

BAXTER



"A Growing Community"

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

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

ALL OLD AND NEW BUSINESS ITEMS ARE OPEN FOR PUBLIC COMMENT

5. **Old Business**
None

6. **New Business**

- A. **PUBLIC HEARING.** Preliminary and final plat named "Third Addition To Baxter Wal-Mart Subdivision" to create three lots from two lots, a Rezoning from C-2, Regional Commercial to PUD, Planned Unit Development and a PUD General Plan for two new multi-tenant retail buildings along Edgewood Drive for property located at 14275 Edgewood Drive. (LOT 1, BLOCK 2, SECOND ADDITION TO WAL-MART SUBDIVISION, CROW WING COUNTY, MINNESOTA TOGETHER WITH VACATED FERNWOOD DRIVE SAID SECOND ADDITION TO WAL-MART SUBDIVISION. Full legal available at City Hall) (City file 16-22)

Requested by: Widseth Smith Nolting, 7804 Industrial Park Road, P.O. Box 2720, Baxter, MN 56425

- B. **PUBLIC HEARING.** Variance to allow a 264 square foot addition to an existing 1,000 square foot detached accessory structure raising the cumulative square footage for a single detached accessory structure beyond the 1,152-square foot maximum allowed by the zoning ordinance for property located at 13152 Timberland Drive (THAT PART OF LOT 1 BLOCK 8 PARKWOOD, AND THAT PART OF GOV. LOT 9 SEC. 12 DESCRIBED AS FOLLOWS. Full legal available at City Hall) (City file 16-23)

Requested by: Richard and Donna Monson 13152 Timberland Drive, Baxter, MN 56425

- C. **PUBLIC HEARING.** Zoning Ordinance Text Amendment to Title 10 of the Baxter City Code. Zoning Ordinance Amendments are proposed related to Temporary Health Care Dwellings. (City File 16-24)

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

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

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

CALL TO ORDER

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

MEMBERS PRESENT: Chair Bob Kinzel, Commissioners Steve Lund, Howie Oswald, Gwen Carleton, Bob Ryan and Council Liaison Steve Barrows

MEMBERS ABSENT: None

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

OTHERS PRESENT: Randy Reetz, Dave Petersen, Jim Kramer, Mike Kloss, Julie and Pete Henry

APPROVAL OF MINUTES

MOTION by Commissioner Lund, seconded by Commissioner Oswald to approve the minutes from the June 14, 2016 meeting as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
July 19, 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 July 19, 2016 at 7:00 pm.

OLD BUSINESS

None

NEW BUSINESS

1. **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

Chair Kinzel asked CD Director Doty to review the application with the Commission. CD Director Doty stated this is a preliminary and final plat named "Vaughans Lots" and a conditional use permit (CUP) to allow two principal structures on a single lot. The re-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. He gave history on the first plat, reviewed the site location and site plan, access/traffic concerns, there is no new right of way that is needed, however park fees would be required in the amount of \$14,400.00. CD Director Doty indicated that the Utility Commission had no concerns however,

requested a developers agreement in place prior to a building permit and that the Architectural Review Commission is to review the proposed buildings prior to a building permit being issued.

CD Director Doty stated that the CUP is needed in order for the property to have two principal buildings on one site. He stated that typically with rental units there will be a property management company involved, that is the case on this proposal. It was noted that the rental units and garages will be similar to other rental properties in the area.

CD Director Doty stated that staff is recommending approval of the plat and CUP application with the conditions noted in the two draft resolutions.

Chair Kinzel opened the public hearing.

Mr. Jim Kramer, architect for this project, indicated that this is a straight forward project that is very similar to the applicants last build in Baxter. Chair Kinzel asked if there were any concerns with the conditions, there were none.

Mr. Randy Reetz, 5828 Fairview Rd. stated that he is dead set against more rental units in this area. He has rental units behind his home and has had problems with them. Mr. Reetz stated that someone from the rentals or the rental owners had trees trimmed and the branches and brush were placed on his property. His neighbor to the east had a box spring and mattress placed on his lot. Mr. Reetz indicated that the rentals have been nothing but a pain for property owners. Chair Kinzel asked where Mr. Reetz lives; Reetz indicated that he is east of the house on the corner. He reiterated that he is against the addition of any more rental units. Chair Kinzel explained the zoning of properties dictates what and were different types of housing and buildings can be built. He suggested taking his concerns to City Council on July 19, 2016, as this Commission is an advisory Commission and does not have the final say regarding this approval/denial.

Chair Kinzel closed the public hearing.

Commissioner Carleton questioned if Mr. Reetz voiced a complaint with the rental owner.

Motion by Commissioner Ryan, second by Commissioner Carleton to recommend the City Council approve the preliminary and final plat named "Vaughans Lots" on property located near the intersection of Baxter Lions Rd. and Art Ward Dr.

Prior to the vote, Commissioner Lund asked CD Director Doty if the CUP would not be required if the applicant chose to build one building instead of two. CD Director Doty stated yes, that one building would make elevate CUP not be required.

Motion carried unanimously.

Motion by Commissioner Carleton, second by Commissioner Oswald to recommend the City Council approve a conditional use permit to allow two principal structures on a single lot on property located near the intersection of Baxter Lions Rd. and Art Ward Dr. as presented in the draft resolution. Motion carried unanimously.

2. 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

Chair Kinzel asked Planner Gindele to review the application with the Commission. Planner Gindele stated that the applicant is requesting a conditional use permit (CUP) 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. Planner Gindele gave the history of the house and the previous and current setback requirements, the site location and a partial survey with the Commission. The new deck and 4 season porch are not expanding towards the river, however, it will be larger than the existing deck. The plans call for diamond pier footing which will eliminate the need for erosion control BMPs.

Planner Gindele moved onto the variances for the applicant. The variance is to allow a nonconforming use to be enlarged to occupy a greater area of land within the required 100 foot setback of the Mississippi River. Planner Gindele explained that 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 second variance is to allow an encroachment into the setback to the river for the addition to occur. Planner Gindele, on a map, showed the areas that would encroach and pictures of the current deck/house and explained that the current deck is legally non-conforming and that the granting of the 17 foot variance would give a clear title to what is currently there and what is being proposed.

Planner Gindele stated that this property is in an area that is slated for water and sewer in 2017 and will be required to hook up to city services by the end of 2018, if the water/sewer project moves forward in 2017. If the home was currently on city services then the setback would only have to be 75' instead of 100', thus not needing the CUP or variances. CD Director Doty stated that the 5 year CIP plan is a guideline and not confirmed until a separate process takes place and is approved by City Council to move forward.

Planner Gindele stated that staff is recommending approval of the CUP and variances being requested in this application. Chair Kinzel recapped the approval request.

Chair Kinzel opened the public hearing.

Mr. & Mrs. Henry, owner/applicant, approached the podium and stated that they have lived in Baxter for 18 years. They have lived in this house the enter time. They have decided to retire in this home after looking at several different properties. They would like to add a formal dining room to the home and this is the best option, being there are obstacles to the east and west of the property.

Chair Kinzel stated that it is unbelievable how many times this house was legal, was not legal, and in the future could be legal again.

Mr. Mike Kloss asked how the OHWL line and building lines were determined. Planner Gindele indicated the lines were set by a licensed surveyor and that the setback measurement runs perpendicular to the OHWL and not parallel to the property line.

Chair Kinzel closed the public hearing.

Motion by Commissioner Carleton, second by Commissioner Oswald to recommend the City Council approve the 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 as indicated in the draft resolutions. Motion carried unanimously.

Mr. Henry stated that he works in the public and deals with a lot of people and that Planner Gindele is very professional and excellent to work with, the Commission agreed.

3. 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

Chair Kinzel asked Planner Gindele to review the application with the Commission. Planner Gindele stated that the applicant is requesting 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. Planner Gindele provided a map of the area for the Commission to review. He reviewed the setback of 40 feet in the front and 30 feet in the rear yard requirements with the Commission. Planner Gindele reviewed the site, house plan and garage plan. Planner Gindele reviewed the reasons that the variance would or would not be allowed with the Commission.

Planner Gindele stated that 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. 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. 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.

Planner Gindele then stated that staff is recommending denial of this application based on the findings.

Chair Kinzel opened the public hearing.

Mr. Mike Kloss, builder for this lot, stated that his investor Mr. Chad Schwendeman purchased this lot as an investment. He stated that it is not easy to change plans once the plans are picked. However, he went back to his plan portfolio looking for a different set of plans that would work on this lot. He stated that all of the house plans were 50 feet or deeper. He never had this problem when he previously built in Baxter. Mr. Kloss stated that he is not asking for a large amount of the setback to be removed and that it will not be noticeable from the street. He further stated that they would like to build more of this type of home, as this house is a good selling house for them. He reviewed the map with the Commission of other homes in that court that do not fit correctly.

Chair Kinzel asked why Mr. Kloss couldn't stretch the house towards the side yards and not lose any square footage. Mr. Kloss stated he was open for any options. Mr. Kloss stated that he has never had to ask for a variance for depth, usually it is the side yard setback. Commissioner Carleton asked CD Director Doty for his opinion on this application. CD Director Doty indicated that most lots are deeper, narrower and usually oversize, therefore staff doesn't see a lot of these situations. He stated that this is a shallow lot that is a conforming city lot; it can be built on meeting the setbacks.

Mr. Kloss stated that this is the last house on the court and no one will ever notice the difference when looking down this street. Chair Kinzel asked if Mr. Kloss was indicating that he could not build a house on that lot. Mr. Kloss stated he is trying to put the bestselling house on that lot and none of them were under 50 feet. He indicated that he has spoken to the neighbors while he was walking the lot and they were glad to know that it was going to be cleared and were approving of this request. Mr. Kloss explained the layout of the house to the Commission.

Commissioner Lund asked if there was going to be a deck. Mr. Kloss said yes, it will but that falls into a difference ordinance. Planner Gindele stated that an attached deck would only require a 10' setback. Mr. Kloss asked how many builders have come in and asked for a variance for this situation. Chair Kinzel said that he was the first one to come forward with an empty lot looking to build a new house that doesn't fit. Typically a variance is for a home that has been previously built looking to expand.

Commissioner Ryan stated that the facts are that the lot is a conforming lot and a house can be built on that lot. He indicated that Mr. Kloss may not be able to build the house with the best financial return on this lot, but a house can be built. Commissioner Ryan stated that the rule book should just be thrown out if variances are going to be given for homes that are not even built yet. He further stated that Mr. Schwendeman has even advised Mr. Kloss to find a home that would fit; Commissioner Ryan suggested that he listen to his investor.

Mr. Kloss attempted to change the requested setbacks; Commissioner Ryan and Chair Kinzel indicated that is not an option at this point in time and that Mr. Kloss needs to take his case to City Council on July 19, 2016.

Chair Kinzel closed the public hearing.

Motion by Commissioner Ryan, second by Commissioner Oswald to recommend the City Council deny the 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. Motion carried unanimously.

4. 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

Chair Kinzel asked CD Director Doty to review the application with the Commission. CD Director Doty stated the applicant is requesting a conditional use permit for a forestland conversion to allow tree clearing on property located between Homestead Drive and Isle Drive. CD Director Doty gave the Commission a location map explaining the layout of the area. Currently the property is R-1, however is going to be rezoned to OS. Currently FEMA is in the process of updating the FEMA maps. With the current FEMA map there is no floodplain on the lot, however the new FEMA map does have floodplain on the majority of the lot. The applicant and staff have been in contact with FEMA representatives regarding this lot. FEMA is in support of clearing and filling this lot prior to the new maps taking affect.

CD Director Doty stated that the forestland conversion is allowing the clearing of live trees for a future zoning change; however it does require a CUP to complete the process according to Baxter code. The applicant is proposing to leave a 20 foot buffer of trees along the west and east property lines and a 10 foot buffer along the south and along Isle Drive with a larger buffer around the wetland.

CD Director Doty stated that staff is recommending approval of this application based on the conditions in the draft resolution.

Chair Kinzel opened the public hearing.

Chair Kinzel asked if the trees were all Jack Pine, CD Director Doty stated that he believes there is a mix of trees on that lot. Commissioner Lund asked how they are going to retain the trees and the buffer, CD Director Doty stated that they are going to have to taper down to the trees.

Mr. Jim Kramer, representing Mr. Mike O'Donnell the land owner, stated that the revised FEMA maps have been going around since 2011, it's just the City hasn't adopted it yet. CD Director Doty stated he will clarify that later. Mr. Kramer explained the floodplain map and how it can affect property owners and flood insurance. He stated that it is easier to market a property that does not have any flood plain on it. In this case, by removing trees and raising the lot roughly 1.5-2 feet will achieve that goal of not having floodplain.

From the audience a question was asked if there was wetland being filled, CD Director Doty stated there is not going to be any wetland filling. The hashed area is the proposed flood plain. CD Director Doty also clarified the FEMA map process to the Commission.

Chair Kinzel closed the public hearing.

Motion by Commissioner Lund, second by Commissioner Ryan to recommend the City Council approve the conditional use permit for forestland conversion to allow tree clearing on property located between Homestead Drive and Isle Drive based on the conditions in the resolution. Motion carried unanimously.

OTHER BUSINESS

None

ADJOURNMENT

MOTION by Commissioner Oswald, seconded by Commissioner Ryan to adjourn the meeting at 7:18 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Chair Bob Kinzel

Shanna Newman CD Administrative Assistant



TO: Baxter Planning and Zoning Commission

FROM: Joshua Doty, Community Development Director

DATE: August 4, 2016 for the August 10, 2016 Planning and Zoning Commission Meeting

REQUEST: **PUBLIC HEARING. Preliminary and Final Plat** to allow "Third Addition to Baxter Wal-Mart Subdivision", **Rezoning** from C-2, Regional Commercial to PUD, Planned Unit Development, and a **PUD General Plan** for a new multi-tenant retail development for property located at 14275 Edgewood Drive (city file 16-22)

APPLICANT: Widseth Smith Nolting

ZONING: C-2, Regional Commercial

1. Application Request

The applicant is requesting approval of the following items for the roughly 21-acre site located at 14275 Edgewood Drive:

- **Preliminary and Final Plat** to allow "Third Addition to Baxter Wal-Mart Subdivision";
- **Rezoning** from C-2, Regional Commercial to PUD, Planned Unit Development; and
- **PUD General Plan** for a new multi-tenant retail development.

Under the plan, the applicant would create three platted lots from two lots for a new three-tenant, 9,042-square foot retail building and a new two-tenant, 6,061-square foot retail building. The store fronts would face east toward Edgewood Drive and State Highway 371.

2. Context

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Commercial Property	C-2, Regional Commercial
East	Edgewood Drive and Hwy 371	N/A
South	Commercial Property	C-2, Regional Commercial
West	Residential Homes	R-2, Medium Density Residential

Natural Characteristics of the Site

The site is developed with a large parking lot in front of the existing building and has very minimal topography. The lowest grades and a wetland area are located on the back (West) side of the

existing building. There is also a lower elevation area on the south side of the property where the existing storm water treatment pond is located. There is an existing wooded area behind the existing building. The other trees on site are landscaping trees that were planted with the initial development of the site. The property is not located in a shoreland overlay district and there are no floodplain on the property.

Utility Commission Review

The Utility Commission reviewed the application on August 3, 2016 and recommend approval subject to the following conditions:

1. The 100-Year Stormwater Management Plan for the Third Addition to Baxter Wal-Mart Subdivision is contingent on final approval from the Public Works Director/City Engineer
2. Waive the dedicated additional 80-feet of right-of-way on Edgewood Drive per City Ordinance No. 11-4-2.
3. No traffic study on the development would be required.
4. Require a signed Development Agreement before the City issues a building permit.

Architectural Commission Review

The applicant has submitted an architectural review application. The architectural commission will review the application on August 8, 2016. Therefore, staff will need to consolidate the Architectural Review Commission recommendation with the Planning Commission and Utility Commission recommendations prior to the application moving forward to the City Council.

3. Analysis of Request

Preliminary and Final Plat

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

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

The C-2, Regional Commercial zoning district requires a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet for interior lots. The plat would include lots that are approximately 87,000-square feet, 83,000-square feet and 740,500-square feet. The narrowest lot would be 237 feet wide. Therefore, the lots meet the minimum requirements.

Park Dedication

Staff notes that park dedication is required with the plat subject to the City's park dedication ordinance and fee schedule and subject to the previous park dedication agreement. Specifically, staff notes that park dedication is required for the two new lots on the east side of the site.

Traffic

The site was originally developed and designed for higher intensity commercial use. As such, the existing site and roadway network is established to accommodate the new commercial development

that is proposed with the subject application. The Utilities Commission recommended that a traffic study is not needed with this development application.

Right-of-Way

The existing right-of-way along Edgewood Drive matches the amount of right-of-way the City has to the North and South. Staff is not recommending the dedication of any additional right-of-way.

Access

Existing access locations would be used to serve the development. Specifically, there are two existing access locations on Edgewood Drive and a third private access extends to the Cub Foods development located south of the subject property.

Rezoning to PUD and PUD General Plan

The City's PUD Ordinance states the following:

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

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

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

	Ordinance Requirement	Proposed	Meets/Exceeds Requirements
Building Setbacks	35-foot front setback 10-foot side setback 30-foot rear setback	86 feet 36 feet 176 feet	Yes Yes Yes
Parking & Drive Aisle Setbacks	10-foot setback	Zero feet	No*
Parking	61 spaces - Retail (Lots 2&3) 485 spaces (Lot 1)	187 spaces 339 spaces	Yes Yes
Parking Stall Dimensions	10 feet by 18 or 20 feet	10 feet by 20 feet	Yes
Drive Aisle Dimensions	24 feet	24 feet	Yes
Parking Lot Sidewalks	Sidewalk Connections	Sidewalk Connections	No*
Building Height	45 feet	26 feet to top of parapet	Yes
Structural Coverage	50 percent	15 percent	Yes
Impervious Surface	88 percent (non-shoreland)	89.5 percent	No*
Landscaping			
Number of Trees	21 trees	20 trees + 8 existing	Yes
Size of Trees	2.5-inch and 6 foot	2.5-inch and 10 foot	Yes
Priority Placement of Trees	Front Yard Priority	Front Yard Trees	Yes
Number of Shrubs	34 shrubs	16 shrubs	No*
Size of Shrubs	3 gallon	2 gallon	No*
Tree Species	Approved Trees List	Unknown	Unknown
Percentage of Coniferous	7 trees - 30 % of required trees	4 coniferous	No*
Parking Lot Islands	One island per 10 stalls One Overstory Tree Per Island	Missing required islands	No* No*

*See discussion below

Drive Aisles

The development is proposed to have cross access between properties. Therefore, there are a number of zero foot parking and drive aisle setback areas. Staff notes that the drive aisle setbacks proposed would be approved with the PUD based on the plans. Staff has added a condition to the resolution that cross access and parking easements be submitted to the City for review and approval by the City Attorney.

Sidewalk Connections

The zoning ordinance states that parking lots over one hundred (100) spaces must provide at least one landscaped pedestrian walkway. The walkway shall be designed to prevent the bumper of vehicles damaging landscaping or encroaching into the walkway area. The location of the walkway must be designed to safely and conveniently move pedestrian traffic to the principal entrance of the building(s) and be acceptable to the city. Staff notes that Lots 1 and 2 exceed 100 spaces. The developer is proposing sidewalks around the two proposed building pads. However, no sidewalk connectivity has been proposed with the development. Staff recommends that a PUD master plan be provided that shows sidewalk connectivity that connects the existing building to the following:

- 1) To the South property line to connect up with the Cub Foods storefront sidewalk,
- 2) To the North property line to vacant land (for future development),
- 3) To the East from the existing building storefront through the parking lot to connect to the two new retail buildings, and

- 4) To the east to connect the two new buildings to one or two of the drive isles along Edgewood Drive.

Staff notes that the developer is only proposing construction on the new frontage lots at this time. Therefore, staff has added a condition to the approving resolution that requires the completion of the sidewalk connectivity elements for the construction area at this time and that the remainder of the connectivity is constructed when any site or building changes are proposed on the existing building property to the west (Lot 1).

Impervious Surface Coverage/Parking

The overall site exceeds impervious surface requirements and the applicant is requesting PUD flexibility to allow 1.5 percent impervious surface over the ordinance maximum. In addition the zoning ordinance states that parking lots over 200 spaces shall not exceed the minimum parking standards by over 10 percent. Staff notes that the West lot (Lot 1) exceeds 200 spaces. However, staff notes that the applicant is not proposing construction on the lot at this time. Staff is supportive of PUD flexibility to allow the existing condition to remain at this time. However, staff has added a condition to the approving resolution that any site or building changes requires a PUD amendment and that the site would need to be brought into conformance with the zoning ordinance at that time.

Landscaping

The applicant has proposed a landscape plan that does not meet a number of the City's landscape standards. Staff has added conditions to the approving resolution requiring revisions to the plans before construction could begin. Staff also notes that the parking lots behind buildings 2 and 3 include longer linear islands in addition to parking lot islands. Staff notes that all of the islands are proposed with river rock. Staff encourages the applicant to consider sod for some of longer linear islands. Lastly, staff notes that the landscape plan review was for Lots 2 and 3. Staff has added a condition to the approving resolution that prior to site or building changes on Lot 1, that a PUD amendment is and that the applicant become comply with landscape requirements for Lot 1.

Parking Lot Islands

The applicant is requesting PUD flexibility to allow parking lot island spacing of 12 spaces on Lot 3. Due to the design of the parking lot, staff is supportive of flexibility to allow 12 spaces without additional islands. There are other islands required along the northerly row of parking on Lot 2. Staff finds that the applicant should add one parking lot island with an overstory deciduous tree every 10 spaces on this Northerly row of parking. Staff has added a condition to the approving resolution requiring the islands along the North row of parking.

Freestanding Signage

The site originally had two freestanding signs on the property located on the North and South sides of the site along Edgewood Drive. The Northerly sign was removed and the southerly sign serves the existing building. As part of the request, three separate platted lots and buildings are proposed with the development. The applicant is requesting two signs to be allowed with the PUD. The applicant would maintain the existing sign and would propose a new 200 square foot monument sign in the northeast corner of the site in the similar location where the sign used to be located. Staff notes that three lots would typically be allowed three 200-square foot signs. Therefore, staff finds that existing sign and the new 200-square foot sign to serve this development is reasonable. Staff

has added a condition to the approving resolution requiring that the new free standing sign is a maximum of 200 square feet.

Drive Through

The zoning ordinance states that drive through business is allowed subject to the following standards:

- The business shall be located on a site with direct access to a minor arterial street, collector or service road.
- Drive-Through Lanes: Drive-through or drive-in lanes are not allowed between the building and a lot line that faces a public street. This does not pertain to driveways.
- Drive-through facilities, including, but not limited to, the service windows and stacking spaces, shall be separated from residentially zoned or guided property by an arterial or collector street or shall be set back at least two hundred feet (200') from residentially zoned or guided property.
- The public address or order system shall not be audible from any adjacent residentially zoned or guided property. Electronic speaker devices, if used, shall not be audible beyond the property being served and shall not be operated between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M., unless extended by the city council as part of the conditional use permit.
- Adequate stacking distance shall be provided, which does not interfere with other driving areas, parking spaces, or sidewalks. Stacking spaces shall not interfere with parking spaces or traffic circulation.
- Businesses with one drive-through lane shall provide stacking space for at least ten (10) vehicles, as measured from and including the last pick up station, window, or the like.
- The applicant shall demonstrate that such use will not significantly lower the existing level of service on streets and intersections. The city may require a traffic study to be prepared.
- Screening shall be provided of automobile headlights in the drive-through lane to adjacent properties. Such screening shall be at least three feet (3') in height and fully opaque, consisting of a wall, fence, dense vegetation, berm, or grade change.
- A bypass lane shall be provided for each drive-through use, allowing cars to leave the drive-through lane from the stacking area.

Staff has added a condition to the approving resolution requiring compliance with the City's drive through requirements. Staff notes the proposed drive through plan meets the majority of the above requirements. Staff does note that 2 of the stacking spaces near the window would not have an escape lane but the other stacking spaces would have an escape lane. Staff finds that the plan meets the intent of the escape lane requirement.

Staff does recommend a revision to the drive through design. Specifically, once the cars leave the drive through, there is not a convenient exit. The quickest exit would be to turn to the right and travel opposite of one way parking. Staff recommends that this angled parking be removed to allow a two-way drive aisle so that customers have faster exit from the drive through. Staff has added a condition to the approving resolution requiring that the applicant prepare a revised drive through plan for review and approval by City staff.

4. Recommendation

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

Attachments

1. Draft Resolution Approving Preliminary and Final Plat
2. Draft Ordinance Approving the Rezoning
3. Draft Resolution Approving the PUD General Plan
4. Site Location Map
5. Site Graphics

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2016-_____**

**RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT
FOR "THIRD ADDITION TO BAXTER WAL-MART SUBDIVISION" FOR PROPERTY
LOCATED AT 14275 EDGEWOOD DRIVE (CITY FILE NUMBER 2016-22)**

WHEREAS, Widseth Smith Nolting ("the applicant") has requested approval of a preliminary and final plat on property located at 14275 Edgewood Drive, legally described as follows:

Lot 1, Block 1, Lot 1, Block 2 and Fernwood Drive, SECOND ADDITION TO BAXTER WAL-MART SUBDIVISION, according to the recorded plat thereof, Crow Wing County, Minnesota.

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

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their August 16, 2016 meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does approve the request to approve preliminary and final plat, based on the finding that the standards in Title 11 of the Baxter Subdivision Ordinance are met. Specifically:

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

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

1. The approval of the preliminary and final plat is based on the application and plans received by the city on July 19, 2016, civil plans and revised elevation plans received on July 27, 2016, except as amended by this resolution.

2. **Prior to Recording the plat**, the applicant shall:
 - a. Pay the required park dedication fee at the city's rate at the time of payment.
 - b. Submit plat recording checklist items as reviewed and approved by city staff.
 - c. Submit a cross access, parking and sign easement for review and approval by the City Attorney between the subject properties. The cross access, parking and sign easement shall be recorded with the plat.
 - d. The existing drive aisle easement south of lot 3 shall be reviewed by the City attorney to see if any amendments are required to account for the proposed development. If revisions are required to the existing access easement/easements, the revisions shall be made and the revised easement/easements shall be recorded with the plat.
3. A building permit is required prior to beginning any new construction.
4. No building permits shall be issued until the final plat, agreements, and easements are filed and recorded with Crow Wing County.
5. The final plat approval shall expire two years from of the date of this approval unless the applicant has recorded the plat or requested an extension in writing.

Whereupon, said Resolution is hereby declared adopted on this 16th day of August, 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal

**CITY OF BAXTER, MINNESOTA
ORDINANCE 2016-___**

AN ORDINANCE AMENDING THE CITY'S OFFICIAL ZONING MAP, WHICH IS ADOPTED AS ORDINANCE, PURSUANT TO TITLE 10, CHAPTER 3-2 OF THE CITY CODE TO RECLASSIFY CERTAIN LAND LOCATED AT 14275 EDGEWOOD DRIVE (CITY FILE NUMBER 2016-22)

THE CITY OF BAXTER ORDAINS:

Section 1. Amendment of the City Code. Title 10 of the Zoning Ordinance of the City Code of the City of Baxter, Minnesota, is hereby amended by changing the classification on the City of Baxter Zoning Map from C-2 (Regional Commercial) to PUD (Planned Unit Development) for 21 acres 14275 Edgewood Drive, legally described as follows:

Lot 1, Block 1, Lot 1, Block 2 and Fernwood Drive, SECOND ADDITION TO BAXTER WAL-MART SUBDIVISION, according to the recorded plat thereof, Crow Wing County, Minnesota.

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

Whereupon, said Ordinance is hereby declared adopted on this 16th day of August 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2016-___**

**RESOLUTION APPROVING A PUD, PLANNED UNIT DEVELOPMENT GENERAL PLAN
FOR A MULTI-TENANT RETAIL DEVELOPMENT LOCATED AT 14275 EDGEWOOD DRIVE
(CITY FILE NUMBER 2016-22)**

WHEREAS, Widseth Smith Nolting (“the applicant”) has requested approval of a PUD, Planned Unit Development General Plan on property located at 14275 Edgewood Drive, legally described as follows:

Lot 1, Block 1, Lot 1, Block 2 and Fernwood Drive, SECOND ADDITION TO BAXTER WAL-MART SUBDIVISION, according to the recorded plat thereof, Crow Wing County, Minnesota.

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

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their August 16, 2016 meeting, and;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does approve the request to approve PUD general plan, based on the finding that the standards in Title 10 of the Baxter Zoning Ordinance are met. Specifically:

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

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

1. The approval of the PUD General Plan and the development standards of the PUD are as indicated on the application and plans received by the city on July 19, 2016, civil plans and revised elevation plans received on July 27, 2016, except as amended by this resolution.
2. The allowable uses for the PUD are any permitted or accessory uses allowed in the C-2, zoning district, except that a drive through use shall be considered a permitted, use provided the use is specifically approved with a PUD general plan. These uses shall be

considered "permitted" in the PUD, provided they comply with all the development standards and conditions approved by City Council.

3. Development standards of the PUD shall be subject to zoning ordinance standards and the standards specifically listed in the C-2, District, except as specifically amended.
4. Approval of the PUD General Plan is contingent on the Rezoning to PUD and approval of the Preliminary and Final plat.
5. The PUD is subject to any conditions of approval submitted by the Architectural Review Commission.
6. A building permit is required prior to beginning any new construction.
7. **No building permits shall be issued until a PUD final plan is approved by city staff.**
8. **Prior to issuance of a building permits**, the applicant shall:
 - a. Record the final plat and any required agreements, or easements with Crow Wing County.
 - b. Enter into and record an approved development agreement
 - c. Provide a minimum low floor elevations as required by the City Code.
 - d. Provide a three foot separation from the bottom of ponding to the top of the ground water as required by the MPCA and NPDES permit.
 - e. A PUD master plan shall be for review and approval by City staff that shows pedestrian connectivity for the development with sidewalk connections from the existing building to the north and south property lines, to the east through the parking lot from the store front to connect to the two new commercial buildings and a connection or connections to Edgewood Drive from the existing commercial buildings. The PUD master plan shall also identify future parking lot islands.
 - f. Submit a revised landscape plan for Lots 2 and 3 in compliance with the City's landscape requirements. Specifically, the applicant shall increase the number and size of shrubs to the city's minimum standards, shall revise tree species as needed to comply with the city's approved tree list, and shall increase the number of coniferous trees on the properties to the minimum percentage requirement.
 - g. Submit revised plans showing compliance with the City's parking lot island requirements. PUD flexibility to the island requirements is authorized with this PUD for spacing of up to 12 parking spaces between parking lot islands for the parking area west of the building on Lot 3.
 - h. All trash and recycling areas shall be housed in an opaque enclosure that is consistent with the primary color of the building. The enclosures shall be reviewed and approved by staff.
 - i. All exterior or rooftop mechanical equipment shall be screened from adjacent properties and streets. Rooftop mechanical equipment may be painted to match the primary color of the building in lieu of screening.
 - j. Any visible backs of parapets shall be the primary color of the building, per the requirements of the zoning ordinance.
 - k. Provide revised plans for the drive through area. The revise drive through plan is intended to improve exiting from the drive through window out of the site. The drive through plan shall be in compliance with the City's drive through requirements.
 - l. Provide compliance with zoning review items related to the development plan.
 - m. Provide floor plans and parking calculations showing compliance with the City's minimum parking spaces for the retail, restaurant and dental uses.

- n. Revise plans to identify a bike rack in front of each of the new commercial buildings.
 - o. A lighting plan shall be submitted for review and approval by staff based on the City's lighting requirements.
9. All signage shall require separate permits and shall be in conformance with the City's sign ordinance, except that two free standing signs are allowed with the PUD for the subject property. The PUD authorizes the existing freestanding sign in the southeast corner of the property for Gander Mountain to remain. The PUD authorizes a second freestanding sign in the northeast portion of the property not to exceed 200 square feet. The new sign in the northeast corner of the site shall meet the 10 foot setback requirement from property lines. Any request for additional permanent freestanding signage shall require a PUD amendment.
10. On Lot 1, Block 1, Third Addition to Baxter Wal-Mart Subdivision, any site work to related to the vehicular use area or building work that requires a building permit, except for routine building maintenance shall require a PUD amendment. The PUD amendment shall require the construction of improvements to update the site based on ordinance requirements and improvements related to the PUD master plan for items including, but not limited to pedestrian connections, parking lot islands, landscaping, the zoning ordinance requirement allowing up to 10 percent parking over the required parking, and other applicable ordinance requirements.
11. All signage shall require separate permits and shall be in conformance with the City's sign ordinance.
12. Approval of the PUD General plan is contingent on review and approval by MNDOT.
13. The PUD Final Plan application is hereby approved with this PUD General Plan.
14. The PUD General Plan shall expire one year from of the date of this approval unless the applicant has recorded the plat or commenced construction or has requested an extension in writing.

Whereupon, said Resolution is hereby declared adopted on this 16th day of August, 2016.

Darrel Olson, Mayor

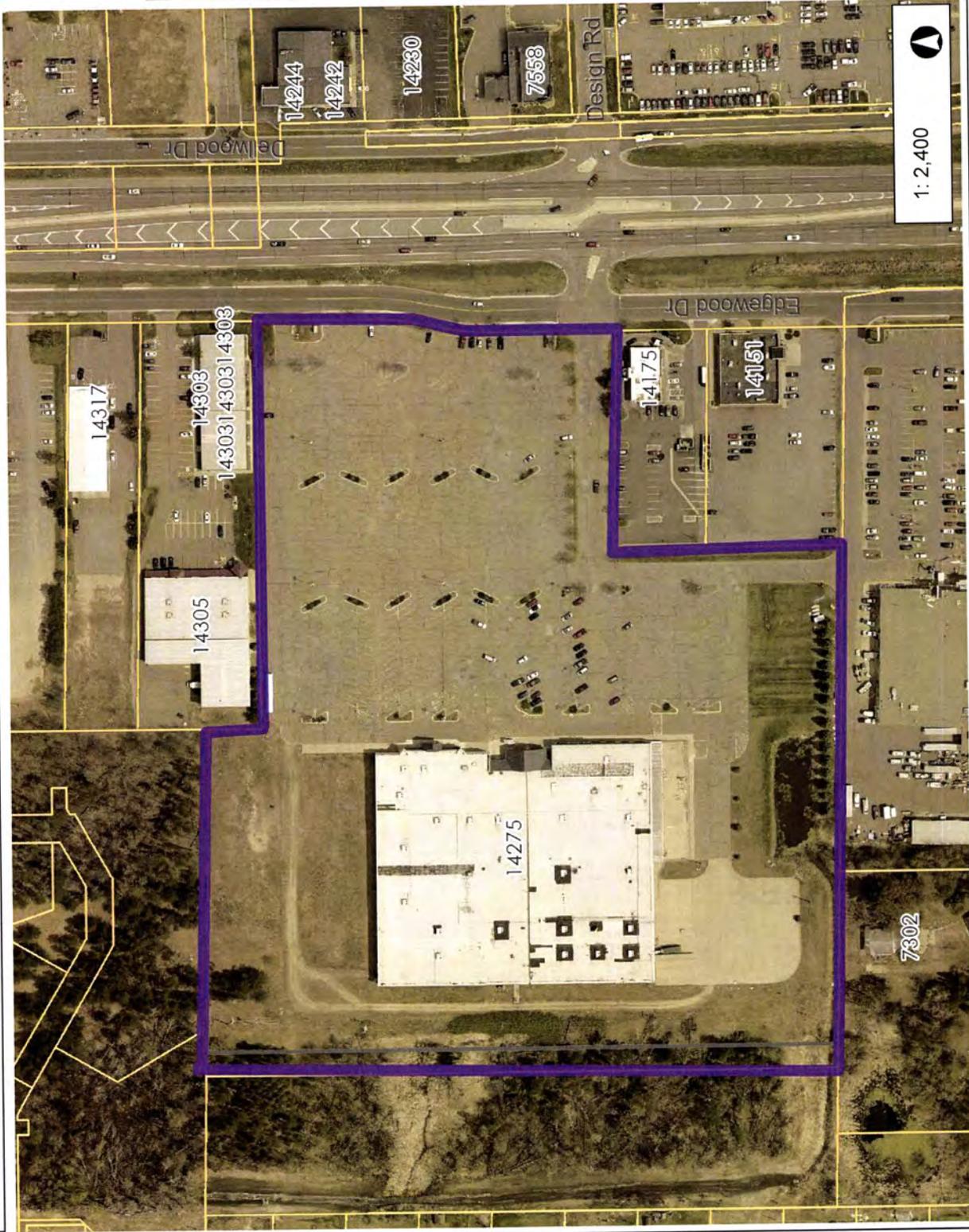
ATTEST:

Kelly Steele, City Clerk

City Seal



Gander Mountain Site



1: 2,400



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 not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

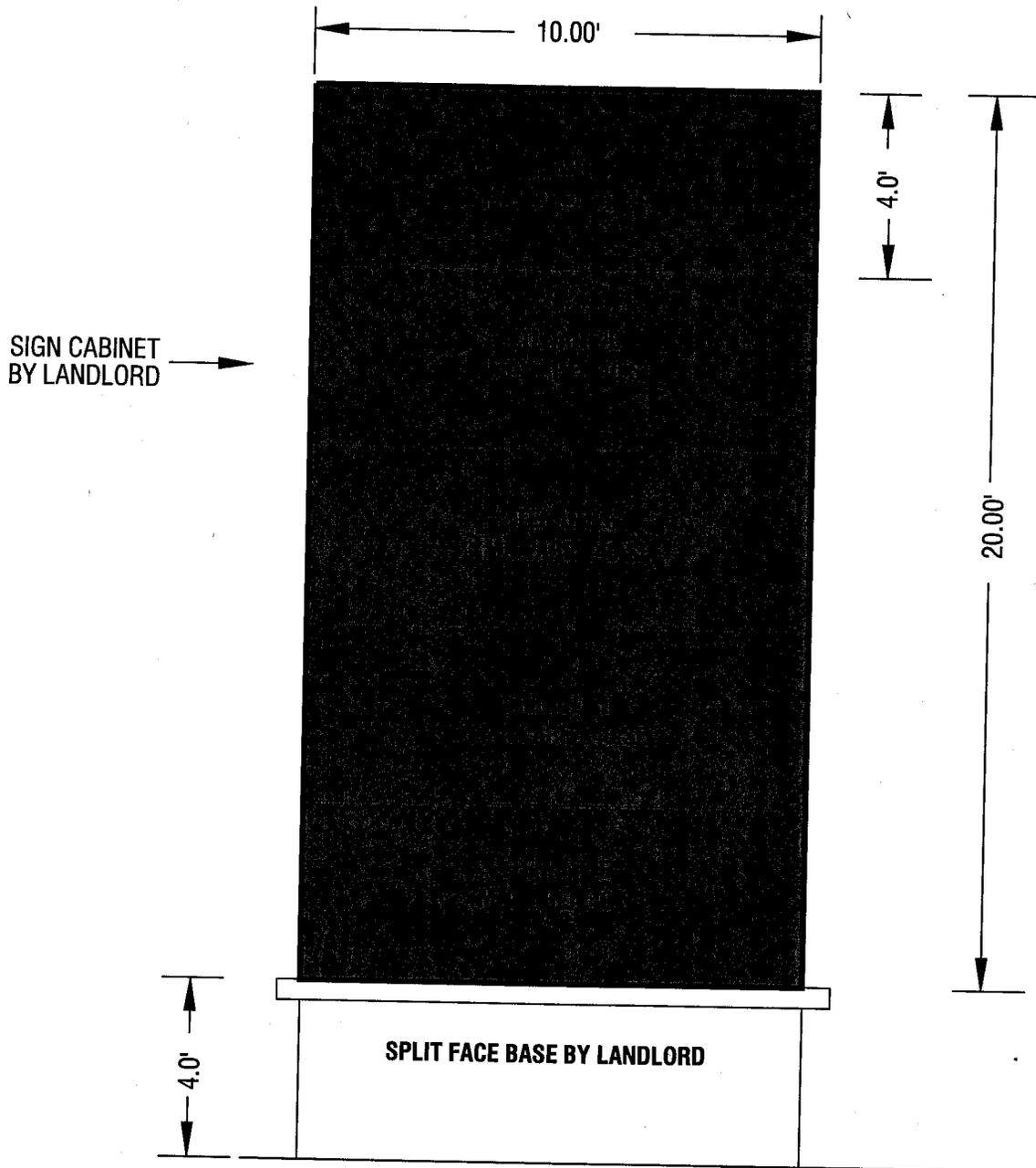
- Streets
- Locations
 - Current
 - Pending
 - Vacant
 - Retired
 - Other
- Parcels
- Land Use Cases
- Encumbrances
- Municipal Boundaries
- Historical Parcels
- 2016 Imagery
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3



Notes

NOTES:

1. Tenant signage is shown as a graphic representation only. Tenant shall be responsible for sizing, fabrication and installation of their panel into landlord's sign cabinet.
2. Landlord shall construct the sign base, cabinet and shall provide electric to the sign location. All other work shall be the tenant's responsibility.
3. Tenant shall be responsible for obtaining landlord approval of proposed signage and shall be further responsible for obtaining all required approvals and permits from the local jurisdiction relating to the installation of tenant's sign panel.
4. Sign dimensions shown hereon are approximate. It shall be the tenant's responsibility to field verify all measurements.



Prepared By
Development Management Group, LLC
 4209 GALLATIN PIKE
 NASHVILLE, TN 37216
 (615) 227-5863

Prepared For

retail partners DEVELOPMENT, LLC
 5608 STANFORD CT.
 NASHVILLE, TN 37215
 (615) 477-4262

PROPOSED MULTI-TENANT
 Baxter, MN

SCALE:	NONE	SIGN EXHIBIT
DATE:	07/18/16	
REV:	00-00-14	SP-02
DMG Project No:	16114	

THIRD ADDITION TO BAXTER WAL-MART SUBDIVISION

KNOW ALL PERSONS BY THESE PRESENTS: That KTJ 243, LLC, a Minnesota limited liability company, owner of the following described property situated in Crow Wing County, Minnesota:

LEGAL DESCRIPTION:

Lot 1, Block One, Lot 1, Block Two, SECOND ADDITION TO WAL-MART SUBDIVISION, according to the recorded plat thereof on file in the Crow Wing County, Minnesota, Recorder's Office together with vacated Fernwood Drive said SECOND ADDITION TO WAL-MART SUBDIVISION. Subject to easements, reservations or restrictions of record, if any.

Has caused the same to be surveyed and platted as THIRD ADDITION TO WAL-MART SUBDIVISION and does hereby dedicate the drainage and utility easements as created by the plat.

IN WITNESS WHEREOF, said KTJ 243, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 2016.

SIGNED: KTJ 243, LLC

Vice President

State of _____
County of _____

This instrument was acknowledged before me on _____ by David Scott, Vice President of KTJ 243, LLC, a Minnesota limited liability company.

Notary Public

County, _____

My Commission Expires: _____
I, Chad M. Corner, 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 computed and labeled; that all monuments and markers are correctly placed and labeled; that all measurements are correctly taken and labeled; that all bearings and distances are correctly computed and labeled; and that all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 2016.

Chad M. Corner, Licensed Land Surveyor
Minnesota License Number 41643

State of Minnesota
County of Crow Wing
This instrument was acknowledged before me on _____ by Chad M. Corner.

Notary Public

County, _____

City Council, City of Baxter, Minnesota

This plat of THIRD ADDITION TO WAL-MART SUBDIVISION was approved and accepted by the City Council of the City of Baxter, Minnesota, at a regular meeting thereof _____ day of _____, 2016, and said plat is in compliance with the provisions of the Minnesota Statutes, Section 595.03, Subd. 2.

City Council, City of Baxter, Minnesota

By: _____
City Administrator/City Clerk

County Auditor/Treasurer, Crow Wing County, Minnesota

Pursuant to Minnesota Statutes, Chapter 272.12 that there are no delinquent taxes on the land herebefore described on this plat and transfer and pursuant to Chapter _____

595.03, Subd. 9, taxes payable for the year 20____ on the land herebefore described have been the _____ day of _____, 2016.

Crow Wing County Auditor/Treasurer

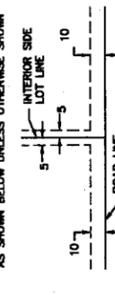
Chadwick A. Erickson, Auditor/Treasurer
Crow Wing County, Minnesota



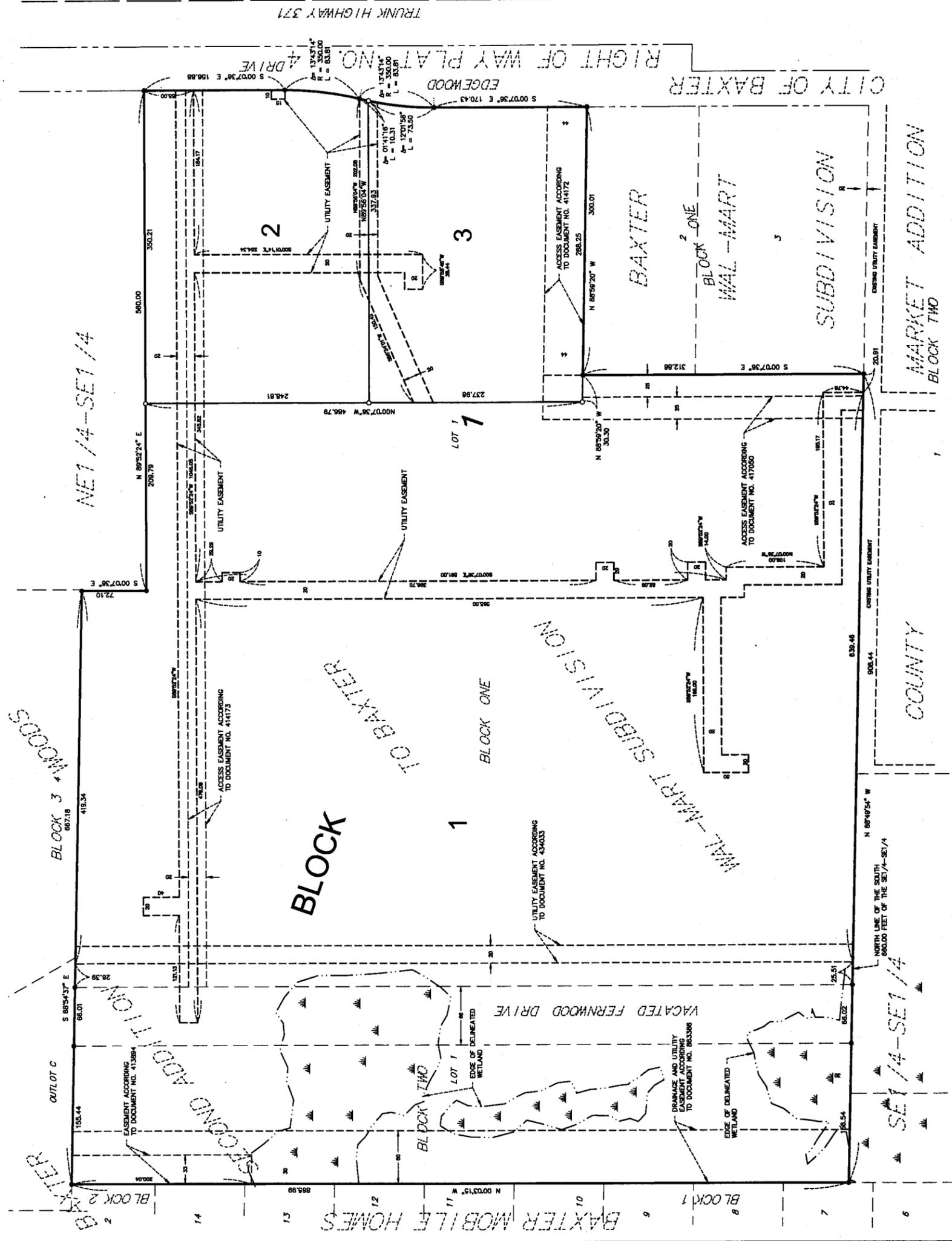
SCALE (IN FEET)
0 60 120

- ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE CITY OF BAXTER COORDINATE DATASET MDS 8088
- DENOTES FOUND IRON MONUMENT
 - DENOTES 10 INCH DIAMETER BY 18 INCH LONG IRON PIPE MONUMENT SET AND MARKED PLS # 4190
 - ▲ DENOTES WETLAND

DRAINAGE AND UTILITY EASEMENTS ARE AS SHOWN BELOW UNLESS OTHERWISE SHOWN



BEING 5 FEET IN WIDTH AND ADJOINING ALL INTERIOR SIDE LOT LINES AND 10 FEET IN WIDTH AND ADJOINING ALL ROAD LINES UNLESS OTHERWISE SHOWN.



WIDBETH SMITH NOTING
ENGINEERS ARCHITECTS LAND SURVEYORS ENVIRONMENTAL SERVICES

ALEXANDRIA, MN
BEMIDJIE, MN
BRANDER, MN
CROOKSTON, MN
DODD CENTER, MN
RED WING, MN
ROCHESTER, MN

SURVEY MONUMENTS	
	BENCH MARK
	FOUND CIM
	FOUND CPNT.
	FOUND JLM
	FOUND LATH
	FOUND PIPE
	FOUND READING
	STAKED CIM
	STAKED CPNT.
	STAKED JLM
	STAKED PIPE

EXISTING TOPO SYMBOLS	
	AC UNIT
	FENCE POST
	FLAG POLE
	GUARD POST
	GUY ANCHOR
	GUY POLE
	HANDICAP SYMBOL
	MAILBOX
	SHRUB
	SIGN DOUBLE POST
	SIGN SINGLE POST
	TREE CONIFER
	TREE DECIDUOUS
	TREE STUMP
	TV DISH
	WETLAND SYMBOL
	YARD LIGHT

EXISTING UTILITY MUNICIPAL SYMBOLS (cont.)	
	STORM MANHOLE
	WATER CURB STOP
	WATER HANDHOLE
	WATER HYDRANT
	WATER MANHOLE
	WATER METER
	WATER VALVE
	WATER WELL
	UTILITY

EXISTING UTILITY PRIVATE SYMBOLS	
	ELEC GROUND LIGHT
	ELEC HANDHOLE
	ELEC LIGHT POLE
	ELEC MANHOLE
	ELEC METER
	ELEC PEDESTAL
	ELEC POLE
	ELEC SIGNAL
	ELEC TRANSFORMER BOX
	GAS METER
	GAS VALVE
	LP TANK
	TELE HANDHOLE
	TELE MANHOLE
	TELE PEDESTAL
	TELE POLE
	TV HANDHOLE
	TV PEDESTAL

PROPOSED UTILITY MUNICIPAL SYMBOLS	
	APRON PROPOSED
	SANITARY CLEANOUT PROPOSED
	SANITARY LIFT STATION PROPOSED
	SANITARY LIFT STATION VALVE MANHOLE PROPOSED
	SANITARY MANHOLE PROPOSED
	SANITARY PLUG PROPOSED
	STORM CATCH BASIN PROPOSED
	STORM MANHOLE PROPOSED
	WATER 11 1/4" BEND PROPOSED
	WATER 22 1/2" BEND PROPOSED
	WATER 45" BEND PROPOSED
	WATER 90" BEND PROPOSED
	WATER CAP PROPOSED
	WATER CROSS PROPOSED
	WATER CURB STOP PROPOSED
	WATER HYDRANT PROPOSED
	WATER REDUCER PROPOSED
	WATER SLEEVE PROPOSED
	WATER TEE PROPOSED
	WATER VALVE PROPOSED

PROPOSED UTILITY PRIVATE SYMBOLS	
	ELEC GROUND LIGHT
	ELEC HANDHOLE
	ELEC LIGHT POLE
	ELEC MANHOLE
	ELEC METER
	ELEC PEDESTAL
	ELEC POLE
	ELEC SIGNAL
	ELEC TRANSFORMER BOX
	GAS METER
	GAS VALVE
	LP TANK
	TELE HANDHOLE
	TELE MANHOLE
	TELE PEDESTAL
	TELE POLE
	TV HANDHOLE
	TV PEDESTAL

EXISTING TOPOGRAPHIC LINES	
	CENTER LINE
	EDGE OF WOODS
	FENCE BARB WIRE
	FENCE CHAIN LINK
	FENCE WOOD
	FORCEMAIN
	OVERHEAD CABLE TV
	OVERHEAD ELECTRIC
	OVERHEAD TELE
	RAILROAD
	RETAINING WALL
	SANITARY SEWER
	SANITARY SEWER SERVICE
	STORM SEWER
	STORM SEWER DRAIN TILE
	UNDERGROUND CABLE TV
	UNDERGROUND ELECTRIC
	UNDERGROUND FIBER OPTIC
	UNDERGROUND GAS
	UNDERGROUND TELE
	WATERMAIN
	WATERMAIN SERVICE
	WETLAND EDGE

PROPOSED CONSTRUCTION LINES	
	FENCE CHAIN LINK PROPOSED
	FENCE WOOD PROPOSED
	FENCE BARB WIRE PROPOSED
	FORCEMAIN PROPOSED
	SANITARY SEWER PROPOSED
	SANITARY SERVICE PROPOSED
	STORM SEWER PROPOSED
	STORM SEWER DRAIN TILE PROPOSED
	WATERMAIN PROPOSED
	WATERMAIN SERVICE PROPOSED

EROSION CONTROL LINES	
	BALE CHECK
	BIO ROLL
	SILT FENCE
	SILT FENCE TYPE HEAVY DUTY
	SILT FENCE TYPE MACHINE SLICED
	SILT FENCE TYPE PREASSEMBLED
	FLOTATION SILT CURTAIN

HATCH PATTERN AND SHADING LEGEND	
	RANDOM RIPRAP
	SOD
	SEED
	HYDRAULIC STABILIZER
	EROSION CONTROL BLANKET
	TEMP. ROCK CONSTRUCTION ENTRANCE
	BUILDING WALL HATCH
	BITUMINOUS SURFACE
	CONCRETE SURFACE
	GRAVEL SURFACE
	EASEMENT PATTERN

PROPOSED UTILITY PRIVATE SYMBOLS	
	APRON PROPOSED
	SANITARY CLEANOUT PROPOSED
	SANITARY LIFT STATION PROPOSED
	SANITARY LIFT STATION VALVE MANHOLE PROPOSED
	SANITARY MANHOLE PROPOSED
	SANITARY PLUG PROPOSED
	STORM CATCH BASIN PROPOSED
	STORM MANHOLE PROPOSED
	WATER 11 1/4" BEND PROPOSED
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	WATER HYDRANT PROPOSED
	WATER REDUCER PROPOSED
	WATER SLEEVE PROPOSED
	WATER TEE PROPOSED
	WATER VALVE PROPOSED

PROPOSED UTILITY MUNICIPAL SYMBOLS	
	APRON PROPOSED
	SANITARY CLEANOUT PROPOSED
	SANITARY LIFT STATION PROPOSED
	SANITARY LIFT STATION VALVE MANHOLE PROPOSED
	SANITARY MANHOLE PROPOSED
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	WATER HYDRANT PROPOSED
	WATER REDUCER PROPOSED
	WATER SLEEVE PROPOSED
	WATER TEE PROPOSED
	WATER VALVE PROPOSED

PROPOSED UTILITY PRIVATE SYMBOLS	
	ELEC GROUND LIGHT PROPOSED
	ELEC HANDHOLE PROPOSED
	ELEC LIGHT POLE PROPOSED
	ELEC MANHOLE PROPOSED
	ELEC METER PROPOSED
	ELEC PEDESTAL PROPOSED
	ELEC POLE PROPOSED
	ELEC SIGNAL PROPOSED
	ELEC TRANSFORMER BOX PROPOSED
	GAS METER PROPOSED
	GAS VALVE PROPOSED
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	TELE HANDHOLE PROPOSED
	TELE MANHOLE PROPOSED
	TELE PEDESTAL PROPOSED
	TELE POLE PROPOSED
	TV HANDHOLE PROPOSED
	TV PEDESTAL PROPOSED

PROPOSED UTILITY MUNICIPAL SYMBOLS	
	APRON PROPOSED
	SANITARY CLEANOUT PROPOSED
	SANITARY LIFT STATION PROPOSED
	SANITARY LIFT STATION VALVE MANHOLE PROPOSED
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	WATER HYDRANT PROPOSED
	WATER REDUCER PROPOSED
	WATER SLEEVE PROPOSED
	WATER TEE PROPOSED
	WATER VALVE PROPOSED

PROPOSED UTILITY MUNICIPAL SYMBOLS	
	APRON PROPOSED
	SANITARY CLEANOUT PROPOSED
	SANITARY LIFT STATION PROPOSED
	SANITARY LIFT STATION VALVE MANHOLE PROPOSED
	SANITARY MANHOLE PROPOSED
	SANITARY PLUG PROPOSED
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	WATER CURB STOP PROPOSED
	WATER HYDRANT PROPOSED
	WATER REDUCER PROPOSED
	WATER SLEEVE PROPOSED
	WATER TEE PROPOSED
	WATER VALVE PROPOSED

PROPOSED UTILITY PRIVATE SYMBOLS	
	ELEC GROUND LIGHT PROPOSED
	ELEC HANDHOLE PROPOSED
	ELEC LIGHT POLE PROPOSED
	ELEC MANHOLE PROPOSED
	ELEC METER PROPOSED
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	GAS VALVE PROPOSED
	LP TANK PROPOSED
	TELE HANDHOLE PROPOSED
	TELE MANHOLE PROPOSED
	TELE PEDESTAL PROPOSED
	TELE POLE PROPOSED
	TV HANDHOLE PROPOSED
	TV PEDESTAL PROPOSED

PROPOSED UTILITY MUNICIPAL SYMBOLS	
	APRON PROPOSED
	SANITARY CLEANOUT PROPOSED
	SANITARY LIFT STATION PROPOSED
	SANITARY LIFT STATION VALVE MANHOLE PROPOSED
	SANITARY MANHOLE PROPOSED
	SANITARY PLUG PROPOSED
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	WATER HYDRANT PROPOSED
	WATER REDUCER PROPOSED
	WATER SLEEVE PROPOSED
	WATER TEE PROPOSED
	WATER VALVE PROPOSED

PROPOSED UTILITY PRIVATE SYMBOLS	
	ELEC GROUND LIGHT PROPOSED
	ELEC HANDHOLE PROPOSED
	ELEC LIGHT POLE PROPOSED
	ELEC MANHOLE PROPOSED
	ELEC METER PROPOSED
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	TELE PEDESTAL PROPOSED
	TELE POLE PROPOSED
	TV HANDHOLE PROPOSED
	TV PEDESTAL PROPOSED

PROPOSED UTILITY MUNICIPAL SYMBOLS	
	APRON PROPOSED
	SANITARY CLEANOUT PROPOSED
	SANITARY LIFT STATION PROPOSED
	SANITARY LIFT STATION VALVE MANHOLE PROPOSED
	SANITARY MANHOLE PROPOSED
	SANITARY PLUG PROPOSED
	STORM CATCH BASIN PROPOSED
	STORM MANHOLE PROPOSED
	WATER 11 1/4" BEND PROPOSED
	WATER 22 1/2" BEND PROPOSED
	WATER 45" BEND PROPOSED
	WATER 90" BEND PROPOSED
	WATER CAP PROPOSED
	WATER CROSS PROPOSED
	WATER CURB STOP PROPOSED
	WATER HYDRANT PROPOSED
	WATER REDUCER PROPOSED
	WATER SLEEVE PROPOSED
	WATER TEE PROPOSED
	WATER VALVE PROPOSED

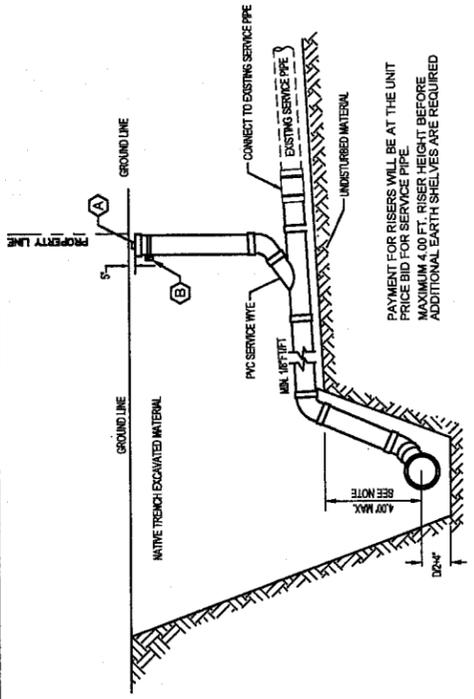
PROPOSED UTILITY PRIVATE SYMBOLS	
	ELEC GROUND LIGHT PROPOSED
	ELEC HANDHOLE PROPOSED
	ELEC LIGHT POLE PROPOSED
	ELEC MANHOLE PROPOSED
	ELEC METER PROPOSED
	ELEC PEDESTAL PROPOSED
	ELEC POLE PROPOSED
	ELEC SIGNAL PROPOSED
	ELEC TRANSFORMER BOX PROPOSED
	GAS METER PROPOSED
	GAS VALVE PROPOSED
	LP TANK PROPOSED
</	



DATE	REVISION DESCRIPTION

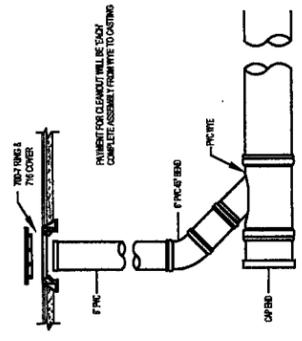
DATE: JULY 2016	SCALE: AS SHOWN	CHECKED BY: TTR	JOB NUMBER: 0270798.000

PRELIMINARY

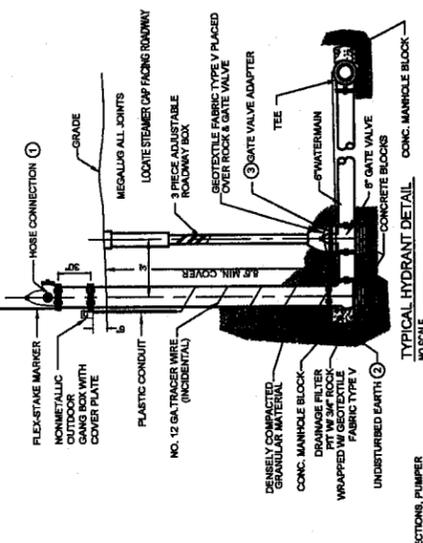


PAYMENT FOR RISERS WILL BE AT THE UNIT PRICE BID FOR SERVICE PIPE. MAXIMUM 4.00 FT. RISER HEIGHT BEFORE ADDITIONAL EARTH SHELVES ARE REQUIRED.

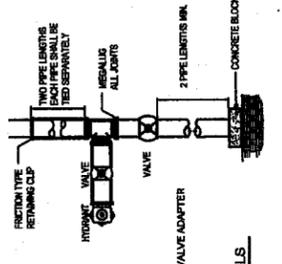
TYPICAL SERVICE CONNECTION
WHERE COVER OVER PIPE IS GREATER THAN 12 IN FEET



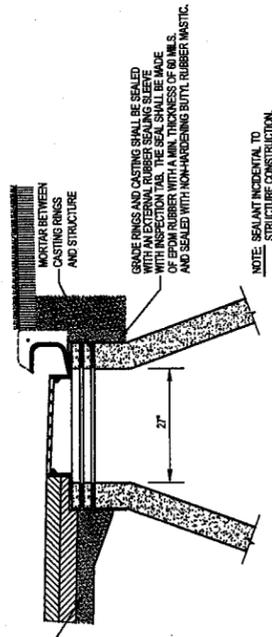
CLEANOUT DETAIL
NO SCALE



TYPICAL HYDRANT DETAIL
NO SCALE

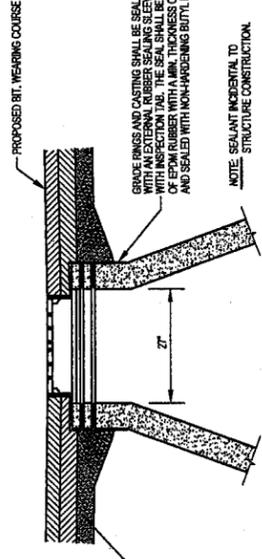


TYPICAL HYDRANT & DEAD END HYDRANT DETAILS
NO SCALE



NOTE: SEALANT INCIDENTAL TO STRUCTURE CONSTRUCTION.

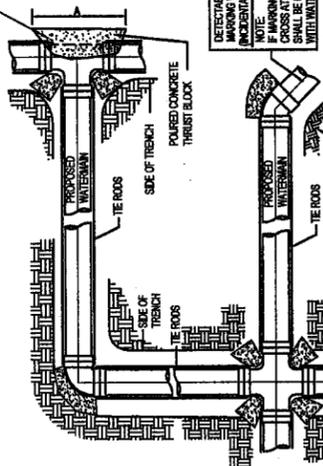
DRAINAGE STRUCTURE CASTING DETAIL
STORM SEWER CATCH BASINS - ROADWAYS



NOTE: SEALANT INCIDENTAL TO STRUCTURE CONSTRUCTION.

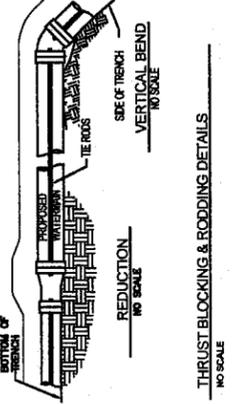
SEALANT DETAIL
SANITARY & STORM SEWER MANHOLES - ROADWAYS

CONCRETE BLOCK NOTES:
1. A AREA (REFER TO STANDARD SPECIFICATIONS FOR WATERMAN AND SERVICE LINE INSTALLATION NO. 2611.304)
2. PRIOR TO POURING CONCRETE, THE FITTING SHALL BE ENCASED IN POLYETHYLENE.



NOTE: REMOVABLE UNDERGROUND MARKING WIRE (INCIDENTAL ITEM).
NOTE: FINISHING WIRE SHALL BE CONNECTED TO THE WATERMAN WITH WATERPROOF CONNECTOR.

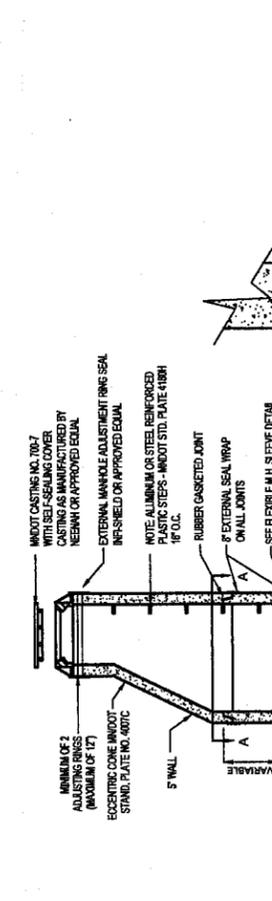
THRUST BLOCKING & RODDING DETAILS
NO SCALE



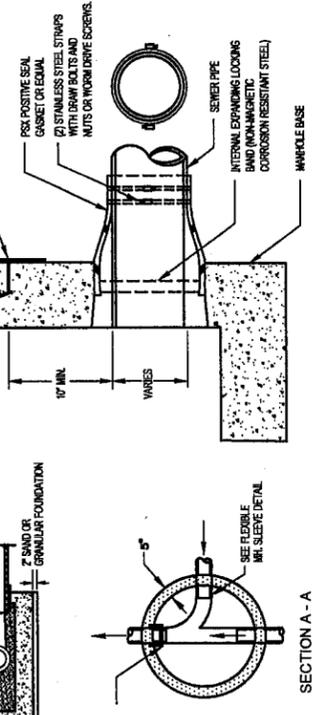
TYPICAL VALVE DETAIL - 2\"/>

NOTE: WHEN RINGS ARE BEING RAISED, THE CONTRACTOR SHALL BACKFILL AROUND CATCH BASIN WITH CLS AGGREGATE BASE MATERIAL AND TAMPED TO SPECIFIED DENSITY.

NOTE: WHEN RINGS ARE BEING RAISED, THE CONTRACTOR SHALL BACKFILL AROUND MANHOLE WITH CLS AGGREGATE BASE MATERIAL AND TAMPED TO SPECIFIED DENSITY.



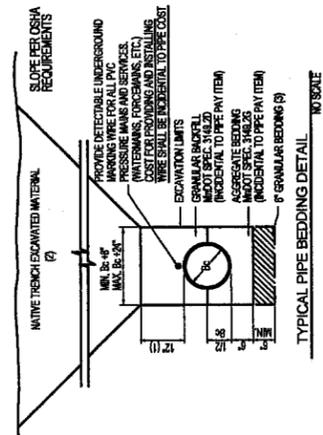
STANDARD PRECAST MANHOLE DETAIL
NO SCALE



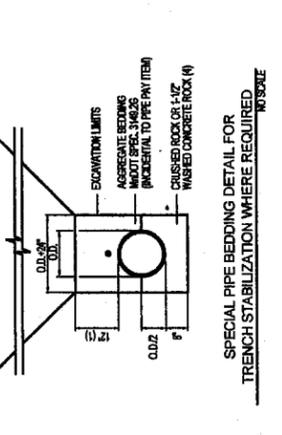
POSITIVE MECHANICAL SEAL - FLEXIBLE SLEEVE DETAIL
SECTION A-A

STEPS TO BE ALIGNED WITH ACCESS AND TO BE LOCATED ON CENTER OF ROADWAY WHERE POSSIBLE.

NOTES:
(1) IF THE DIMENSION DECREASES THE BEDDING COURTESY WILL CHANGE. A FIRMER LEVEL BEDDING CONDITION SHALL BE SELECTED BY THE CONTRACTOR'S DISCRETION.
(2) GRANULAR MATERIAL WILL BE CONSIDERED AS AN INCIDENTAL ITEM.
(3) FOR ROCK OR OTHER INCOMPRESSIBLE MATERIALS, THE TRENCH SHOULD BE OVER EXCAVATED A MINIMUM OF 6\"/>



TYPICAL PIPE BEDDING DETAIL
NO SCALE



SPECIAL PIPE BEDDING DETAIL FOR TRENCH STABILIZATION WHERE REQUIRED
NO SCALE

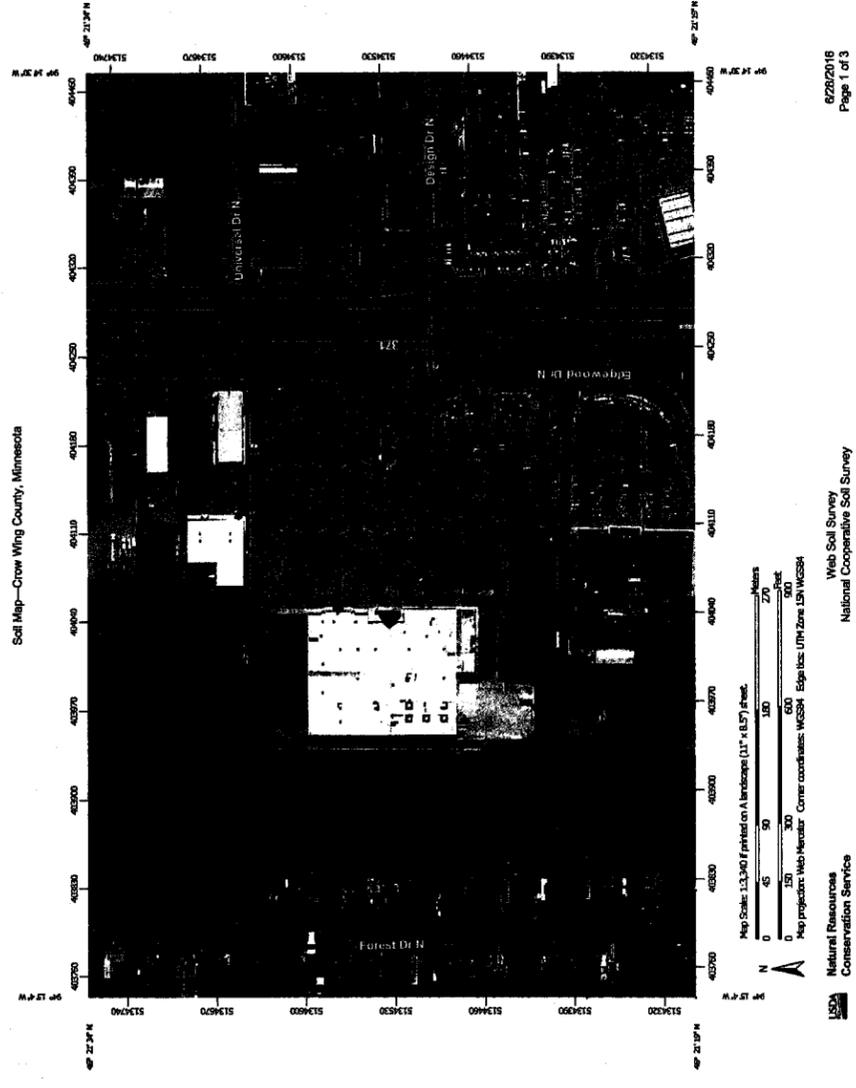
PRELIMINARY

GANDER MOUNTAIN PROPERTY
 RETAIL PARTNERS DEVELOPMENT, LLC
 BAXTER, MN
 STORMWATER POLLUTION PREVENTION PLAN - MAPS

WIDSETH SMITH NOLTING
 Engineering | Architecture | Surveying | Environmental

DATE: JULY 2016
 DRAWN BY: RJK/AM
 CHECKED BY: TTR
 JOB NUMBER: 027080738.000
 DATE: 07/19/16 LIC. NO. 41866
 TMOYTH T. RUMERTH

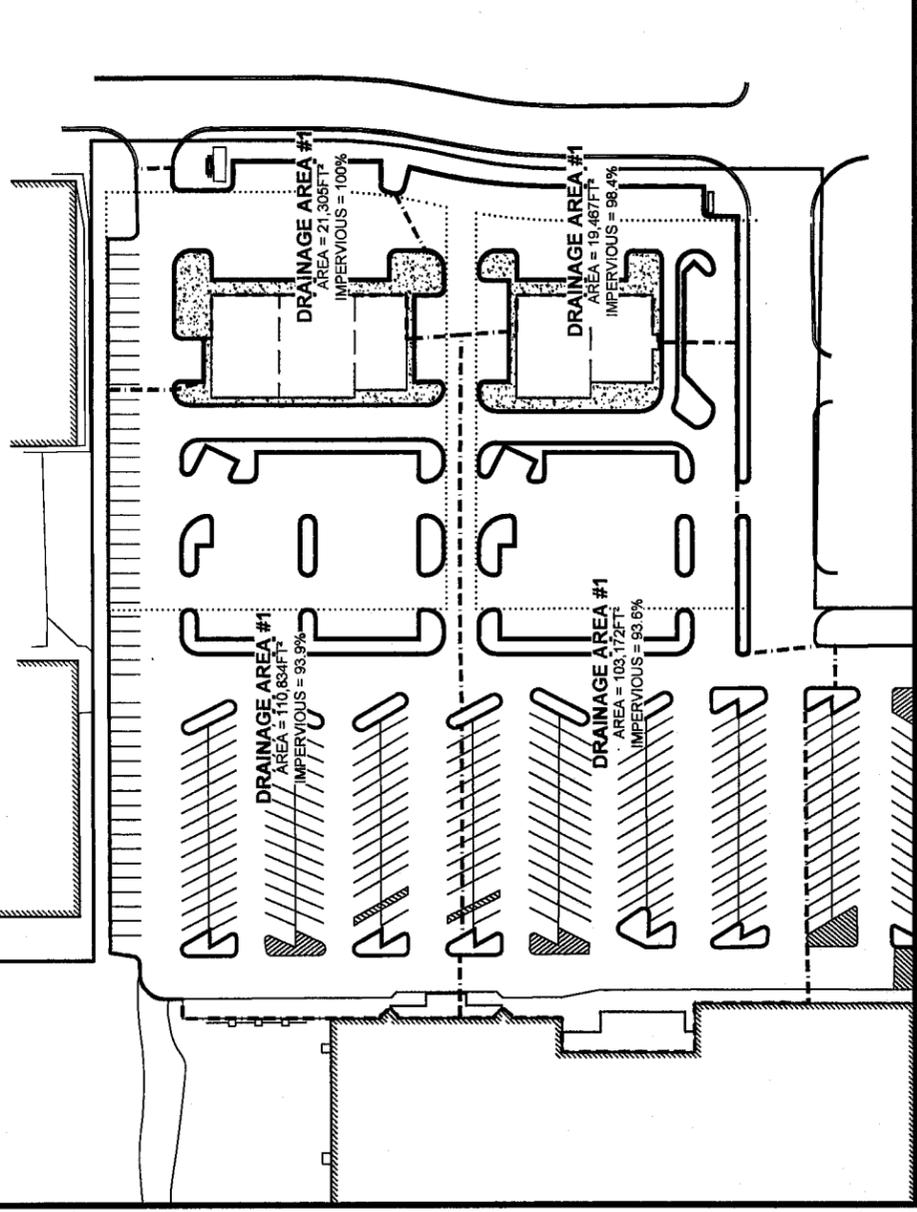
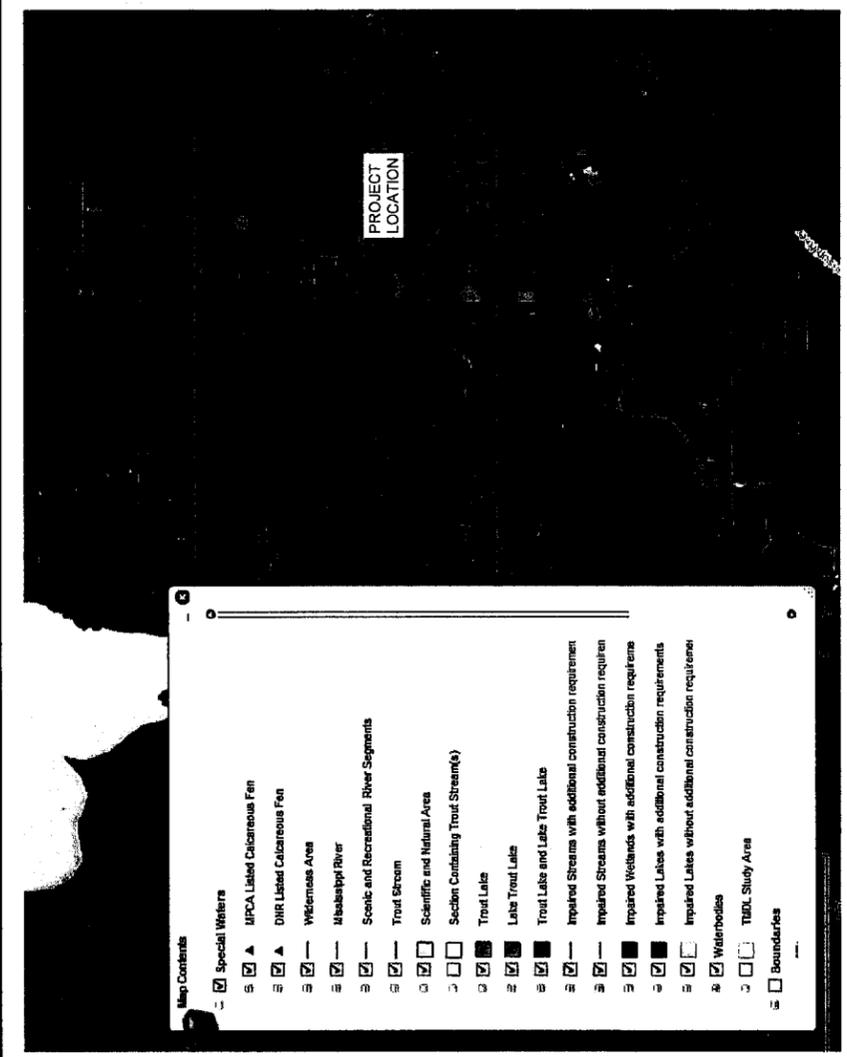
SHEET NO.
90



Map Unit Legend

Crow Wing County, Minnesota (MNRCS)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
D63B	Lodgepole-Scrub-Guide complex, 0 to 6 percent slopes	15.6	27.7%
D66B	Zimmerman-John land complex, 0 to 6 percent slopes	1.7	2.9%
D70A	Baker-Uthman land complex, 0 to 3 percent slopes	38.7	68.4%
Totals for Area of Interest			56.0%



Michael Rasmussen
 Conservation Service

Web Soil Survey
 National Cooperative Soil Survey

6/28/2016
 Page 3 of 3

PRELIMINARY

GANDER MOUNTAIN PROPERTY
 RETAIL PARTNERS DEVELOPMENT, LLC
 BAXTER, MN
 SITE PLAN

SHEET NO. 80

DATE: JULY 2018
 SCALE: AS SHOWN
 DRAWN BY: RJA/AM
 CHECKED BY: TTM
 JOB NUMBER: 0277080738.000

DATE: JULY 2018
 REVISIONS DESCRIPTION
 BY: [REDACTED]
 THATCHER T. RAMERTH
 DATE: 07/18/18 LIC. NO. 41988
 I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

WIDSETH SMITH NOTLING
 Engineering | Architecture | Surveying | Environmental

GENERAL SITE NOTES:

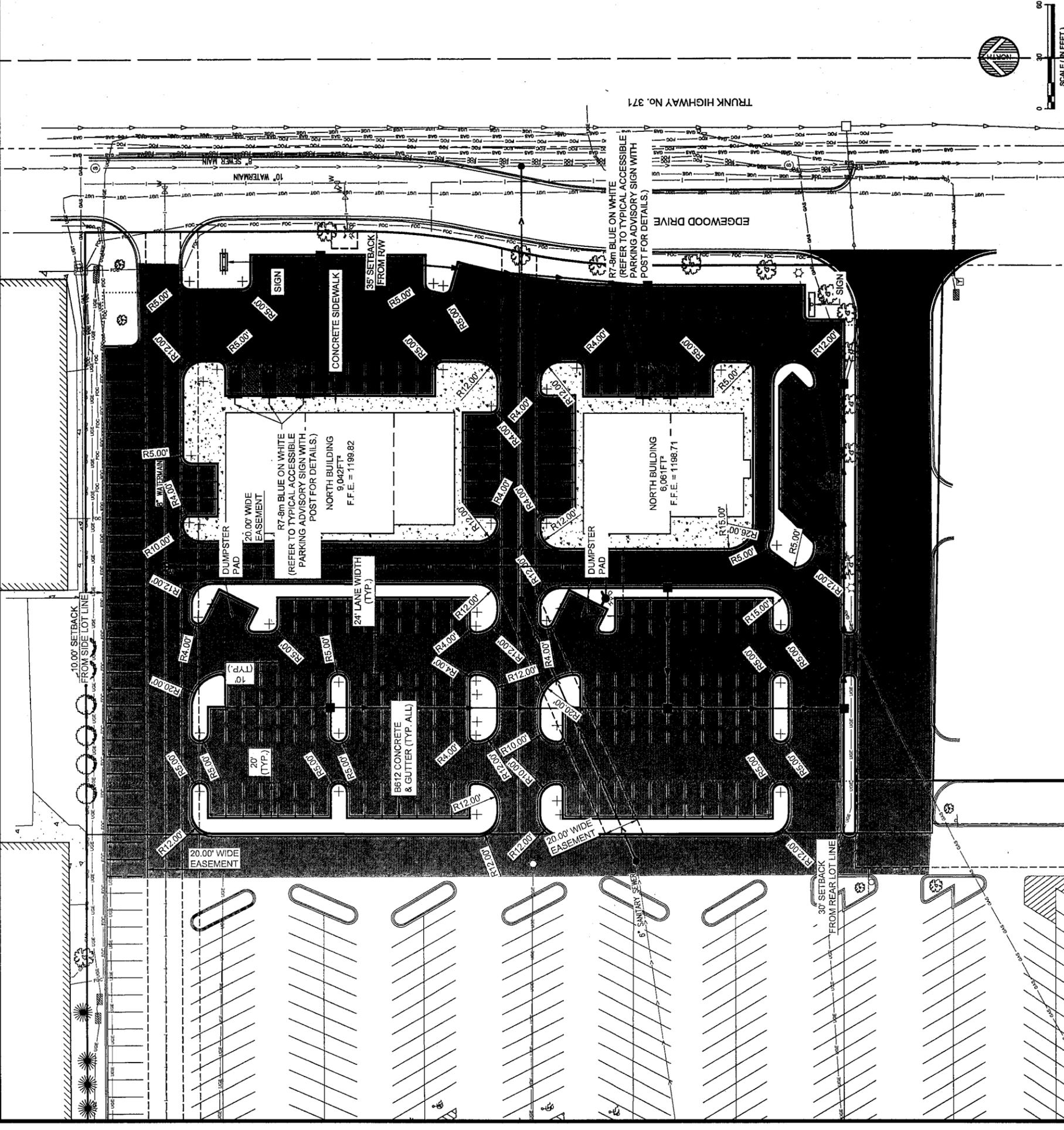
- REFER TO THIRD ADDITION OF BAXTER WAL-MART SUBDIVISION FOR LOT BEARINGS, DIMENSIONS AND AREAS.
- ALL CURB RADI ARE 3.0 FEET TO FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL CURB & GUTTER SHALL BE B612 UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS WARNING SIGNS, BARRICADES, DIRECTIONAL SIGNS AND FLAGGERS TO CONTROL TRAFFIC MOVEMENT WHERE NECESSARY. PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE CITY AND THE ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL SHALL BE IN CONFORMANCE WITH THE MOST RECENT VERSION OF THE MMUTCD.

SUBSURFACE UTILITY NOTE

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CHASCE 38-02. ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".
 CONTRACTOR IS RESPONSIBLE FOR VERIFYING ELEVATION AND LOCATION OF ALL UTILITIES.

GOPHER STATE ONE CALL: 1-800-252-1166

ITEM	AREA (FT ²)	IMPERVIOUS (%)
PROPERTY AREA	= 166,628	
PROPOSED AREAS	=	
NORTH BUILDING	9,043	5.43%
SOUTH BUILDING	6,061	3.64%
NORTH CONCRETE WALK/PATIO	5,255	3.15%
SOUTH CONCRETE WALK/PATIO	4,009	2.41%
BITUMINOUS PARKING (W/ GUTTER)	124,750	74.87%
TOTAL EXISTING IMPERVIOUS	149,118	89.49%





DATE: JULY 2016
 SCALE: AS SHOWN
 CHECKED BY: TRM
 DRAWN BY: TRM
 JOB NUMBER: 027080738.000

DATE	REVISION DESCRIPTION

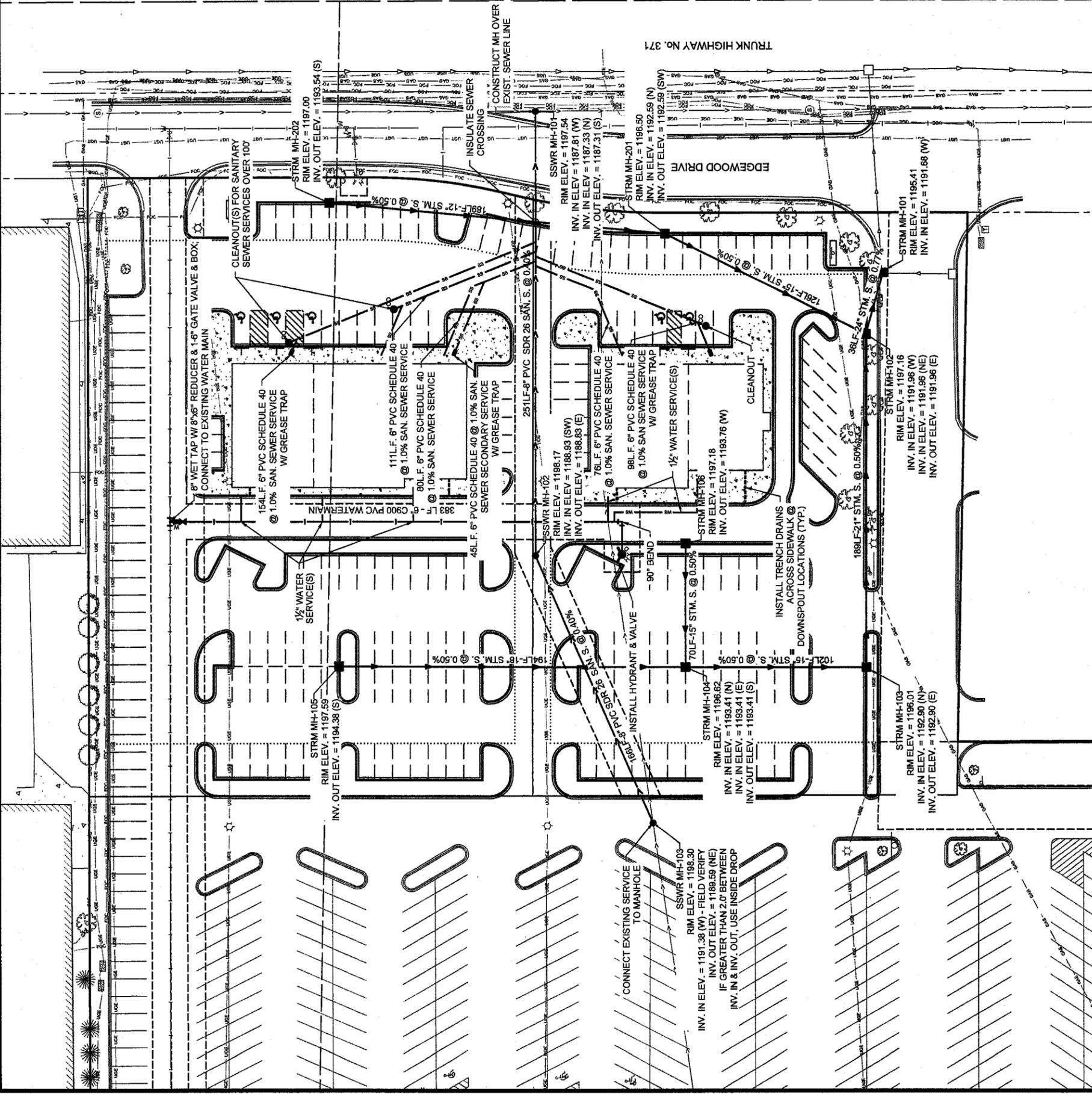
1. I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 TIMOTHY T. RUMERTH
 DATE: 07/19/16
 L.C. NO. 41868

- GENERAL NOTES:**
- LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES AS SHOWN IN THESE PLANS ARE APPROXIMATE. THE CONTRACTOR SHALL FIELD VERIFY SITE CONDITIONS AND UTILITY LOCATIONS PRIOR TO COMMENCING CONSTRUCTION. THE ENGINEER SHOULD BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES NOTED IN THE FIELD.
 - REFER TO THE PLAN FOR LOT LINE BEARINGS, DIMENSIONS, AND AREAS.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL AND SHALL BE IN COMPLIANCE WITH THE MINNESOTA UNIFORM TRAFFIC CONTROL DEVICES MANUAL. THE TRAFFIC CONTROL SHALL BE APPROVED BY THE CITY PRIOR TO INSTALLATION.
 - THE CONTRACTOR SHALL RECEIVE THE NECESSARY PERMITS/PERMITS FOR ALL WORK LOCATED OUTSIDE THE MUNICIPAL RIGHT-OF-WAY AND PROPERTY LIMITS.
 - THE CONTRACTOR SHALL VERIFY ALL EXISTING INVERT LOCATIONS AND ELEVATIONS PRIOR TO BEGINNING CONSTRUCTION.

- GENERAL UTILITY NOTES:**
- THE ENGINEER HAS MADE AN ATTEMPT TO SHOW ALL PUBLIC UTILITIES WITHIN THE CONSTRUCTION LIMITS OF THIS PROJECT. PUBLIC UTILITIES SHOWN ON THIS PLAN WERE DRAWN USING FIELD SURVEY INFORMATION AND MAPS PROVIDED TO THE ENGINEER BY THE UTILITY COMPANIES AS A RESULT OF A GOPHER STATE ONE CALL DESIGN LOCATE REQUEST. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THESE LOCATIONS PRIOR TO BIDDING AND CONSTRUCTING THE PROJECT.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EXCAVATION LOCATES AND SHALL NOTIFY ALL AFFECTED UTILITY COMPANIES AT LEAST 48-HOURS BEFORE CONSTRUCTION.
 - THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CHASCE 38-2, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".
 - UNLESS OTHERWISE NOTED, ALL MATERIALS, CONSTRUCTION TECHNIQUES AND TESTING SHALL CONFORM TO THE LATEST EDITION OF THE "STANDARD SPECIFICATIONS FOR TRENCH EXCAVATION AND BACKFILL / SURFACE RESTORATION, WATER MAIN AND SERVICE LINE INSTALLATION AND SANITARY SEWER AND STORM SEWER INSTALLATION" AS PUBLISHED BY THE CITY ENGINEER'S ASSOCIATION OF MINNESOTA AND TO THE "STANDARD SPECIFICATIONS FOR CONSTRUCTION" AS PUBLISHED BY THE MINNESOTA DEPARTMENT OF TRANSPORTATION, 2005 EDITION. THE CONTRACTOR SHALL BE REQUIRED TO FOLLOW ALL PROCEDURES AS OUTLINED BY THE LOCAL AGENCY AND THE MINNESOTA PLUMBING CODE.
 - THE CONTRACTOR SHALL RECEIVE THE NECESSARY PERMITS FOR ALL WORK OUTSIDE THE PROPERTY LIMITS.
 - COORDINATE SERVICE LOCATION ENTRIES WITH THE MECHANICAL ENGINEER.
 - WATER SERVICE LINES SHALL BE INSTALLED WITH A MINIMUM OF 8.5 FEET OF COVER.
 - RIM ELEVATIONS REFLECT A SUMP OF 0.05 FEET.
 - PROVIDE WATER MAIN THRUST RESTRAINTS PER CITY STANDARD REQUIREMENTS.
 - A MINIMUM OF 18 INCH VERTICAL SEPARATION SHALL BE REQUIRED AT ALL WATER MAIN CROSSINGS WITH SANITARY SEWER AND STORM SEWER.
 - UTILITY SERVICES TERMINATE 5 FEET OUTSIDE THE BUILDING WALL UNLESS OTHERWISE STATED. SEE ARCHITECTURAL PLAN OR MECHANICAL PLAN FOR EXACT LOCATION AND CONSTRUCTION DETAILS FROM BUILDING WALL TO 5 FEET OUTSIDE BUILDING WALL.
 - HDPE STORM SEWER PIPE SHALL MEET THE REQUIREMENTS OF AASHTO M284, TYPE S WITH WATER TIGHT JOINTS. PVC STORM SEWER SHALL BE SCHEDULE 40 PIPE. FLARED ENDS SHALL BE RCP WITH TRASH GUARDS AND RIP RAP.



SCALE (IN FEET)
 0 30 60



PRELIMINARY

11

RETAIL PARTNERS DEVELOPMENT, LLC
 GANDER MOUNTAIN PROPERTY
 BAXTER, MN
 GRADING PLAN - BASIN

DATE: JULY 2018
 SCALE: AS SHOWN
 DRAWN BY: RLM/WR
 CHECKED BY: TTR
 JOB NUMBER: 02708738.000

DATE: 07/19/18 LIC. NO. 41966
 DATE: 07/19/18
 THOMAS T. RAMEY
 ENGINEER
 WIDSETH SMITH NOLTING
 ENGINEERING | ARCHITECTURE | SURVEYING | ENVIRONMENTAL

CONTOUR ELEVATION (FT)	CONTOUR AREA (FT ²)	INCREMENTAL STORAGE (FT ³)	TOTAL STORAGE (FT ³)
1192.50	12,738		
1193.00	13,957	6,674	6,674
1194.00	16,493	15,225	21,899
1195.00	19,150	17,822	39,720
1195.50	20,523	9,918	49,639

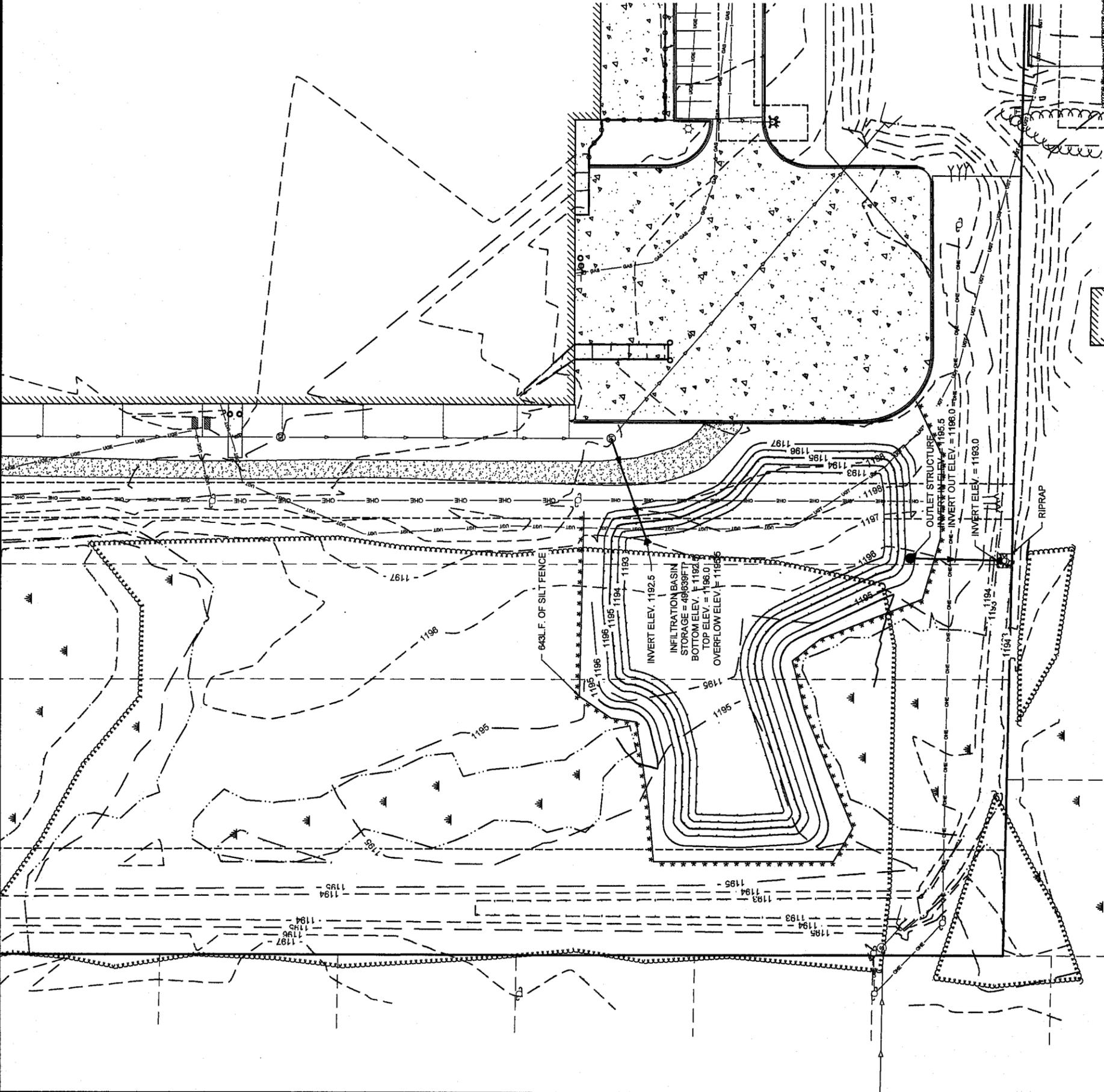
STORMWATER BASIN STORAGE

GENERAL NOTES:

- LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES AS SHOWN IN THESE PLANS ARE APPROXIMATE. THE CONTRACTOR SHALL FIELD VERIFY SITE CONDITIONS AND UTILITY LOCATIONS PRIOR TO COMMENCING CONSTRUCTION. THE ENGINEER SHOULD BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES NOTED IN THE FIELD.
- REFER TO THE PLAT FOR LOT LINE BEARINGS, DIMENSIONS, AND AREAS.
- REFER TO THE ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS AND LOCATIONS OF RAMPS AND EXITS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL AND SHALL BE IN COMPLIANCE WITH THE MINNESOTA UNIFORM TRAFFIC CONTROL DEVICES MANUAL. THE TRAFFIC CONTROL SHALL BE APPROVED BY THE CITY PRIOR TO INSTALLATION.
- THE CONTRACTOR SHALL RECEIVE THE NECESSARY PERMITS/PERMITS FOR ALL WORK LOCATED OUTSIDE THE MUNICIPAL RIGHT-OF-WAY AND PROPERTY LIMITS.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING INVERT LOCATIONS AND ELEVATIONS PRIOR TO BEGINNING CONSTRUCTION.

GENERAL GRADING NOTES:

- ALL CONSTRUCTION SHALL CONFORM TO LOCAL, STATE, AND FEDERAL REGULATIONS INCLUDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS.
- HAULING HOURS MUST BE CONFIRMED WITH THE CITY PRIOR TO BEGINNING WORK.
- SPOT ELEVATIONS SHOWN INDICATE FINISHED PAVEMENT ELEVATIONS, BACK OF CURB ELEVATIONS, AND FINISHED SURFACE GRADE, UNLESS OTHERWISE NOTED.
- ALL STREETS UTILIZED FOR PROJECT CONSTRUCTION MUST BE CLEANED AT THE END OF EACH DAY. A ROCK ENTRANCE TO THE SITE MUST BE PROVIDED ACCORDING TO THE DETAILS TO REDUCE TRACKING OF SEDIMENT ONTO PUBLIC STREETS. STREET SWEEPING MAY BE NECESSARY AND WILL BE CONSIDERED INCIDENTAL.
- ALL EXPOSED SOILS MUST BE STABILIZED WITHIN 14 CALENDAR DAYS OF ROUGH GRADE COMPLETION OF AFTER CONSTRUCTION TERMINATES. ALL STOCKPILES SHALL HAVE ADEQUATE SEDIMENT TRAPPING SYSTEMS INSTALLED AROUND THEM.
- ALL SLOPES SHALL BE GRADED TO 3:1 OR FLATTER, UNLESS OTHERWISE NOTED ON THE PLANS.
- INLET PROTECTION SHALL BE INSTALLED AT ALL STORM SEWER INLETS WHICH HAVE A POTENTIAL TO RECEIVE RUNOFF FROM THE CONSTRUCTION SITE.
- ALL UNPAVED AREAS THAT ARE DISTURBED SHALL BE RESTORED WITH 4 INCHES OF TOPSOIL.
- POSITIVE DRAINAGE FROM THE SITE SHALL BE PROVIDED AT ALL TIMES.



SCALE (IN FEET)
 0 30 60

PRELIMINARY

EROSION CONTROL PLAN
BAXTER, MN
RETAIL PARTNERS DEVELOPMENT, LLC
GANDER MOUNTAIN PROPERTY

SHEET NO. 12

WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental



DATE: JULY 2016
SCALE: AS SHOWN
DRAWN BY: RAYMR
CHECKED BY: TTR
JOB NUMBER: 027080738.000

DATE	REV#	REVISIONS DESCRIPTION

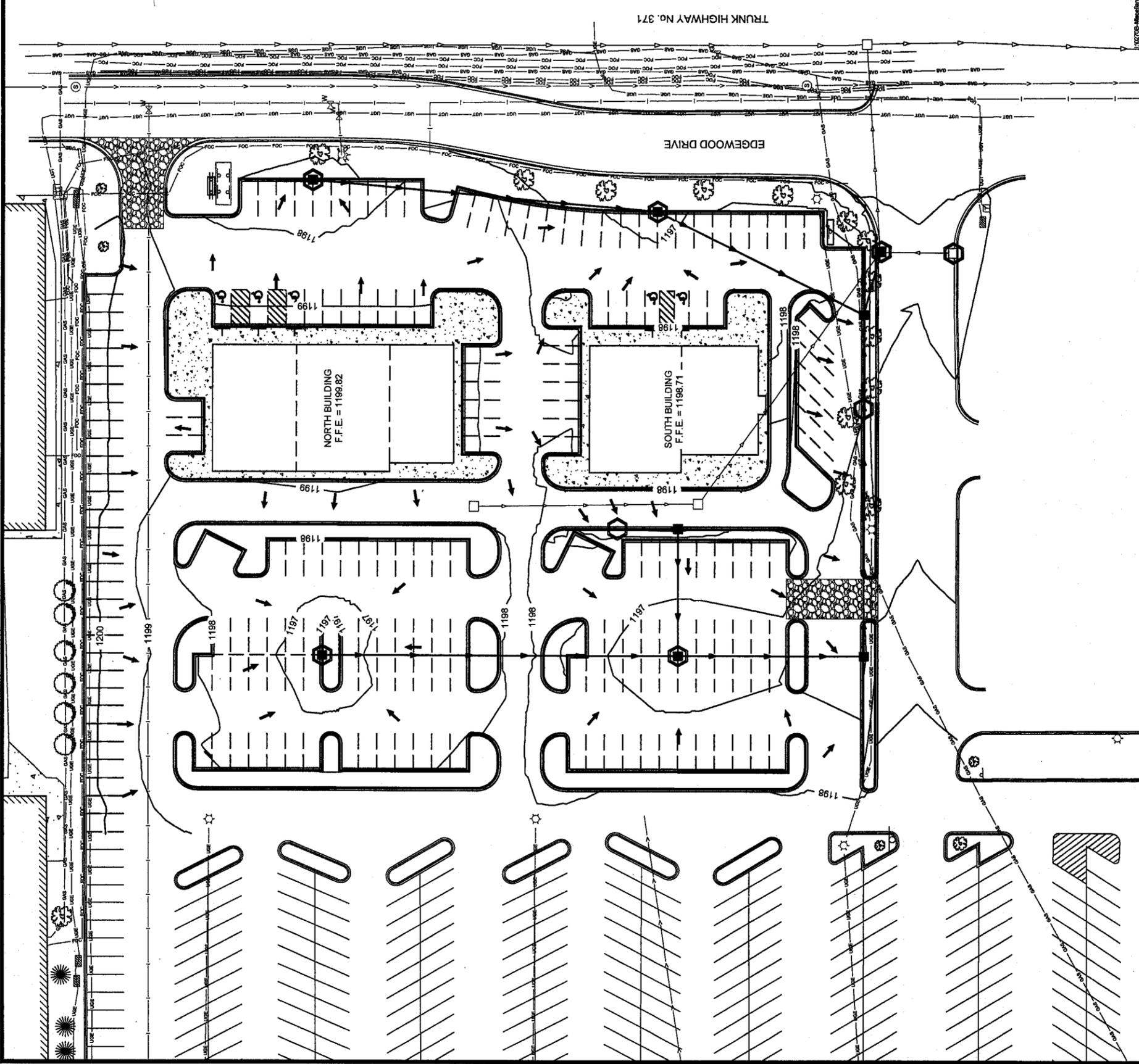
BY: HERRBY CENTER THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
TIMOTHY T. RAYMER
DATE: 07/18/16
L.C. NO. 41968

GENERAL NOTES:

- LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES AS SHOWN IN THESE PLANS ARE APPROXIMATE. THE CONTRACTOR SHALL FIELD VERIFY SITE CONDITIONS AND UTILITY LOCATIONS PRIOR TO COMMENCING CONSTRUCTION. THE ENGINEER SHOULD BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES NOTED IN THE FIELD.
- REFER TO THE PLAT FOR LOT LINE BEARINGS, DIMENSIONS, AND AREAS.
- REFER TO THE ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS AND LOCATIONS OF RAMPS AND EXITS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL AND SHALL BE IN COMPLIANCE WITH THE MINNESOTA UNIFORM TRAFFIC CONTROL DEVICES MANUAL. THE TRAFFIC CONTROL SHALL BE APPROVED BY THE CITY PRIOR TO INSTALLATION.
- THE CONTRACTOR SHALL RECEIVE THE NECESSARY PERMITS/PERMITS FOR ALL WORK LOCATED OUTSIDE THE MUNICIPAL RIGHT-OF-WAY AND PROPERTY LIMITS.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING INVERT LOCATIONS AND ELEVATIONS PRIOR TO BEGINNING CONSTRUCTION.

GENERAL EROSION CONTROL NOTES:

- ALL CONSTRUCTION SHALL CONFORM TO LOCAL, STATE, AND FEDERAL REGULATIONS INCLUDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS.
- ALL SILT FENCE AND SEDIMENT CONTROL MEASURES SHALL BE IN PLACE PRIOR TO ANY EXCAVATION/CONSTRUCTION AND SHALL BE MAINTAINED UNTIL VIABLE TURF OR GROUND COVER HAS BEEN ESTABLISHED. MAINTENANCE AND REMOVAL OF SEDIMENT CONTROL DEVICES SHALL BE INCIDENTAL TO THE GRADING CONTRACT.
- ALL STREETS UTILIZED FOR PROJECT CONSTRUCTION MUST BE CLEANED AT THE END OF EACH DAY. A ROCK ENTRANCE TO THE SITE MUST BE PROVIDED ACCORDING TO THE DETAILS TO REDUCE TRACKING OF SEDIMENT ONTO PUBLIC STREETS. STREET SWEEPING MAY BE NECESSARY AND WILL BE CONSIDERED INCIDENTAL.
- ALL EXPOSED SOILS MUST BE STABILIZED WITHIN 14 CALENDAR DAYS OF ROUGH GRADE COMPLETION OF AFTER CONSTRUCTION TERMINATES. ALL STOCKPILES SHALL HAVE ADEQUATE SEDIMENT TRAPPING SYSTEMS INSTALLED AROUND THEM.
- ALL AREAS TO BE ESTABLISHED TO GRASS COVER SHALL RECEIVE 4" OF TOPSOIL AND SOD OR SEED. THESE AREAS SHALL BE WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.
- INLET PROTECTION SHALL BE INSTALLED AT ALL STORM SEWER INLETS WHICH HAVE A POTENTIAL TO RECEIVE RUNOFF FROM THE CONSTRUCTION SITE.

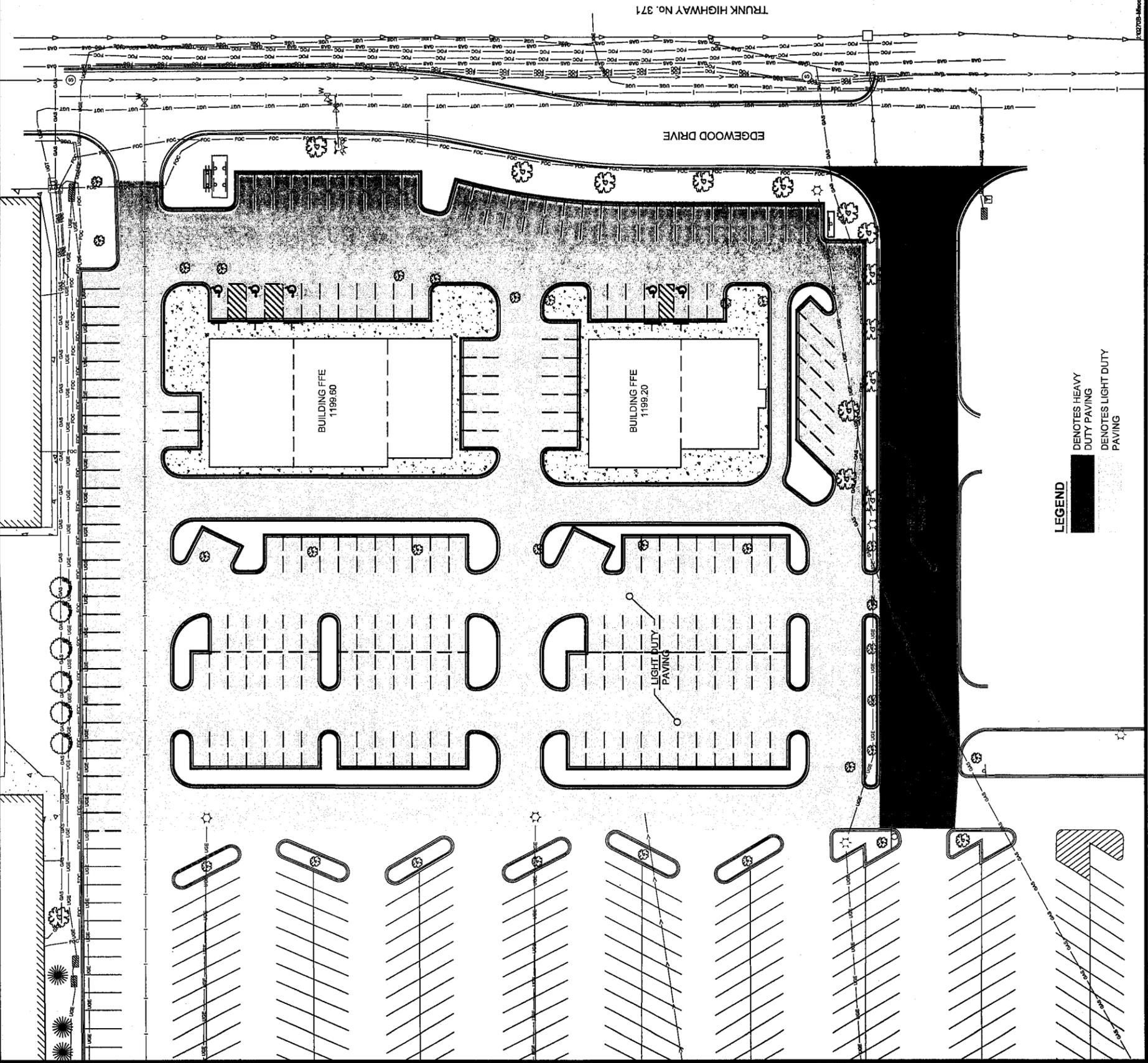


SCALE (IN FEET)
0 30 60



DATE	REVISION DESCRIPTION	BY

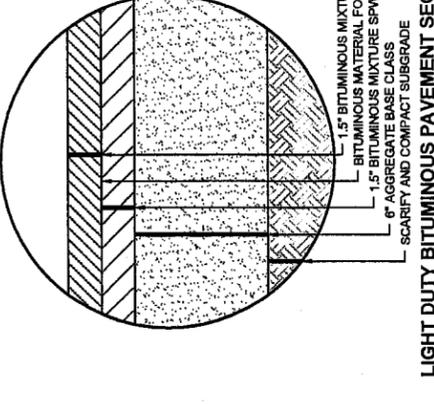
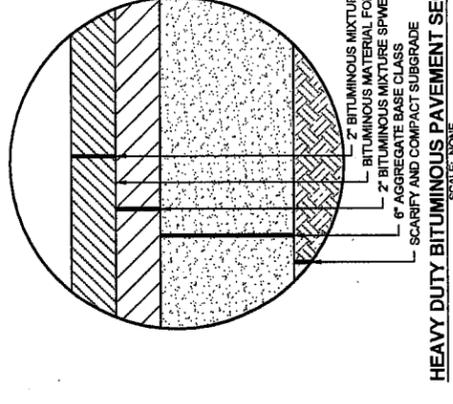
- GENERAL PAVING NOTES:**
- THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS. THE LOCATIONS OF SMALL UTILITIES SHALL BE OBTAINED BY THE CONTRACTOR, BY CALLING GOPHER STATE ONE CALL AT 1-800-252-1166.
 - REFER TO PROJECT ARCHITECTURAL DRAWINGS FOR DETAIL DIMENSIONS OF BUILDING, CANOPIES, RECEIVING AND REFUSE/RECYCLING PLATFORMS AND/OR ENCLOSURES AND CONCRETE WORK SURROUNDING BUILDING.
 - ALL CURB AND GUTTER SHALL BE B612 UNLESS OTHERWISE NOTED.
 - CONTRACTOR SHALL INSTALL ALL UTILITIES AND CONDUITS PRIOR TO PAVING AND INSTALLATION OF CURB AND GUTTER.
 - ALL CURB RADIUS SHALL BE 3.0 FEET (TO FACE OF CURB) UNLESS OTHERWISE NOTED.



LEGEND

■ DENOTES HEAVY DUTY PAVING

■ DENOTES LIGHT DUTY PAVING





DATE	REVISION DESCRIPTION	BY

PRELIMINARY

TREE PLANTING DETAIL
SCALE: NONE

EDGING, FABRIC & MULCH DETAIL
SCALE: NONE

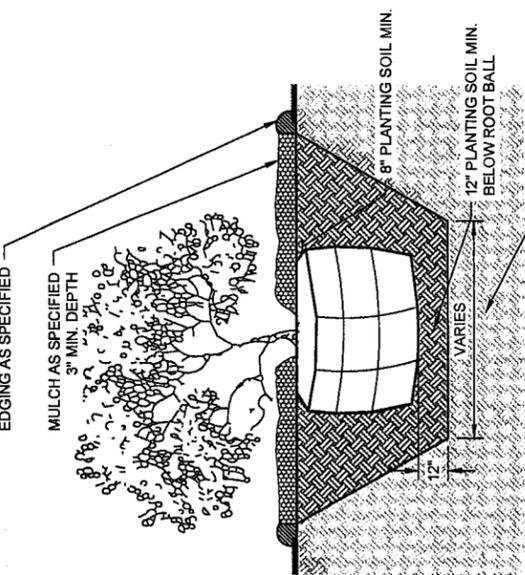
SHRUB PLANTING DETAIL
SCALE: NONE

GENERAL NOTES:

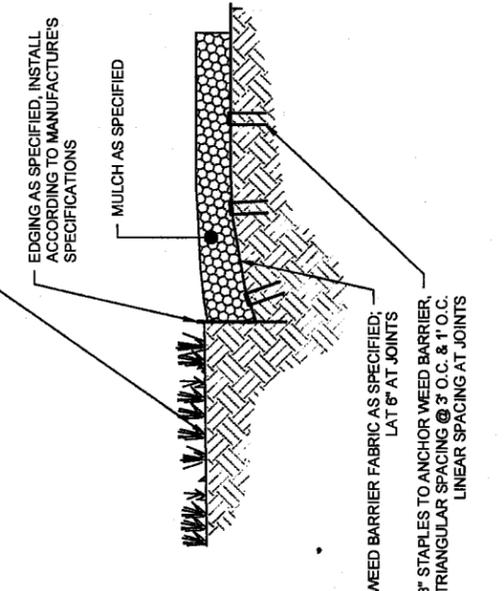
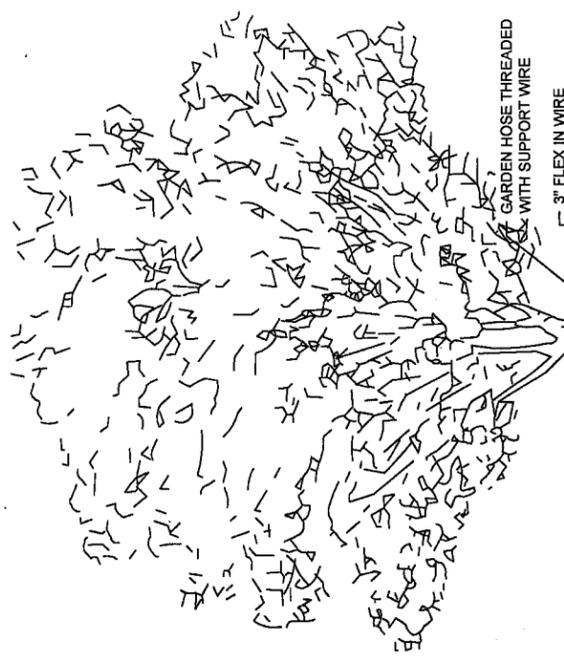
- LANDSCAPE CONTRACTOR SHALL LAY OUT PLANT MATERIAL PER PLAN AND FACE TO GIVE BEST APPEARANCE OR RELATION TO ADJACENT PLANTS, STRUCTURES OR VIEWS. CONTRACTOR TO OBTAIN APPROVAL FROM ARCHITECT PRIOR TO INSTALLATION.
- PLANT LOCATIONS ARE DIAGRAMMATIC AND MAY BE ADJUSTED IN THE FIELD AT THE ARCHITECT'S REQUEST PRIOR TO INSTALLATION. OBTAIN APPROVAL OF PLANT LAYOUT FROM ARCHITECT PRIOR TO PLANTING.
- MULCH AREAS IDENTIFIED ARE TO RECEIVE 80% 2" - 4" RIVER ROCK AND 20% 1 1/2" ROCK MULCH OVER 4 OZ. WEED FABRIC, DEWITT "WEED BARRIER" OR APPROVED EQUAL. ALL NEWLY PLANTED MATERIAL SHALL BE THOROUGHLY SOAKED WITH WATER WITHIN 3 HOURS OF PLANTING.
- THIRTY DAYS AFTER PLANTING, CONTRACTOR SHALL RE-STAKE AND STRAIGHTEN TREES AS NECESSARY.
- LANDSCAPE CONTRACTOR SHALL THOROUGHLY LOOSEN ANY COMPACTED SUBGRADES PRIOR TO PLACING TOPSOIL, TO A MINIMUM DEPTH OF 10". ROLL SUBGRADES TO PREVENT SETTLING.
- CONTRACTOR WITH RE-USE EXISTING TOPSOIL FROM SITE AND BRING TO FINISH GRADE WITH 4" OF TOPSOIL IN ALL LAWN AREAS, AND 12" OF TOPSOIL IN ALL PLANTING BED NOT ADJACENT TO BUILDING.
- LANDSCAPE CONTRACTOR SHALL REMOVE SOD, CONTAMINATED SOILS, MISCELLANEOUS WASTE MATERIALS FROM AREAS TO BE PLANTED AND SEEDED. CONTRACTOR SHALL LOOSEN COMPACTED SUBSOILS BY TILLING AND IMPORT NEW TOPSOIL AS REQUIRED TO RESTORE GRADES AND MAINTAIN POSITIVE DRAINAGE AWAY FROM THE BUILDING. VERIFY FINAL LIMITS OF AREAS WITH ARCHITECT PRIOR TO COMMENCING OPERATIONS.
- KEEP ALL PLANT MATERIALS MOIST AND SHADED UNTIL PLANTED.
- NO PLANT MATERIAL SUBSTITUTIONS WILL BE ACCEPTED UNLESS APPROVAL IS GRANTED BY THE ARCHITECT TO THE LANDSCAPE CONTRACTOR PRIOR TO THE SUBMISSION OF BID.
- PLANT MATERIALS TO BE INSTALLED PER PLANT DETAILS.
- PLANT MATERIALS SHALL BE FERTILIZED UPON INSTALLATION WITH DRIED BONE MEAL, OR OTHER APPROVED FERTILIZER MIXED IN WITH THE PLANTING SOIL PER THE MANUFACTURER'S INSTRUCTIONS OR MAY BE TREATED FOR SUMMER AND FALL INSTALLATION WITH AN APPLICATION OF GRANULAR 10-0-5 OF 10 OZ. PER 2.0" CALIPER TREE AND 6 OZ. PER SHRUB.
- PLANTING AREAS RECEIVING ANNUALS SHALL RECEIVE A MINIMUM OF 18" DEPTH OF PLANTING SOIL CONSISTING OF 45 PARTS TOPSOIL, 45 PARTS SCREENED COMPOST AND 10 PARTS SAND.
- PERENNIAL AND SHRUB BEDS ARE TO RECEIVE APPLICATION OF PRE-EMERGENT HERBICIDE (PREEN OR APPROVED EQUAL) FOLLOWED BY 4" DEEP MULCH.
- LANDSCAPE CONTRACTOR SHALL WARRANTY NEW PLANT MATERIAL THROUGH TWO CALENDAR YEARS FROM DATE OF SUBSTANTIAL COMPLETION.
- CONTRACTOR SHALL HAVE SUFFICIENT WATERING EQUIPMENT AND/OR FORCES AVAILABLE TO COMPLETELY WATER ALL PLANT MATERIALS ONCE EACH WEEK THROUGH THE WARRANTY PERIOD. WATERING INTERVALS SHALL BE VARIED AND BASED ON PREVAILING MOISTURE AND WEATHER CONDITIONS.
- NO SOIL IS TO BE PLACED ON TOP OF WEED BARRIER FABRIC.

GENERAL NOTES:

- REMOVE ALL BURLAP FROM THE TOP OF ROOT BALL. REMOVE ALL GREEN TREATED BURLAP. REMOVE ALL PLANT IDENTIFICATION TAGS FROM ALL PLANT MATERIALS.
- KEEP ALL PLANT MATERIALS MOIST AND SHADED UNTIL PLANTED.
- FOR CONTAINER PLANTS: MAKE 4 TO 5 VERTICAL CUTS IN ROOT BALL AFTER PLANT HAS BEEN REMOVED. MAKE CUTS 1/2" DEEP. PLANT IMMEDIATELY.
- MULCH AT BASE OF TREES 5'-0" DIAMETER RING WHERE TREES ARE LOCATED IN OPEN GRASS AREAS.
- THESE NOTES ARE FOR GENERAL REFERENCE IN CONJUNCTION WITH DETAILS. ADDENDA AND CHANGE ORDERS ASSOCIATED WITH THE CONTRACT DOCUMENTS.
- LANDSCAPE CONTRACTOR SHALL COORDINATE ALL WORK WITH OTHER TRADES PRIOR TO INSTALLATION.
- LANDSCAPE CONTRACTOR SHALL BECOME FAMILIAR WITH THE LOCATION OF ALL EXISTING AND FUTURE UNDERGROUND SERVICES AND IMPROVEMENTS WHICH MAY CONFLICT WITH WORK TO BE DONE.
- FINE GRADING AND EDGING SHALL BE APPROVED PRIOR TO PLANTING OPERATIONS.
- PLANT MATERIAL SHALL NOT BE INSTALLED IN AN AREA WHICH WILL CAUSE HARM TO ADJACENT STRUCTURES. NOTIFY THE ARCHITECT SHOULD CONFLICTS ARISE.
- UNLESS OTHERWISE NOTED, FINISH GRADE OF PLANTING AREAS SHALL BE 2" BELOW ADJACENT PAVING. TAPER 3" DEPTH MULCH TOP DRESSING TO 1/2" BELOW ADJACENT PAVING (1 1/2" DEPTH) WITHIN 2" OF PAVING.
- ALL EXISTING TREES, SHRUBS, VINES AND GROUND COVERS TO REMAIN SHALL BE PROTECTED. ANY DAMAGE CAUSED BY CONTRACTOR'S WORK OR NEGLIGENCE SHALL BE REPLACED OR REPAIRED AT THE CONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE OWNER.
- LANDSCAPE CONTRACTOR SHALL ASSURE COMPLIANCE WITH APPLICABLE CODES AND REGULATIONS GOVERNING THE WORK AND MATERIALS SUPPLIED.
- LANDSCAPE CONTRACTOR SHALL PROTECT EXISTING ROADS, CURB AND GUTTER, TRAILS, TREES, LAWNS AND SITE ELEMENTS DURING CONSTRUCTION. DAMAGE TO THESE ITEMS SHALL BE REPAIRED AT NO COST TO OWNER.
- UNDERGROUND SERVICES SHALL BE INSTALLED SO THAT TRENCHES DO NOT CUT THROUGH ROOT SYSTEMS OF EXISTING TREES TO REMAIN.
- LANDSCAPE CONTRACTOR SHALL REVIEW THE SITE FOR DEFICIENCIES IN SITE CONDITIONS WHICH MIGHT NEGATIVELY AFFECT PLANT MATERIALS ESTABLISHMENT, SURVIVAL OR WARRANTY. UNDESIRABLE SITE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO BEGINNING OF WORK.
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ONGOING MAINTENANCE OF NEWLY INSTALLED MATERIALS UNTIL TIME OF SUBSTANTIAL COMPLETION. REPAIR OF ACTS OF VANDALISM OR DAMAGE WHICH MAY HAVE OCCURRED PRIOR TO SUBSTANTIAL COMPLETION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- EXISTING TREES OR SIGNIFICANT SHRUB MASSING FOUND ON SITE SHALL BE PROTECTED AND SAVED UNLESS NOTED TO BE REMOVED OR ARE LOCATED IN AN AREA TO BE GRADED. QUESTIONS REGARDING EXISTING PLANT MATERIALS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO REMOVAL.
- EXISTING TREES TO REMAIN, UPON DIRECTION OF ARCHITECT, SHALL BE FERTILIZED AND PRUNED TO REMOVE DEAD WOOD, DAMAGED AND RUBBING BRANCHES.
- SYMBOLS ON PLAN DRAWING TAKE PRECEDENCE OVER SCHEDULES IF DISCREPANCIES IN QUANTITIES EXIST. DETAILS TAKE PRECEDENCE OVER NOTES.
- IT IS CONTRACTOR'S RESPONSIBILITY TO SALVAGE TREES INDICATED ON PLAN. VERIFY EXACT PLANT TYPE, KEEP MOIST AND IN GOOD CONDITION DURING CONSTRUCTION, AND REPLANT ACCORDING TO PLANTING PLAN.



SHRUB PLANTING DETAIL
SCALE: NONE





PRELIMINARY

ITEM	SYMBOL	COMMON NAME	BOTANICAL NAME	QTY	MIN. SIZE	MAX. SIZE	ROOT
OVERSTORY TREES	SHL	Shademaster Honey Locust	Gleditsia triacanthos var. inermis 'Shademaster'	9	2 CAL	H: 50-60'	BALL
	AGG	Autumn Gold Ginkgo	Ginkgo biloba 'Autumn Gold'	7	2 CAL	W: 30-35' H: 50' W: 30'	BALL
CONIFEROUS TREES	ERC	Eastern Red Cedar	Juniperus virginiana	4	6 FT	H: 30-50' W: 8-20'	BALL
SHRUBS	JIN	Jubilee Ninebark	Physocarpus opulifolius 'Jefam'	16	2 Gal	H: 5-6' W: 4'	CONT.

LANDSCAPE PLANTING REQUIREMENTS

BASE REQUIREMENTS:

OVERSTORY TREES 1 TREE / 1500 SQ.FT. TOTAL BUILDING AREA

BUILDING SQ.FT. 15000 = 10 TREES

STREET FRONTAGE L.F. 75 = 1 TREE

STREET FRONTAGE L.F. 495 = 6 TREES

OVERSTORY TREE COUNT = 16

OVERSTORY TREE TOTAL 12 DECIDUOUS
4 CONIFEROUS

30% MUST BE CONIFEROUS

PARKING LOT REQUIREMENTS 1 TREE / 10 PARKING SPACES

PARKING SPACES 194 = 19.4 TREES

SHRUBS 1 SHRUB / 45 L.F. OF SITE PERIMETER

SITE PERIMETER L.F. = 39.93 SHRUBS

SHRUB COUNT = 39.93 SHRUBS

OVERSTORY TREE EQUIVALENCY

ORNAMENTAL TREES = 2 TO 1 OVERSTORY TREE

SHRUBS = 10 TO 1 OVERSTORY TREE

TOTAL TREES REQUIRED = 35

PROPOSED TREES = 20 (2 ORNAMENTAL TREES = 1 OVERSTORY TREES)

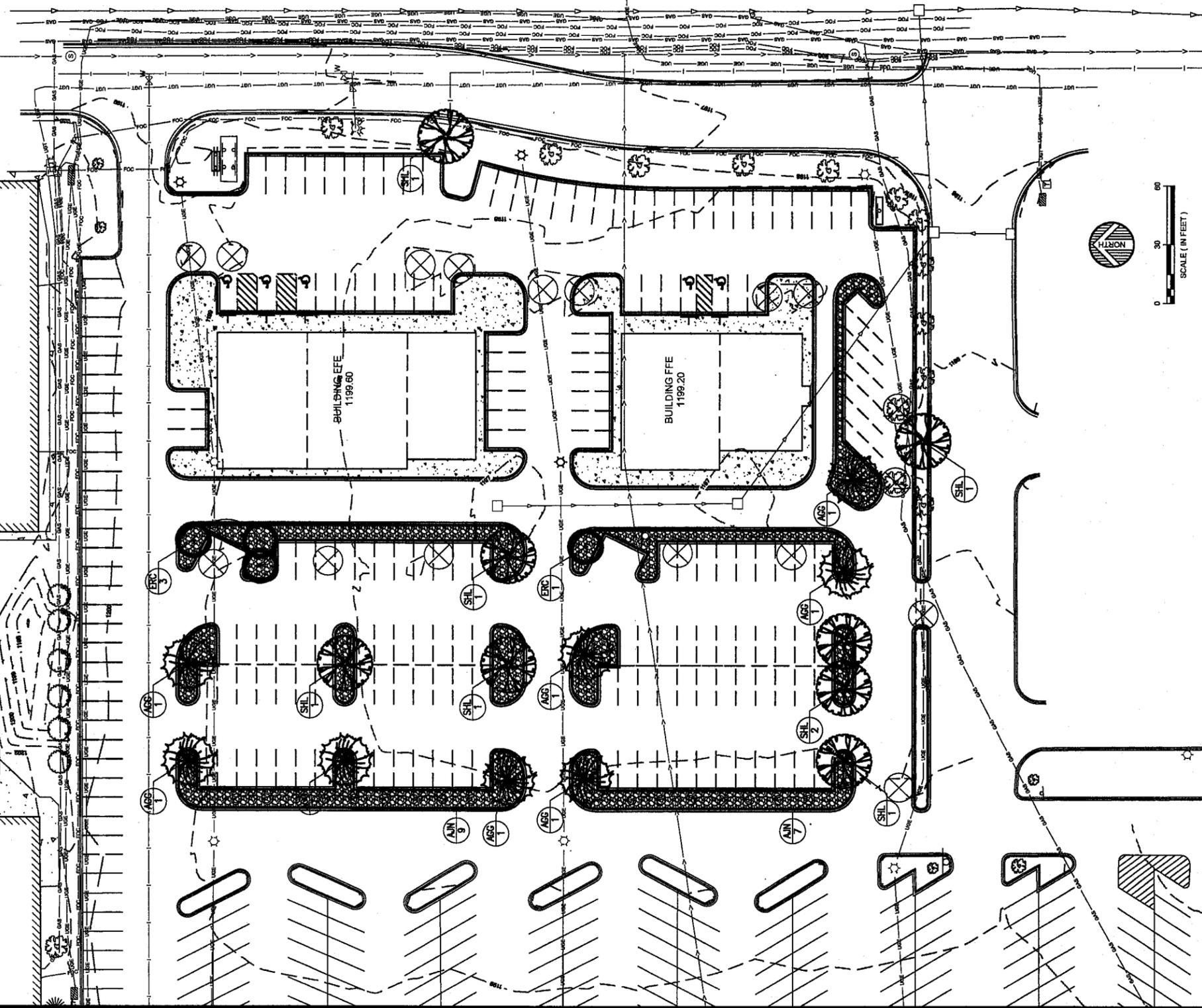
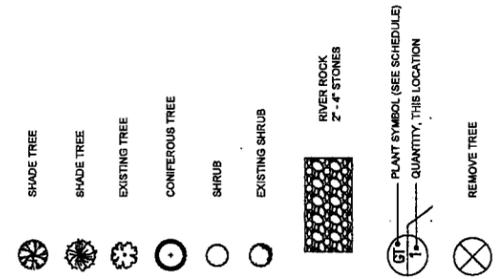
EXISTING TREES = 17 (1 OVERSTORY TREE = 10 SHRUBS)

TOTAL SHRUBS REQUIRED = 39

PROPOSED SHRUBS = 16 (10 SHRUBS = 1 OVERSTORY TREES)

EXISTING SHRUBS = 6

SYMBOLS LEGEND





"VAN DYKE #110" EIFS VENEER W/ SCORED V-GROOVE JOINTS (SANDBLE FINE FINISH)

SIGNAGE BY OTHERS EIFS VENEER

DARK BRONZE METAL COPING
"CLOVER #450" EIFS VENEER

"VAN DYKE #110" EIFS VENEER W/ SCORED V-GROOVE JOINTS (SANDBLE FINE FINISH)

"MEDITERRANEAN BLUE #4652" CLOTH AWNING SYSTEM BY SUNBRELLA

"ELECTRIC BLUE" METAL COPING BY FIRESTONE UNA-CLAD PRODUCTS

"CLOVER #450 EIFS VENEER W/ SCORED V-GROOVE JOINTS (SANDBLE FINE FINISH)

22'-0" AFF T.O. COPING

20'-8" AFF T.O. COPING

19'-8" AFF T.O. COPING

15'-8" AFF T.O. EIFS BAND

13'-8" AFF T.O. EIFS BAND

10'-0" AFF B.O. CANOPY

8'-0" AFF B.O. LIGHT

3'-4" AFF T.O. STONE VENEER

0'-0" AFF FIN. FLOOR

25'-6" AFF T.O. COPING

20'-8" AFF T.O. COPING

19'-8" AFF T.O. COPING

13'-4" AFF T.O. ROWLOCK

10'-0" AFF B.O. AWNING

8'-0" AFF B.O. LIGHT

3'-0" AFF T.O. STONE VENEER

0'-0" AFF FIN. FLOOR

EIFS VENEER TO MATCH "KOKO BROWN" BRICK VENEER BY ACME

"SWISS MOCHA 306" EIFS VENEER

CLEAR ANODIZED ALUMINUM STOREFRONT

"KOKO BROWN" RUNNING BOND BRICK VENEER BY ACME

"SIENNA" DRYSTACK STONE VENEER BY DUTCH QUALITY STONE

CAST STONE WATERTABLE

○ FRONT ELEVATION
NOT TO SCALE

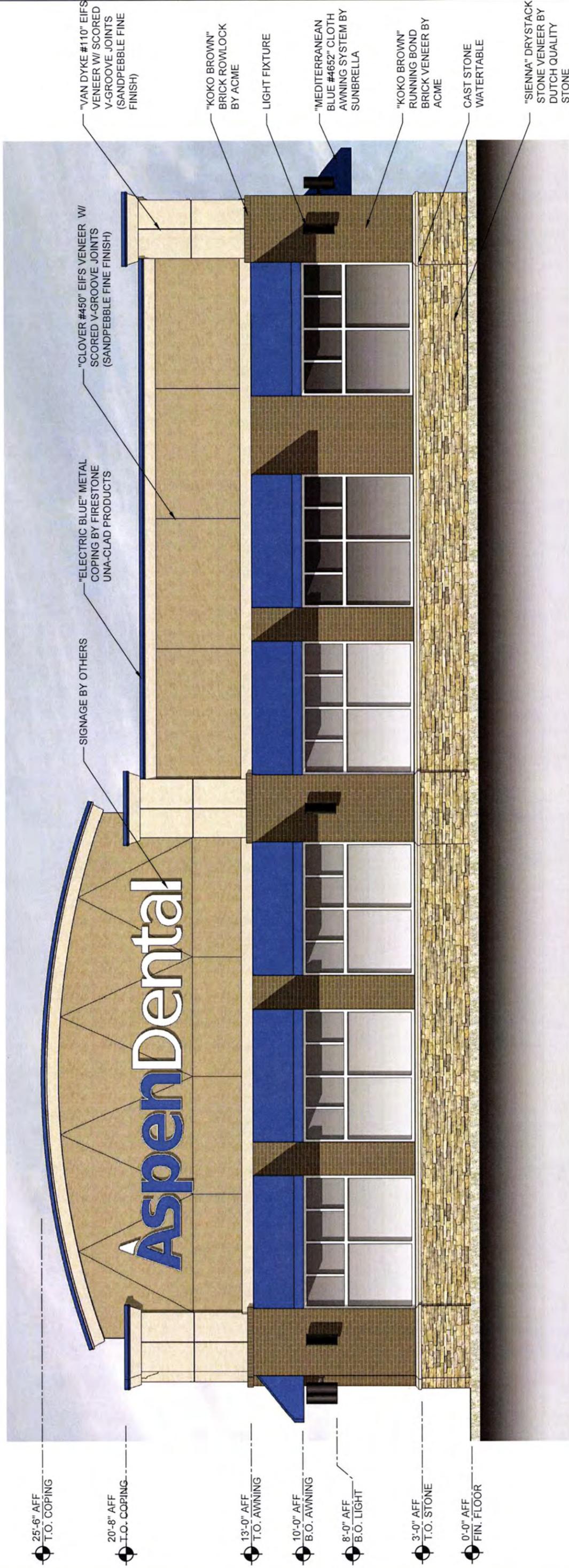


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PROPOSED

RETAIL SHELL BUILDING

JUNE 27, 2016



25'-6" AFF
T.O. COPING

20'-8" AFF
T.O. COPING

13'-0" AFF
T.O. AWNING

10'-0" AFF
B.O. AWNING

8'-0" AFF
B.O. LIGHT

3'-0" AFF
T.O. STONE

0'-0" AFF
FIN. FLOOR

SIGNAGE BY OTHERS

"ELECTRIC BLUE" METAL
COPING BY FIRESTONE
UNA-CLAD PRODUCTS

"CLOVER #450" EIFS VENEER W/
SCORED V-GROOVE JOINTS
(SANDPEBBLE FINE FINISH)

"VAN DYKE #110" EIFS
VENEER W/ SCORED
V-GROOVE JOINTS
(SANDPEBBLE FINE
FINISH)

"KOKO BROWN"
BRICK ROWLOCK
BY ACME

LIGHT FIXTURE

"MEDITERRANEAN
BLUE #4652" CLOTH
AWNING SYSTEM BY
SUNBRELLA

"KOKO BROWN"
RUNNING BOND
BRICK VENEER BY
ACME

CAST STONE
WATERTABLE

"SIENNA" DRYSTACK
STONE VENEER BY
DUTCH QUALITY
STONE

RIGHT ELEVATION

NOT TO SCALE



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"ELECTRIC BLUE"
METAL COPING BY
FIRESTONE

"CLOVER #450" EIFS
VENEER W/ SCORED
V-GROOVE JOINTS
(SANDPEBBLE FINE
FINISH)

"VAN DYKE #110" EIFS
VENEER W/ SCORED
V-GROOVE JOINTS
(SANDPEBBLE FINE
FINISH)

LIGHT FIXTURE

"KOKO BROWN"
RUNNING BOND
BRICK VENEER BY
ACME

CAST STONE
WATERTABLE

"SIENNA" DRYSTACK
STONE VENEER BY
DUTCH QUALITY
STONE

"SWISS MOCHA"
306" EIFS BANDING

SIGNAGE BY OTHERS

DARK BRONZE METAL COPING
EIFS VENEER TO MATCH "KOKO
BROWN" BRICK VENEER

- 23'-6" AFF T.O. COPING
- 20'-8" AFF T.O. COPING
- 19'-8" AFF T.O. COPING
- 15'-8" AFF T.O. EIFS BAND
- 13'-8" AFF T.O. EIFS BAND
- 10'-0" AFF B.O. CANOPY
- 8'-0" AFF B.O. LIGHT
- 3'-4" AFF T.O. STONE
- 0'-0" AFF FIN. FLOOR

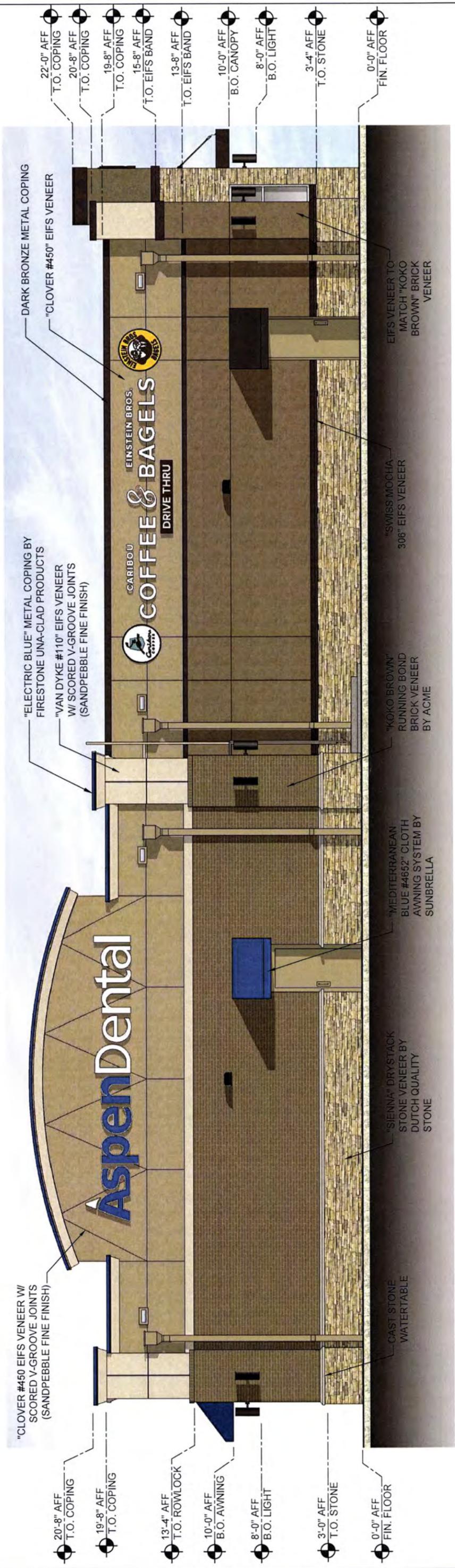
22'-0" AFF T.O. COPING

LEFT ELEVATION
NOT TO SCALE



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○ REAR ELEVATION
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○ RIGHT PERSPECTIVE

○ NOT TO SCALE

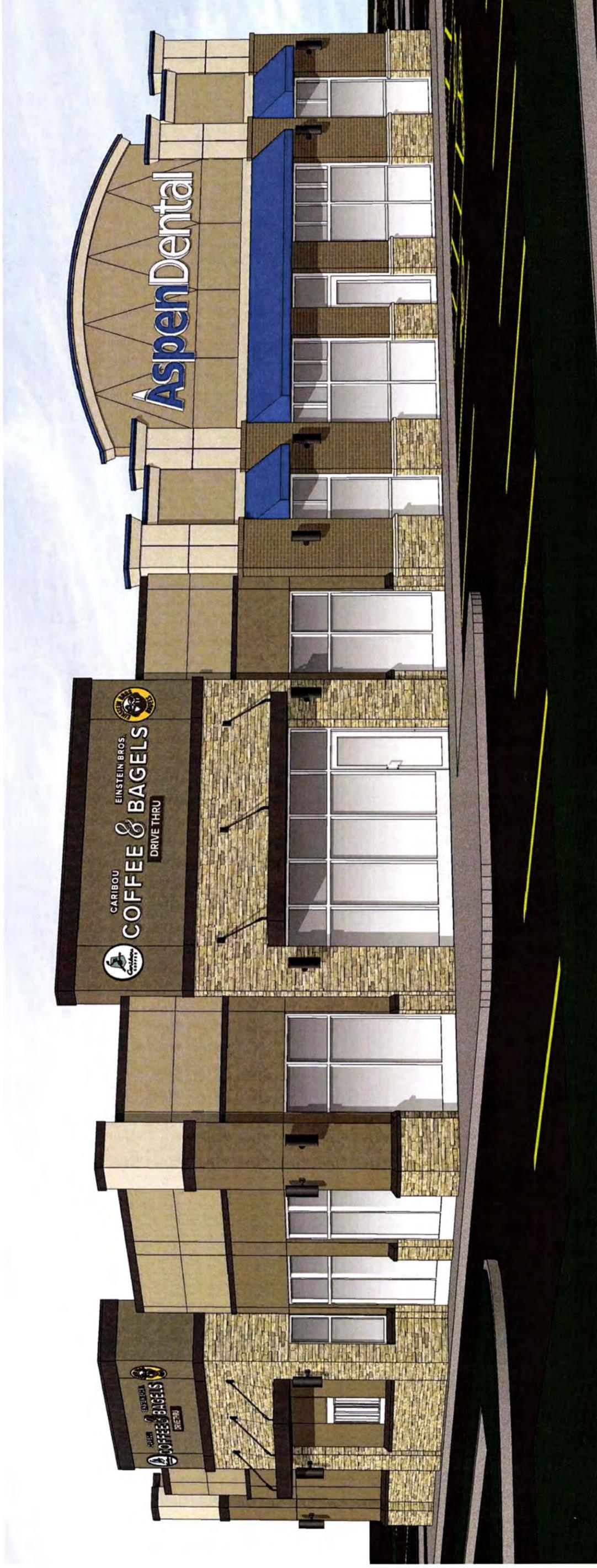
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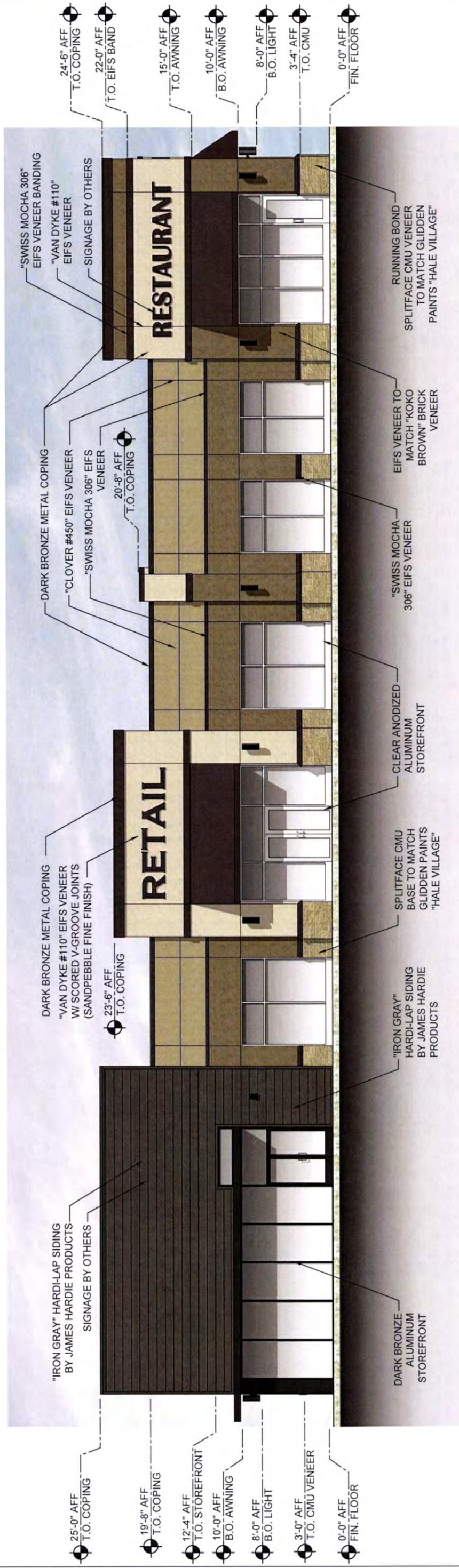
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○ FRONT ELEVATION
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BAXTER, MN
 EDGEWOOD DRIVE NORTH
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○ LEFT ELEVATION
 NOT TO SCALE

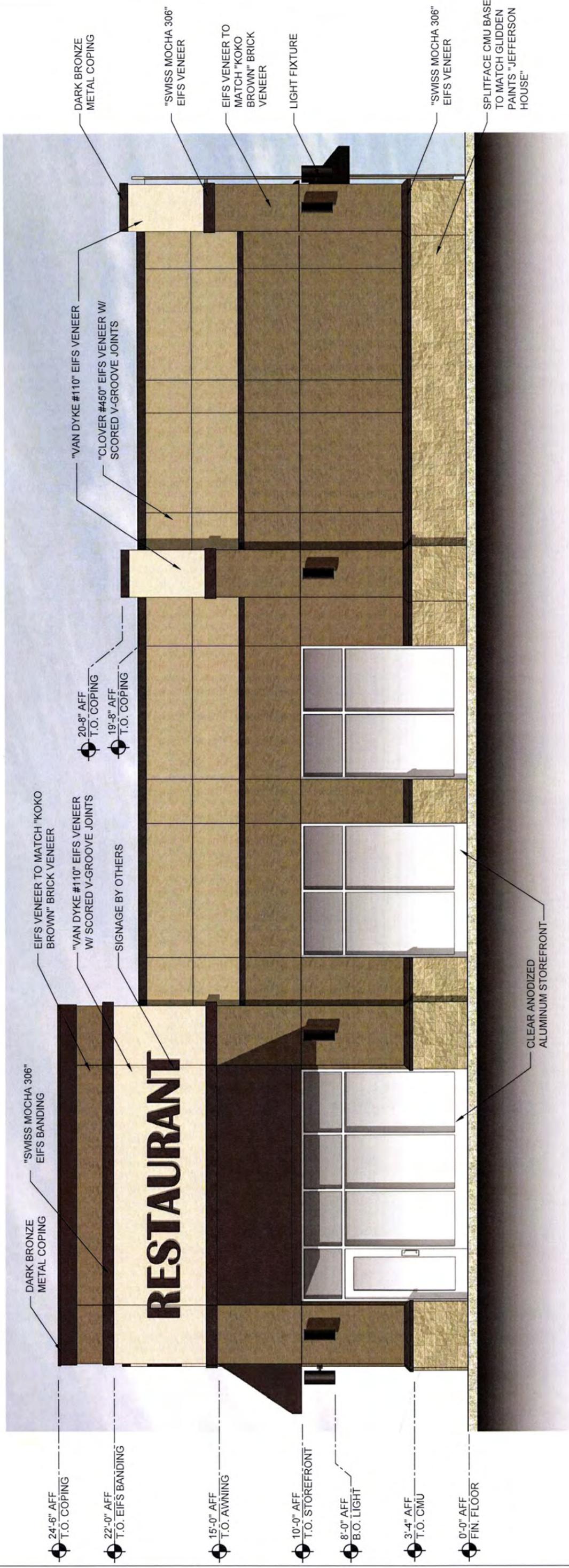


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PROPOSED
RETAIL SHELL BUILDING
BAXTER, MN
 EDGEWOOD DRIVE NORTH
 JULY 27, 2016

25'-0" AFF T.O. COPING
 10'-0" AFF B.O. CANOPY
 8'-0" AFF B.O. LIGHT
 3'-0" AFF T.O. CMU
 0'-0" AFF FIN. FLOOR

"CLOVER #450" EIFS VENEER W/ SCORED V-GROOVE JOINTS (SANDPEBBLE FINE FINISH)
 DARK BRONZE METAL COPING
 SIGNAGE BY OTHERS
 "IRON GRAY" HARDI-LAP SIDING BY JAMES HARDI PRODUCTS
 "VAN DYKE #110" EIFS VENEER W/ SCORED V-GROOVE JOINTS (SANDPEBBLE FINE FINISH)
 EIFS VENEER TO MATCH "KOKO BROWN" BRICK VENEER
 LIGHT FIXTURE
 "SWISS MOCHA 306" EIFS VENEER BY DRYVIT
 SPLITFACE CMU BASE TO MATCH GLIDDEN PAINTS "HALE VILLAGE"



DARK BRONZE METAL COPING

"SWISS MOCHA 306" EIFS BANDING

"VAN DYKE #110" EIFS VENEER

"CLOVER #450" EIFS VENEER W/ SCORED V-GROOVE JOINTS

EIFS VENEER TO MATCH "KOKO BROWN" BRICK VENEER

"VAN DYKE #110" EIFS VENEER W/ SCORED V-GROOVE JOINTS

SIGNAGE BY OTHERS

RESTAURANT

"SWISS MOCHA 306" EIFS VENEER

EIFS VENEER TO MATCH "KOKO BROWN" BRICK VENEER

LIGHT FIXTURE

"SWISS MOCHA 306" EIFS VENEER

SPLITFACE CMU BASE TO MATCH GLIDDEN PAINTS "JEFFERSON HOUSE"

CLEAR ANODIZED ALUMINUM STOREFRONT

24'-6" AFF T.O. COPING

22'-0" AFF T.O. EIFS BANDING

15'-0" AFF T.O. AWNING

10'-0" AFF T.O. STOREFRONT

8'-0" AFF B.O. LIGHT

3'-4" AFF T.O. CMU

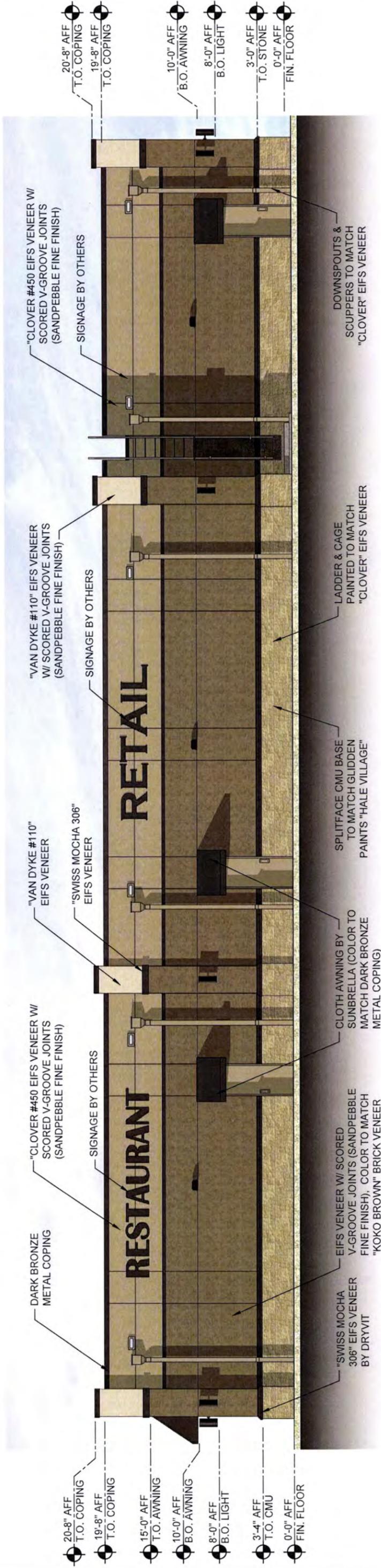
0'-0" AFF FIN. FLOOR

RIGHT ELEVATION
NOT TO SCALE



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PROPOSED
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EDGEWOOD DRIVE NORTH
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○ REAR ELEVATION
NOT TO SCALE



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○ LEFT PERSPECTIVE

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JULY 27, 2016



○ RIGHT PERSPECTIVE

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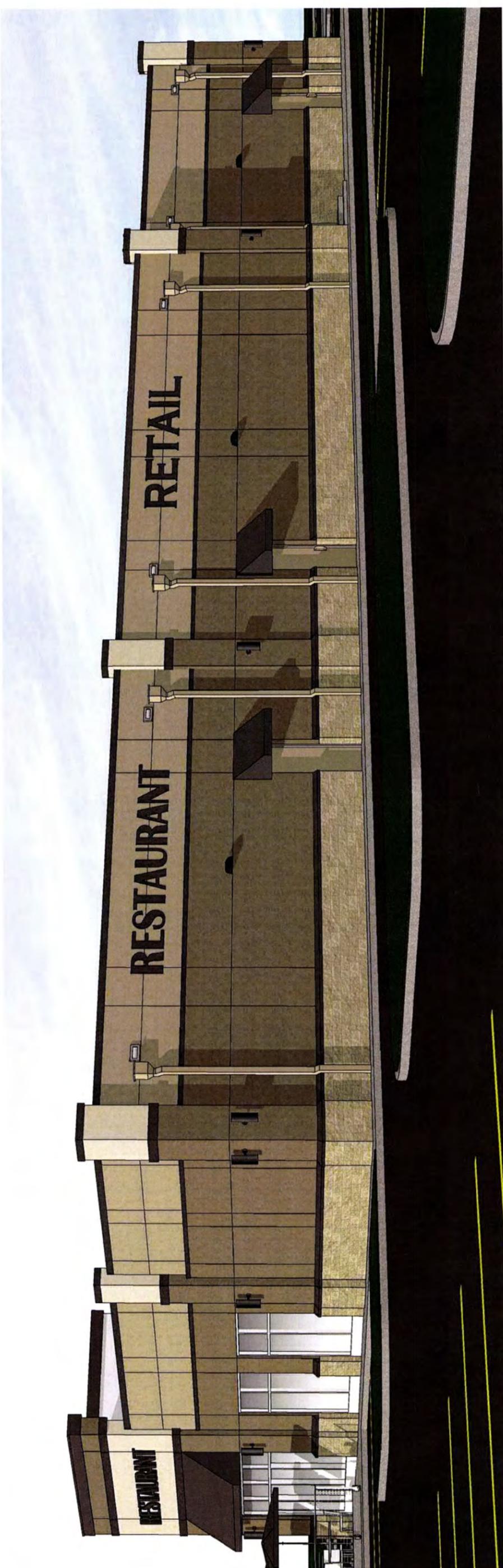
PROPOSED

RETAIL SHELL BUILDING

BAXTER, MN

EDGEWOOD DRIVE NORTH

JULY 27, 2016

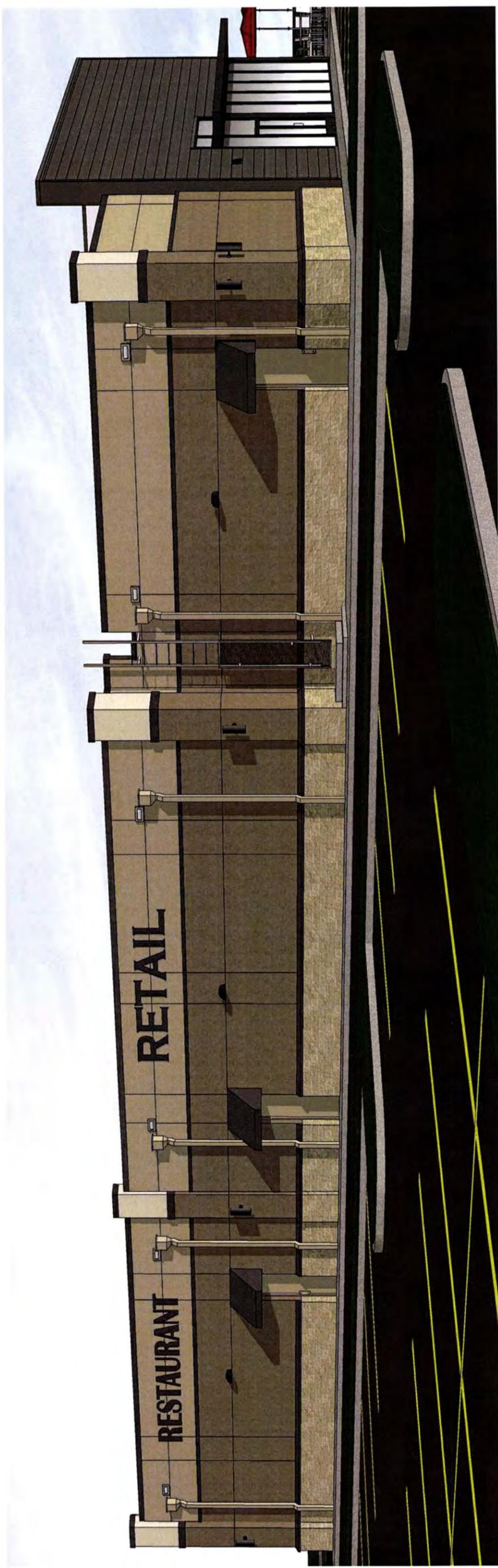


○ REAR PERSPECTIVE
NOT TO SCALE

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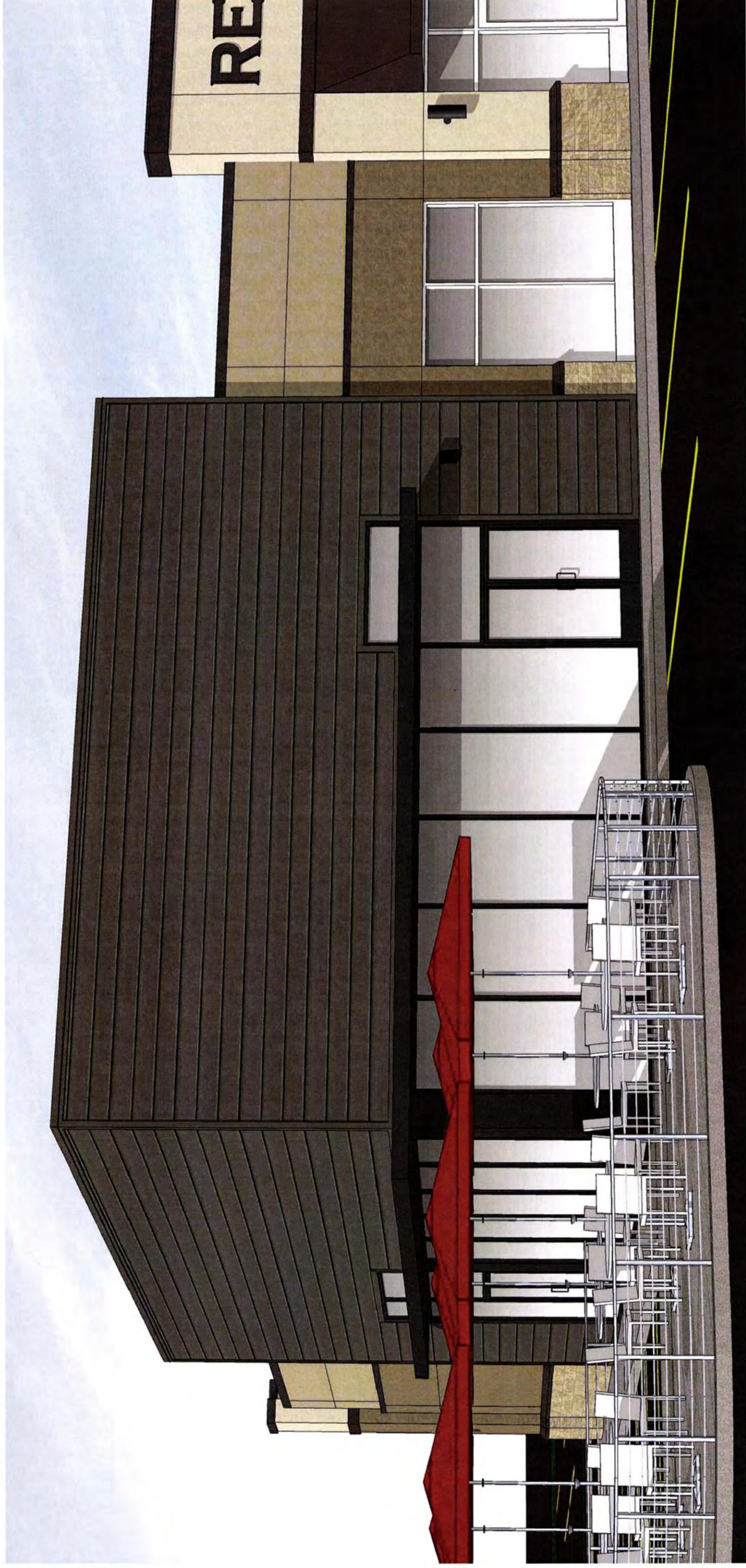


○ REAR PERSPECTIVE
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○ ASPEN DENTAL PERSPECTIVE
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○ RESTAURANT PERSPECTIVE

○ NOT TO SCALE

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PROPOSED

RETAIL SHELL BUILDING

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EDGEWOOD DRIVE NORTH

JULY 27, 2016



○ RETAIL PERSPECTIVE

NOT TO SCALE

E + H ARCHITECTS P.C.
TWO BRENTWOOD COMMONS
750 OLD HICKORY BLVD.
SUITE 250
BRENTWOOD, TN 37027
P. 615.377.3111
F. 615.377.0978
www.eandharch.com



PROPOSED

RETAIL SHELL BUILDING

BAXTER, MN

EDGEWOOD DRIVE NORTH

JULY 27, 2016



TO: Baxter Planning and Zoning Commission

FROM: Matthew Gindele, Planner

DATE: August 10, 2016

REQUEST: **PUBLIC HEARING. Variance** to allow a 1,264-square foot detached accessory structure, where 1,152-square feet is the maximum allowed by the zoning ordinance for property located at 13152 Timberlane Drive. (city file 16-23)

APPLICANT: Richard and Donna Monson

ZONING: R-1, Low Density Residential

1. Application Request

The applicants have requested a variance to allow the construction of a 12-foot by 22-foot (264-square foot) addition to an existing 1,000-square foot detached accessory structure located at 13152 Timberlane Drive. The new addition, combined with the existing structure, would bring the total square footage up to 1,264 square feet, 112 square feet more than the maximum 1,152 square feet allowed for a single detached accessory structure. The subject property has frontage on Perch Lake and, therefore, has two front yards. The existing detached accessory structure is located on the roadside of the house and is constructed to the 40-foot minimum front yard setback. The addition, if constructed as proposed, would extend the existing structure 12 feet closer to the lake.

2. Context

Adjacent Land Use and Zoning

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

Natural Characteristics of the Site

The subject property is an 81,253 square foot lot on Perch Lake. The site has some topography with a flat plateau that extends approximately 250 feet from Timberlane Drive and slopes slightly upward toward the lake until it reaches a steep slope down to the lake that is fully wooded with trees and dense undergrowth. Land lying on top of the plateau between the steep slope and the proposed addition is wooded with mature pine and oak trees. The property has lakeshore on Perch Lake and is therefore, located in the shoreland overlay district. The proposed addition would have minimal impact on the impervious surface which is approximately 10 percent, which complies with the 25 percent maximum impervious surface requirement of the shoreland district. Perch Lake 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 1,190.4 Ordinary High Water Level (OHWL) for Perch Lake. The Shoreland Overlay district requires a 100 foot setback from the OHWL, however, neither the existing detached garage nor the proposed addition are located within the shoreland setback or any other required setback.

3. Analysis of Variance Request

The applicants have requested a variance to allow the construction of a 12-foot by 22-foot (264-square foot) addition to an existing 1,000 square foot detached accessory structure. The zoning ordinance allows a maximum of 1,800-square feet of total accessory structure square footage per lot. However, the zoning ordinance established a maximum size of 1,152-square feet for a single detached accessory structure. The applicants also have a 528-square foot attached garage which brings the total accessory area, with the proposed addition, to 1,792 square feet, still under the total maximum accessory structure area of 1,800 square feet. The applicants are requesting a variance to allow one larger detached building rather than building a second separate structure to allow preservation of open space, trees and to limit the impact of the view from the lake. The existing detached accessory structure is set at the 40-foot setback from Timberlane Drive and has a stand of trees and thick underbrush between the structure and the road. The addition is proposed on the southeast side of the existing structure facing the lake. The addition would be screened from the view of the lake by existing trees, brush and natural topography of the land.

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. Although the applicant does have the ability to construct a separate standalone structure of the same size on the subject property and remain in compliance with the size limitations set forth in the ordinance, it would go against the general intent of shoreland ordinances to allow a second accessory structure closer to the lake than the existing structure as much of the intent of shoreland ordinances is to preserve the public view of lakeshore property from the lake. The applicants could build a separate 264-square foot structure closer to the lake but have requested the square footage in one building to allow the preservation of existing trees in the yard and the preservation of the view from the lake.

- 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. The lot is nearly two acres and therefore has a large yard that is wider than other lots in the area allowing additional space between the proposed structure and neighboring properties. The larger yard also provides the ability for increased screening with trees. Furthermore, given that the lot is on a lake, priority should be given to protecting the view from the lake. Staff finds that the granting of this variance will provide the best ability to continue to protect that view as well as the view from the road.

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

A purpose of the detached garage size limitation is to avoid larger detached structures that could impact neighboring properties. In this particular instance, the addition to the existing garage would not negatively impact adjacent properties. Therefore, the addition would not alter the essential character of the locality.

- 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. Although the applicant could construct a separate structure of equal size elsewhere on the lot, staff finds that the granting of this variance better serves the intent of the ordinance as it protects view sheds from the lake and from nearby homes; it also helps preserve the existing mature trees on site. The applicant has also proposed improved architectural elements for the elevation of the addition facing the lake.

- 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 that the Planning and Zoning Commission recommend approval of the variance, subject to the findings and conditions in the attached resolution.

If the Commission finds that the variance standards have not been met, they should provide findings of fact for denial of the variance.

Attachments

1. Draft Resolution Approving Variance
2. Location Map/Site Plan
3. Applicant's Narrative
4. Elevations
5. Site Graphics

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

**RESOLUTION APPROVING A VARIANCE TO ALLOW A 1,264-SQUARE FOOT DETACHED
ACCESSORY STRUCTURE, WHERE 1,152-SQUARE FEET IS THE MAXIMUM ALLOWED
BY THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 13152TIMBERLANE DRIVE
(CITY FILE NUMBER 16-23)**

WHEREAS, Richard and Donna Monson ("the applicants") have requested approval of a variance for property legally described as follows:

THAT PART OF LOT 1 BLOCK 8 PARKWOOD, AND THAT PART OF GOV.
LOT 9 SEC. 12 DESCRIBED AS FOLLOWS (complete legal on file at City Hall).

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

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their August 16, 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 variance, subject to the following findings and conditions:

The variance allows the construction of a 12-foot by 22-foot (264-square foot) addition to an existing 1,000-square foot detached accessory structure for a total of 1,264 square feet, in accordance with the application and plans received by the city on July 19, 2016, except as may be amended by this resolution, based on the finding that all applicable variance standards have been met.

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

1. Building permits are required prior to beginning construction.
2. Exterior materials for the garage shall match the exterior materials of the home, as required by the zoning ordinance.
3. The applicants shall submit an erosion control best management practices plan for review and approval by staff prior to issuance of a building permit.
4. 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 16th day of August 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal



1: 1,475



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
- Two Foot Contour
- Land Use Cases
- Encumbrances
- Municipal Boundaries
- Historical Parcels
- 2016 Imagery
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

Notes

7-19-16

TO WHOM IT MAY CONCERN:

This letter is a request for variance on an existing 1000 sq. ft. garage at 13152 LIMBELANE DR., of 112 sq. ft. over the allowed 1152 sq. ft.

The existing garage is currently used for lawn care, recreational/vehicle storage and single stall side for wood shop.

The request for variance is to add 567 sq. ft. to the single stall side, graduating in structure and keeping the addition aesthetically pleasing in proportion and context.

As, AN ART STUDIO AREA ADJOINED TO WOODSHOP AREA.

The addition would be facing away from the street, keeping an undisturbed look.

The design of the lake facing south side is simulating a lakeside porch.

A separate building would appear cluttered on the "dark lake" lot and view of the lake.

An addition to the garage would also be more cost effective.

The attached house garage (22x24) = 528 sq. ft.

The unattached garage with addition = 1,267 sq. ft.

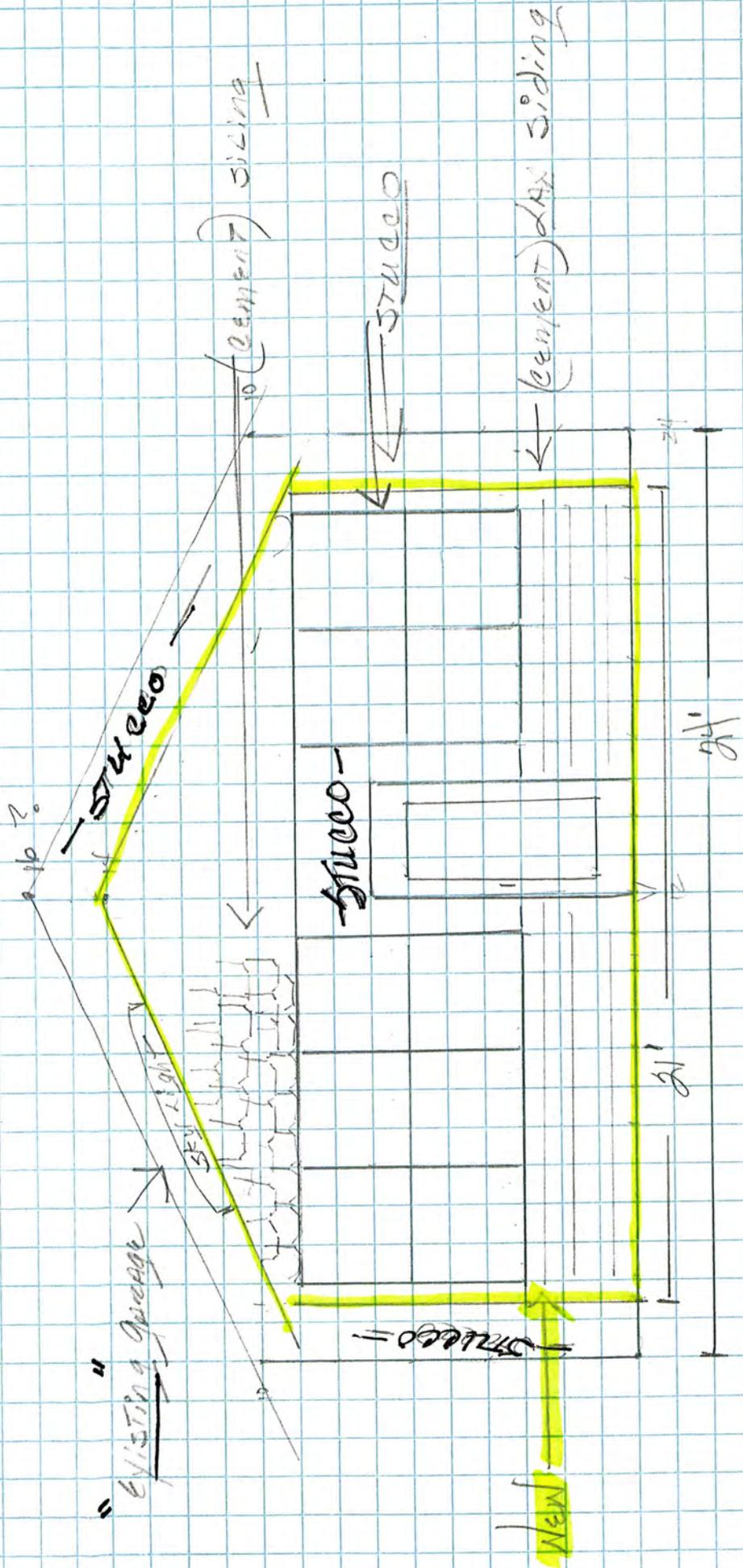
The total of both garages with addition = 1,792 sq. ft.

Resulting less than the combined 1800 sq. ft. allowed.

Thank You,
Sincerely,

RICHARD and DORNA MONSON

Rt's, Monson
13152, Timberline
829-0164



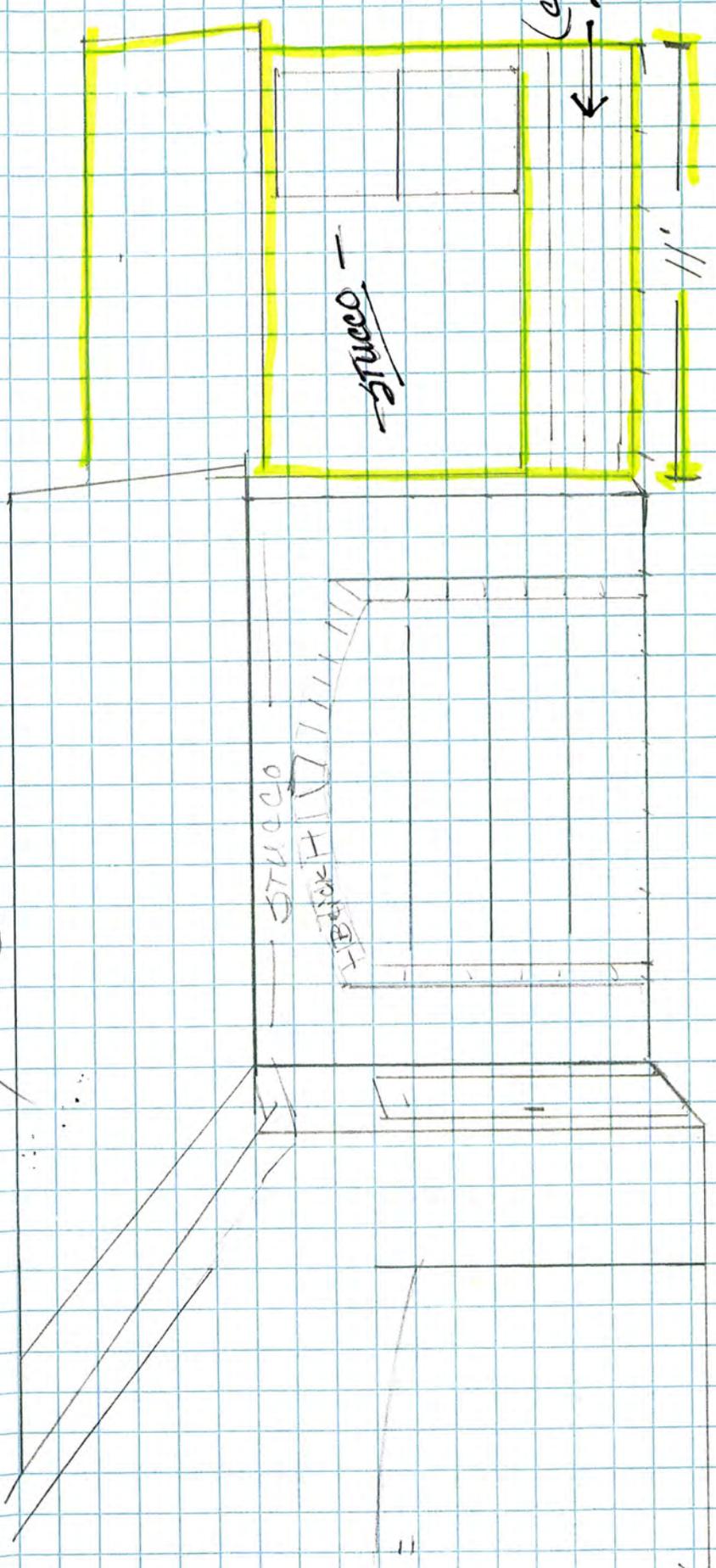
= 231 sq. ft

R.D. Monson
18153 Timberlake
P39-0164

(Arch)
LAKE VIEW →

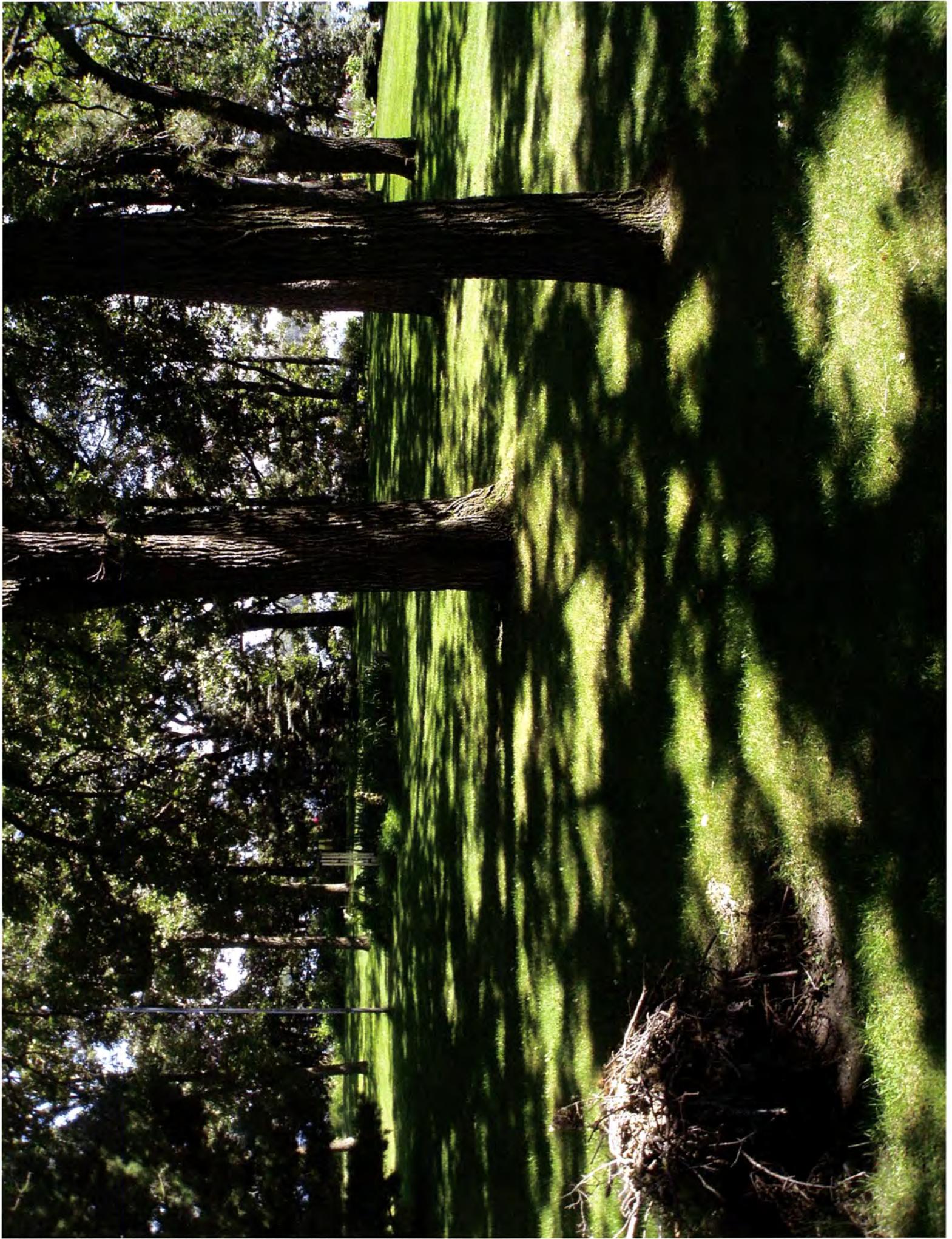
← STREET VIEW

"Existing"



= NEW =







TO: Baxter Planning Commission

FROM: Joshua Doty, Community Development Director

DATE: August 4, 2016 for the August 10, 2016 Planning Commission Meeting

REQUEST: **PUBLIC HEARING. Zoning Text Amendment** to Title 10 of the Baxter City Code related to Temporary Health Care Dwellings. (City File number 2016-24)

APPLICANT: City of Baxter

1. Application Request

The City is requesting approval of a Zoning Text Amendment to allow the City to opt out of state law that allows temporary dwellings as transitional housing.

2. Background/Analysis

On May 12, 2016, Governor Dayton signed into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling. The law includes a September 1, 2016 community opt out provision.

If a city does not opt out by September 1, 2016, the City of Baxter will be required to abide by the Temporary Family Health Care Dwellings law requirements.

The League of Minnesota Cities publication on this topic is attached.

3. Recommendation

Community Development staff recommends approval of the Zoning Ordinance Amendment related to temporary health care dwellings, subject to the attached ordinance.

Attachments

1. Draft ordinance for the Zoning Amendment
2. League of Minnesota Cities Publication

CITY OF BAXTER, MINNESOTA
ORDINANCE 2016-_____

**AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS, CONCERNING
MINNESOTA STATUTES, SECTION 462.3593 (City File 2016-24)**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

THE CITY OF BAXTER ORDAINS:

SECTION 1. Amendments. The text of Title 10 (Zoning Regulations) of the Baxter City Code, Chapter 7-9 is hereby amended by adding the underlined material as follows:

10-7-9: OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593:
Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Baxter opts-out of the requirements of Minnesota Statutes, Section 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

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

Whereupon, said Ordinance is hereby declared adopted on this 16th day of August 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal



Temporary Family Health Care Dwellings of 2016 Allowing Temporary Structures – What it means for Cities

Introduction:

On May 12, 2016, Gov. Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling.¹ Community desire to provide transitional housing for those with mental or physical impairments and the increased need for short term care for aging family members served as the catalysts behind the legislature taking on this initiative. The resulting legislation sets forth a short term care alternative for a “mentally or physically impaired person”, by allowing them to stay in a “temporary dwelling” on a relative’s or caregiver’s property.²

Where can I read the new law?

Until the state statutes are revised to include bills passed this session, cities can find this new bill at [2016 Laws, Chapter 111](#).

Does the law require cities to follow and implement the new temporary family health care dwelling law?

Yes, unless a city opts out of the new law or currently allows temporary family health care dwellings as a permitted use.

Considerations for cities regarding the opt-out?

These new temporary dwellings address an emerging community need to provide more convenient temporary care. When analyzing whether or not to opt out, cities may want to consider that:

- The new law alters a city’s level of zoning authority for these types of structures.
- While the city’s zoning ordinances for accessories or recreational vehicles do not apply, these structures still must comply with setback requirements.
- A city’s zoning and other ordinances, other than its accessory use or recreational vehicle ordinances, still apply to these structures. Because conflicts may arise between the statute and a city’s local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.

¹ [2016 Laws, Chapter 111](#).

² Some cities asked if other states have adopted this type of law. The only states that have a somewhat similar statute at the time of publication of this FAQ are North Carolina and Virginia. It is worth noting that some states have adopted Accessory Dwelling Unit (ADU) statutes to allow granny flats, however, these ADU statutes differ from Minnesota’s Temporary Health Care Dwelling law.

- Although not necessarily a legal issue for the city, it seems worth mentioning that the permit process does not have the individual with the physical or mental impairment or that individual's power of attorney sign the permit application or a consent to release his or her data.
- The application's data requirements may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act.
- The new law sets forth a permitting system for both cities and counties³. Cities should consider whether there is an interplay between these two statutes.

Do cities need to do anything to have the new law apply in their city?

No, the law goes into effect Sept. 1, 2016 and automatically applies to all cities that do not opt out or don't already allow temporary family health care dwellings as a permitted use under their local ordinances.

Do cities lose the option to opt out after the Sept. 1, 2016 effective date?

No, the law does not set a deadline for opting out, so cities can opt out after Sept. 1, 2016. However, if the city has not opted out by Sept. 1, 2016, then the city must not only have determined a permit fee amount⁴ before that date (if the city wants to have an amount different than the law's default amount), but also must be ready on that date to accept applications and process the permits in accordance with the short timeline required by the law. Cities should consult their city attorney to analyze how to handle applications submitted after Sept. 1, 2016, but still pending at the time of a later opt out.

What if a city already allows a temporary family health care dwelling as a permitted use?

If the city already has designated temporary family health care dwellings as a permitted use, then the law does not apply and the city follows its own ordinance. The city should consult its city attorney for any uncertainty about whether structures currently permitted under existing ordinances qualify as temporary family health care dwellings.

What process should the city follow if it chooses to opt out of this statute?

Cities that wish to opt out of this law must pass an ordinance to do so. The statute does not provide clear guidance on how to treat this opt-out ordinance. However, since the new law adds section 462.3593 to the land use planning act (Minn. Stat. ch. 462), arguably, it may represent the adoption or an amendment of a zoning ordinance, triggering the requirements of Minn. Stat. § 462.357, subd. 2-4, including a public hearing with 10-day published notice. Therefore, cities may want to err on the side of caution and treat the opt-out ordinance as a zoning provision.⁵

³ See Minn. Stat. §394.307

⁴ Cities do have flexibility as to amounts of the permit fee. The law sets, as a default, a fee of \$100 for the initial permit with a \$50 renewal fee, but authorizes a city to provide otherwise by ordinance.

⁵ For smaller communities without zoning at all, those cities still need to adopt an opt-out ordinance. In those instances, it seems less likely that the opt-out ordinance would equate to zoning. Because of the ambiguity of the

Does the League have a model ordinance for opting out of this program?

Yes. Link to opt out ordinance here: [Temporary Family Health Care Dwellings Ordinance](#)

Can cities partially opt out of the temporary family health care dwelling law?

Not likely. The opt-out language of the statute allows a city, by ordinance, to opt out of the requirements of the law but makes no reference to opting out of parts of the law. If a city wanted a program different from the one specified in statute, the most conservative approach would be to opt out of the statute, then adopt an ordinance structured in the manner best suited to the city. Since the law does not explicitly provide for a partial opt out, cities wanting to just partially opt out from the statute should consult their city attorney.

Can a city adopt pieces of this program or change the requirements listed in the statute?

Similar to the answer about partially opting out, the law does not specifically authorize a city to alter the statutory requirements or adopt only just pieces of the statute. Several cities have asked if they could add additional criteria, like regulating placement on driveways, specific lot size limits, or anchoring requirements. As mentioned above, if a city wants a program different from the one specified in the statute, the most conservative approach would involve opting out of the statute in its entirety and then adopting an ordinance structured in the manner best suited to the city. Again, a city should consult its city attorney when considering adopting an altered version of the state law.

What is required in an application for a temporary family health care dwelling permit?

The mandatory application requests very specific information including, but not limited to:⁶

- Name, address, and telephone number of the property owner, the resident of the property (if different than the owner), and the primary care giver;
- Name of the mentally or physically impaired person;
- Proof of care from a provider network, including respite care, primary care or remote monitoring;
- Written certification signed by a Minnesota licensed physician, physician assistant or advanced practice registered nurse that the individual with the mental or physical impairment needs assistance performing two or more “instrumental activities of daily life;”⁷

statute, cities should consult their city attorneys on how best to approach adoption of the opt-out ordinance for their communities.

⁶ New Minn. Stat. § 462.3593, subd. 3 sets forth all the application criteria.

⁷ This is a term defined in law at Minn. Stat. § 256B.0659, subd. 1(i) as “activities to include meal planning and preparation; basic assistance with paying bills; shopping for food, clothing, and other essential items; performing household tasks integral to the personal care assistance services; communication by telephone and other media; and traveling, including to medical appointments and to participate in the community.”

- An executed contract for septic sewer management or other proof of adequate septic sewer management;
- An affidavit that the applicant provided notice to adjacent property owners and residents;
- A general site map showing the location of the temporary dwelling and the other structures on the lot; and
- Compliance with setbacks and maximum floor area requirements of primary structure.

The law requires all of the following to sign the application: the primary caregiver, the owner of the property (on which the temporary dwelling will be located) and the resident of the property (if not the same as the property owner). However, neither the physically disabled or mentally impaired individual nor his or her power of attorney signs the application.

Who can host a temporary family health care dwelling?

Placement of a temporary family health care dwelling can only be on the property where a “caregiver” or “relative” resides. The statute defines caregiver as “an individual, 18 years of age or older, who: (1) provides care for a mentally or physically impaired person; and (2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.” The definition of “relative” includes “a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew or niece of the mentally or physically impaired person. Relative also includes half, step and in-law relationships.”

Is this program just for the elderly?

No. The legislature did not include an age requirement for the mentally or physically impaired dweller.⁸

Who can live in a temporary family health care dwelling and for how long?

The permit for a temporary health care dwelling must name the person eligible to reside in the unit. The law requires the person residing in the dwelling to qualify as “mentally or physically impaired,” defined as “a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified by a physician, a physician assistant, or an advanced practice registered nurse, licenses to practice in this state.” The law specifically limits the time frame for these temporary dwellings permits to 6 months, with a one-time 6 month renewal option. Further, there can be only one dwelling per lot and only one dweller who resides within the temporary dwelling

⁸ The law expressly exempts a temporary family health care dwelling from being considered “housing with services establishment”, which, in turn, results in the 55 or older age restriction set forth for “housing with services establishment” not applying.

What structures qualify as temporary family health care dwellings under the new law?

The specific structural requirements set forth in the law preclude using pop up campers on the driveway or the “granny flat” with its own foundation as a temporary structure. Qualifying temporary structures must:

- Primarily be pre-assembled;
- Cannot exceed 300 gross square feet;
- Cannot attach to a permanent foundation;
- Must be universally designed and meet state accessibility standards;
- Must provide access to water and electrical utilities (by connecting to principal dwelling or by other comparable means⁹);
- Must have compatible standard residential construction exterior materials;
- Must have minimum insulation of R-15;
- Must be portable (as defined by statute);
- Must comply with Minnesota Rules chapter 1360 (prefabricated buildings) or 1361 (industrialized/modular buildings), “and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2”¹⁰; and
- Must contain a backflow check valve.¹¹

Does the State Building Code apply to the construction of a temporary family health care dwelling?

Mostly, no. These structures must meet accessibility standards (which are in the State Building Code). The primary types of dwellings proposed fall within the classification of recreational vehicles, to which the State Building Code does not apply. Two other options exist, however, for these types of dwellings. If these structures represent a pre-fabricated home, the federal building code requirements for manufactured homes apply (as stated in Minnesota Rules, Chapter 1360). If these structures are modular homes, on the other hand, they must be constructed consistent with the State Building Code (as stated in Minnesota Rules, Chapter 1361).

What health, safety and welfare requirements does this new law include?

Aside from the construction requirements of the unit, the temporary family health care dwelling must be located in an area on the property where “septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.”

What local ordinances and zoning apply to a temporary health care dwelling?

The new law states that ordinances related to accessory uses and recreational vehicle storage and parking do not apply to these temporary family health care dwellings.

⁹ The Legislature did not provide guidance on what represents “other comparable means”.

¹⁰ ANSI Code 119.2 has been superseded by NFPA 1192. For more information, the American National Standards Institute website is located at <https://www.ansi.org/>.

¹¹ New Minn. Stat. § 462.3593, subd. 2 sets forth all the structure criteria.

However, unless otherwise provided, setbacks and other local ordinances, charter provisions, and applicable state laws still apply. Because conflicts may arise between the statute and one or more of the city's other local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.

What permit process should cities follow for these permits?

The law creates a new type of expedited permit process. The permit approval process found in Minn. Stat. § 15.99 generally applies; however, the new law shortens the time frame within which the local governmental unit can make a decision on the permit. Due to the time sensitive nature of issuing a temporary dwelling permit, the city does not have to hold a public hearing on the application and has only 15 days (rather than 60 days) to either issue or deny a permit. For those councils that regularly meet only once a month, the law provides for a 30-day decision. The law specifically prohibits cities from extending the time for making a decision on the permit application. The new law allows the clock to restart if a city deems an application incomplete, but the city must provide the applicant written notice within five business days of receipt of the application identifying the missing information.

Can cities collect fees for these permits?

Cities have flexibility as to amounts of the permit fee. The law sets the fee at \$100 for the initial permit with a \$50 renewal fee, unless a city provides otherwise by ordinance

Can cities inspect, enforce and ultimately revoke these permits?

Yes, but only if the permit holder violates the requirements of the law. The statute allows for the city to require the permit holder to provide evidence of compliance and also authorizes the city to inspect the temporary dwelling at times convenient to the caregiver to determine compliance. The permit holder then has sixty (60) days from the date of revocation to remove the temporary family health care dwelling. The law does not address appeals of a revocation.

How should cities handle data it acquires from these permits?

The application data may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act. To minimize collection of protected health data or other nonpublic data, the city could, for example, request that the required certification of need simply state "that the person who will reside in the temporary family health care dwelling needs assistance with two or more instrumental activities of daily living", without including in that certification data or information about the specific reasons for the assistance, the types of assistance, the medical conditions or the treatment plans of the person with the mental illness or physical disability. Because of the complexities surrounding nonpublic data, cities should consult their city attorneys when drafting a permit application.

Should the city consult its city attorney?

Yes. As with any new law, to determine the potential impact on cities, the League recommends consulting with your city attorney.

Temporary Family HealthCare Dwellings
June 27, 2016
Page 7

Where can cities get additional information or ask other questions.

For more information, contact Staff Attorney Pamela Whitmore at pwhitmore@lmc.org or LMC General Counsel Tom Grundhoefer at tgrundho@lmc.org. If you prefer calling, you can reach Pamela at 651.281.1224 or Tom at 651.281.1266.