, business, barber, beauty, art, music, dancing, driving, and other professional schools, with or without on site housing.

**SEASONAL RECREATIONAL CAMPING VEHICLE PARK (SRCVP):** A parcel of land specifically developed for locating only recreational camping vehicles on lots for temporary occupancy. Continuous occupancy extending beyond six (6) months in any twelve (12) month period shall constitute permanent occupancy.

**SENIOR HOUSING OR LIVING:** A multiple-family dwelling with open occupancy limited to persons at least fifty five (55) years of age. In the case of double occupancy of a unit, only one resident is required to be at least fifty five (55) years of age. However, such resident under fifty five (55) years of age must be a spouse or the caretaker or superintendent of the building or complex. Senior housing or living also includes all types of life cycle housing in these structures and may include handicapped persons as defined by the department of housing and urban development (HUD).

**SENSITIVE RESOURCE MANAGEMENT:** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

**SETBACK:** The minimum horizontal distance between a structure, parking area, fence and a lot line.

**SETBACK, MINIMUM BUILDING:** The minimum horizontal distance allowed by this title between a structure and a lot line.

**SHADE TREE:** A deciduous tree which will provide shade for an intended object, windows of a building, or open surface area. The purpose of the shade tree is to provide for cooling in the summer.

**SHEET METAL SIDING PANELS:** Prefinished metal or site finished siding panels that are flat, corrugated, ribbed, etc., and use exposed fasteners.

**SHORE IMPACT ZONE:** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty percent (50%) of the structure setback.

**SHORE LAND:** Land located within the following distances from public waters: one thousand feet (1,000') from the ordinary high water mark of any lake and three hundred feet (300') from the bank of the river or stream or three hundred feet (300') from the base flood water surface elevation, whichever is a greater distance, all as identified in section 10-3L-3 of this title.

**SIDEWALK:** A hard surfaced public or private way used primarily for pedestrian traffic.

**SIGN:** Any name, identification, description, display, logo, illustration or device which is affixed to, painted or represented directly or indirectly upon a building or other surface or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

**SIGN AREA:** The area of the sign measured within lines drawn between the outermost points of a sign, but excluding essential sign structure, foundations or supports. The calculation for a double faced sign shall be the area of one face only. Double faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and are not more than twenty four inches (24") apart.

**SIGN HEIGHT:** The average level of the grade below the sign to the topmost point of the sign including the supporting sign structure, foundations and supports.

**SIMULATED MATERIAL:** A manmade product produced to resemble, reflect or copy a natural material in appearance and durability.

**SOIL PROCESSING:** The processing of sand, gravel or other materials mined from the land.

**SPECIAL RESIDENTIAL/CLUSTERS:** Development example: Single-family neighborhoods with much rural land. The goal of this zone is to provide residential neighborhoods in a rural setting. No central sewer service will be provided in this area.

**STABLE, COMMERCIAL:** Any structure or land used for the lease, rental, sale or hire of the equestrian family (horses), to the public. Breeding, boarding, or training of equines may also be conducted.

**STABLE, PRIVATE:** Any structure or land used for the keeping of equestrian family (horses) owned by the occupants of the principal use and not kept for remuneration, hire, or sale.

**STEEP SLOPE:** Land where development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques are used in accordance with the provisions of this title. Where specific information is not available, steep slopes are lands having average slopes of three to one (3:1) or greater, as measured over horizontal distances of fifty feet (50') or more, that are not defined as bluffs.

**STOOP:** A small porch or stairway at the entrance of a structure.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if no such floor above, the space between such floor and the ceiling next above it.

**STORY, HALF:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds ( $\frac{2}{3}$ ) of the floor area is finished for use. A half story containing independent apartment or living quarters shall be counted as a full story.

**STREETS:** A public or private way; consisting, in the case of a private way, of a roadway; and in the case of a public way, of a roadway and a boulevard (the latter of which may contain a sidewalk), used primarily for vehicular traffic, whether designated as a street, avenue, parkway, road, lane, throughway, expressway, highway, place or however otherwise designated. The term "streets" includes the following classifications:

**Collector Street:** A street which carries traffic from local streets and highways of higher classifications. It provides for both land access service and local traffic movements within residential neighborhoods, commercial areas and industrial areas.

**Cul-De-Sac:** A street with a circular turnaround and only one outlet.

**Expressway:** A type of major arterial with a controlled access roadway and expressway ramps to provide ingress or egress to other levels of streets. The use of expressway ramps allows the uniform flow of traffic on a major arterial highway without undue delays.

**Local Street:** A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

**Minor Arterial:** A street system that interconnects with and augments the urban major arterial system and provides service to trips of moderate length at a somewhat lower level of travel mobility than major arterials. This system distributes travel to geographical areas smaller than those identified with the higher system.

**Principal Arterial:** Usually a divided highway with four (4) or more lanes and serves the major centers of activity of a metropolitan area, the highest traffic volume corridors, and the longest trip desire. The major arterial carries a high proportion of the total urban area travel on a minimum mileage. Almost all fully and partially controlled access facilities are a part of this class.

**STRUCTURE:** Anything constructed, placed or erected that requires the use of a permanent location on the ground or attachment to something having a permanent location on the ground. This definition does not include aerial or underground utility lines. This definition would not include fish houses, shore stations, vehicles and other such items that are in fact moved onto a lot for seasonal purposes only. If, however, such items do in fact not move during each season, they shall be considered a structure for the purposes hereof. Factors to consider for determining if such items are in fact structures are: do they in fact move each season, is the item still functional for its intended use other than a permanent structure, has the landowner prepared a block, board or other such foundation for said structure intending on it being there indefinitely.

**STUCCO:** Portland cement based finish material.

**STUDIO; ART RELATED:** Workspace and accessory sale of art produced on the premises for one or more artists or artisans, including photography, fine and craft art, interior decorating and related uses.

**SUBDIVISION:** The division of any parcel of land into two (2) or more lots, blocks, and/or sites, with or without streets or highways and includes resubdivision.

**SURVEYOR:** A person duly registered as a land surveyor by the state of Minnesota.

**TEMPORARY SIGN:** A sign that is designed or intended to be displayed for a short period of time and is not permanently installed. Election signs are specifically regulated by Minnesota statutes section 211B.045.

**TIER 1 INDUSTRIAL DISTRICT:** Refer to the official industrial tier maps adopted by the Baxter city council by resolution.

**TIER 2 INDUSTRIAL DISTRICT:** Refer to the official industrial tier maps adopted by the Baxter city council by resolution.

**TOBACCO SPECIALTY STORE:** A tobacco retailer whose business exclusively or primarily involves the sale of tobacco products and related goods.

**TOE OF BLUFF:** The lower point of a fifty foot (50') segment with an average slope exceeding eighteen percent (18%).

**TOP OF BLUFF:** The higher point of a fifty foot (50') segment with an average slope exceeding eighteen percent (18%).

**TOWNHOUSE:** A single-family dwelling which maintains private ingress and egress, contains no independent dwellings above or below it, and is attached to other similar dwellings by a common wall.

**TRAIL:** A cleared or paved pathway used by individuals on foot, mechanically powered machines, or powered machines for transportation or recreation. These facilities are not designed for conventional motor vehicles.

**TRUCK STOP:** A motor fuel station devoted principally to the needs of trucks and which shall include eating and/or sleeping facilities.

**USE:** The purpose or activity for which the land or structure thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained.

**USE, ACCESSORY:** A use subordinate to and serving the principal use or structure on the same lot.

**USE, CONDITIONAL:** A use which is permitted within a zoning district only after a public hearing and if certain conditions are met which eliminate or minimize the incompatibility of the conditional use with other permitted uses of the district.

**USE, INTERIM:** The temporary use of a property until a particular date, until the occurrence of a particular event or until the zoning regulations no longer permit said use.

**USE, NONCONFORMING:** Any use of land or structures which does not conform to the use restrictions for the district in which it is located and which lawfully existed on November 19, 1974, or on the date of adoption hereof, or on the date the use became nonconforming because of rezoning of the property or amendment to the text of this title. This should not be confused with substandard dimensions of a conforming use.

**USE, OPEN:** The use of land without a building or including a building incidental to the open use.

**USE, PERMITTED:** A use which conforms with the requirements of the zoning district within which it is located.

**USE, PRINCIPAL:** The primary use of the land or structures as distinguished from accessory uses.

**USE, SPECIAL PRINCIPAL:** A principal use which, because of unique characteristics, cannot be classified as a permitted principal use in any particular district, and which, after due consideration by the planning and zoning commission and council, pursuant to the applicable procedures contained herein, may nevertheless be allowed on a site in a particular zoning district by special use permit granted by the council. Includes temporary uses which require special approval before being allowed.

**UTILITY DISTRIBUTION LINES:** The distribution facilities of electric power, gas, water, and communication companies which directly serve abutting properties.

**UTILITY SERVICE AREA:** The area where municipal sewer service would be available. It is anticipated that if municipal sewer service is limited to this area that the existing sewer plant capacity will be adequate. Development occurring outside the service utility area would be served by individual sewers or neighborhood systems. In this area, city policy will favor neighborhood systems.

**UTILITY SUBSTATION:** A structure used for the relay or distribution of electric, water, sewer,

telephone, etc., services.

**UTILITY TRANSMISSION LINES:** The transmission facilities of electric power and communication companies which do not directly serve abutting properties.

**VARIANCE:** A modification or variation of the provisions of this title, as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be allowed as a variance.

**VETERINARY:** Those uses concerned with the diagnosis, treatment, and medical care of animals including animal or pet hospitals.

**WALL SIGN:** Any exterior sign which is affixed to the wall of a building, including signs attached to doors, marquees, canopies, or parapet walls. Any sign one foot (1') above eaves height or the top of a parapet wall shall be considered as a roof sign and not allowed.

**WAREHOUSING:** The principal use is storage of materials or equipment within an enclosed building.

**WATERFRONT USES:** Boat docks, and storage, water recreation equipment and other uses normally associated with lakeshore property.

**WEEDS:** A. Noxious weeds as defined and designated pursuant to Minnesota statutes sections 18.76 through 18.88, as amended, or

B. Any volunteer plants as may be listed by the city weed inspector as prohibited plants, said list being available at city hall, and are regulated by title 4, chapter 4 of this code.

**WETLANDS:** Low lying areas which are normally covered with shallow or intermittent waters. Swamps, marshes, bogs, and other areas are all wetlands and may occur as part of a river, stream, drainage way, or as a freestanding low area.

**WHOLESALE:** The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

**YARD:** A required open space on a lot which is unoccupied and unobstructed by any structure from its lowest ground level to the sky except as expressly permitted in this title.

**YARD, FRONT:** A yard extending across the front of the lot between the side property lines and lying between the front lot line and the nearest line of the building.

**YARD, REAR:** A yard extending across the rear of the lot between the side property lines and lying between the rear lot line and the nearest line of the building.

**YARD, SIDE:** A yard between the side line and the nearest line of the building and extending from the front yard line to the rear yard line.

**ZONING DISTRICT:** An area within the limits of the zoning jurisdiction for which the regulations and requirements governing use, lot and bulk of structures and premises are uniform. (Ord. 8, 12-17-1996; amd. Ord. 8.31, 4-6-1999; Ord. 8.38, 9-18-2001; 2002 Code; Ord. 2006-10, 3-21-2006; Ord. 2006-13, 4-18-2006; Ord. 2006-23, 8-1-2006; Ord. 2007-4, 2-20-2007; Ord. 2007-6, 3-20-2007; Ord. 2007-7, 3-20-2007; Ord. 2007-11, 6-19-2007; Ord. 2007-16, 11-5-2007; Ord. 2008-1, 1-2-2008; Ord. 2008-4, 2-19-

2008; Ord. 2008-5, 2-19-2008; Ord. 2009-4, 3-17-2009; Ord. 2009-5, 4-21-2009; Ord. 2009-10, 5-19-2009; Ord. 2009-11, 5-19-2009; Ord. 2009-17, 11-17-2009; Ord. 2009-18, 1-5-2010; Ord. 2010-3, 2-16-2010; Ord. 2010-9, 7-20-2010; Ord. 2011-05, 12-20-2011; Ord. 2012-04, 5-15-2012; Ord. 2013-7, 5-21-2013; Ord. 2013-9, 5-21-2013; Ord. 2013-25, 12-17-2013; Ord. 2014-19, 6-17-2014; Ord. 2014-24, 10-21-2014; Ord. 2015-06, 3-17-2015)

**SECTION 3. Amendments.** The text of Chapter 3, Article A, Section 5A “Lot Area, Height, Lot Width and Yard Requirements”; Article B, Section 5A “Lot Area, Height, Lot Width and Yard Requirements”; Article C, Section 5B “Lot Area, Height, Lot Width and Yard Requirements”; Article D, Section 5A “Lot Area, Height, Lot Width and Yard Requirements”; Article E, Section 5A “Lot Area, Height, Lot Width and Yard Requirements”; Article F, Section 5A “Lot Area, Height, Lot Width and Yard Requirements”; Article G, Section 5A “Lot Area, Height, Lot Width and Yard Requirements”; Article H, Section 5A “Lot Area, Height, Lot Width and Yard Requirements”; Article I, Section 5A “Lot Area, Height, Lot Width and Yard Requirements”; and Article L, Section 7C “Dimensional Requirements: Setbacks” of Title 10 (Zoning Regulations) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

**10-3A-5: LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS:**

A. Area Requirements: The following requirements shall be met in the F district. Properties may be subject to special requirements as noted in article L, "SL Shore Land Overlay District", of this chapter.

	<b>Without Public Sewer And Water</b>
Minimum lot size	10 acres
Minimum lot width	200 feet interior 220 feet corner
Minimum principal structure setbacks:	
Front yard	40 feet
Side yard	30 feet interior 40 feet abutting corner
Rear yard	30 feet
Minimum accessory structures setbacks:	<del>10 feet</del>
<u>Front yard</u>	<u>40 feet</u>
<u>Side yard</u>	<u>10 feet interior</u> <u>40 feet abutting corner</u>
<u>Rear yard</u>	<u>10 feet</u>

Maximum lot coverage	15 percent
Maximum building height	35 feet

**10-3B-5: LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS:**

A. Area Requirements: The following requirements shall be met in the RS district. Properties may be subject to special requirements as noted in article L, "SL Shore Land Overlay District", of this chapter.

		<b>Without Public Sewer And Water</b>
Minimum lot size		5 acres
Minimum lot width		200 feet interior 220 feet corner
Minimum principal structure setbacks:		
	Front yard	40 feet
	Side yard	30 feet interior 40 feet abutting corner
	Rear yard	30 feet
Minimum accessory structures setbacks:		<del>10 feet</del>
	<u>Front yard</u>	<u>40 feet</u>
	<u>Side yard</u>	<u>10 feet interior</u> <u>40 feet abutting corner</u>
	<u>Rear yard</u>	<u>10 feet</u>
Maximum lot coverage		20 percent
Maximum building height		35 feet

**10-3C-5: LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS:**

B. Area Requirements: The following requirements shall be met in the R-1 district. Properties may be subject to special requirements as noted in article L, "SL Shore Land Overlay District", of this chapter.

	Without Public Sewer And Water	With Public Sewer And Water
Minimum lot size	Lot of record pursuant to subsection <u>9-5-3C</u> of this code, provided it complies with subsection <u>10-1-3D8c</u> , "Nonconforming Lots", of this title	15,000 square feet
Minimum lot width		100 feet interior 120 feet corner
Minimum principal building setbacks:		
Front yard		40 feet
Side yard		10 feet interior 40 feet abutting corner
Rear yard		30 feet
Minimum accessory structures setbacks:		<del>10 feet</del>
Front yard		<u>40 feet</u>
Side yard		<u>10 feet interior</u> <u>40 feet abutting corner</u>
Rear yard		<u>10 feet</u>
Maximum lot coverage		40 percent
Maximum building height		35 feet

**10-3D-5: LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS:**

A. Area Requirements: The following requirements shall be met in the R-2 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.

	With Public
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		<b>Sewer And Water</b>
Minimum lot size		25,000 square feet
Minimum lot width		100 feet interior 120 feet corner
Minimum principal structure setbacks:		
	Front yard	40 feet
	Side yard	10 feet interior 40 feet abutting corner
	Rear yard	30 feet
Minimum accessory structures setbacks:		<del>10 feet</del>
	Front yard	<u>40 feet</u>
	Side yard	<u>10 feet interior</u> <u>40 feet abutting corner</u>
	Rear Yard	<u>10 feet</u>
Maximum lot coverage		50 percent
Maximum building height		35 feet

**10-3E-5: LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS:**

A. Area Requirements: The following requirements shall be met in the R-3 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.

		<b>With Public Sewer And Water</b>
Minimum lot size		25,000 square feet
Minimum lot width		100 feet interior 120 feet corner
Minimum principal building setbacks:		
	Front yard	40 feet
	Side yard	10 feet interior 40 feet abutting corner

	Rear yard	30 feet
Minimum accessory structures setbacks:		<del>10 feet</del>
	Front yard	40 feet
	Side yard	10 feet interior 40 feet abutting corner
	Rear yard	10 feet
Maximum lot coverage		50 percent
Maximum building height		45 feet

**10-3F-5: LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS:**

A. Area Requirements: The following requirements shall be met in the C1 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.

		With Public Sewer And Water
Minimum lot size		20,000 square feet
Minimum lot width		100 feet interior 120 feet corner
Minimum principal structure setbacks:		
	Front yard	30 feet
	Side yard	10 feet interior 30 feet abutting corner
	Rear yard	30 feet
Minimum accessory structures setbacks:		<del>10 feet</del>
	Front yard	30 feet
	Side yard	10 feet interior 30 feet abutting corner
	Front yard	10 feet
Maximum building height		35 feet

Maximum ground floor footprint	30,000 square feet
Maximum lot coverage	50 percent
Maximum impervious surface (other than shore land overlay district)	88 percent
Maximum impervious surface (shore land overlay district)	25 percent

**10-3G-5: LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS:**

A. Area Requirements: The following requirements shall be met in the C2 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.

		<b>With Public Sewer And Water</b>
Minimum lot size		20,000 square feet
Minimum lot width		100 feet interior 120 feet corner
Minimum principal structure setbacks:		
	Front yard	35 feet
	Side yard	10 feet interior 35 feet abutting corner
	Rear yard	30 feet
Minimum accessory structures setbacks:		<del>10 feet</del>
	<u>Front yard</u>	<u>35 feet</u>
	<u>Side yard</u>	<u>10 feet interior</u> <u>35 feet abutting corner</u>
	<u>Rear yard</u>	<u>10 feet</u>
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

**10-3H-5: LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS:**

A. Area Requirements: The following requirements shall be met in the OS 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.

		<b>With Public Sewer And Water</b>
Minimum lot size		20,000 square feet
Minimum lot width		100 feet interior 120 feet corner
Minimum principal structure setbacks:		
	Front yard	35 feet
	Side yard	10 feet interior 35 feet abutting corner
	Rear yard	30 feet
<u>Minimum Accessory structures setbacks:</u>		<del>10 feet</del>
	<u>Front yard</u>	<u>35 feet</u>
	<u>Side yard</u>	<u>10 feet interior</u> <u>35 feet abutting corner</u>
	<u>Rear yard</u>	<u>10 feet</u>
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

**10-3I-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.

		<b>With Public Sewer And Water</b>
Minimum lot size		20,000 square feet
Minimum lot area		50% of the lot area shall be occupied by buildings
Minimum lot width		100 feet interior 120 feet corner
Minimum principal structure setbacks:		
	Front yard	35 feet
	Side yard	10 feet interior 35 feet abutting corner
	Rear yard	30 feet
<u>Minimum Accessory structures setbacks:</u>		<del>10 feet</del>
	<u>Front yard</u>	<u>35 feet</u>
	<u>Side yard</u>	<u>10 feet interior</u> <u>35 feet abutting corner</u>
	<u>Rear yard</u>	<u>10 feet</u>
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

**10-3L-7: DIMENSIONAL REQUIREMENTS:**

**C. Setbacks:**

1. Exception: The setbacks listed in subsection B of this section apply to all structures except docks and piers.
2. String Rule: Where development exists on both sides of a proposed building site, structural setbacks may reduced to a distance equaling the average front yard setback of existing principal structures adjacent to the lot fronting on the same street. The zoning administrator shall approve the reduced setback if there is compliance with this chapter and all other applicable ordinances.~~be altered to take setbacks of existing structures into account, as~~

determined by the zoning administrator. However, no structures shall be allowed in the shore impact zone or the bluff impact zone.

3. Additional Setbacks: In addition to the setbacks listed in subsection B of this section, there shall be an additional setback of thirty feet (30') from the top of the bluff and an additional setback of fifty feet (50') from any unplatted cemetery. (Ord. 2007-4, 2-20-2007)

**SECTION 4. Amendments.** The text of Chapter 4, Sections 7B "Storage Standards: Nonresidential Zoning Districts"; 8A "Screening/Landscaping/Fencing: Screening"; 8D, "Screening/Landscaping/Fencing: Landscaping"; 10E "Architectural Design Standards: Allowable Materials By Zoning District"; and 10F "Architectural Design Standards: Other Materials" of Title 10 (Zoning Regulations) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

#### 10-4-7: STORAGE STANDARDS:

##### B. Nonresidential Zoning Districts:

##### 1. Outside Storage/Display:

- a. Exterior storage and display shall be governed by the respective zoning district in which such use is located.
- b. The area used for outside storage shall be hard surfaced with blacktop or concrete, unless specifically approved by the city council, to control dust and drainage.
- c. All exterior storage shall be located in the rear or side yard and shall be screened in accordance with the standards in subsection 10-4-8A of this chapter, so as not to be visible from adjoining properties and public streets except for the following:
  - (1) Merchandise being displayed for sale in accordance with zoning district requirements, subject to approval of a conditional use permit. The conditional use permit shall only be granted if the city council finds:
    - (A) The proposed storage/display is clearly accessory to the principal use.
    - (B) The proposed storage/display will not conflict with any required parking areas, drive aisles or loading areas.
    - (C) The proposed storage/display will only be located in approved areas.
  - (2) Materials and equipment currently being used for construction on the premises.

#### 10-4-8: SCREENING/LANDSCAPING/FENCING:

##### A. Screening:

1. Required: Emphasis shall be placed on screening and buffering when adjacent to county or state roadway corridors and shall be required in areas where nonresidential districts abut residential districts, and Screening shall be required for screening of service yards, refuse, and waste removal areas, loading docks, truck parking areas, and other similar areas which tend to be unsightly. Screening shall be provided when adjacent to county and state roadway corridors or residential zoning districts. The screening may be accomplished through the use of walls, fencing, dense planting effective year round or any combination of these elements.
  - a. Screening shall be in harmony with the materials of the building, surroundings or other furnishing.

- b. The screening shall be equal to or greater than the height of the object being screened as deemed appropriate by the city.
  - ~~e. The required screening shall provide a barrier that is at least fifty percent (50%) opaque.~~
  - ~~d.c.~~ Required screening shall not be located in the vision clearance areas as defined by this code.
2. Natural Vegetation: Street or utility easements or planned rights of way with natural vegetation shall not be used to meet screening requirements. Removal of any natural vegetation buffer now in place on undeveloped property shall require submittal of a replacement screening plan.
  3. Exception: This screening requirement is not applicable to established business or industrial areas adjacent to property that is subsequently rezoned to residential use.

D. Landscaping:

1. Purpose:
  - a. ~~Purpose:~~ The purpose of this subsection is to establish minimum landscaping requirements to create a positive community image; to improve the appearance of vehicular use areas and property abutting public rights of way; to require buffering between noncompatible land uses; to protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods; and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution and glare.
  - b. Reduction Of Visual Impacts: The landscaping standards shall require reduction of visual impacts associated with given uses, including, but not limited to:
    - (1) Truck loading areas;
    - (2) Trash storage;
    - (3) Parking lots, interior lot areas and perimeters;
    - (4) Large unadorned building massing;
    - (5) Garage doors associated with auto oriented uses; and
    - (6) Vehicular stacking areas for drive-through uses.
2. General Landscape Requirements For All Zoning Districts:
  - a. Compliance: No new site development, permanent building or structure construction, remodeling involving outside changes to the site or vehicular use area modifications are allowed, unless the provisions of this subsection are met for the property in its entirety.
  - b. Preservation: Landowners are encouraged to preserve as much of their property in its natural, native state as possible.
  - c. Ground Coverage: All upland areas not otherwise forested or improved with buildings, structures, landscaping, or other allowed impervious surfaces shall be sodded or hydroseeded with species normally grown as permanent lawns and established to ninety percent (90%) coverage, except for the following:
    - (1) Grass seeding may be approved by the zoning administrator in areas that have an underground irrigation system. Grass must be established to ninety percent (90%) coverage.
    - (2) Native seeding may be approved by the zoning administrator. A site plan and planting schedule shall be submitted for review. Depending on the size, location and visibility of the native area to adjacent properties and right of way, the zoning

administrator may forward the item to the city council for consideration. All native areas shall be established to ninety percent (90%) coverage with approved plantings and then maintained at this coverage.

- (3) Other coverage methods may be accepted as part of an overall landscape plan.
- d. Topsoil: Adequate topsoil shall be added to ensure growth of all plantings.
- e. Ground Coverage Not Allowed: Ground coverage shall not include exposed sand, soil or weeds.
- f. Landscape Health: Plants must be sound, healthy, vigorous, and free of disease, insect eggs and larvae.
- g. Landscape Health: Plants must be sound, healthy, vigorous, and free of disease, insect eggs and larvae.
- h. Landscape Sizing: The following landscape sizing shall be required at the time of planting. Larger plants may be used or specified at any time.

Landscaping Type	Minimum Size
Overstory deciduous (shade) trees	2 inch diameter (measured 6 inches above ground)
Coniferous (evergreen) trees	6 feet
Ornamental trees	1½ inch diameter (measured 6 inches above ground)
Shrubs	3 gallons

- i. Overstory Tree Equivalency: Up to fifty percent (50%) of the required number of overstory trees on a site may be substituted with an equivalent number of understory trees, smaller trees or shrubs. In such cases, two (2) ornamental trees, two (2) 4-foot coniferous trees, two (2) 1.5-inch diameter overstory trees, or ten (10) shrubs shall be equivalent to one overstory tree.
- j. Required Landscaping: Where required trees are removed to allow placement of building addition or site expansion, the required trees shall be replaced elsewhere on the property. Exceptions may be made by the zoning administrator if sites become overcrowded with trees based on new planting requirements.
- k. Credit For Existing Trees:
  - (1) Rear And Side Yard Trees: Credit for existing rear and side yard trees cannot be used to offset the front tree requirements.
  - (2) Mature Trees: Credit trees, when mature, must be able to be seen by passing public when site is completed.
  - (3) Minimum Requirements: Such trees fulfill the minimum requirement as to size and species. The zoning administrator shall determine the amount of the credit for such existing trees based upon their location and distribution in the lot.
- l. Protection Of Existing Trees: Proper precautions to protect trees during development shall be indicated on grading and landscape plans submitted for plan review. The following protective measures shall be followed:

- (1) **Tree Fencing:** Installation of snow fencing or polyethylene laminate safety netting placed at the drip line or at the perimeter of the critical root zone (CRZ), whichever is greater, of significant trees, specimen trees, and woodlands to be preserved. No grade change, construction activity, or storage of materials shall occur within this fenced area.
  - (2) **Soil Chemistry:** Measures shall be taken to prevent a change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.
  - (3) **Retaining Walls:** Installation of retaining walls or tree wells to preserve trees must be no closer than the drip line or at the CRZ, whichever is greater.
  - (4) **Utilities:** Placement of utilities in common trenches shall be located outside of the drip line of trees to be preserved. The use of tunneled installation for utilities is encouraged.
  - (5) **Aeration, Fertilizer And Irrigation Systems:** The use of tree root aeration, fertilization, and/or irrigation systems is encouraged to promote the health of trees to be preserved.
  - (6) **Transplanting:** Transplanting of existing trees is encouraged. If trees cannot be immediately transplanted, the trees shall be moved to a protected area for later transplanting into the construction area.
  - (7) **Staking Of Trees And Plant Hardiness:** The property owner is responsible for keeping trees in a plumb position. When staking is required, it shall occur so as not to create any hazards or unsightly obstacles. All wires shall be encased in hose to prevent tree damage.
3. **Landscape Plan Submission:** Prior to commencement of turf removal, grading, or planting, the property owner or developer shall prepare a landscape plan acceptable to the city for review. The contents of the plan shall include the following:
- a. A landscape plan shall be submitted providing all information required in this subsection. The plan shall be drawn to a scale between one inch equals eight feet (1" = 8') scale and one inch equals one hundred feet (1" = 100'), showing and labeling by name and dimensions all existing and proposed property lines, easements, utility lines, buildings, and other structures, vehicular use areas (including parking stalls, driveways, service areas, square footage), and water outlets.
  - b. Planting schedules including the quantity of plants to be installed, common name, botanical name, plant size at installation and at full growth, and root type (balled and burlapped, container).
  - c. Typical elevations and/or cross sections as may be required.
  - d. Title block with the pertinent names and addresses (property owner and person drawing plan), scale, date, north arrow.
  - e. Existing landscaping shall be shown including species and size. Any approved material in satisfactory condition may be used to satisfy this subsection in whole or in part.
4. **Landscape Performance Standards For R-1, And R-2, RS And F Districts:**
- a. **Ground Coverage:** Subject to subsections D2c and D2e of this section.
  - b. **Tree Requirements:**

- (1) Minimum: A minimum of one deciduous tree shall be planted in the front yard between the principal structure and street right of way. In the case of a multiple frontage lot, each frontage will require a deciduous tree. If the house is on the lake, the planting requirement will apply to both the street frontage and land between the lake and the house.
  - (2) Credit For Existing Trees: A credit for existing trees that are preserved which meet the minimum size requirements can be granted by the city.
  - (3) Trees Not Allowed: Trees listed in subsection D5h of this section are not allowed to be used as a credit or as acceptable tree planting.
- c. Landscape Completion And Escrow:
- (1) Certificate Of Occupancy: No certificate of occupancy will be issued until after the property has been brought to final grade and all required plantings and ground cover are installed.
  - (2) Non-Growing Season Escrow:
    - (A) A temporary certificate of occupancy may be granted for a building during the non-growing season provided that that owner deposits a cash escrow or other acceptable surety with the city in an amount as set forth in the fee schedule adopted annually by the city council. Upon satisfactory installation of the landscaping, the escrow will be returned to the depositor and a certificate of occupancy issued.
    - (B) If the landscaping is not installed by June 1 of the following year, the escrow will be forfeited. The city may then abate the violation and assess the cost to the property with the addition of any administrative fees.
    - (C) The city may grant a thirty (30) day extension after a written request of the landowner, or if the city determines weather conditions are not yet acceptable for planting to occur.
5. Landscape Performance Standards For R-3, C1, C2, OS, I, And PB Districts:
- a. Priorities: When establishing landscaped areas for a site, top priority shall be given toward establishing landscaping areas in front yards (between buildings and street frontages). A secondary priority shall be given toward establishing landscaping areas around the site perimeter.
  - b. Ground Coverage: Subject to subsections D2c and D2e of this section and the following.
  - c. Tree Requirements:
    - (1) A minimum of one overstory deciduous or coniferous tree is required for every one thousand five hundred (1,500) square feet of total building floor area. If a development does not include an expansion of building floor area, one such tree is required for every seventy five feet (75') of site perimeter.
    - (2) In addition to the trees required in subsection D5c(1) of this section, a minimum of one overstory deciduous or coniferous tree is required for every seventy five feet (75') of frontage along all roadways. The zoning administrator may allow the required street frontage trees to be clustered along the street frontage, provided there is adequate spacing between trees, based on the canopy of the given species at maturity.
    - (3) Thirty percent (30%) of the total amount of required trees shall be coniferous.
    - (4) Coniferous trees shall not be located within fifty feet (50') of a driveway.

- d. Shrubs: A minimum of one shrub is required for every four hundred fifty (450) square feet of total building floor area. If development does not include an expansion of building floor area, one such shrub is required for every forty five feet (45') of site perimeter.
- e. Interior Parking Lot Landscaping: In addition to the requirements of this subsection, subsection 10-5-2C12 of this title includes requirements for interior parking lot landscaping.
- f. Remodeling Or Redevelopment: In recognition of the fact that properties which have already been developed with permanent improvements as of the effective date hereof generally have less flexibility in meeting landscape requirements, the minimum quantities of trees and shrubs required in subsections D5c and D5d of this section, shall be reduced by one-third ( $\frac{1}{3}$ ) of the requirements for new construction or development.
- g. Landscape Completion And Escrow:
  - (1) Certificate Of Occupancy: No certificate of occupancy will be issued until after the property has been brought to final grade and all required plantings and ground cover are installed.
  - (2) Non-Growing Season Escrow:
    - (A) A temporary certificate of occupancy may be granted for a building during the non-growing season provided that that owner deposits a cash escrow, letter of credit, or other acceptable surety with the city in an amount as set forth in the fee schedule adopted annually by the city council. Bonds are not acceptable.
    - (B) If the landscaping is not installed by June 1 of the following year, the escrow will be forfeited. The city may then abate the violation and assess the cost to the property with the addition of any administrative fees.
    - (C) The city may grant a thirty (30) day extension after a written request of the landowner, or if the city determines weather conditions are not yet acceptable for planting to occur.
- h. Trees Not Allowed: Trees not allowed or to be used as credit for existing trees or trees which may not be planted to comply with the requirements are:
  - (1) Box elder.
  - (2) Silver maple.
  - (3) Northern catalpa.
  - (4) Russian olive.
  - (5) F. ginkgo (female only).
  - (6) Mulberry.
  - (7) Cottonwood.
- i. Planting For Wildlife Habitat:
  - (1) For wildlife habitat, when in doubt, plant:
    - (A) Spruce or fir rather than pine;
    - (B) A mixture of red and white oaks, including bur oak;
    - (C) Fruit and nut bearing plants also edible by humans;
    - (D) Native species rather than exotics or ornamental cultivars;
    - (E) More warm season grass (prairie) than cool season grass (brome and bluegrass).

- (2) For year long food supply for wildlife:
  - (A) Highbush cranberry.
  - (B) Wild plum.
  - (C) Crabapple.
  - (D) Red osier dogwood.
  - (E) Juneberry.
  - (F) Chokecherry.
  - (G) Gray dogwood
  - (H) Mountain ash.
  - (I) Staghorn sumac.

- j. Recommended Coniferous Trees:
  - (1) American larch (tamarack).
  - (2) Balsam fir.
  - (3) Black Hills spruce.
  - (4) Colorado spruce (blue spruce).
  - (5) Northern cedar (arborvitae).
  - (6) Eastern white pine.
  - (7) Norway red pine.
  - (8) White spruce.

- k. Recommended Deciduous Trees:
  - (1) Red and bur oak.
  - (2) American linden.
  - (3) Amur maple.

Note: Other materials may be used subject to city approval. Contact the county extension service or DNR forestry, and local nurseries for additional information regarding trees conducive to this area. (Ord. 2014-19, 6-17-2014)

#### 10-4-10: ARCHITECTURAL DESIGN STANDARDS:

- E. Allowable Materials By Zoning District: (Percentages of allowed exterior materials shall be calculated excluding fenestrations except for architectural glass, or doors that are 50 percent or less glass.)
  - 1. District C1, C2:
    - a. Face brick.
    - b. Natural stone.
    - c. Architectural glass.
    - d. Stucco.
    - e. ~~EIFS~~ EIFS.
    - f. Architectural concrete masonry units shall be limited to a maximum of fifty percent (50%) on any front facade. Architectural concrete masonry units may be used up to one hundred percent (100%) on nonfront facades.
    - g. Architectural precast concrete panels.
    - h. Architectural metal panels shall be limited to a maximum of fifty percent (50%) on any facade. Architectural metal panels exceeding fifty percent (50%) on any facade must be reviewed by the Architectural Review Commission and approved by the City Council.

- i. Accent materials shall be limited to a maximum of ten percent (10%) per building facade as approved under subsection F of this section.
    - j. Other materials may be approved under subsection F of this section.
  2. District I (Tier 1):
    - a. Face brick.
    - b. Natural stone.
    - c. Architectural glass.
    - d. Stucco.
    - e. ~~EFIS EIFS~~.
    - f. Architectural concrete masonry unit.
    - g. Architectural precast concrete panels.
    - h. Architectural metal panels.
    - i. Nonarchitectural metal material shall be limited to a maximum coverage of twenty percent (20%) on the front facade. Nonarchitectural metal material may be used up to one hundred percent (100%) on nonfront facades. Metal material application on the front and nonfront facades are required to have concealed fasteners with the exception that nonfront facades facing district I tier 2 may have exposed fasteners. Finished metal overhead doors necessary for the use are exempt from the twenty percent (20%) maximum. No unfinished metal of any kind is allowed.
    - j. Other materials may be approved under subsection F of this section.
  3. District I (Tier 2):
    - a. Face brick.
    - b. Natural stone.
    - c. Architectural glass.
    - d. Stucco.
    - e. ~~EFIS EIFS~~.
    - f. Architectural concrete masonry units.
    - g. Precast concrete panels.
    - h. Architectural metal panels.
    - i. Nonarchitectural metal material shall be limited to a maximum coverage of forty percent (40%) on the front facade. Nonarchitectural metal material may be used up to one hundred percent (100%) on nonfront facades. Metal material application on the front and nonfront facade may have exposed fasteners. Finished metal overhead doors necessary for the use are exempt from the forty percent (40%) maximum. No unfinished metal of any kind is allowed.
    - j. Other materials may be approved under subsection F of this section.
  4. All Other Districts (One-Family Detached Dwellings Are Exempt):
    - a. Face brick.
    - b. Natural stone.
    - c. Architectural glass.
    - d. Siding materials - wood, steel, vinyl (0.044 gauge or greater in thickness), or cementitious siding (i.e., lap, board on board, board and batten, log and half log or shake) shall be limited to a maximum of seventy percent (70%) on any front facade. Any of

these siding materials may be used up to one hundred percent (100%) on nonfront facades.

- e. Stucco.
- f. ~~EFIS~~ EIFS.
- g. Architectural concrete masonry unit shall be limited to a maximum of thirty percent (30%) of each building facade.
- h. Other materials may be approved under subsection F of this section.

F. Other Materials: In addition, materials not specifically listed may be approved for use by the city, when used in accordance with this title. When materials not specifically listed are proposed for use the architectural review committee shall review and the city council shall make findings of fact supporting the use of those materials. The judgment of the city will be based upon, but not limited to, the following factors set forth in subsection L3 of this section. Other materials that have been reviewed by the Architectural Review Commission and approved by the City Council shall hereinafter, be permitted materials moving forward for other applicants in the same district category of the architectural review ordinance. The Zoning Administrator shall track all additionally approved materials and periodically update the ordinance to add the previously approved materials to the appropriate districts.

**SECTION 5. Amendments.** The text of Chapter 5, Sections 1D “Signs: All Districts”; 1F “Signs: Signs Permitted In OS, I, C1 And C2 Districts”; 4D “Lighting Standards: General Performance Standards”; 4E “Lighting Standards: Lights Mounted On Poles”; 5A “Drive-through Businesses”; 8A “Motor Fuel Stations: Site Requirements”; and 9A “Accessory Structures: Requirements” of Title 10 (Zoning Regulations) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

**10-5-1: SIGNS:**

- D. All Districts: Signs are a permitted accessory use in all use districts subject to the following regulations:
  - 1. Private Signs Prohibited: Private signs are prohibited within the public right of way, public easements or on public property. With a written limited use agreement with the city, signs may be allowed in the right of way if the city, in its sole discretion, determines that the sign does not disturb necessary sightlines, prevent right of way maintenance and other uses necessary to a public right of way. This provision would include election and realtor signs. Garage sale signs, family event signs, open house signs and auction signs are permitted in the public right of way as long as they comply with subsection D15 of this section. Nameplates on or near a residential mailbox shall be permitted as long as the nameplate does not exceed five feet (5') in height.
  - 2. Illuminated Signs: Illuminated signs may be permitted, but devices giving off an intermittent, flashing, scrolling or rotating beam of rays of light shall be prohibited. No portion of the lighting surface shall be visible from adjacent properties or roadways.

3. Visibility: Vision clearance areas are triangle shaped areas located at the intersection of any combination of rights of way, alleys or driveways. The sides of the triangle extend thirty feet (30') from the intersection of the public rights of way in either/each direction. Signs must meet all district setbacks and no sign may be installed within this vision clearance area.
4. Dynamic Signs: Dynamic displays on signs are allowed subject to the following conditions:
  - a. Only one dynamic sign shall be allowed per lot.
  - b. Dynamic displays are allowed only on monument and freestanding signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than fifty percent (50%) of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face.
  - c. A dynamic display may not change or move more often than once every three (3) seconds, except one for which changes are necessary to correct hour and minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least three (3) seconds before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three (3) seconds.
  - d. The images and messages displayed and transitioned must be instantaneous or fading. The use of animation and scrolling is permitted provided that change in message or display does not exceed the rate prescribed in this section. Modes of display which cause the message to flash or blink are prohibited.
  - e. Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this section.
  - f. Dynamic displays must comply with the brightness standards contained in this section.
  - g. Dynamic displays existing on May 20, 2013, must comply with the operational standards listed above. An existing dynamic display that cannot meet the operational requirements may continue as a nonconforming structure.
5. Brightness Standards:
  - a. Standards: All signs must meet the following brightness standards in addition to those in section 10-5-4 of this chapter:
    - (1) No sign may be brighter than is necessary for clear and adequate visibility.
    - (2) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
    - (3) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
    - (4) If there is a violation of the brightness standards, the adjustment must be made within one day of notice of noncompliance by the city.
  - b. Maximum Illumination Levels:

- (1) Signs using an LED (light emitting diode) light source shall not exceed a luminance level of five hundred (500) candela per square meter (nits) between sunset and sunrise, and shall not exceed a luminance level of five thousand (5,000) candela per square meter between sunrise and sunset.
  - (2) Signs using fluorescent, neon, or incandescent light sources shall not exceed twelve (12) watts per square foot of sign surface area.
  - (3) All signs with illumination shall be equipped with a mechanism that automatically adjusts the brightness to ambient lighting conditions (e.g., dusk) to ensure that the sign's intensity does not exceed 0.3 foot-candle above ambient light levels as measured from one hundred feet (100') from the sign's face.
- c. LED Accents: LED accent lighting used as part of a sign element must comply with these brightness standards.
6. Changeable Messages: A message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than thirty five percent (35%) of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.
  7. Selling, Renting Or Leasing: Any private sign that is selling, renting or leasing a single parcel of real estate is a permitted use as long as it meets the following conditions: In nonresidential districts a total of thirty two (32) square feet of sign may be placed within the front yard. In residential districts a total of sixteen (16) square feet of sign may be placed within the front yard. Such signs shall not be less than ten feet (10') from the right of way or property line.
  8. Interference With Traffic Signal: No sign, temporary or permanent, by reason of position, shape or color shall interfere in any way with the proper functioning or purpose of a traffic signal.
  9. Painted On Wall: Signs shall not be painted directly on the outside wall of a building.
  10. Painted On Structures; Paper Signs: Signs shall not be painted on fences, rocks, or similar structures or features nor shall paper or similar signs be attached directly to a building wall or utility pole by an adhesive or similar means.
  11. Sale Or Lease: Any sign for the purpose of selling or leasing a residential project, commercial area or an industrial area which consists of more than one parcel of real estate, one sign not to exceed thirty two (32) square feet in nonresidential districts and sixteen (16) square feet in residential districts shall be allowed.
  12. Construction Signs: One temporary sign not exceeding a total surface area of ninety six (96) square feet, not exceeding sixteen feet (16') in height, and not less than two feet (2') above grade. Such signs shall be set back at least ten feet (10') from lot lines. Such signs shall be allowed for three (3) years from the date of original building permit issuance, or until construction in the development is completed, whichever occurs first. (Ord. 2013-7, 5-21-2013)
  13. Temporary Signs:
    - a. Size; Quantity: There shall be no more than one temporary sign on any lot, and such sign shall not exceed thirty two (32) square feet in size for commercial districts and sixteen (16) square feet for residential districts.
    - b. Duration: Temporary signs shall require a permit that can only be renewed three (3) times annually for a total of ninety (90) days. The duration of a temporary sign permit shall not

exceed thirty (30) days except as described in this section. The zoning administrator may document the duration of any temporary sign and require its removal if it is displayed for more than its permitted duration unless it meets all standards for permanent signs. For the purposes of this subsection D13, the zoning administrator can ignore intermittent removal of said temporary signs if the clear intent of the owner is to display this sign for more than the permitted duration.

- c. Multi-Tenant Buildings: For multi-tenant buildings with five (5) or more lease spaces, each tenant may be allowed one such sign for up to thirty (30) days per calendar year. Any such temporary signage shall be the responsibility of the property owner or designated manager who shall endorse in writing, all applications for sign permits. The owner or manager of the sign and the property owner shall be equally responsible for the proper location, maintenance, and removal of the sign.
  - d. Temporary Signs: Although this subsection D13 allows only one temporary sign on any lot, one may apply for one additional temporary sign not exceeding thirty two (32) square feet which promotes a local fundraiser or activity benefiting any nonprofit group. To qualify for the application, the sign must not be displayed until sixty (60) days prior to the first day of the event; the event must last no longer than one week and the applicant must promise to remove said sign within one week of the last day of said fundraiser. In addition, the applicant must provide written evidence that it has been acknowledged by the Minnesota secretary of state as a valid nonprofit entity. If said conditions are met, a sign permit will be granted as long as the proposed sign's placement or design does not significantly affect traffic flow or safety as determined by the zoning administrator.
  - e. Temporary Signs Or Temporary Banners For New And Opening Establishments: An establishment that is opening to the public for the first time or which is reopening after having been closed to the public for fifteen (15) consecutive calendar days or more and which has received all required permits and approvals, may display temporary signs or temporary banners in accordance with the following requirements:
    - (1) One temporary sign or banner shall be allowed on each building facade that faces a street, driveway or parking lot and has a customer entrance on that building facade.
    - (2) Such temporary signs or temporary banners shall be removed no later than thirty (30) days after placement or upon installation of permanent signage, whichever occurs first. (Ord. 2014-19, 6-17-2014)
14. Election Signs: Election signs are permitted as provided by Minnesota statutes section 211B.045. For election signs not specifically addressed in the statute, such signs must be removed within ten (10) days following the election related to the sign. All private signs are prohibited from placement in the public right of way or on public property.
15. Event Signs: Garage sale signs, family event signs, open house signs and auction signs are permitted provided such signs are placed no more than one day prior to and one day after said event. Such signs must conform to other ordinance standards.
- ~~15.~~16. Canopy Signs: The overhead canopy may have one sign on each face that occupies no more than ten percent (10%) of the face. Backlit canopies shall comply with the brightness and illumination standards set forth in the section as well as with those in section 10-5-4 of this chapter.

F. Signs Permitted In OS, I, C1 And C2 Districts:

1. Size: One freestanding pylon, multi-tenant pylon, or monument sign is allowed per property, unless a conditional use permit is approved to allow multiple entrance signage pursuant to subsection G2 of this section. The aggregate square footage of the freestanding business signage and directional signage per lot shall not exceed the sum of one square foot for each front foot of lot to a maximum of two hundred (200) square feet except for multi-business signs approved pursuant to subsection G1 of this section. Any lot upon which three (3) or more businesses are located may add an additional 0.25 square feet of sign space for every linear foot along a side lot line to a maximum of two hundred fifty (250) square feet of sign space to accommodate lots that extend a farther distance from the front lot line. Front footage is measured as a linear distance across the front lot line only, not a cumulative road frontage wherein a roadway is adjacent to two (2) or more property lines. (Ord. 2014-19, 6-17-2014)
2. Setback: Freestanding signs shall be set back at least ten feet (10') from any property line.
3. Height: No freestanding sign shall extend more than six feet (6') in height above the average height found by adding the wall height to the gabled peak height and dividing by two (2) of any principal building, not to exceed a maximum of forty feet (40').
4. Additional Signage Space: In commercial districts, up to ten percent (10%) of any face of the building and any face of the canopy may be dedicated to signage in addition to the aggregate maximum for cumulative signage referenced in subsection F1 of this section. This may include wall signs, window signs, awning signs and raised lettering.

10-5-4: LIGHTING STANDARDS:

D. General Performance Standards:

1. Light fixtures and freestanding luminaires shall have a cutoff angle of less than or equal to ninety degrees (90°).
2. The height of a freestanding luminaire shall not exceed thirty feet (30') ~~or extend above the roofline of the principal building, whichever is less.~~
3. Freestanding luminaires used for outdoor athletic fields and recreation areas that exceed the height limitation may be approved by conditional use permit.
4. All canopy lighting for motor fuel stations shall be recessed into the canopy.
5. Accent lighting used to highlight building facades, foliage, or selected architectural features shall be permitted provided the light source is shielded and directed at the architectural feature. Accent lighting shall comply with the following standards:
  - a. Be stationary, single color, non-changing lights with all sources of light concealed.
  - b. Permanent exposed continuous strip accent lighting profiling building or rooflines shall count towards the ten percent (10%) wall and canopy signage and shall comply with brightness and illumination standards set forth in this section. ~~not be allowed within three hundred feet (300') of trunk highway right of way.~~
6. Lighting for patios and decks attached to residential units are exempted from the cutoff and shielding requirements provided the light is intended and installed to light the patio or deck area only.
7. Any lighting in existence before the effective date hereof that does not comply with the requirements shall be considered legally nonconforming. However, if a property owner proposes to replace fifty percent (50%) or more of the existing exterior light fixtures or

standards in any one year period, the fixtures or standards must be replaced in conformance with this section.

E. Lights Mounted On Poles: Lights mounted on poles shall comply with the following standards:

1. Walkway lighting height maximum: Fifteen feet (15') above base.
2. Parking lot lighting height maximum: Twenty five feet (~~25~~27') above base.
3. Roadway lighting height maximum: Forty feet (40') above base.
4. Light pole base height maximum: Three feet (3') above finish grade.

#### **10-5-5: DRIVE-THROUGH BUSINESSES:**

A. Where allowed, drive-through businesses shall comply with the following:

1. Location: The business shall be located on a site with direct access to a minor arterial street, collector or service road.
2. Drive-Through Lanes: Drive-through or drive-in lanes are not allowed between the building and a lot line that faces a public street. This does not pertain to driveways.
3. Separation From Residential Property: Drive-through facilities, including, but not limited to, the service windows and stacking spaces, shall be separated from residentially zoned or guided property by an arterial or collector street or shall be set back at least two hundred feet (200') from residentially zoned or guided property.
4. Order System Noise: The public address or order system shall not be audible from any adjacent residentially zoned or guided property.
5. Stacking Distance And Spaces: Adequate stacking distance shall be provided, which does not interfere with other driving areas, parking spaces, or sidewalks. Stacking spaces shall not interfere with parking spaces or traffic circulation. The following minimum standards are required:
  - a. Pharmacies: Pharmacies with one drive-through lane shall provide stacking space for at least five (5) vehicles, and pharmacies with two (2) or more drive-through lanes shall provide stacking space for at least three (3) vehicles per lane, as measured from and including the last pick up station, window, or the like.
  - b. Banks Containing Less Than Six Thousand Square Feet: Banks containing less than six thousand (6,000) square feet of gross floor area with one drive-through lane shall provide stacking space for at least six (6) vehicles, and banks containing less than six thousand (6,000) square feet of gross floor area with two (2) or more drive-through lanes shall provide stacking space for at least ~~four (4)~~ three (3) vehicles per lane, as measured from and including the last pick up station, window, or the like.
  - c. All Other Uses: Businesses with one drive-through lane shall provide stacking space for at least ten (10) vehicles, and businesses with two (2) or more drive-through lanes shall provide stacking space for at least six (6) vehicles per lane, as measured from and including the last pick up station, window, or the like.
6. Existing Level Of Service On Streets: The applicant shall demonstrate that such use will not significantly lower the existing level of service on streets and intersections. The city may require a traffic study to be prepared.
7. Screening: Screening shall be provided of automobile headlights in the drive-through lane to adjacent properties. Such screening shall be at least three feet (3') in height and fully opaque, consisting of a wall, fence, dense vegetation, berm, or grade change.

8. Bypass Lane Required: A bypass lane shall be provided for each drive-through use, allowing cars to leave the drive-through lane from the stacking area. (Ord. 2014-19, 6-17-2014)

#### 10-5-8: MOTOR FUEL STATIONS:

##### B. Site Requirements:

1. Fence Required: Wherever a motor fuel station abuts a residential property, a six foot (6') high wood screening fence with landscaping approved by the city shall be erected and maintained along the side and rear property line that abuts the residential property. Application of this provision shall not require a fence within fifteen feet (15') of any street right of way line or any other line of sight provision.
2. Landscaped Yard: A minimum fifteen foot (15') landscaped yard shall be planted and maintained behind all property lines except at driveway entrances.
3. Surface: The entire motor fuel station, other than that part devoted to landscaping and structures shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage.
4. Driveways: Driveways shall not exceed forty feet (40') in width. The number of access points to any street shall be kept to a minimum and subject to approval by the city engineer.
5. Curb: A six inch (6") B6-12 poured concrete curb or equivalent shall separate all walks and landscape areas from parking and maneuvering areas.
6. Overhead Canopy Height: The total height of any overhead canopy or weather protection shall not exceed twenty feet (20').
7. ~~Overhead Canopy Color: All overhead canopies shall be one solid earth tone color unless otherwise approved by the city.~~
8. ~~7. Overhead Canopy Lighting: No overhead canopy shall be backlit or illuminated in any way.~~ Lighting underneath the canopy is allowed, provided each light fixture is recessed and pointed downward so as to minimize the source of the light.
9. ~~8. Overhead Canopy Setbacks: The setback of any overhead canopy or weather protection, freestanding or projecting from the station structure shall be not less than ten feet (10') from the street right of way nor less than twenty feet (20') from an adjacent property line.~~

#### 10-5-9: ACCESSORY STRUCTURES:

##### A. Requirements:

1. The location and construction of accessory structures shall be governed by this section but accessory structures in commercial, industrial, office service districts, or built in conjunction with multiple-family dwellings in R-2 and R-3 districts and planned unit developments are also subject to the architectural regulations set forth in section 10-4-10 of this title.
2. Any accessory building shall be considered part of the principal building for setback purposes only if it is located less than six feet (6') from the principal building.
3. No accessory structure shall be constructed prior to the commencement of construction of the principal building, except as allowed by interim use permit.
4. All accessory buildings exceeding ~~one hundred twenty (120)~~ two hundred (200) square feet shall require a building permit and shall meet all city codes for construction and installation as set forth in title 9 of this code.

5. All accessory buildings ~~one hundred twenty (120)~~two hundred (200)-square feet or less shall require a shed permit and shall meet all city requirements as set forth in this title.
6. Recreation equipment such as play apparatus, swing sets and slides, sandboxes, tree houses, above or in ground swimming pools, hot tubs, playhouses, etc., shall comply with the minimum accessory structure setbacks.
7. These requirements are applicable in all zoning districts.