

BAXTER



"A Growing Community"

Planning and Zoning Commission Agenda July 12, 2016 @ 6:00 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Approval of regular meeting minutes from June 14, 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.** Preliminary and final plat named "Vaughans Lots" and a conditional use permit to allow two principal structures on a single lot. The plat and CUP would allow the development of two, 4-unit rental buildings on property located near the intersection of Baxter Lions Rd. and Art Ward Dr. Legally described as Vaughans Lots Outlot A Section 12, Township 133, Range 29 (City file 16-17)

Requested by: Diversified Construction 1107 South 6th Street, Brainerd, MN 56401

- B. **PUBLIC HEARING.** Conditional use permit to allow a nonconforming structure on a riparian lot to be expanded and variances to allow a nonconforming use to be enlarged to occupy a greater area of land and to allow a structure to encroach 17 feet into the required 100-foot setback to the Mississippi River for property located southeast of County Road 48 at 12464 Camwood Trail. Legally described as PART OF GL 3 SEC 17 DESC (full legal available at City Hall) Section 17, Township 133, Range 28 (City file 16-18)

Requested by: Peter and Julie Henry 12464 Camwood Trail, Baxter, MN 56425

- C. **PUBLIC HEARING.** Variances to allow a principal single-family structure to encroach 3.3 feet into the required 30-foot rear yard setback and to allow a principal single-family structure to encroach 3 feet into the required 40-foot front yard setback for property located on the south side of Fairfax Court. Legally described as Lot 8, Block 2, 2nd Addn to Paige & Blair Development Section 12, Township 133, Range 29 (City File 16-19)

Requested by: Home Builder Construction & Consulting Inc. 4935 Pine Mountain Beach Road SW, Backus, MN 56435

- D. **PUBLIC HEARING.** Conditional use permit for forestland conversion to allow tree clearing on property located between Homestead Drive and Isle Drive. Legally described as Outlot A, Perch Lake Estates Section 7, Township 133, Range 28 (City File 16-20)

Requested by: Mike O'Donnell 11697 E Laketowne Drive, Albertville, MN 55301

7. **Other Business**
8. **Adjournment**

PLANNING & ZONING COMMISSION MINUTES
June 14, 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: Chair Bob Kinzel, Commissioners Steve Lund, Howie Oswald, and Gwen Carleton

MEMBERS ABSENT: Commissioner Bob Ryan and Council Liaison Steve Barrows

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

OTHERS PRESENT:

APPROVAL OF MINUTES

MOTION by Commissioner Lund, seconded by Commissioner Oswald to approve the minutes from the May 10, 2016 meeting as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
June 21, 2016 if not tabled, continued or otherwise noted.*

Chair Kinzel stated that this Commission is advisory and the final approval/denial is given at the City Council Meeting on June 21, 2016 at 7:00 pm.

OLD BUSINESS

None

NEW BUSINESS

1. PUBLIC HEARING. Rezoning from R-1 (Low Density Residential) to PUD (Planned Unit Development) and a PUD general plan to allow "Baxter House Kids Resiliency Program", which is a learning center/training program for approximately 10 to 12 children in grades 5-8 for property located at 13401 Birch Dr. THAT PT OF N 1/2 OF NW1/4 OF SE1/4 SEC 8 DESC AS FOL: BEG AT THE I/M AT THE SW COR OF BIRCH DR FIRST ADDITION TO BAXTER GREENWOOD ACRES (full legal available at City Hall) Section 8, Township 133, Range 28 (City file 16-15)

Requested by: Lutheran Social Service of MN, 2485 Como Ave. St. Paul, MN 55108

Chair Kinzel asked Planner Gindele to review the application with the Commission.

Planner Gindele stated that the applicant, Lutheran Social Services (LSS), is requesting the rezoning and PUD general plan to allow a kids resiliency program serving up to 12 children, ages 10 to 14 as a principal use for property. He explained that this application was for a PUD rather than for a CUP due

to the fact that kids' resiliency programs (or similar uses) are not currently listed as a conditional use in the R-1 district and therefore would still have required an ordinance amendment allowing for such a use in the R-1 district along with approval of a CUP. Furthermore, the City has greater control over a proposed development or use with a PUD than with a CUP. Conditions of a PUD may be added that are more tailored to a specific property whereas conditions of a CUP are applied generally across the board for an entire zone (R-1). Amending the ordinance to allow this type of use as a conditional use would open up other properties in Baxter to apply for a CUP for the same use.

The property is currently zoned R-1, which does not allow a kids' resiliency program. A rezoning is therefore required to allow the use. When reviewing the request to rezone property, the city considered the request based on the following factors:

- The proposed action must be considered in relation to, and found to be consistent with, the city's comprehensive plan, including public facilities and capital improvement plans.
- The proposed action must meet the purpose and intent of the individual district.
- There is adequate infrastructure available to serve the proposed action.
- There is an adequate buffer or transition provided between potentially incompatible districts.

Staff finds that the request is consistent with the comprehensive plan and the zoning district. Staff finds that there is adequate infrastructure and that there is enough buffer to support the rezoning.

Planner Gindele went on to explain that the PUD ordinance included in the packet approves a PUD general plan allowing a kids' resiliency program serving up to 12 children as a principal use plus all the permitted, accessory, and interim uses allowed in the R-1 district as permitted uses. Staff has proposed not to include the conditional uses as they may be inappropriate for the site. Although requests for a CUP and an amendment to a PUD have a similar public review process, the city has a greater level of discretion with a PUD amendment. No site review is required at this time since the applicant is not suggesting any construction as part of this application. However, staff notes that a review was completed to determine if there is sufficient parking on the site. The applicant has stated that they require only three or four parking spaces for staff and one additional space for the transportation van. Therefore, staff finds that five parking stalls is sufficient to support the use. The proposed use will serve 10-12 children ages 10-14 within a 10 mile radius of the property. All of the participating children will have been referred to the program by school staff, county social workers, or other service providers that the children may be working with. All transportation of children to and from the site will be provided for by Lutheran Social Services via a 12 passenger van. The van, along with three or four staff members, will be the only parking needs for the proposed use. The property currently has five outdoor parking spaces on site as well as a two-stall garage. Staff members will park on site during hours of operation; the van will also be parked on site. The van will be parked inside the garage overnight, on weekends and holidays when the facility is closed. Since none of the clientele can drive themselves, the staff and the van will constitute the only increase in traffic. During the school year, the program will operate from 3 pm to 7 pm. Children will be picked up from school at the end of their school day and transported to the site and then transported home at 7 pm. During the summer, the program will operate from 12 pm to 4 pm. Children will be picked up and dropped off at their homes by LSS.

Planner Gindele then stated that staff is recommending approval of this application.

Chair Kinzel invited the applicant to the podium to speak about their application and plans. Ms. Jolene Bollig (with LSS) approached the Commission; she reiterated what Planner Gindele had stated and added that they would like to put up a six foot tall privacy fence in the near future. Chair Kinzel stated that he had spoken with one of the residents on Birch drive who stated she was comfortable with the

proposed use and asked the applicant if she was planning on cleaning up the yard at all; the applicant stated that they are currently working with some landscapers to get quotes on doing some yard work to make it look nice. Commissioner Carleton asked how the program will narrow down their selection of students to just 12 children when there are so many that could benefit from this program. The applicant stated that the age requirement will narrow the selection quite a bit. Beyond that, the program is limited in its selection of children based on the types of behavioral issues and learning disabilities the children have as the program is not licensed to use any type of restraints on the children and is not equipped to handle violent children or children with severe learning disabilities.

Chair Kinzel opened the public hearing. Ms. Amanda Wheeler approached the Commission and stated that staff had responded to a lot of her concerns and questions prior to the meeting. She stated that her main concern was that if LSS goes away, can someone else come in and change the use without further City approvals. Chair Kinzel stated that another user could come in with the same use but if they make even minor changes including the number or age of children being served or if they wanted to include overnight use or any type of residency that would require additional approvals from the City. Chair Kinzel stated that the approval of this PUD is specific to this use and any change in use not approved with this PUD would require additional approvals from the City.

Chair Kinzel closed the public hearing.

Motion by Commissioner Lund, second by Commissioner Oswald to recommend the City Council approve the Rezoning from R-1 (Low Density Residential) to PUD (Planned Unit Development) and a PUD general plan to allow “Baxter House Kids Resiliency Program”, which is a learning center/training program for up to 12 children ages 10-14 in grades 5-8 for property located at 13401 Birch Dr. Motion carried unanimously.

2. PUBLIC HEARING. The City of Baxter is proposing the establishment of zoning for the recently annexed land located on the east and west sides of Inglewood Drive, between Pine Beach Road and Woida Road. In addition, the City of Baxter is proposing a new “Commercial/Industrial” zoning district for the City, which would be applied to some of the subject properties. The proposed amendments to the City’s zoning map and zoning ordinance is related to the following described properties:

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

Chair Kinzel asked CD Director Doty to review the application with the Commission. CD Director Doty explained that the subject property was annexed into the City in late July of 2015 and that staff has

one year from the time of annexation to zone the property. Commissioner Lund asked CD Director Doty to show on the map which properties were annexed; CD Director Doty pointed them out on the map and described the general location of the annexed properties as lying along Inglewood Road on the east and west sides from Woida Road to Pine Beach Road. CD Director Doty stated that the reason for the annexation was due to the reconstruction of Inglewood Drive, the County wanted to reconstruct it as a rural section of road but the City wanted to construct it the same way it was constructed to the south with a 10-ton design and bike lanes, as the road is more of a collector road within the city and carries a lot of traffic. In order for the road to be constructed to the City's standard, the City needed to take over maintenance of the road meaning the road itself and the properties along the road needed to be annexed into the City.

Chair Kinzel asked if the County upgraded the road with its own funding or if the City contributed to the upgrade. CD Director Doty stated that there was some grant funding involved in the upgrade but the City did not pay for it. Chair Kinzel asked if those properties that were annexed will see an increase in their taxes. CD Director Doty stated that those properties were not assessed for the Inglewood Road project but their taxes would likely go up due to them being annexed into the City, not due to the road project.

CD Director Doty explained that the two pieces of this application are to approve a new zoning district classification of Commercial/Industrial and to zone the annexed properties.

CD Director Doty briefed the Commission on the public involvement process with the LRPC leading up to this point and explained the biggest concern from those property owners was the lack of utilities since the City requires utilities for commercial properties to develop. A utilities study was conducted for this area to give the property owners an idea as to how their properties could be served and how their property values would be affected with City services. Commissioner Lund asked if the utilities feasibility study provided sufficient evidence to those property owners for them to be comfortable with staff's proposed land use; CD Director Doty stated that it had.

CD Director Doty used power point to show the Commission how the LRPC had guided the annexed properties with medium and low density residential and commercial. He further described the quandary of how to zone the properties that currently have businesses on well and septic. The problem is that if those properties are zoned commercial or industrial they do not have the ability to expand without city water and sewer due to the City's requirement that all commercial and industrial properties must have city water and sewer to develop. CD Director Doty stated that the solution was to create a new Annexed Commercial/Industrial zone that would allow existing businesses at the time of annexation to expand up to 20% on well and septic as long as all other City codes are met. CD Director Doty introduced the uses that would be allowed in the new commercial/industrial zone as a mix of uses that were pulled from the commercial districts and the industrial districts; more intense uses in those districts were excluded from this newly created zone.

Commissioner Carleton asked what becomes of the existing business near the water tower that was guided residential. CD Director Doty stated that it would be allowed to continue current operations and would be allowed to rebuild if the building were damaged but it would not be allowed to expand or change to another commercial type use.

CD Director Doty described the different zoning classifications that could be designated to each land use classification that was placed on the properties. Specifically, he described the difference between the R-

1 and the RS zoning districts as they relate to the Low Density Residential land use category. The major difference between RS and R-1 is that RS has a 5 acre minimum lot size whereas R-1 has a 15,000 square foot minimum lot size. Another key difference is that the RS districts allows homes to develop on 5 acre lots with well and septic whereas the R-1 district allows for a home to be built on an existing lot of record with well and septic as long as it is not subdivided. So in practice, that means that if your 10 acre lot is zoned RS you may split it into two separate five acre lots both having the ability to develop with a home on well and septic but if you have that same lot in the R-1 zone you can only build a single home on it with well and septic. Chair Kinzel stated that it would make more sense to zone them RS rather than R-1 to allow some type of use of their property while waiting for utilities to be extended whenever that may be. CD Director Doty explained how developing with five acre lots can hinder more urban development of the property in the future. Commissioner Lund stated that the limiting factor of development in this area will likely not be the availability of utilities so much as it will be the topography of the land. Chair Kinzel state that he is in favor of zoning the properties guided as low density with the RS zoning classification.

CD Director Doty read a letter from one of the property owners (Tom Bercher) for the record; the letter reads:

“Josh, I will be out of town on the 14th so would request you read this at the meeting. I would request the three lots on Inglewood and the two lots on Co. Rd. 77 be zoned Commercial Industrial and the lot on Peace Rd. be zoned RS. I believe the Council agreed to this zoning at the last meeting I attended. Thank you, Tom Bercher.”

CD Director Doty stated that staff is recommending approval of this application. Chair Kinzel recapped the approval request.

Chair Kinzel opened the public hearing, there was no one to speak and closed the public hearing.

Motion by Commissioner Carleton, second by Commissioner Oswald to recommend the City Council approve the new zoning district classification of Commercial/Industrial and to zone the annexed properties as recommended by staff (RS rather than R-1 for the properties guided as low density residential). Motion carried unanimously.

OTHER BUSINESS

None

ADJOURNMENT

MOTION by Commissioner Oswald, seconded by Commissioner Carleton to adjourn the meeting at 7:10 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Chair Bob Kinzel

Matthew Gindele-Planner



TO: Baxter Planning and Zoning Commission

FROM: Joshua Doty, Community Development Director

DATE: July 8, 2016 for the July 12, 2016 Planning and Zoning Commission Meeting

REQUEST: **PUBLIC HEARING. Preliminary and Final Plat** named "First Addition to Vaughans Lots" to replat an outlot into one lot and a **Conditional Use Permit** to allow two principal buildings on one lot to construct two, four-unit rental buildings located at the Northeast corner of Art Ward Drive and Baxter Lions Drive. (City file 16-17)

APPLICANT: Diversified Construction

ZONING: R-2, Medium Density Residential

LEGAL: Outlot A, Vaughans Lots, Crow Wing County, Minnesota

1. Application Request

The applicant has requested approval of a preliminary and final plat named "First Addition to Vaughans Lots" to replat an outlot into one lot and a conditional use permit to allow two principal buildings on one lot for the construction of two, four-unit rental buildings located at the Northeast corner of Art Ward Drive and Baxter Lions Drive.

2. Context

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Single Family Home	R-2, Medium Density Residential
East	Vacant Property	R-2, Medium Density Residential
	Single Family Home	R-1, Low Density Residential
South	Vacant Property	R-1, Low Density Residential
West	Oscar Kristofferson Park	PB, Public Benefit

Natural Characteristics of the Site

The site has minimal topography and is wooded. The northwest corner of the site is located in the shoreland overlay district for White Sand Lake. The portion of the property located in the district is an approximately five foot triangle in the extreme Northwest Corner of the property. This small area would be greenspace and would be 100 percent pervious, which complies with the City's 25-percent maximum impervious requirement. There is no wetland or floodplain on the property.

Background

In 2015, the City Council approved a preliminary and final plat to subdivide a lot to the north for the existing single family home and to create an outlot on the subject property.

Utility Commission Review

The Utility Commission reviewed the application on July 6, 2016 and recommended approval of the Vaughans Lots Preliminary & Final Plat contingent on the completion of a development agreement prior to the issuance of a building permit.

Architectural Commission Review

The subject buildings will require the submittal and approval of an architectural review application before a building permit could be issued. Staff has added a condition to the draft resolution requiring city approval of an architectural review application before a building permit is issued.

3. Analysis of Request

The applicant is requesting a preliminary and final plat to replat an outlot into one lot and a conditional use permit to allow two principal buildings on one lot. The plat and CUP would allow the construction of two, four-unit rental buildings on the property. The developer is proposing to construct two, four stall detached garages between the rental units and Art Ward Drive. Therefore, each unit would have a detached garage space. In addition, the developer is providing 14 surface parking stalls for the development and a "U" shaped private driveway to access the development from two locations along Art Ward Drive.

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 minor subdivision 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.

Preliminary and Final Plat

The applicant has requested approval of a preliminary and final plat named "First Addition to Vaughans Lots" to replat an outlot into one lot. The replat from an outlot would create a buildable lot for the applicant to build two, four unit rental buildings on the property.

Access/Traffic

The lot would have frontage and access directly on Art Ward Drive. The applicant has proposed two driveway access locations on Art Ward Drive to serve the development. The Southerly access would line up with Baxter Lions Drive, which serves Oscar Kristofferson Park and the Baxter Elementary School. Staff notes that Baxter Lions Drive receives considerable peak traffic during beginning and end of school hours and during evening sports events at the park. Therefore, staff is in support the developer's proposal to line up the southerly development access with Baxter Lions Drive for safety reasons.

Right-of-Way

In 2015, the applicant platted the subject property into an outlot. At that time, the applicant dedicated right-of-way beyond 7-feet to match up with the right-of-way on the city owned lot to the south. The dedication provided the City with an 80-foot right-of-way corridor for this section of Art Ward Drive, which complies with City requirements.

Park Dedication

Park dedication is required for the each new unit at \$1,800 per unit. Based on the current adopted fee schedule, the City would require \$14,400 to be paid with this plat.

Density

The City's Comprehensive plan states that medium density development may have up to seven units per acre. The proposed site is 1.25 acres and there are 8 total units. Therefore, the proposed development has a density of 6.4 units per acre, which complies with City requirements.

Conditional Use Permit

Title 10-4-5 of the zoning ordinance allows more than one principal building on a lot upon the issuance of a conditional use permit. The lot is currently vacant and would be developed with two, four unit rental buildings. The footprint for each building would match and the buildings are adjacent to each other with a greenspace between the buildings. Both of the buildings would be under one ownership and would function together as one development.

Staff has reviewed the request based on the general CUP standards. Section 10-7-4 of the Zoning Ordinance defines the criteria for reviewing and processing a conditional use permit (CUP). Specifically:

- A. *Excessive Burden: The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.*

The eight unit rental development would not create an excessive burden on existing parks, schools, streets and other public facilities. Oscar Kristofferson Park and the Baxter Elementary School is across the street from the development. The development includes sidewalk connections to Art Ward Drive so that residents can cross the street to access these public facilities.

- B. *Compatibility: The use shall be compatible with adjacent land uses so that existing uses will not be depreciated in value and there will be no deterrence to development of vacant land.*

The proposed medium density residential use would be compatible with the surrounding uses. The immediate neighborhood includes a mix of low, medium and high density residential uses. The proposed development would not depreciate adjacent properties.

- C. *Appearance: The use shall have an appearance that will not have an adverse affect (sic) upon adjacent properties.*

The site would be developed in a manner that will not have an adverse effect on adjacent properties. The city has added conditions regarding a trash enclosure and landscaping. In

addition, the buildings and garages will be reviewed based on the City's Architectural review requirements.

- D. Overall Needs: The use, in the opinion of the planning and zoning commission shall be reasonably related to the overall needs of the city and to the existing land use.*

The development is consistent with other medium density development in the R-2 district.

- E. Consistent with Purpose: The use shall be consistent with the purposes of this title and purposes of the zoning district in which the applicant intends to locate the proposed use.*

With the conditions of approval and compliance with ordinance requirements, the use is consistent with the purposes of the City and the R-2 zoning district.

- F. Comprehensive Plan: The use shall not be in conflict with the comprehensive plan of the city.*

The Comprehensive Plan identifies the future land use as medium density allowing density up to seven units per acre. The development is proposed at 6.4 units per acre. Therefore, the use would not be in conflict with the comprehensive plan of the city.

- G. Traffic: The use will not cause traffic hazard or congestion.*

The use would not cause traffic hazard or congestion. The applicant has proposed to line up the southerly access directly across from Baxter Lions Drive. In addition, with the exception of one variance, the site has been designed in conformance with the zoning ordinance requirements.

- H. Facilities: The use shall have adequate utilities, access roads, drainage and necessary facilities.*

The site has adequate utilities, access roads, drainage and necessary facilities.

Site Plan Context to Plat and CUP

Site plan review for the items listed in the table below, are not part of the review for this application. Site plan review will occur prior to issuance of a building permit. However, staff has included the information to show that (with some revisions) it appears that the site can be developed in compliance with ordinance requirements.

	Ordinance Requirement	Proposed	Meets/Exceeds Requirements
Lot Area & Width	25,000 sq. ft. 100 feet	54,330 sq. ft. 260 feet	Yes Yes
Building Setback	40-foot front setback (west) 30-foot rear setback (east) 10-foot side setback (north & south)	40 feet 36 feet 12 feet	Yes Yes Yes
Parking	16 total stalls, of which 4 stalls must be garage stalls.	21 total stalls (13 surface stalls & 8 garage stalls)	Yes
Garage Size	12-foot by 22-foot	12-foot by 24-foot	Yes
Landscaped	Tree and Shrub requirements based on gross square footage of the building	42 Trees	Unknown**
Building Height	45 feet	One Story, Specific Height Unknown	Unknown**

** Staff will review for compliance at the time of the building permit review.

4. Recommendation

Staff recommends that the Planning and Zoning Commission recommend approval of the preliminary and final plat named "First Addition to Vaughans Lots" and a conditional use permit to allow two principal buildings on one lot, subject to the conditions in the attached resolutions.

Attachments

1. Draft resolution approving Preliminary and Final Plat
2. Draft resolution approving CUP
3. Site Location Map
4. Site Graphics

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

**RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT NAMED "FIRST ADDITION TO VAUGHANS LOTS" TO REPLAT AN OUTLOT INTO A BUILDABLE LOT FOR DEVELOPMENT OF TWO, FOUR UNIT RENTAL BUILDINGS LOCATED AT THE NORTHEAST CORNER OF BAXTER LIONS DRIVE AND ART WARD DRIVE
(City File # 2016-017)**

WHEREAS, Diversified Construction ("the applicant") has requested approval of a preliminary and final plat on property located at the Northeast corner of Baxter Lions Drive and Art Ward Drive, legally described as follows:

OUTLOT A, VAUGHANS LOTS, CROW WING COUNTY, MINNESOTA

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called a Public Hearing on July 12, 2016 and recommends approval, and;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their July 19, 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 a 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 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 application and plans received June 20, 2016 and revised plans received on June 29, 2016, except as may be amended by this resolution.
2. Approval of this plat is contingent on separate approval of a conditional use permit to allow two principal structures on one lot.

3. **Prior to recording the plat**, the applicant shall:
 - a. Submit plat recording checklist items as reviewed and approved by city staff.
 - b. Pay the required park dedication fee at the City's rate at the time of payment. The City's current park dedication fee for the 8-unit development is \$14,400.
4. A building permit is required prior to beginning any new construction.
5. No building permits shall be issued until the final plat, agreements, and easements are filed and recorded with Crow Wing County.
6. **Prior to issuance of a building permit for the office building**, the applicant shall:
 - a. Enter into and record an approved development agreement.
 - b. Provide a plan for an fully opaque trash enclosure to be reviewed and approved by City staff.
 - c. Provide a landscape plan in compliance with the City's landscape requirements.
 - d. Submit and receive approval of an architectural review application for the buildings and garages.
 - e. Provide compliance with zoning review items related to the development plan.
7. All ground and rooftop mechanical equipment shall be fully screened from adjacent properties or right-of-way.
8. 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 19th day of July, 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal

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

RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW TWO PRINCIPAL BUILDINGS ON ONE LOT TO CONSTRUCT TWO, FOUR UNIT RENTAL BUILDINGS LOCATED AT THE NORTHEAST CORNER OF BAXTER LIONS DRIVE AND ART WARD DRIVE (CITY FILE 16-017)

WHEREAS, Diversified Construction ("the applicant") has requested approval of conditional use permit on property legally described as follows:

OUTLOT A, VAUGHANS LOTS, CROW WING COUNTY, MINNESOTA

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called a Public Hearing on July 12, 2016 and recommends approval, and;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their July 19, 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 for a conditional use permit to allow two principal structures on one lot for two, four unit rental buildings.

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

1. The conditional use permit is for two principal structures on one lot is based on the application and plans received on June 20, 2016 and revised plans received on June 29, 2016, except as amended by this resolution and based on the finding that all applicable conditional use permit standards have been met.
2. This conditional use permit is contingent on approval separate approval of the preliminary and final plat to replat the outlot into a buildable lot.
3. A conditional use permit amendment and re-plat of the subject property is required for any of the units to change from rental to owner-occupied units.
4. Approval shall expire within one year of the date of approval unless the applicant commences the authorized use to complete the required improvements.

Whereupon, said Resolution is hereby declared adopted on this 19th day of July, 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal

Vaughans Lots



NAD_1983_HARN_AdJ_MN_Crow_Wing_Feet
City of Baxter

1 : 1,200

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



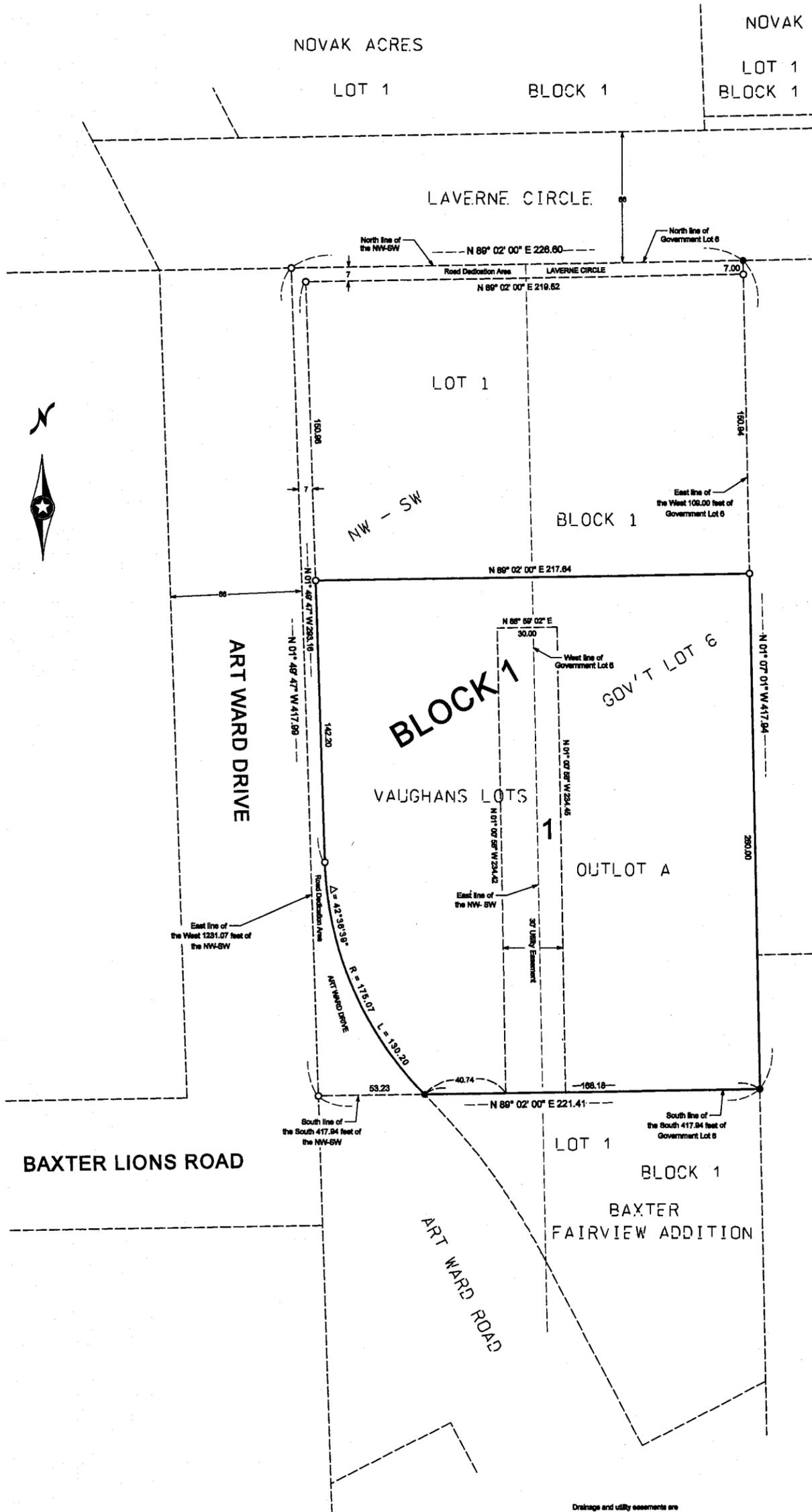
Legend

- Streets
- Locations
 - Current
 - Pending
 - Vacant
 - Reliefed
 - Other
- Parcels
- Land Use Cases
- Encumbrances
- Municipal Boundaries
- Historical Parcels
- 2016 Imagery
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

Notes

FIRST ADDITION TO VAUGHANS LOTS

Part of Government Lot 6 and
part of the Northwest Quarter of the Southwest Quarter
Section 12, Township 133 North, Range 29 West,
Crow Wing County, Minnesota.



NOVAK ACRES 2ND ADDITION

KNOW ALL PERSONS BY THESE PRESENTS: That Roger M. Vaughan and Paulette P. Vaughan, husband and wife, owners, and Bremer Bank NA, a Minnesota Corporation, mortgagee, of the following described property situated in Crow Wing County, Minnesota, to wit:

Outlot A, VAUGHANS LOTS, Crow Wing County, Minnesota.

Have caused the same to be surveyed and platted as FIRST ADDITION TO VAUGHANS LOTS and do hereby dedicate to the public for public use the public ways and drainage and utility easements as created herewith as shown on this plat.

In witness whereof said Roger M. Vaughan and Paulette P. Vaughan, husband and wife, have hereunto set their hands this ____ day of _____, 2016.

Roger M. Vaughan Paulette P. Vaughan

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 2016, by Roger M. Vaughan and Paulette P. Vaughan.

(Signature)

(Name Printed)

Notary Public, _____

My Commission Expires: _____

In witness whereof said Bremer Bank NA, a Minnesota corporation, has caused these presents to be signed by its proper officer this ____ day of _____, 2016.

Kim L. Ellingson - EVP Region CEO

State of _____

County of _____

This instrument was acknowledged before me this ____ day of _____, 2016, by Kim L. Ellingson, EVP Region CEO of Bremer Bank NA, a Minnesota corporation, on behalf of the corporation.

(Signature)

(Name Printed)

Notary Public, _____ County, Minnesota

My Commission Expires: _____

I, James Kramer 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 505.01, 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 _____, 2016.

James Kramer, Licensed Land Surveyor

Minnesota License Number 23668

STATE OF MINNESOTA)

) ss.

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by James Kramer, Minnesota License Number 23668.

(Signature)

Mike Seelen

(Name Printed)

Notary Public, Morrison County, Minnesota

My Commission Expires: January 31, 2016

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20____ 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____.

Laureen E. Borden

Crow Wing County Auditor-Treasurer

This plat of FIRST ADDITION TO VAUGHANS LOTS was approved by the City Council of Baxter, Minnesota, on this ____ day of _____, 2016.

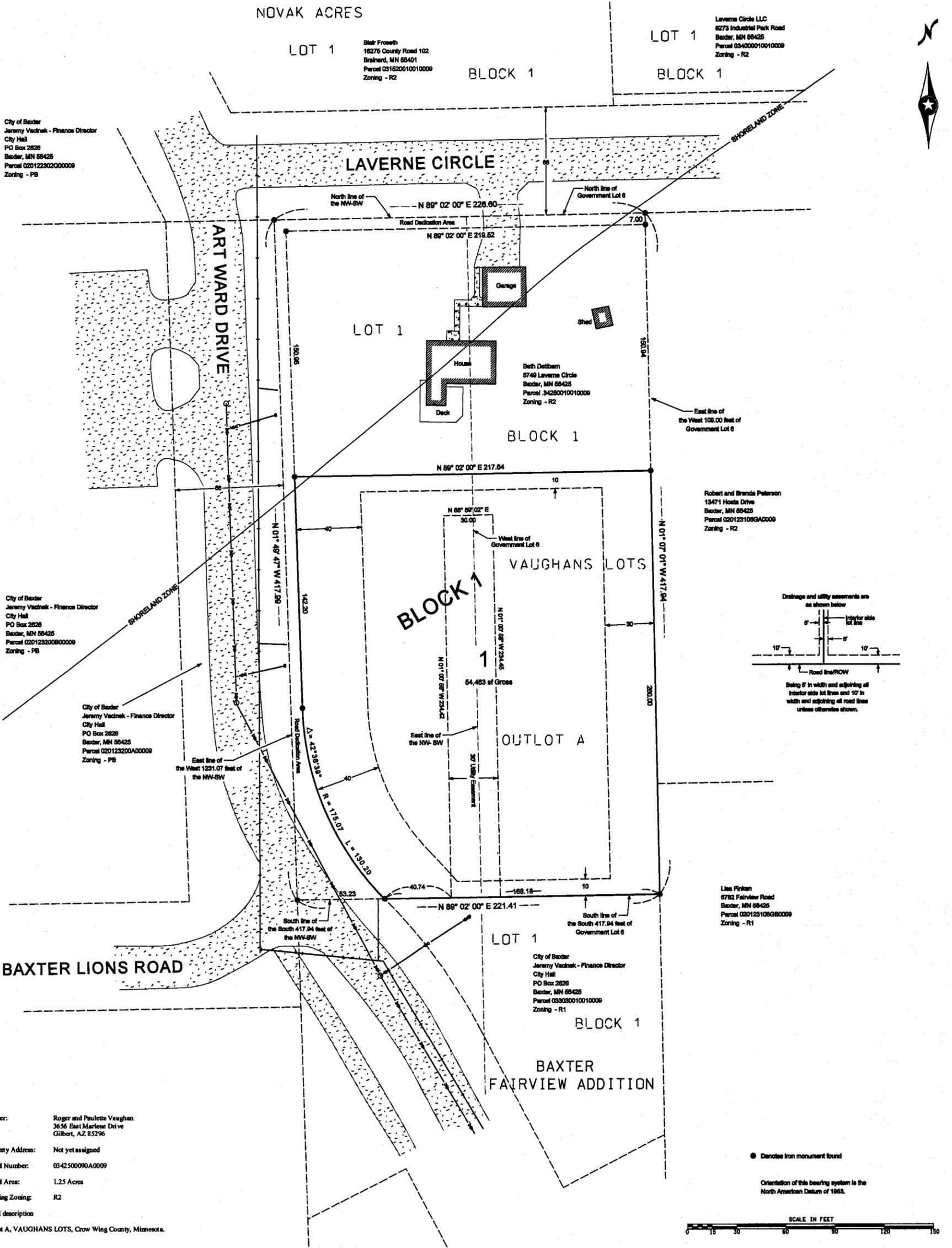
ATTEST: _____

Mayor

City Clerk

Preliminary Plat of
FIRST ADDITION TO VAUGHANS LOTS
 Outlot A, VAUGHANS LOTS
 Section 12, Township 133 North, Range 29 West,
 Crow Wing County, Minnesota.

NOVAK ACRES 2ND ADDITION



City of Baxter
 Jeremy Vachek - Finance Director
 City Hall
 PO Box 2828
 Baxter, MN 56425
 Parcel 020122302000009
 Zoning - PB

City of Baxter
 Jeremy Vachek - Finance Director
 City Hall
 PO Box 2828
 Baxter, MN 56425
 Parcel 020123200800009
 Zoning - PB

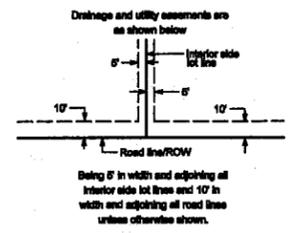
City of Baxter
 Jeremy Vachek - Finance Director
 City Hall
 PO Box 2828
 Baxter, MN 56425
 Parcel 020123200A00009
 Zoning - PB

Beth Detbarn
 5746 Laverne Circle
 Baxter, MN 56425
 Parcel .342800100100009
 Zoning - R2

Robert and Brenda Peterson
 13471 Hosta Drive
 Baxter, MN 56425
 Parcel 020123108GA0000
 Zoning - R2

Lisa Fritzen
 8782 Fairview Road
 Baxter, MN 56425
 Parcel 020123108GB00009
 Zoning - R1

City of Baxter
 Jeremy Vachek - Finance Director
 City Hall
 PO Box 2828
 Baxter, MN 56425
 Parcel 0330800100100009
 Zoning - R1



Owner: Roger and Paulette Vaughan
 3636 East Marlene Drive
 Gilbert, AZ 85296
 Property Address: Not yet assigned
 Parcel Number: 034250090A00009
 Parcel Area: 1.25 Acres
 Existing Zoning: R2
 Legal description
 Outlot A, VAUGHANS LOTS, Crow Wing County, Minnesota.

● Denotes iron monument found
 Orientation of this bearing system is the
 North American Datum of 1983.



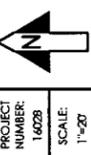
Client Name: Dave Peterson

No.	Date	REVISIONS

Survey By: MB
 Drawn By: JKW
 Checked By: JK

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
 SIGNATURE: JAMES KRAMER DATE: 6-5-2016
 JAMES KRAMER, MIN LICENSE NUMBER 22658

PROJECT NO. PETED1601



VAUGHAN TOWNHOMES
 BAXTER, MINNESOTA
 PROJECT NUMBER: 16028
 SCALE: 1"=20'
 REVISIONS

NO.	DATE	DESCRIPTION
1	06/27/2016	REVISIONS PER 06/23/2016 CITY COMMENT
2		
3		
4		

SCHULTZ ENGINEERING & SITE DESIGN
 18 South Riverside Avenue
 Suite 230
 Saticoy, MN 56377
 Ph: (920) 939-0669
 Fax: (920) 939-1930
 schultzeng@live.com
 www.schultzengineeringdesign.com

By: [Signature]
 Date: 06/20/2016
 License No.: 43129
 I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and I am duly licensed Engineer under the laws of the state of Minnesota.

GRADING PLAN

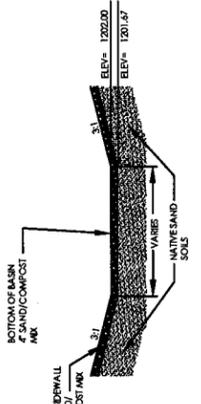
IMPERVIOUS SURFACE AREAS

CONCRETE:	9,770 SF
BITUMENUS:	11,500 SF
GRASS/WOODS:	28,930 SF
BUILDINGS:	10,030 SF
TOTAL LOT AREA:	54,330 SF

INFILTRATION BASIN CALCULATIONS

REQUIRED INFILTRATION VOLUME = RUNOFF FROM 5-YEAR STORM EVENT FROM SITE PER BAXTER CITY ORDINANCE
 5-YEAR RUNOFF = 0.083 ACRES-F = 272,142 GALS

PROVIDED INFILTRATION VOLUME
 AREA OF 1200 CONTOUR (BASIN BOTTOM) = 480 SF
 AREA OF 1205 CONTOUR (BASIN OVERFLOW) = 5,264 SF
 PROVIDED INFILTRATION VOLUME (AVERAGE INFILTRATION RATE) = 1,800 GALS (BASED ON 0.375 IN/HR INFILTRATION RATE)
 UNDERLIES SOILS: POCKET GRADED SANDS (SP) (MAY/20/2016)
 DESIGN INFILTRATION RATE: 0.375 IN/HR (BASED ON MN STORM WATER MANUAL)
 MAXIMUM TIME OF INFILTRATION = 48 HRS. (0.375 IN/HR)
 DESIGN TIME OF INFILTRATION = 36 IN (3-FT) / 0.375 IN/HR = 96 HRS. (0.375 IN/HR)
 (ASSUMING FULL SYSTEM TO BASIN OUTFLOW)



NOTES:
 1. BASIN BOTTOM SHALL BE SEEDED W/ 70% TURFGRASS AND 30% COMPOST
 2. SAND/COMPOST MAX SHALL BE SEEDED W/ 70% TURFGRASS AND 30% COMPOST

1 INFILTRATION BASIN

INFILTRATION BASIN NOTES:

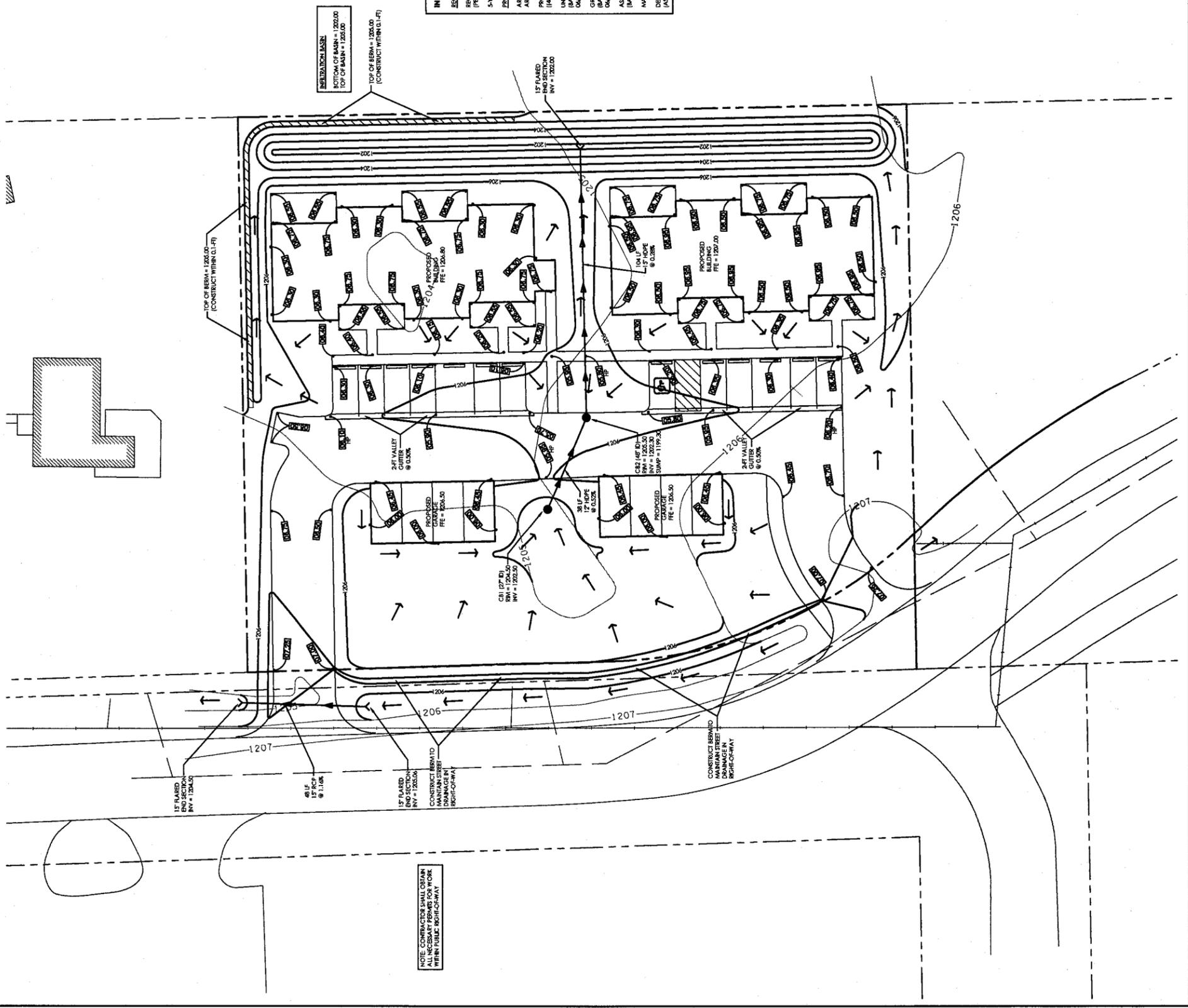
NOTE: CAD FILE FOR REMAINING EARTHWORK QUANTITIES ARE AVAILABLE TO CONTRACTORS FOR PREPARING BIDS. IN ORDER TO RECEIVE THE CAD FILE, THE CONTRACTOR WILL NEED TO SIGN A HOLD-HARMLESS AGREEMENT PROVIDED TO THE ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CAD FILE WILL BE RELEASED UPON RECEIPT OF THE CHECK.

1. CONSTRUCTION EQUIPMENT SHALL NOT BE DRIVEN ACROSS INFILTRATION BASIN AREAS. BASIN AREAS SHALL BE OCCUPIED WITH A BACHPOSE STATIONED CORNER OF THE AREAS.
2. DURING CONSTRUCTION OF THE ADJACENT DRIVEWAY AND BUILDINGS, THE INFILTRATION BASIN AREA SHALL BE PROTECTED FROM TRAFFIC AND SEWAGE WITH A UTILITY FENCE.
3. THE BOTTOM OF THE INFILTRATION BASIN SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 6 INCHES WITH THE SOIL SHALL BE REFINISHED WITH A UTILITY FENCE. TOPSOIL WHICH SHALL BE PLACED AS LOOSELY AS POSSIBLE.
4. ONCE THE INFILTRATION BASIN AREAS ARE COMPLETED AND THE AREAS ARE STABILIZED, THE CONTRACTOR SHALL OBTAIN AND PAY FOR TESTING THE INFILTRATION RATE OF THE BOTTOMS OF THE BASINS. THE TEST RESULTS SHALL BE SUBMITTED TO THE COUNTY AND THE ENGINEER.
5. FINAL STABILIZATION OF THE INFILTRATION BASINS SHALL NOT BE COMPLETED UNTIL THE UPSTREAM DRAINAGE AREAS HAVE BEEN STABILIZED.

13. FOOT ELEVATIONS ARE FLOW LINE AND/OR FINISHED GRADES, UNLESS OTHERWISE INDICATED. TOP OF CURB ELEVATIONS ARE 5' ABOVE THE FLOW LINE SPOT ELEVATION SHOWN ON THE PLANS, UNLESS NOTED OTHERWISE.
14. "X" DENOTES EXISTING SPOT ELEVATIONS. "P" DENOTES HIGH POINTS.
15. ALL PROPOSED ELEVATIONS ARE TOP OF PAVING OR CUTTER, UNLESS NOTED OTHERWISE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CAD FILE WILL BE RELEASED UPON RECEIPT OF THE CHECK.

GRADING NOTES:

1. CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS INCLUDING LOCATIONS AND BM AND INVERT ELEVATIONS OF EXISTING DRAINAGE AND SANITARY STRUCTURES. LOCATION AND SIZE OF EXISTING SANITARY, WATER, AND STORM SEWER STUBS, AND EXISTING GRADES SHALL ALSO BE VERIFIED.
2. EXISTING TOPOGRAPHICAL INFORMATION WAS OBTAINED FROM A TOPOGRAPHICAL SURVEY PROVIDED BY ELD LAND SURVEYORS, WAHNEGAN, MN (218) 829-3333.
3. BENCHMARK: CONTACT ELD LAND SURVEYORS.
4. NOTIFY ENGINEER IMMEDIATELY IF ANY INCONSISTENCIES ARE DISCOVERED BETWEEN EXISTING AND PROPOSED GRADES, WHICH ARE SIGNIFICANT ENOUGH TO ALTER THE MEAN OF THE DRAINAGE.
5. IF REQUIRED BY THE MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY, THE CONTRACTOR SHALL OBTAIN A PERMIT FROM THE MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY FOR A PERMIT TO EXCAVATE AND/OR INSTALL STORM SEWER LINES.
6. THE CONTRACTOR SHALL CONTACT GORNER ONE CALL AT (800) 252-1146 FOR A LIST OF UTILITIES AND THE LOCATION AND DEPTH OF UTILITIES AND VERIFY LOCATION OF UTILITIES BEFORE BEGINNING WORK.
7. SEE SHEET C2 FOR STANDARD DETAILS.
8. HOPE STORM SEWER CROSSING ABOVE AND WITHIN (DATE OF EXISTING OR PROPOSED WATER MAIN OR SERVICES SHALL MEET THE FOLLOWING STANDARDS PER THE MN PLUMBING CODE:
 4" - 10" DIAMETER: AASHTO M292
 12" - 36" DIAMETER: ASTM F2226
 PIPE: 4000 PSI
 FITTING: 4000 PSI
9. SEE SHEET C6 FOR LOCATIONS OF NEW WATER MAIN AND SERVICES.
10. TRASH GUARDS SHALL BE INSTALLED ON ALL STORM SEWER END SECTIONS. THE LENGTH OF ANY ASSOCIATED RAISED END SECTIONS.
11. FINISHED ELEVATIONS OF LAWN/GREEN AREAS ADJACENT TO BUILDINGS SHALL BE A MINIMUM OF 6" BELOW FINISHED FLOOR OR TOP-OF-BLOCK ELEVATION.
12. CONTRACTOR SHALL PERFORM CALCULATIONS TO VERIFY EARTHWORK QUANTITIES. CONTRACTOR'S BIDS SHALL BE BASED ON EARTHWORK CALCULATIONS COMPLETED BY THE CONTRACTOR.



PROJECT INFORMATION

Project Description: The project will consist of the construction of two 4-unit townhome buildings and two 4-unit detached garages with hot/cold heating...

Temporary Surface Stabilization

Table with 2 columns: Stabilization Method, Duration. Rows include: Mulch, Temporary Seeding, Erosion Control Blanket, etc.

Permitted Site Discharge

Site discharge will be limited to a proposed infiltration basin. Storm water will be collected in a sump and pumped to the infiltration basin...

Receiving Surface Water

The following surface waters could receive storm water runoff from this project, and are within 1 mile of the project site:

Table with 4 columns: Surface Water, Type of Surface Water, Sedimentation, Comments. Rows include: Surface Water, White Sand Lake, etc.

SEDIMENT AND OTHER POLLUTANTS

The SWPPP will provide a means to prevent erosion and sediment control of naturally occurring soil at this site. Erosion control measures will include...

EROSION PREVENTION AND SEDIMENT CONTROL RESPONSIBILITIES

Table with 2 columns: SWPPP Design Engineer and Qualifications, SWPPP Coordinator and Qualifications. Rows include: Brian J. Schultz, PE; Design of SWPPP, etc.

BMP INSPECTIONS

The SWPPP Coordinator shall inspect, or designate someone else who is qualified to inspect (see above), the construction site erosion prevention and sediment control BMPs per the following time frame:

- 1. Once every 7 days
2. Within 24 hours of a rain event (1/2" or greater over 24 hours)
3. Inspections shall be conducted per the time frame listed above with the following exceptions:

Inspection Record

The SWPPP Coordinator shall maintain inspection records during construction. These must be recorded in writing within 24 hours of the inspection and/or maintenance activity. The inspection records shall include the following:

- 1. Date and time of inspection
2. Name of person(s) conducting inspection
3. Findings of inspection, including recommendations for corrective actions
4. Corrective actions taken (including dates, times, and party completing maintenance activities)

AMENDING THE SWPPP

During the construction of the project it may become necessary to amend this SWPPP. Should the responsibility of installing, inspecting and maintaining the erosion and sediment control devices and techniques described in this SWPPP be transferred from the current Contractor to another Contractor, or from the current Contractor to the Owner, the SWPPP shall be updated accordingly.

EROSION PREVENTION AND SEDIMENT CONTROL BMPs

Methods and construction methods of all BMPs included in this SWPPP shall be as per the Minnesota Department of Agriculture (MNDOT) Standard Specifications for Construction, latest edition. The Contractor and SWPPP Coordinator shall obtain a current copy of MNDOT Standard Specifications for Construction and laminate them with this specification sheet as applicable to the SWPPP. There are several BMPs that specifically reference these methods.

Permanent Cover

Upon completion of final grading and/or placement of topsoil, installation of the placement of permanent cover shall begin immediately over all exposed areas. This includes areas designated for temporary seeding (see below), permanent seeding (see below), etc.

- 1. Permanent Seeding with Mulch
a. Unless otherwise noted on the plans, all areas designated for mulch establishment shall be provided with permanent seeding.
b. In addition to the plan included as part of this SWPPP, the Contractor shall verify if a landscape plan has been included in the plans by the Architect. If a Landscape Architect has specified higher quality permanent cover (i.e. sod, hydroseeding, etc.), the Contractor shall provide the permanent cover in lieu of the permanent seeding specified in this SWPPP.

Soil Stabilization

Soil stabilization shall be performed on all areas of the site, or disposed of off site per MPCA requirements. This sediment may be returned and graded over exposed areas of the site, or disposed of off site per MPCA requirements.

- 1. The City may order street sweeping to be performed at the Contractor's expense if City staff find that construction activities are resulting in sediment or debris being tracked onto City streets.
2. Filter logs shall be installed at the locations shown on the plan included in this SWPPP.
3. Filter logs shall consist of Type Wood fiber blends and meet the requirements of MNDOT Spec. 3897.

Discharge

If discharge of any materials is required for this project, the contractor shall be required to discharge to a designated area or to a surface water. Treatment of discharge shall be achieved with the use of a Dandy Dewatering Bag (or approved equivalent), as manufactured by Dandy Products, Inc. Dandy Products, Inc. can be contacted at (877) 309-0141, and their web page is www.dandyproducts.com. Dandy Dewatering Bag shall be installed, utilized, and maintained per the manufacturer's instructions and specifications.

Soil Stabilization Management

Soil water accumulated during construction, including collected sediment, construction materials, floating debris, construction debris, paper, plastics, and other solid wastes shall be disposed of in accordance with MPCA disposal requirements.
1. Building products that have the potential to leach pollutants shall be maintained under cover (e.g., plastic sheeting or tarp) to prevent the discharge of pollutants as protected by a primary effective means to prevent materials from coming into contact with storm water.

Final Stabilization

Final stabilization shall be considered established once the following requirements have been achieved:
1. All soil disturbing activities at the site have been completed and all soils are stabilized by a uniform permanent vegetative cover with a density of 70 percent of its expected final growth density over the entire permanent surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.

- 1. All soil disturbing activities at the site have been completed and all soils are stabilized by a uniform permanent vegetative cover with a density of 70 percent of its expected final growth density over the entire permanent surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.
2. The permanent storm water management system is constructed and all operating as designed. Temporary or alternate sediment control measures shall be removed from construction areas and all other areas as soon as practicable.
3. All temporary synthetic and structural erosion prevention and sediment control BMPs have been removed from the project site. BMPs designed to decompose on site may be left in place.

Additional Comments

Besides the MDES permit (MPCA General Storm Water Permit), the Contractor shall also obtain all other necessary local permits (as determined by the MPCA General Storm Water Permit), ground or roadway surface or other property damaged by construction activity related to the project.

This SWPPP is intended to provide a plan for addressing the erosion prevention and sediment control management issues associated with this project. It is to be used in conjunction with the project plans, specifications, and the MPCA General Storm Water Permit. In addition to this SWPPP, the Owner, Contractor, and SWPPP Coordinator shall laminate themselves with the permit, all relevant regulations, and all other requirements. The Engineer can provide a copy of the permit upon request.

16028SWPPP-Notes.dwg
PROJECT NUMBER: 16028
VAUGHAN TOWNHOMES
BAXTER, MINNESOTA

REVISIONS
NO. DATE DESCRIPTION
1 1 2 3 4

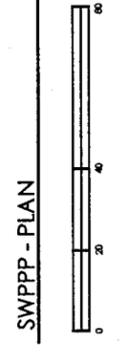
SCHULTZ ENGINEERING & SITE DESIGN
18 South Plymouth Avenue
Suite 230
Sartell, MN 56377
Ph: (920) 939-0669
Fax: (920) 939-1830
www.schultzengineering.com

Date: 06/20/2016
License No.: 43129
Bryan Schultz, PE
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 Engineer under the laws of the State of Minnesota.

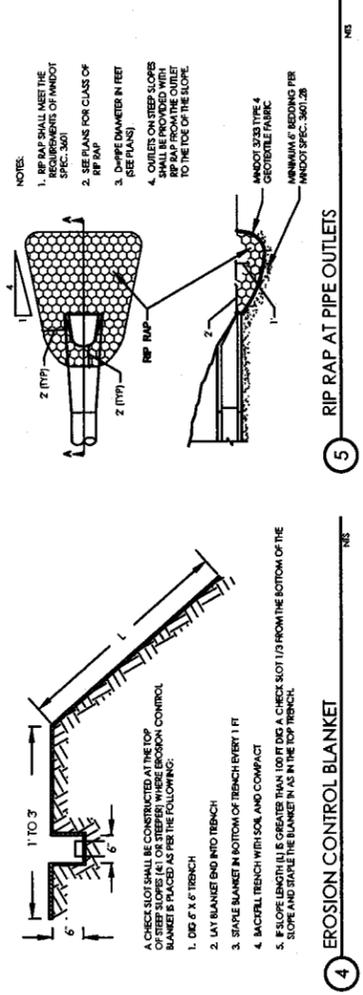
NO.	DATE	DESCRIPTION
1	04/27/2016	REVISIONS PER 04/23/2016 CITY COMMENT
2		
3		
4		

SCHULTZ ENGINEERING & SITE DESIGN
18 South Riverside Avenue
Suite 200
Sartell, MN 56377
Ph: (920) 339-0666
Fax: (920) 339-1830
schultzeng@live.com
www.schultzeng.com

By and under my direct supervision and I am duly licensed
I hereby certify that this plan, specification or report was prepared
by me or under my direct supervision and I am duly licensed
Engineer under the laws of the state of Minnesota.
Bron Schultze, PE
Date: 04/20/2016
License No.: 43129

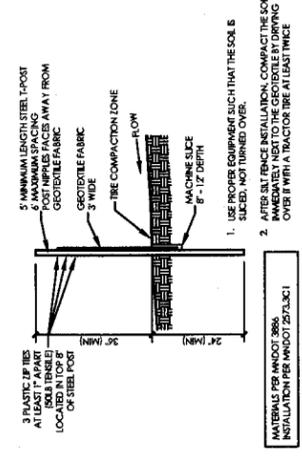


SWPPP - PLAN



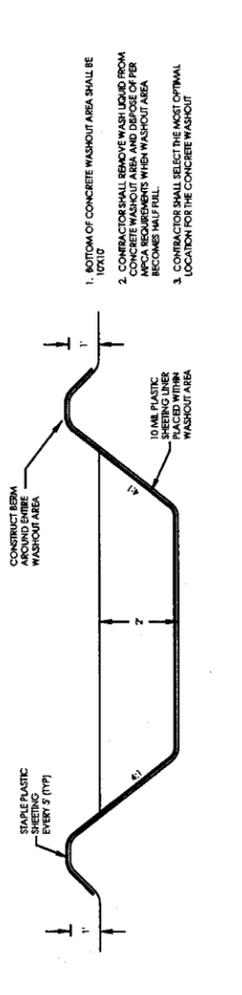
NOTES:
1. RIP RAP SHALL MEET THE REQUIREMENTS OF MANDOT SPEC. 3601.
2. SEE PLANS FOR CLASS OF RIP RAP.
3. D-PYPE DIAMETER IN FEET (SEE PLANS).
4. CURBS ON STEEP SLOPES SHALL BE PROVIDED WITH RIP RAP FROM THE OUTER TO THE TOP OF THE SLOPE.

3 SILT FENCE (MACHINE SLICED)

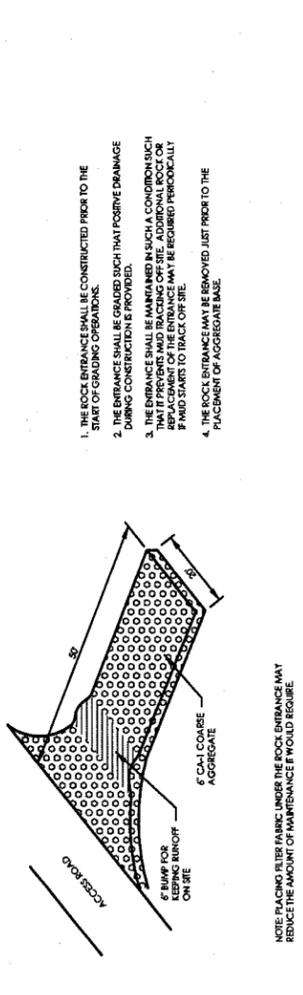


MATERIALS PER MANDOT 267.03.01
1. USE PROPER EQUIPMENT SUCH THAT THE SOIL IS NOT TURNED OVER.
2. AFTER SILT FENCE IS INSTALLED, COMPACT THE SOIL SURFACE TO THE DEGREE OF CLUMPING OVER IT WITH A TRACTOR TIRE AT LEAST TWICE.

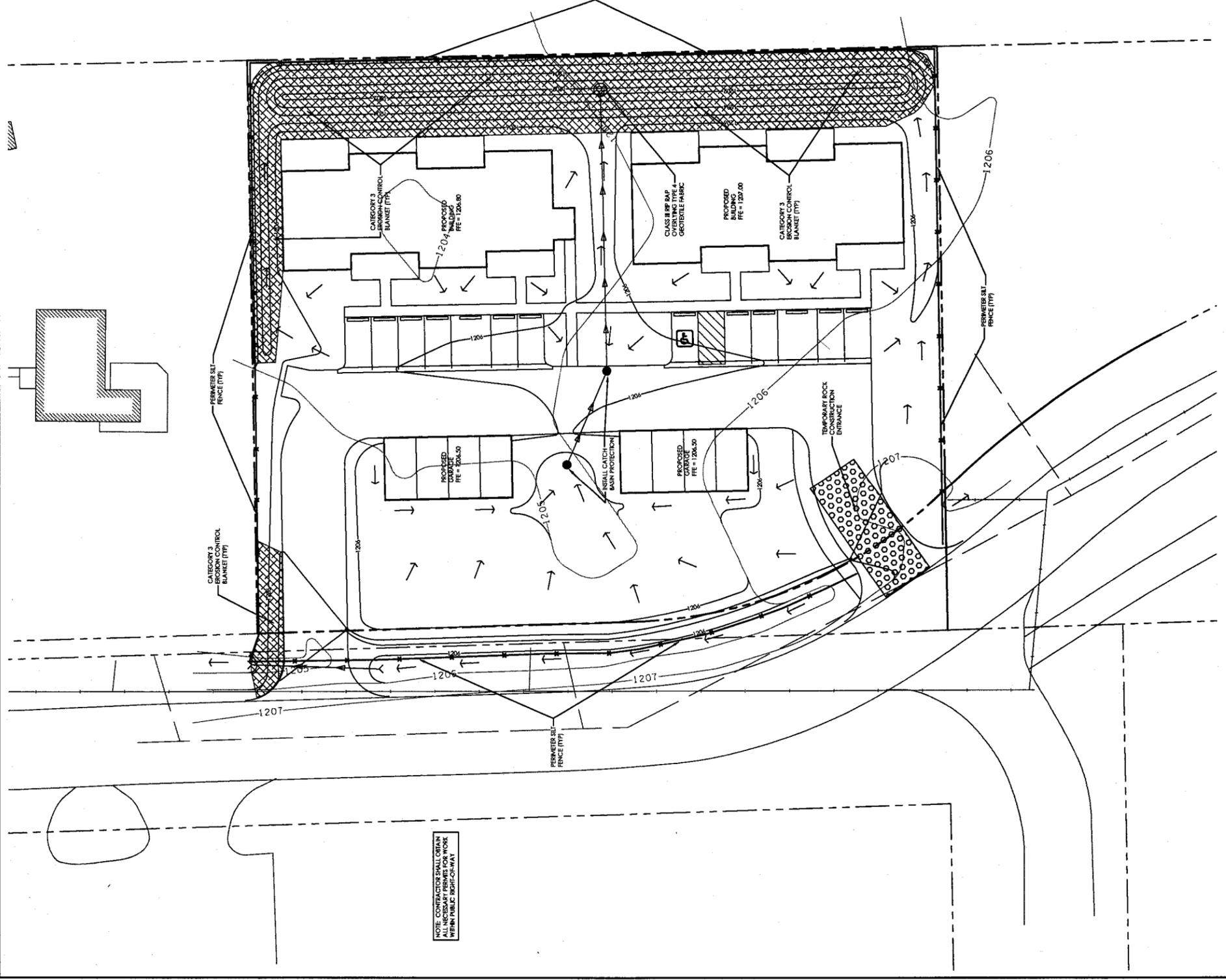
2 CONCRETE WASHOUT



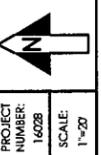
1 TEMPORARY ROCK CONSTRUCTION ENTRANCE



NOTE: PLACING RIP RAPS UNDER THE ROCK ENTRANCE MAY REDUCE THE AMOUNT OF MAINTENANCE IT WOULD REQUIRE.



NOTE: CONTRACTOR SHALL OBTAIN ANY NECESSARY PERMITS FOR ANY PUBLIC UTILITIES WORK.



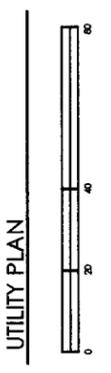
VAUGHAN TOWNHOMES
BAXTER, MINNESOTA

NO.	DATE	DESCRIPTION
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SCHULTZ ENGINEERING & SITE DESIGN
18 South Riverside Avenue
Suite 230
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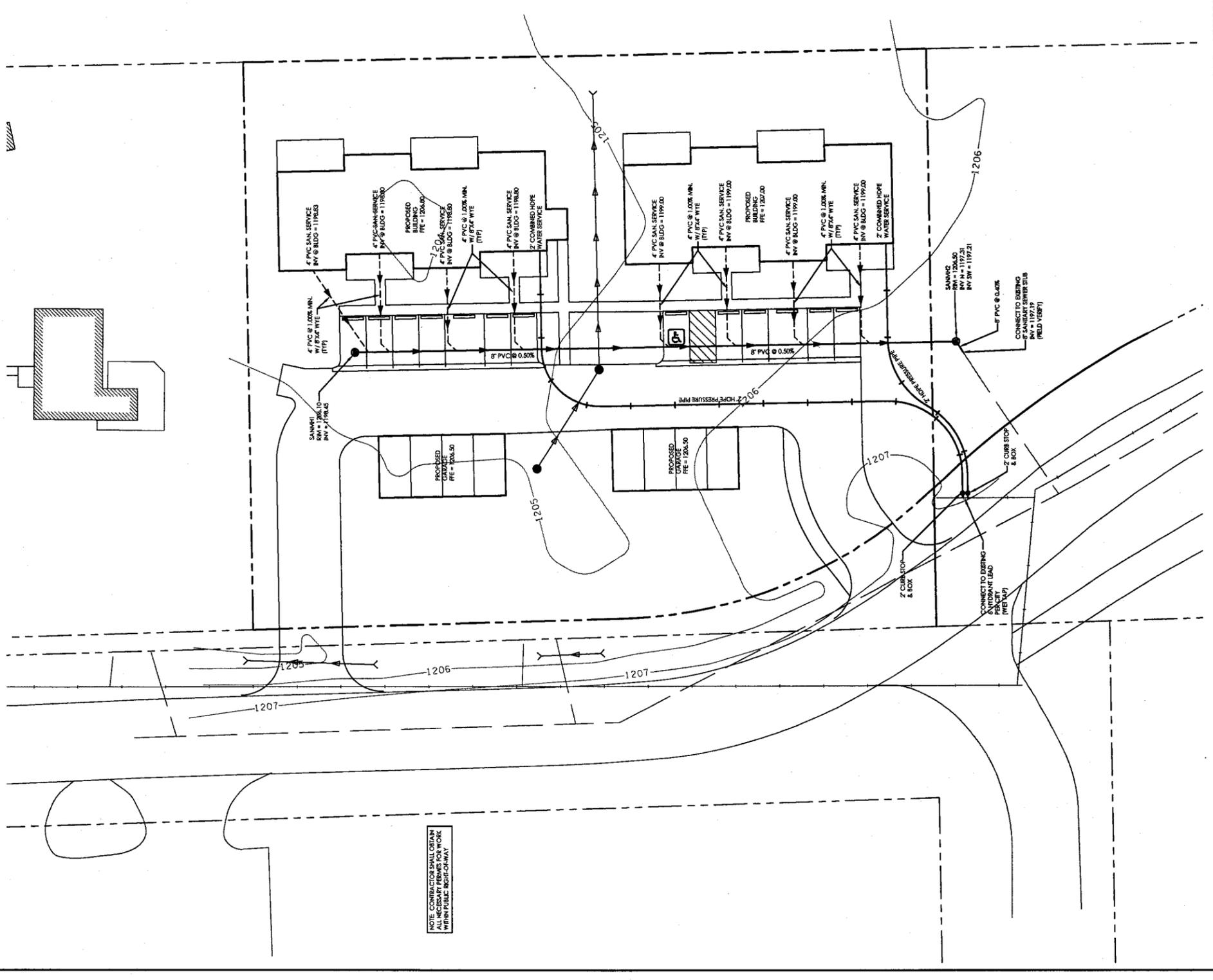


UTILITY PLAN

UTILITY NOTES:

1. WATER MAIN AND SANITARY SERVICE LINES SHALL BE PLACED AT A MINIMUM DEPTH OF 10 FEET BELOW FINISHED GRADE.
2. IF CONFLICTS ARE DISCOVERED WHERE WATER MAIN CROSSES EXISTING SANITARY SERVICE LINES, OR STORM SEWER, THE WATER MAIN SHALL BE REISED OR SANITARY SERVICE LINES DEEPENED TO MAINTAIN A MINIMUM DEPTH OF 6 FEET BELOW FINISHED GRADE.
3. INSULATION SHALL BE PLACED AT ALL LOCATIONS WHERE STORM SEWER, EXISTING SANITARY SERVICE, WATER MAIN, OR ASSOCIATED SERVICES, INSULATION SHALL CONSIST OF AN 8 FT X 8 FT SQUARE OF 3" THICK RIGID INSULATION. INSULATION SHALL BE PLACED BETWEEN THE STORM SEWER AND PIPE CROSSING WITH THE EDGE OF THE INSULATION PARALLEL TO THE PIPING AS MUCH AS POSSIBLE.
4. INSTALL SANITARY SEWER SERVICE LINE CLEANOUT AS REQUIRED BY THE MINNESOTA PLUMBING CODE.
5. SEE SHEET C3 FOR STORM SEWER GRADING, AND SHEET C2 FOR MISCELLANEOUS DETAILS RELATING TO THE FACILITY OF THE UTILITY.
6. CONTRACTOR SHALL VERIFY LOCATIONS AND ELEVATIONS OF ALL EXISTING UTILITIES PRIOR TO ANY CONSTRUCTION.
7. PRIOR TO CONSTRUCTION OF SANITARY SEWER, AND ORDERING ASSOCIATED MATERIALS, THE CONTRACTOR'S PLUMBING DESIGNER SHALL PROVIDE THE FOLLOWING TO THE CONTRACTOR'S PLUMBING DESIGNER FOR REVIEW AND APPROVAL: PLUMBING TO VERIFY THE CORRECTNESS AND SCOPE OF THE SANITARY SEWER SERVICE.

OWNER/CONTRACTOR SHALL OBTAIN A PLUMBING PERMIT FROM THE CITY OF VAUGHAN. THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF ALL EXISTING SANITARY SERVICE OR WATER UTILITIES. CONSTRUCTION OF SANITARY SERVICE OR WATER UTILITIES SHALL NOT COMMENCE UNTIL AFTER THE PLUMBING PERMIT HAS BEEN OBTAINED AND ALL CONDITIONS AND COMMENTS HAVE BEEN ADDRESSED ON THE PLAN AND IN THE PROJECT SPECIFICATIONS.



NOTE: CONTRACTOR SHALL OBTAIN A PLUMBING PERMIT FROM THE CITY OF VAUGHAN PRIOR TO CONSTRUCTION WITHIN PUBLIC RIGHT-OF-WAY.



TO: Baxter Planning and Zoning Commission

FROM: Matthew Gindele, Planner

REVIEWED BY: Josh Doty, Community Development Director

DATE: July 12, 2016 Planning and Zoning Commission Meeting

REQUEST: **PUBLIC HEARING. Conditional Use Permit** to allow a nonconforming structure on a riparian lot to be expanded at and **Variances** to allow a nonconforming use to be enlarged to occupy a greater area of land and to allow a structure to encroach 17 feet into the required 100-foot setback to the Mississippi River for property located 13980 Memorywood Drive.

APPLICANT: Peter and Julie Henry

ZONING: R-1, Low Density Residential

1. Application Request

The applicant is proposing to construct a four-season porch addition to a single-family home and has requested a conditional use permit (CUP) to allow a legal nonconforming structure on a riparian lot to be enlarged and variances to allow a nonconforming use to be enlarged to occupy a greater area of land within the required 100 foot setback to the Mississippi River and to allow a 17-foot encroachment to the 100-foot setback to the Mississippi River.

2. Context

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Single Family Homes	R-1, Low Density Residential
East	Single Family Homes	R-1, Low Density Residential
South	Mississippi River/Vacant	N/A
West	Single Family Homes	R-1, Low Density Residential

Characteristics of the Site

The subject property has a slightly steep sloping topography toward the river that levels off where the house is situated; the slope is not steep enough or high enough to constitute a bluff. The property is lightly wooded with an existing single family home that has a deck extending toward the river approximately 18 feet into the river setback. The property is also fairly heavily wooded with large oak trees and a few pines providing a pleasant vegetative boundary between the home and the river. An existing septic system is situated on the west side of the home. The property has lakeshore on the Mississippi River and is therefore, located in the shoreland overlay district. The proposed development would expand the impervious surface to approximately 16.7 percent, which complies with the 25 percent impervious surface maximum requirement of the shoreland district. The lot is 48,810 square feet and is 120 feet wide meeting the minimum lot requirements of the shoreland zoning on the Mississippi. The river also functions as floodplain and wetland; the proposed construction would be required to comply with floodplain and wetland ordinances including setting the low floor elevation of the addition not less than three feet in elevation above the Ordinary High Water Level (OHWL) for the river.

3. Analysis of Request

Conditional Use Permits

The applicant has requested a conditional use permit to allow for a legal nonconforming structure on a riparian lot to be enlarged. The shoreland regulations define this section of the river as an Urban River section without city water and sewer services which requires a minimum 100-foot setback from the Ordinary High Water Level (OHWL); the OHWL on the Mississippi River is commonly determined to be the "top of bank". The existing home is constructed with an 89-foot setback from the OHWL and an existing covered deck is constructed with approximately an 81-foot setback to the OHWL making it a legal nonconforming use/structure within the shoreland overlay district of White Sand Lake. The nonconforming section of the Zoning Ordinance states that 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 erosion and stormwater drainage during and after construction, visual impacts or any other impact caused by construction. The applicant is not proposing any grading as they will be using pier footings for this addition. Therefore, staff is not recommending the implementation of erosion control practices such as temporary ground cover or silt fences. Staff has added a condition to the approving resolution that the exterior building materials and colors match the existing house.

Staff has also reviewed the request on the general CUP standards. Section 10-7-4 of the Zoning Ordinance defines the criteria for reviewing and processing a conditional use permit (CUP). Specifically:

- A. *Excessive Burden: The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.*

The proposed addition will not create a burden on existing parks, schools, streets and other public facilities because it there is already an existing home and the addition will not increase the unit-density of the neighborhood.

- B. Compatibility: The use shall be compatible with adjacent land uses so that existing uses will not be depreciated in value and there will be no deterrence to development of vacant land.*

The addition is compatible with adjacent residential land uses and will not depreciate adjacent properties because the addition would increase the square footage of the existing home and increase its value. The lot width, area and setbacks are similar to other lots in the neighborhood.

- C. Appearance: The use shall have an appearance that will not have an adverse affect (sic) upon adjacent properties.*

The proposed addition will not have an adverse effect on adjacent properties because it will match the existing home and will be consistent in appearance with the surrounding area.

- D. Overall Needs: The use, in the opinion of the planning and zoning commission shall be reasonably related to the overall needs of the city and to the existing land use.*

The single family home addition is consistent with the city's land use plan for the property and meets overall needs.

- E. Consistent With Purpose: The use shall be consistent with the purposes of this title and purposes of the zoning district in which the applicant intends to locate the proposed use.*

Single family homes are a permitted use in the R-1 zoning district and therefore, are consistent with the purpose of the R-1 zoning district. The applicant has submitted a plan that meets the city's zoning requirements with the granting of the CUP and variances as long as all conditions are met.

- F. Comprehensive Plan: The use shall not be in conflict with the comprehensive plan of the city.*

The use would not be in conflict with the comprehensive plan of the city.

- G. Traffic: The use will not cause traffic hazard or congestion.*

The use would not cause traffic hazard or congestion.

- H. Facilities: The use shall have adequate utilities, access roads, drainage and necessary facilities.*

The site has adequate utilities, access roads, drainage and necessary facilities.

Variance

The applicant has also requested a variance to allow a nonconforming use to be enlarged to occupy a greater area of land within the required 100 foot setback to the Mississippi River. The zoning code states that a nonconforming use shall not be enlarged, moved, or extended to occupy a greater area of land without a variance. It also states that nonconforming single-family dwelling uses may be

enlarged as long as all expansions meet any applicable setbacks of that district. The existing deck on the home is approximately 82 feet from the OHWL where the shoreland ordinance requires 100 feet; the existing home is 89 feet from the OHWL. The addition of the four-season porch and new deck would not extend any further toward the river than the existing deck but would expand the structural area that lies within the 100-foot setback, thus creating the need for this variance. The new addition would increase the setback of the current deck to the river from approximately 82 feet to 83 feet. The applicant is also requesting a variance to allow a 17-foot encroachment into the setback to the river to allow the addition to occur.

It should be noted that the city's current five-year capital improvement plan (CIP) shows Camwood Trail as getting city water and sewer services extended to it in 2017. The city's policy requires all residents to hook up to water and sewer within one year from when it is provided meaning the applicant will be required to hook up by fall/winter of 2018. The river setback for properties that are served with city water and sewer is only 75 feet rather than 100 feet meaning that the proposed addition will meet all setback requirements per city code once the property hooks up to city services.

The variance standards are established by Minnesota Statute §462.357, Subd. 6.2. The burden of proof is on the applicant to show that the variance standards have been met. Staff has reviewed the application for consistency with the variance standards, as follows:

- a) *That there are practical difficulties in complying with the Zoning Ordinance.*

There are practical difficulties in complying with the Zoning Ordinance. The location of the existing home lies partially within the setback to the Mississippi River and was situated as such prior to the current property owner having ownership of the property and prior to the current shoreland ordinance being in place.

- b) *That the conditions upon which a petition for a variation is based are unique to the parcel of land for which the variance is sought and were not created by the landowner.*

The conditions are unique to the parcel of the land and were not created by the landowner. The existing home was constructed in 1986 before the current zoning regulations were in effect and prior to the current owner having ownership. In 1986 at the time of the construction of the existing home, the setback to the river was only 75 feet. If the setback to the river were still 75 feet today this addition would not require a CUP or a variance. Given the current setback requirements, neither the existing deck nor the proposed addition of the four-season porch replacing the existing deck would be allowed to occur.

- c) *That the granting of the variation will not alter the essential character of the locality.*

The granting of this variance will not alter the essential character of the locality because the proposed use is consistent with other surrounding uses. Furthermore, other homes on Camwood Trail are also constructed within the setback to the Mississippi River.

- d) *The proposed variance would be in harmony with the general purposes and intent of the Ordinance.*

The variance would be in harmony with the general purposes and intent of the ordinance. Staff finds that, given the development pattern of the lot and neighborhood, the variance would meet the intent of the ordinance. Staff has added a condition to the approving resolution that the applicant matches the exterior materials and colors of the addition with the existing home.

e) *The variance is consistent with the Comprehensive Plan.*

The comprehensive plan and zoning ordinance identifies this property as a residential use, and the addition is for residential use.

4. Recommendation

Staff recommends approval of the conditional use permit and variances, subject to the findings and conditions in the attached resolution.

Attachments

1. Draft Resolution Approving the CUPs and Variance
2. Site Location Map
3. Narrative
4. Site Survey
5. Construction Plans
6. Site Graphics

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

**RESOLUTION APPROVING CONDITIONAL USE PERMIT TO ALLOW A NONCONFORMING
STRUCTURE ON A RIPARIAN LOT TO BE ENLARGED AND VARIANCES TO ALLOW A
NONCONFORMING USE TO BE ENLARGED TO OCCUPY A GREATER AREA OF LAND
WITHIN THE REQUIRED 100-FOOT SETBACK AND TO ALLOW AN ADDITION TO
ENCROACH 17 FEET INTO THE 100-FOOT SETBACK TO THE MISSISSIPPI RIVER FOR
PROPERTY LOCATED AT 12464 CAMWOOD TRAIL (CITY FILE NUMBER 16-19)**

WHEREAS, Peter and Julie Henry ("the applicant") have requested approval of a conditional use permit and variances for property legally described as follows:

PART OF GL 3 SEC 17 DESC AS FOL: COMM AT THE NW COR OF SD GL 3 THEN N 87D 16'38" E ASSM BEAR 682.16FT ALG THE N LINE OF SD GL 3 TO THE E LINE OF THE W 16FT OF THE E 1/2 OF SENW OF SD SEC 17 THEN S 0D 18'3" E 80FT ALG THE S'LY EXT OF SD E LINE THEN SW'LY 99.34FT ALG A TANG CURVE CONCAVE TO THE NW C/A 41D 56'4" RAD 135.74FT THEN S 41D 38'1" W ALG TANG 371.44FT THEN SW'LY 230FT ALG A TANG CURVE CONCAVE TO THE NW C/A 22D 27'13" RAD 586.9FT TO THE POB OF THE TRACT TO BE DESC THEN SW'LY 115FT CONT ALG SD CURVE C/A 11D 13'36" RAD 586.9FT THEN S 6D 14'57" E NOT TANG TO LAST DESC CURVE 371FT M/O/L TO THE SHORE OF THE MISSISSIPPI RIVER THEN NE'LY ALG SD SHORE TO THE LINE BEAR S 13D 59'39" E FROM THE POB THEN N 13D 59'39" W 336FT M/O/L TO THE POB. WITH AN ESMNT OF REC.

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on July 12, 2016 and recommends approval, and;

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their July 19, 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 for a conditional use permit and variances, subject to the following findings and conditions:

1. The conditional use permit allows for a legal nonconforming structure on a riparian lot to be enlarged, in accordance with the application and plans received by the city on June 20, 2016, except as may be amended by this resolution, based on the finding that all applicable conditional use permit standards have been met.
2. The variance allows a nonconforming use to be enlarged to occupy a greater area of land within the required 100 foot setback to the Mississippi River, in accordance with the

application received by the city on June 20, 2016, except as may be amended by this resolution, based on the finding that all applicable variance standards have been met.

3. The variance allows a four-season porch addition to be constructed in place of the current deck within the required setback to the Mississippi River. The variance allows the addition to encroach 17 feet into the 100-foot setback to be 83 feet from the Ordinary High Water Level.
4. The exterior building materials for the addition shall match the exterior building materials of the existing home.
5. Approval shall expire within one year of the date of approval unless the applicant commences the authorized use and completes the required improvements.

Whereupon, said Resolution is hereby declared adopted on this 19th day of July, 2016

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal

Request for Variance and Conditional Use Permit @ 12464 Camwood Trail.

6/20/16

We are requesting a Variance and Conditional Use Permit to construct a four season porch and new deck. The four season porch will be placed where the original existing non-conforming deck built with the home currently sits.

The new structure will be very close to the same distance from the "top of bank" as the current existing non-conforming Northeast Corner of the home which is already in the set back of 100ft.

Because the home was built on the East side of the lot we are unable to build in that direction without encroaching on the 10ft side yard setback. Building to the West will necessitate removal of three large trees which will reduce the buffer between the road and the river. In addition, building to the West is limited by the existing septic system.

There should be no impact to the adjoining property owners as the new structure will not impair or obstruct their view or use of the river.

Also, there appears to be several homes along Comwood Trail and other streets within Baxter city limits that are within the 100ft set back of the river.

The construction will be performed by a local licensed contractor. Construction will occur during normal working hours to avoid early AM and late PM construction. There will be no grading, excavation or exposed dirt. We will be using Diamond Pier Foundation System. There ~~should~~ will be no run-off into the river or either adjoining properties.

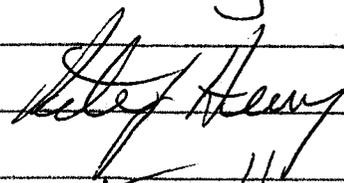
The addition will have siding and shingles to match the existing home.

The proposed use is consistent with the Baxter Comprehensive and Land Use Plan.

It will not alter the essential character of the locality.

Thank you for your consideration.

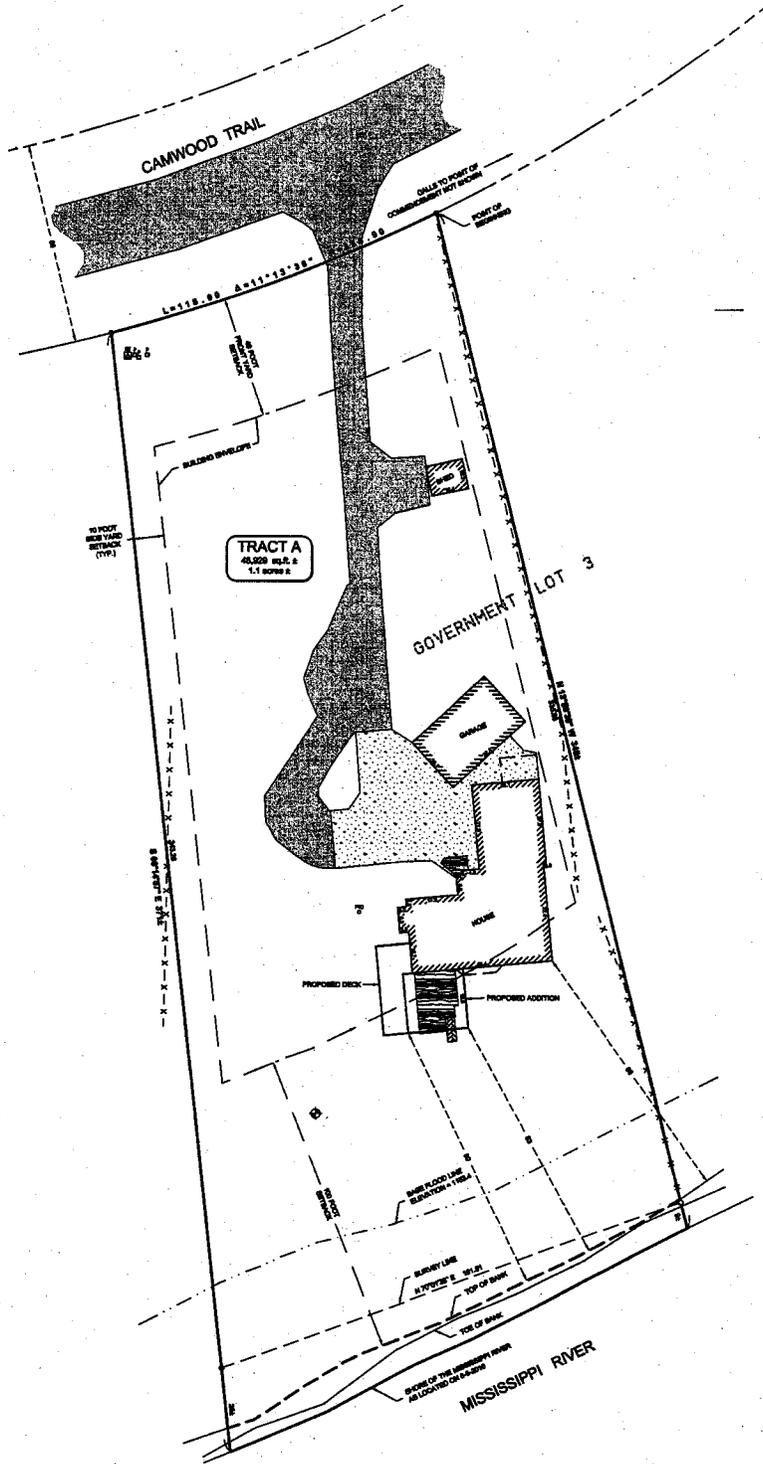
Sincerely,

 PETER J. HENRY

 JULIE A. HENRY

CERTIFICATE OF SURVEY

PART OF GOVERNMENT LOT 3,
SECTION 17, TOWNSHIP 133 NORTH, RANGE 28 WEST,
CROW WING COUNTY, MINNESOTA



LEGAL DESCRIPTION PER DOCUMENT NO. 8526947

That part of Government Lot 3, Section 17, Township 133, Range 28, described as follows: Commencing at the northwest corner of said Government Lot 3; thence North 87 degrees 16 minutes 30 seconds East, 662.16 feet along the North line of said Government Lot 3 to the East line of the West 16 feet of the S1/2S1/4SW1/4 of said Section 17; thence South 8 degrees 18 minutes 00 seconds East 80.00 feet along the easterly boundary of said one half acre tract Southerly 29.24 feet along a tangential curve, concave to the northeast, central angle 41 degrees 26 minutes 04 seconds, radius 133.74 feet; thence South 41 degrees 26 minutes 04 seconds West, along tangent, 371.64 feet; thence Southerly 250.00 feet along a tangential curve, concave to the Northwest, central angle 22 degrees 27 minutes 13 seconds, radius 586.50 feet, to the point of beginning of the tract to be described; thence Southerly 115.00 feet containing along said curve, central angle 11 degrees 13 minutes 36 seconds, radius 350.00 feet; thence South 4 degrees 14 minutes 27 seconds East, not tangent to last described curve, 371 feet, more or less, to the shore of the Mississippi River; thence Westerly along said shore to the line bearing South 13 degrees 39 minutes 39 seconds East from the point of beginning; thence North 13 degrees 39 minutes 39 seconds West 136 feet, more or less, to the point of beginning.

REVIEW COPY

IMPERVIOUS CALCULATIONS

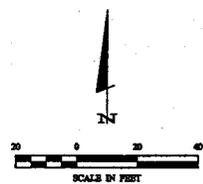
EXISTING	AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
House	48,820	48,820	4.1%
Garage	691	48,820	1.5%
Shed	127	48,820	0.3%
Deck	246	48,820	0.5%
Concrete & Pavement	1,870	48,820	3.8%
Bluegrass	3,280	48,820	6.7%
Total	5,185	48,820	10.7%

LEGEND

- X - X - DENOTES EXISTING FENCE LINE
 - [Pattern] DENOTES REAR OF EXISTING CONCRETE
 - [Pattern] DENOTES REAR OF EXISTING CONCRETE
 - [Pattern] DENOTES REAR OF EXISTING SANDY STONES
 - [Pattern] DENOTES REAR OF EXISTING WOODEN DECKING
 - [Symbol] DENOTES EXISTING GROUND TRANSDUCER
 - [Symbol] DENOTES EXISTING FENCE POSTS & PICKET FENCE
 - [Symbol] DENOTES EXISTING EFFLUENT, VENT, SEWER CLEANOUT, & SEPTIC TANK LID
 - [Symbol] DENOTES EXISTING 4" DIA. 1175.48
 - [Symbol] DENOTES MONUMENT FOUND
 - [Symbol] DENOTES IRON MONUMENT SET BY LACROSSE IN 1881
- ORIENTATION OF THIS BRASS SYSTEM IS BASED ON THE METRIC LINE OF GOVERNMENT LOTS TO HAVE AN ANGLE OF 87° 54' 30" E.

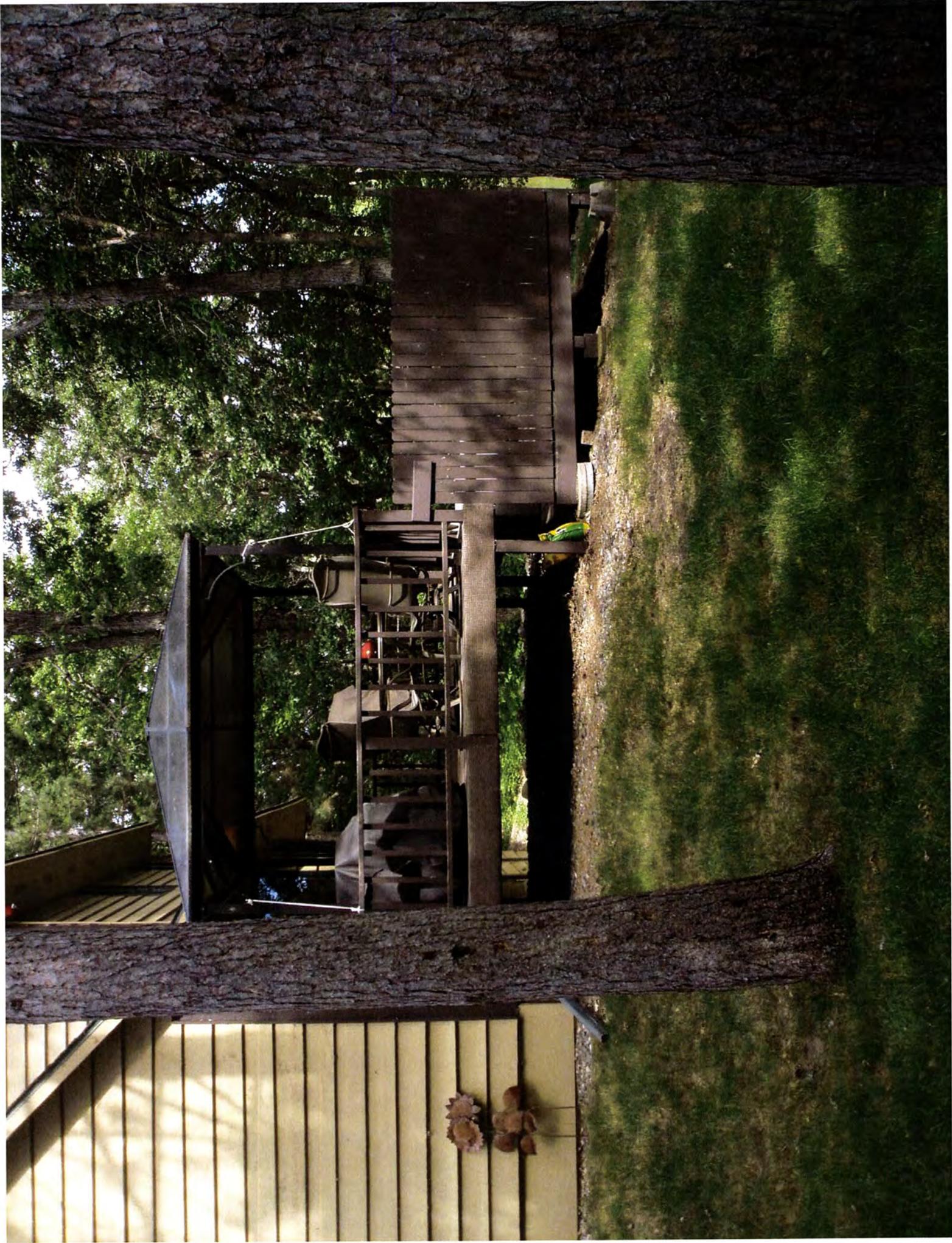
NOTES:

1. Zoning for subject tract = "R-1 - Low Density Residential".
2. There are no encroachments within surveyed property.
3. Parcel ID of subject parcel: 01017310000000.
4. The property address of subject parcel: 12464 Camwood Trail.
5. Data Flood Line was determined using standard survey topographic methodologies. Flood located on 6-6-2016.
6. Wetland delineation was not completed for purposes of this survey.
7. Elevation based on MN DOT Geospatial Master 10004 - Elevation 1201.82 based on NAVD83 Datum.



CERTIFICATE OF SURVEY		PROJECT MANAGER CMH	PROJECT NO. 16100	DATE 6-8-2016	DATE	REVISIONS	BY	DESCRIPTION	BY	DATE	REVISIONS	BY	DATE
1	Checked By: Jodie Stony	Drawn By: CMH	FILE NAME: C:\16100.dwg	SCALE: AS SHOWN	PROJECT NO. 16100	DATE 6-8-2016	BY JLF	DESCRIPTION Added proposed conditions	BY	DATE	REVISIONS	BY	DATE
2	12464 Camwood Trail Baxter, MN 56425	PROJECT NO. 16100	FILE NAME: C:\16100.dwg	SCALE: AS SHOWN	PROJECT NO. 16100	DATE 6-8-2016	BY JLF	DESCRIPTION Added proposed conditions	BY	DATE	REVISIONS	BY	DATE



















TO: Baxter Planning and Zoning Commission

FROM: Matthew Gindele, Planner

DATE: July 12, 2016 Planning and Zoning Commission Meeting

REQUEST: **PUBLIC HEARING.** Variances to allow a principal single-family structure to encroach 3.3 feet into the required 30-foot rear yard setback and to allow a principal single-family structure to encroach 3 feet into the required 40-foot front yard setback for property located on the south side of Fairfax Court, Baxter, MN (city file 16-19)

APPLICANT: Mike Kloss

ZONING: R-1, Low Density Residential

1. Application Request

The applicant has requested a variance to the front yard and the rear yard setback to construct a new home on a vacant lot on Fairfax Court.

2. Context

Adjacent Zoning and Land Use

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

Characteristics of the Site

The subject property is heavily wooded with a mix of deciduous and coniferous trees, many of which were blown down in the storm in 2015 and are now strewn about the lot. The lot area and width meet the minimum requirements of the district, however, it is a somewhat oddly shaped lot as it is a fairly shallow lot and it is wider than it is deep.

3. Analysis of Request

The applicant is requesting variances to the front and the rear yard setbacks to allow for construction of a new single family dwelling on a vacant lot. The home would be located 3 feet within the front yard setback from Fairfax Ct and 3.3 feet within the rear yard setback. Although other lots on Fairfax Ct. have been developed similar to this proposal with reduced setbacks, staff finds that those lots are irregularly shaped causing an increased burden on meeting setback requirements.

Variance

The applicant did not provide a certified survey for this property and is instead relying on the plat to accurately reflect the existing conditions.

The variance standards are established by Minnesota Statute §462.357, Subd. 6.2. The burden of proof is on the applicant to show that the variance standards have been met. Staff has reviewed the application for consistency with the variance standards, as follows:

- a) *That there are practical difficulties in complying with the Zoning Ordinance.*

The lot conforms to all area and dimensional standards set forth in the zoning code and is currently vacant. Although the lot is a bit shallow, staff finds that the applicant does have the ability to construct a home that is able to fit within the required setbacks.

- b) *That the conditions upon which a petition for a variation is based are unique to the parcel of land for which the variance is sought and were not created by the landowner.*

The conditions are not unique to the parcel of the land. Other lots in Baxter of similar shape and size have been developed with structures that fit within the required setbacks. For example, the lot just across the street having address 6162 Fairfax Ct. is of similar shape and size and has a home constructed within the required setbacks. Minnesota Statutes are clear that the uniqueness test relates to the physical characteristics of the particular piece of property and economic considerations alone cannot create practical difficulties. There is an inconvenience to the applicant in that he cannot build the desired home but staff finds that a reasonable home can be built on site in compliance with the ordinance.

- c) *That the granting of the variation will not alter the essential character of the locality.*

The proposed variation would not alter the essential character of the locality. Other homes on Fairfax Court are constructed within required yard setbacks.

- d) *The proposed variance would be in harmony with the general purposes and intent of the Ordinance.*

The variance would not be in harmony with the general purposes and intent of the ordinance because it would allow a structure setback inconsistent with the zoning ordinance when the opportunity to construct a home within the required setbacks exists.

- e) *The variance is consistent with the Comprehensive Plan.*

The granting of this variance is consistent with the Comprehensive Plan as single family homes are an allowed use in this zoning district.

4. Recommendation

Staff recommends denial of the variance request based on the finding that the variance standards have not been met.

If the Commission finds that the variance standards have been met, they should provide findings of fact for approval.

Attachments

1. Draft Resolution Denying the Variance
2. Location Map
3. Site Plan
4. Proposed Floor Plans
5. Neighborhood Setbacks

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

**RESOLUTION DENYING VARIANCE REQUESTS FOR FRONT YARD AND REAR YARD
SETBACKS FOR A NEW HOME ON A VACANT LOT LEGALLY DESCRIBED AS LOT 8,
BLOCK 2, 2ND ADDN TO PAIGE & BLAIR DEVELOPMENT**

WHEREAS, Mike Kloss has requested approval of variances to allow a 3.3 foot reduction from the front yard setback from Fairfax Court and a 3 foot reduction from the rear yard setback on property legally described as follows:

Lot 8, Block 2, 2nd Addition to Paige & Blair Development, Baxter, Minnesota

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on July 12, 2016 and recommends denial, and;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does deny the request for variances, based on the finding that the variance in Minnesota Statutes §462.357. Subd. 6.2 are not met. Specifically:

1. There are no practical difficulties as defined by the statute and does not meet all three needed factors of practical difficulty (reasonableness, uniqueness and essential character). There are no topographic conditions that necessitate the variance and conditions were created by the applicant. Furthermore, the lot is large enough to allow construction of a home without a variance.
2. The conditions are not unique to the parcel of the land. The applicant cannot meet the statutory requirement that the uniqueness test is based on the physical characteristics of the particular piece of property and economic considerations alone cannot create practical difficulties. There is an inconvenience to the homeowner in that he cannot build the desired home. Staff finds that a reasonable home can be built on site in compliance with the ordinance.
3. The variance would not be in harmony with the general purposes and intent of the ordinance because it would allow a structure setback inconsistent with the zoning ordinance when the opportunity to construct a home within the required setbacks exists.

Whereupon, said Resolution is hereby declared adopted on this 19th day of July 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal



Home Builder Construction Variance



1: 1,431



NAD_1983_HARN_Adj_MN_Crow_Wing_Feet
 City of Baxter

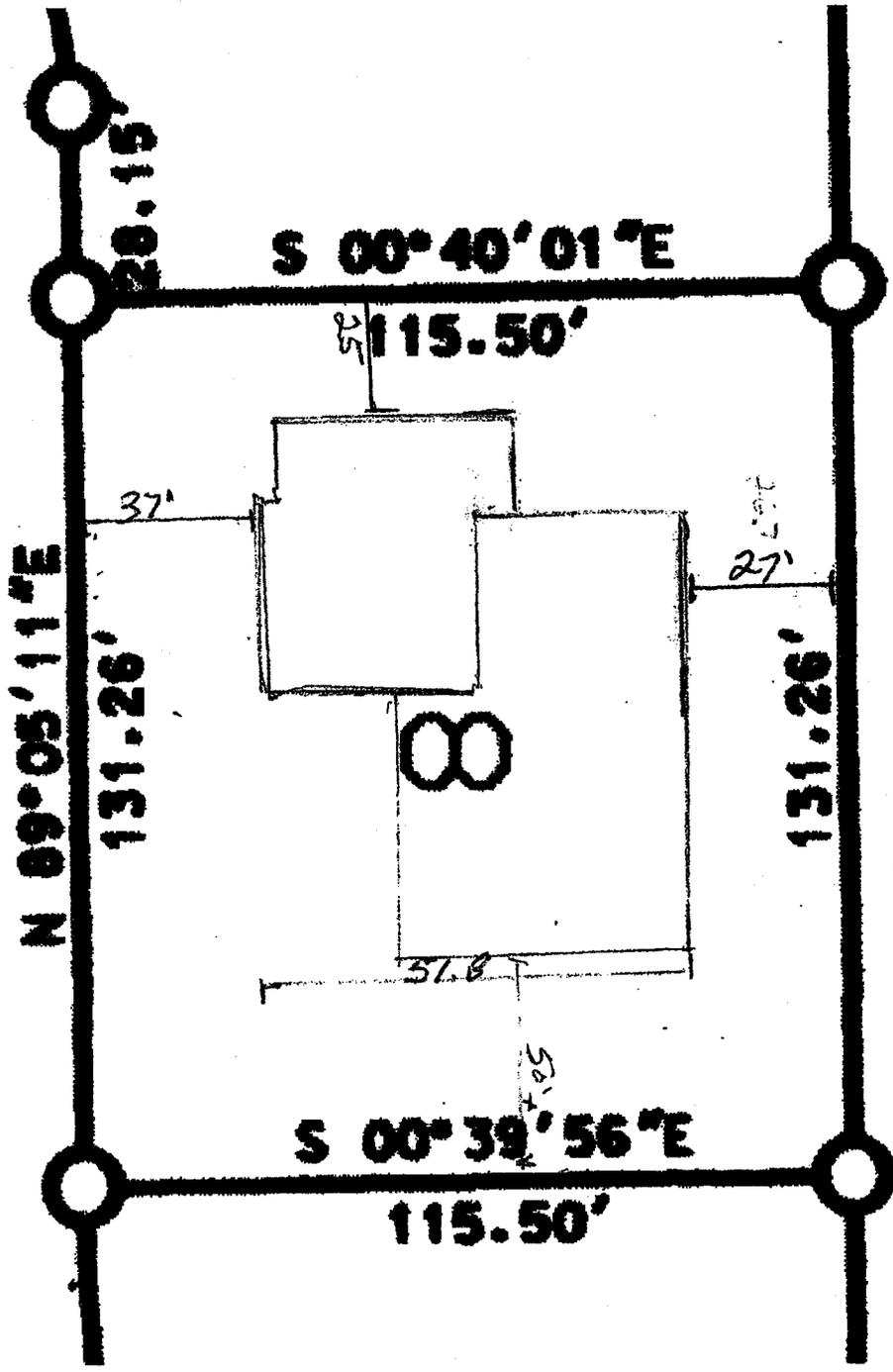
This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Streets
- Locations
 - Current
 - Pending
 - Vacant
 - Retired
 - Other
- Parcels
- Land Use Cases
- Encumbrances
- Municipal Boundaries
- Historical Parcels
- 2016 Imagery
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

Notes



FRANK CT. VARIANCE AS Laid for 3'
 off set in front & back Property
 Lines
 S 89° 05' 11" W 703.90'



Knollwood Dr

20

6216

6203

6196

6148

6139

6130

19284

33.3332

28.1828

27.732

28.2732

Fairfax Ct



TO: Baxter Planning and Zoning Commission

FROM: Joshua Doty, Community Development Director

DATE: July 8, 2016 for the July 12, 2016 Planning and Zoning Commission Meeting

REQUEST: **PUBLIC HEARING. Conditional Use Permit** for forestland conversion to allow tree clearing on property located between Homestead Drive and Isle Drive. (City file 16-20)

APPLICANT: Michael O'Donnell

ZONING: R-1, Low Density Residential

LEGAL: Outlot A, Perch Lake Estates, Crow Wing County, Minnesota

1. Application Request

The applicant has requested approval of a conditional use permit for forestland conversion to allow tree clearing on property located between Homestead Drive and Isle Drive. The applicant is requesting the tree clearing so that they can raise the grade of the subject property.

2. Context

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Vacant Single Family Lots	R-1, Low Density Residential
East	Office Property	OS, Office Service
South	Office Property	OS, Office Service
West	Vacant Single Family Lots	R-1, Low Density Residential

Natural Characteristics of the Site

The site has minimal topography and is wooded. There is an approximately 2,825-square foot wetland in the south central portion of the property. The site presently does not include any floodplain. However, FEMA has proposed a floodplain map that shows the almost the entire property in a floodplain (see aerial photo of the site showing the drafted zone AE floodplain below).



Background

In 2015, the City Council approved an update to the City's Comprehensive Plan. The Future Land Use Plan guided the subject property Office Service.

Utility Commission Review

The Utility Commission reviewed the application on July 6, 2016 and recommended approval of the Forest Land Conversion Conditional Use Permit and Grading Permit contingent on the following:

1. A formal Stormwater Pollution Prevention Plan is submitted to the City of Baxter.
2. A formal grading permit be submitted to the City of Baxter and pay all associated fees.

3. Analysis of Conditional Use Permit Request

Title 10-4-9 of the zoning ordinance allows forestland conversion on property upon the issuance of a conditional use permit. The lot is currently vacant and there are no immediate plans to develop the property. However, due to an anticipated FEMA map update, which would place the applicant's office property in a floodplain, the applicant need to fill the property. Staff has spoke with FEMA representatives regarding the filling of the anticipated floodplain, and they are in support of the filling prior to the map update.

The ordinance defines Forestland Conversion as, "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." The applicant is proposing to clear cut the majority of the property due to the anticipated FEMA map update. The applicant is proposing to leave a 20 foot buffer of trees along the north, west and east property lines; and a 10 foot buffer of trees along the south property line along Isle Drive.

The intent of the Forestland Conversion ordinance is to discourage the clear cutting of forested lands well in advance of a development application unless there plans in place to consider future

buffers and to ensure that erosion is controlled and ground cover is established. The specific forestland conversion ordinance is attached to this report.

Staff notes that although the applicant's future plans are to develop the subject property with an office type of development, the request for the CUP to remove the trees and fill the property is based on FEMA's proposal to establish the majority of the subject property as floodplain. The applicant is proposing to fill the property before FEMA establishes the floodplain designation.

Staff has reviewed the request based on the general CUP standards. Section 10-7-4 of the Zoning Ordinance defines the criteria for reviewing and processing a conditional use permit (CUP). Specifically:

- A. *Excessive Burden: The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.*

The forestland conversion would not create an excessive burden on existing parks, schools, streets and other public facilities.

- B. *Compatibility: The use shall be compatible with adjacent land uses so that existing uses will not be depreciated in value and there will be no deterrence to development of vacant land.*

The proposed use would remain a vacant use at this time, which is compatible with the surrounding uses. The immediate surrounding area includes office development to the south and east and vacant single family residential lots to the north and west.

- C. *Appearance: The use shall have an appearance that will not have an adverse affect (sic) upon adjacent properties.*

Although the majority of the site will be cleared of trees, the applicant is proposing a buffer of trees around all sides of the property. The property is guided for future office service development and tree removal is expected in the future to allow for office development of the property.

- D. *Overall Needs: The use, in the opinion of the planning and zoning commission shall be reasonably related to the overall needs of the city and to the existing land use.*

The Forestland Conversion is reasonable in this instance due to the anticipated change in floodplain designation and given the site is planned for future office use.

- E. *Consistent with Purpose: The use shall be consistent with the purposes of this title and purposes of the zoning district in which the applicant intends to locate the proposed use.*

With the conditions of approval and compliance with ordinance requirements, the use would be consistent with the purposes of the ordinance.

- F. *Comprehensive Plan: The use shall not be in conflict with the comprehensive plan of the city.*

The Comprehensive Plan identifies the future land use office service property. Tree removal as proposed with this application is necessary to allow development of the property for future office use.

G. *Traffic: The use will not cause traffic hazard or congestion.*

The use would not cause traffic hazard or congestion.

H. *Facilities: The use shall have adequate utilities, access roads, drainage and necessary facilities.*

Public facilities are not required for Forestland Conversion.

4. Recommendation

Staff recommends approval of the Conditional Use Permit for forestland conversion to allow tree clearing on property located between Homestead Drive and Isle Drive, subject to the conditions in the attached resolution.

Attachments

1. Draft resolution approving CUP
2. Site Location Map
3. Site Graphics

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

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR FORESLAND
CONVERSION TO ALLOW TREE CLEARING ON PROPERTY LOCATED BETWEEN
HOMESTEAD DRIVE AND ISLE DRIVE (CITY FILE 16-020)**

WHEREAS, Michael O'Donnell ("the applicant") has requested approval of conditional use permit on property legally described as follows:

OUTLOT A, PERCH LAKE ESTATES, CROW WING COUNTY, MINNESOTA

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called a Public Hearing on July 12, 2016 and recommends approval, and;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their July 19, 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 for a conditional use permit for Forestland Conversion to allow tree clearing.

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

1. The conditional use permit allows tree clearing based on the application received by the City on July 5, 2016 and plans received by the City on June 29, 2016, except as amended by this resolution and based on the finding that all applicable conditional use permit standards have been met.
2. A grading permit is required prior to any work on site.
3. **Prior to the issuance of a grading permit, the applicant shall:**
 - a. Submit and receive approval of a formal Stormwater Pollution Prevention Plan.
 - b. Submit and receive approval of permits from BSWR and the Corp. of Engineers for wetlands.
4. Approval shall expire within one year of the date of approval unless the applicant commences the authorized use to complete the required improvements.

Whereupon, said Resolution is hereby declared adopted on this 19th day of July, 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal

10-4-9: FORESTLAND CONVERSION STANDARDS:

A. R-1 And RS Zoning Districts: "Forestland conversion" as defined by section 10-2-2 of this title is not allowed in the R-1 zoning district, except as follows:

1. Road right of way and utility easement areas, site grading, construction of permitted structures, on site septic systems, access roads, utility service lines, firebreaks, parking, landscaped yard areas, gardens, private recreation areas, and other accessory uses customary with R-1 development approved by the city.
2. Expansion of an existing commercial agricultural use in existence at the time of adoption hereof.
3. Park and public open space areas, as per plans approved by the city. Open park areas not required for active recreation shall be landscaped and replanted (as practical) with native forest species.
4. Forestland conversion in RS areas shall be allowed for the above uses, subject to the requirement that residential development sites may be cleared to a maximum of one-third ($\frac{1}{3}$) of the lot area or legal parcel of property.
5. Landowners may request approval of a conditional use permit for forestland conversion. The application must include a landscape plan meeting the requirements of this title and a ground cover and erosion control plan with implementation within six (6) months of plan approval. The conditional use permit shall be reviewed for compliance with the general conditional use permit standards in chapter 7 of this title.

B. R-2, R-3, C1, C2, OS And I Zoning Districts: Forestland conversion in the above zoning districts is allowed by a conditional use permit, subject to the following conditions:

1. A land use application has been submitted with a development plan and narrative explaining the need for forestland removal, including a landscape plan meeting the requirements of this title.
2. A plan for screening adjacent property zoned for residential use where necessary for requirements of this title has been accepted and approved by the city.
3. A plan for ground cover and erosion control has been prepared per current state requirements and has been accepted and approved by the city, with implementation of the plan within six (6) months of approval. (Ord. 2014-19, 6-17-2014)

O'Donnell CUP-Forestland Conversion



1 : 2,053



342.2
 0 171.11 342.2 Feet
 NAD_1983_HARN_AdI_MN_Crow_Wing_Feet
 City of Baxter

This map is a user-generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

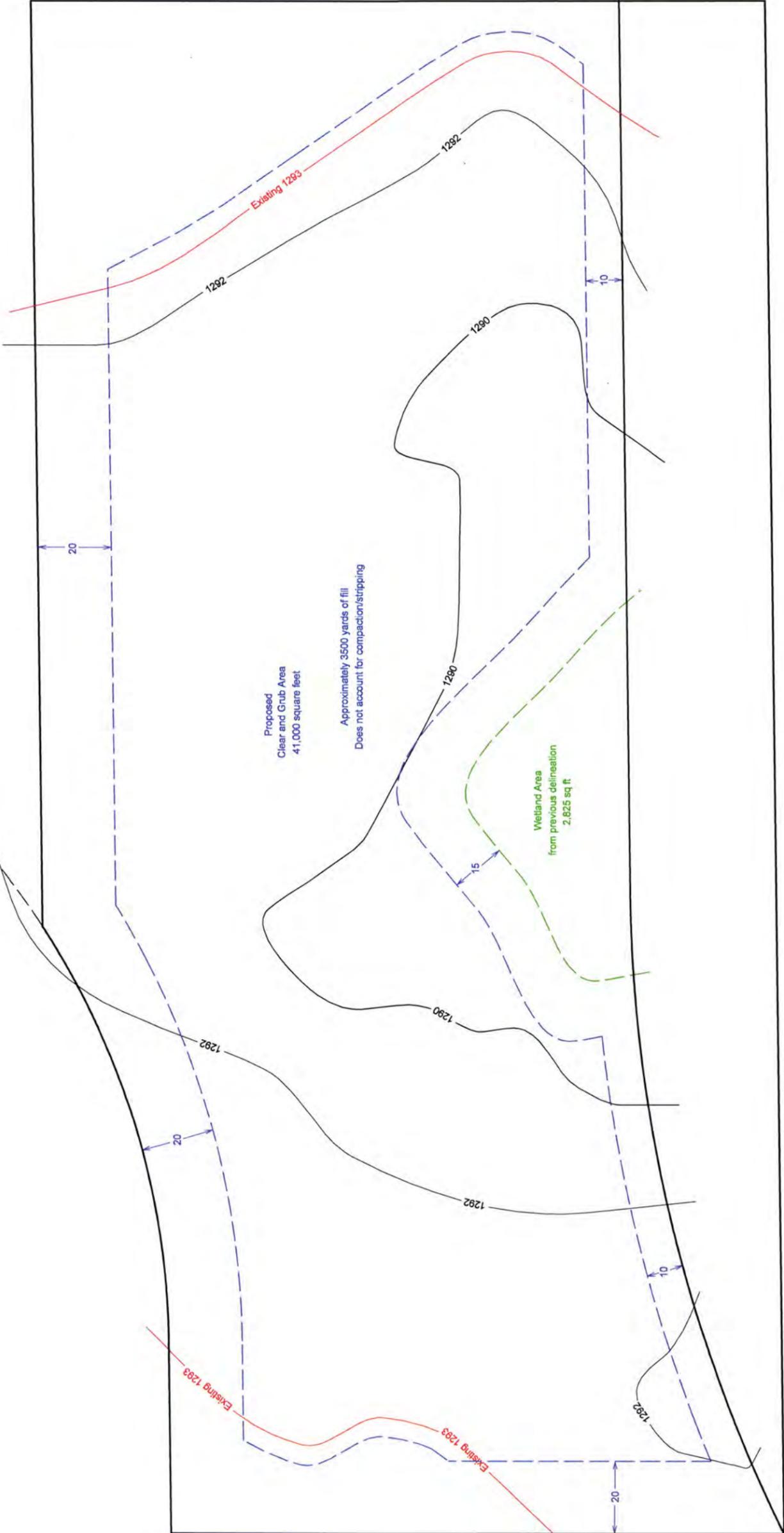
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Streets
- Locations
- Current
- Pending
- Vacant
- Retired
- Other
- Parcels
- Land Use Cases
- Encumbrances
- Municipal Boundaries
- Historical Parcels
- 2016 Imagery
- Red: Band_1
- Green: Band_2
- Blue: Band_3

Notes



Proposed
Clear and Grub Area
41,000 square feet
Approximately 3500 yards of fill
Does not account for compaction/stripping

Wetland Area
from previous delineation
2,825 sq ft

Existing 1293

Existing 1293

20

20

15

10

10

20

1292

1292

1290

1290

1290

1292

1292