Planning and Zoning Commission Agenda  
April 11, 2018 @ 6:00 p.m.

1. Call to Order

2. Roll Call

3. Approval of regular meeting minutes from March 13, 2018


   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 of Christ Lutheran Addition to Baxter, Conditional Use Permit to allow a school use in an R-1, Single Family Residential zoning district, and a Zoning Ordinance Text Amendment to allow a school use on a road classification less than “Minor Arterial” for property located in the southwest corner of Cherrywood Drive and Inglewood Drive. (Lots 1-6 Block 1, Fullerton’s Addition to Baxter, EXCEPT the East 10.00 feet of said Lots 1, 2 and 3, Crow Wing County, Minnesota) (City file 18-08)

      Requested by: Justin Barrick 4897 Oak Street, Baxter, MN 56425

   B. PUBLIC HEARING. Rezoning from Public Benefit to R-1, for approximately the westerly 277 feet of Outlot A, Fourth Addition to Baxter Greenwood Acres, a preliminary and final plat to be named “Fifth Addition to Baxter Greenwood Acres to Create two lots and an Outlot and Conditional Use Permits to moving two single family homes onto two new single family lots located east of the Birch Drive cul-de-sac and north of College Road. (Outlot A, Fourth Addition to Baxter Greenwood Acres, Crow Wing County, Minnesota.) (City file 18-11)

      Requested by: City of Baxter 13190 Memorywood Drive, Baxter MN 56425

7. Other Business

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

MEMBERS PRESENT: Commissioner Steve Lund, Gwen Carleton, Howie Oswald, Chuck Hiltner and Council Liaison Steve Barrows

MEMBERS ABSENT: Chair Bob Kinzel

STAFF PRESENT: CD Director Josh Doty and Planner Matthew Gindele

OTHERS PRESENT: Nate Pierson, Lowell Thompson, Craig Hollard, and Connor Lund

APPROVAL OF MINUTES
MOTION by Commissioner Carleton, seconded by Commissioner Hiltner to approve the minutes from the February 13, 2018 meeting as presented. Motion carried unanimously.

PUBLIC HEARINGS

All items under old and new business items will go to City Council on March 20, 2018 if not tabled, continued or otherwise noted.

Acting Chair Lund stated that this Commission is advisory and the final approval/denial is given at the City Council Meeting on March 20, 2018 at 7:00 pm.

OLD BUSINESS
None

NEW BUSINESS

1. PUBLIC HEARING. Conditional Use Permits to allow a car wash and a drive through use in the C-2, Regional Commercial district and Variance to allow drive through lane facing a public street for property located at the northeast corner of Universal Road and Dellwood Drive. (LOT 3, BLOCK 1, JOHNSON CENTER) (City file 18-05)

   Requested by: Nathan Pierson (Mokey Properties, LLC) 3612 Pebble Hills Drive, Fergus Falls, MN 56537

Acting Chair Lund asked CD Director Doty for the staff report. CD Director Doty stated the applicant is requesting approval of a conditional use permits to allow a car wash and drive-through and a variance to allow drive through lanes facing a public street for Four Seasons Car Wash to be located on vacant property at the northeast corner of Universal Road and Dellwood Drive. The applications would allow car wash to be constructed on the .87 acre vacant property.
CD Director Doty stated that the applicant was before the Commission roughly a year ago and decided to pull the application prior to City Council due to the lack of staff support. This time the plan is more favorable being the site plan has changed. CD Director Doty walked the Commission through the new site plan in his PowerPoint presentation. He provided the landscaping plan to show screening of the headlights from the east with coniferous trees. The Commission reviewed the standards of a car wash, drive through and storm water standards. CD Director Doty noted the staking lanes, emergency lane and escape plan with the Commission.

CD Director Doty stated the Utility Commission reviewed the application on March 7, 2018 and recommended approval the request. CD Director Doty noted the applicant has not yet submitted an architectural review application. The applicant has stated that an architectural review application will be submitted in compliance with the ordinance to allow for an administrative review. The architectural review application shall be submitted prior to City Council action of the CUP’s and Variance request.

CD Director Doty stated staff is recommending approval of the CUPs and the variance.

Acting Chair Lund asked if the Commission had any questions of staff prior to opening the public hearing.

Commissioner Carleton stated that she liked this plan much better than the previous plan.

Commissioner Hiltner asked why the applicant would need a storm water pond if there is water and sewer at that intersection. CD Director Doty stated that all new development are required to have a storm water management plan prior to a permit being issued. He added that Baxter is a MS4 City and the ponding is a State requirement to maintain MS4.

Acting Chair Lund opened the public hearing.

Mr. Craig Holland, resident of Lake Shore, has concerns regarding the stacking. The plan shows 6 but 12 are required, CD Director Doty explained that he has spoken to the engineers for this project and there are 10 shown with the ability for two additional cars to be stacked. Mr. Holland questioned the location of the paying station and potential for cars to be out on the street. Mr. Holland noted Mill’s car wash on a busy day. CD Director Doty stated that this is a different type of car wash, with a fast moving conveyor belt system verses the stop and wait car wash.

Commissioner Oswald indicated that he was in Alabama recently and he too used a car wash of the same design being proposed and the car wash moved very fast and there were no concerns. Commissioner Carleton asked if Commissioner Oswald remained in the car while it was washed, he noted he did.

Acting Chair Lund then closed the public hearing.

**Motion** by Commissioner Oswald, second by Commissioner Hiltner to recommend the City Council approve conditional use permits to allow a car wash and drive-through business and a variance to allow a drive through lane facing a public street for Four Seasons Car Wash to be located on vacant property at the northeast corner of Universal Road and Dellwood Drive as presented by staff in the draft resolution. Motion carried unanimously.
2. PUBLIC HEARING. Variance to the front setback requirement for an existing apartment accessory structure at Berrywood Apartments located at 13254 Cypress Drive. (LOT 2, BLOCK 1, BERRYWOOD APARTMENTS, CROW WING COUNTY, MINNESOTA, EXCEPT PARCEL NUMBER 29, CITY OF BAXTER RIGHT OF WAY PLAT NO. 11) (City file 18-06)

Requested by: Short Elliott Hendrickson Inc. (SEH) for the City of Baxter. 416 S. 6th St. Suite 200, Brainerd, MN 56401

Acting Chair Lund asked for Planner Gindele to start with the staff report. Planner Gindele stated this variance is being requested by the City due to the Cypress Road Project. The applicant is requesting approval of a variance to allow an existing accessory structure to be located within the front yard setback to Cypress Drive and College Road for property located at 13254 Cypress Drive. Planner Gindele reviewed the site plan/aerial with the Commission. It was noted that the Utilities Commission did review the application and had no concerns.

Planner Gindele stated staff is recommending approval of the variance.

Acting Chair Lund opened the public hearing, there was no one to speak regarding this item, Acting Chair Lund then closed the public hearing.

**Motion** by Commissioner Carleton, second by Commissioner Oswald to recommend the City Council approve Variance to the front setback requirement for an existing apartment accessory structure at Berrywood Apartments located at 13254 Cypress Drive as presented by staff in the draft resolution. Motion carried unanimously.

3. PUBLIC HEARING. Variances to the drive aisle, parking and principal structure setback requirements or property located at 13341 Cypress Drive. (LOT 4, BLOCK 1, GREENWOOD SOUTH, CROW WING COUNTY, MINNESOTA, EXCEPT, PARCEL NUMBER 25, CITY OF BAXTER RIGHT OF WAY PLAT NO. 11) (City file 18-07)

Requested by: Short Elliott Hendrickson Inc. (SEH) for the City of Baxter. 416 S. 6th St. Suite 200, Brainerd, MN 56401

Acting Chair Lund asked for Planner Gindele to start with the staff report. Planner Gindele stated these three variances are being requested by the City due to the Cypress Road Project. Specifically, the applicant is requesting a variance to allow the principal structure to have a 23.5 foot setback to the right-of-way of College Road when 35 feet is required, a variance to allow two parking stalls to have a 3.3 foot setback to the right-of-way of Cypress Drive and a variance to allow the exiting access to Cypress Drive to have a 0 foot setback to the north property line when ten feet is required. Planner Gindele reviewed the site plan/aerial with the Commission. It was noted that the Utilities Commission did review the application and had no concerns.

Planner Gindele stated staff is recommending approval of the variances.
CD Director Doty added that the Cypress Road Project will start this summer, the engineering department has worked diligently with neighbors for some time to try and avoid variances, however there are some that are going to be needed.

Acting Chair Lund asked about going north, CD Director Doty indicated that it is a right turn only, some would have to go around the block or U-turn once on the road.

Commissioner Hiltner asked about the driveway to the east (across Cypress Drive) and if they will be losing access. CD Director Doty stated that all parcels have to have access.

The Commission discussed the fate of the single family residential properties on the east side of Cypress Drive as several of the homes are now entirely of partially within the new right-of-way. CD Director Doty stated that staff has been working with those property owners on a solution and some of the homes will need to be removed.

Acting Chair Lund opened the public hearing, there was no one to speak regarding this item, Acting Chair Lund then closed the public hearing.

**Motion** by Commissioner Carleton, second by Commissioner Hiltner to recommend the City Council approve variances to the drive aisle, parking and principal structure setback requirements for property located at 13341 Cypress Drive as presented by staff in the draft resolution. Motion carried unanimously.

**OTHER BUSINESS**
Next meeting is April 11, 2018 at 6:00 pm. (Moved to Wednesday due to elections.)

**ADJOURNMENT**

**MOTION** by Commissioner Oswald, seconded by Commissioner Hiltner to adjourn the meeting at 6:30 p.m. Motion carried unanimously.

Approved by: 

Submitted by: 

Acting Chair Steve Lund  
Shanna Newman CD Administrative Assistant
TO:  Baxter Planning and Zoning Commission  
FROM:  Matthew Gindele, Planner  
DATE:  April 11, 2018 Planning and Zoning Commission Meeting  
REQUEST:  PUBLIC HEARING. Preliminary and Final Plat to allow “Christ Lutheran Addition to Baxter”, Ordinance Text Amendment to Title 10 of the City Code, and a Conditional Use Permit to allow a school use in the R-1, Single Family Residential zoning district for property located at 13815 Cherrywood Drive (city file 18-08)  
APPLICANT:  Justin Barrick, on behalf of Christ Evangelical Lutheran Church  
ZONING:  R-1, Single Family Residential  

1.  Application Request

The applicant is requesting approval of the following items for the roughly 3.87-acre site located at 13815 Cherrywood Drive:

- Preliminary and Final Plat to allow “Christ Lutheran Addition to Baxter”;  
- Ordinance Text Amendment to Title 10 of the City Code;  
- Conditional Use Permit (CUP) to allow a school use in the R-1, Single Family Residential zoning district

The applicant is proposing to plat six existing lots into a single lot. The applicant is also proposing a zoning ordinance text amendment to the required road classification serving a school use and a conditional use permit to allow a school use in the R-1, Single Family Residential district.

2.  Context

Adjacent Land Use and Zoning

<table>
<thead>
<tr>
<th>North</th>
<th>Adjacent Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>East</td>
<td>Low Density Residential</td>
<td>R-1, Single Family Residential</td>
</tr>
<tr>
<td>South</td>
<td>Parks/Greenway</td>
<td>PB, Public Benefit</td>
</tr>
<tr>
<td>West</td>
<td>Low Density Residential</td>
<td>R-1, Single Family Residential</td>
</tr>
</tbody>
</table>

Natural Characteristics of the Site

The site is predominately flat with a slight elevation change on the south side of the property sloping down to a storm water pond which is located in unimproved City right-of-way. Existing trees along Inglewood Drive and Cherrywood Drive provide screening to the church and accompanying parking...
lot. There is also a row of trees along the western property line that provides screening to the residents to the west. No wetlands and a few landscaping tree exist on site and the property is not located in a shoreland overlay district and there is no floodplain on the property.

**Utility Commission Review**

The Utility Commission reviewed the application for preliminary and final plat of Christ Lutheran Addition to Baxter on April 4, 2018 and advised to the Planning Commission that the Utilities Commission has no concerns with the preliminary and final plat for Christ Evangelical Lutheran Church Little Lambs Preschool.

The Utility Commission also reviewed the application for a CUP to allow a school use in the R-1 zoning district on April 4, 2018 and advised to the Planning Commission that the Utilities Commission has no concerns with the Conditional Use Permit for Christ Evangelical Lutheran Church Little Lambs Preschool contingent that SAC and WAC fees are paid before the building permit is issued.

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 R-1, Single Family Residential zoning district requires a minimum lot area of 15,000 square feet and a minimum lot width of 100 feet for interior lots and 120 feet for corner lots. The plat would result in a corner lot that is approximately 3.87 acres and greater than 120 feet wide. Therefore, the lot would meet the minimum requirements.

**Park Dedication**

Staff notes that this is a paper plat only for property with an existing church and therefore, park dedication is not required at this time.

**Traffic**

The site is developed with a church and parking lot. As such, the existing roadway network is established and able to accommodate the new preschool use that is proposed with the application. The Utilities Commission had no concerns with the proposed site design regarding traffic.

**Right-of-Way**

No additional right-of-way dedication is required with this plat.
Access

Existing access locations would be used to serve the site. Specifically, there are two existing accesses located on Cherrywood Drive that would continue to be utilized to serve the subject property. The west access would serve as an entrance with the east access serving as an exit. The two accesses, with one as an entrance and one as an exit, will provide internal traffic circulation of the site for parents dropping off and picking up their children.

Ordinance Text Amendment

The applicant is requesting a zoning ordinance text amendment to allow a school use to be served by a road whose classification is lower than the current requirement of "minor arterial" or higher. Under the current ordinance, school uses are only allowed in the R-1 zoning district (as well as the F, RS, R-2, R-3, C-2, OS, and PB districts) by conditional use permit subject to the following requirements:

A. Provided no building shall be located within fifty feet (50') of any lot line.
B. The site shall be served by a minor arterial or higher classification of roadway.
C. A master plan shall be submitted that describes proposed physical development for the next five (5) years and for the following five (5) years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

Staff Analysis and Findings

Churches often double as a school use as the two uses fit well together with the church use occupying the building on the weekends and the school use occupying the site during the week. As the Code is currently written, a school use would only be allowed on four roads in Baxter: TH 371, TH 210, Excelsior Road (east of 371), and College Road. Additionally, staff has reviewed existing schools and school uses, as well as churches that could reasonably be expected to institute a school use in the future similar to this application, and has determined that most, if not all, of the locations in Baxter are not directly served by a minor arterial or higher road classification. Staff finds that the current requirement for a school use to be located on a minor arterial or higher classification road to be overly burdensome, unnecessary, and out of alignment with the needs and the character of a school use. Staff is proposing a maximum 1,000 foot distance requirement from a collector or arterial roadway as a condition to allowing a school use. This would allow reasonable opportunities for schools to be located in while elimination a school use from locating deep within a residential district served by a network of local streets where a school use would be inappropriate. Additionally, a distance requirement would provide an opportunity to grant a variance to the required distance assuming all variance standards are met. The proposed ordinance amendment would amend the road classification requirement in all zoning districts where a school is allowed as a conditional use.

ARTICLE C. R-1 LOW DENSITY RESIDENTIAL DISTRICT

10-3C-3: CONDITIONAL USES:

School.
A. Provided no building shall be located within fifty feet (50') of any lot line.

B. The site shall be served by a minor arterial or higher classification of roadway, located within 1,000 feet of a collector or arterial roadway.

C. A master plan shall be submitted that describes proposed physical development for the next five (5) years and for the following five (5) ten (10) years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

The same verbiage for school uses included above is used in each of the zoning districts that allow schools as a conditional use. Staff proposes making the same amendments as shown above in each of those districts to keep them all uniform.

Conditional Use Permits

The applicant is proposing to use an existing church in an R-1 zoning district as a preschool during the week when church is not in session. The R-1 zoning district allows school uses as conditional uses subject to the following conditions:

A. Provided no building shall be located within fifty feet (50') of any lot line.

B. The site shall be served by a minor arterial or higher classification of roadway.

C. A master plan shall be submitted that describes proposed physical development for the next five (5) years and for the following five (5) ten (10) years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

Staff findings of school use standards

The existing church structure currently has two property lines running through it splitting it up into three separate sections. These lines are proposed to go away with approval of the proposed plat. The east side of the structure is approximately 44 feet from the east property line along Inglewood Drive. However, the City collected right-of-way when Inglewood Drive was redone in 2015. Prior to the City collecting that extra ROW, the church met the 50-foot setback which is required for both a church use and a school use. Seeing as how there are no physical alterations that would reduce the setback to the Inglewood ROW and the existing use has the same setback requirements, staff has determined that the structure is legally nonconforming and does not require a variance.

Assuming a favorable outcome on the applicant’s request to amend the Code to allow a school use on a collector or arterial street, the applicant is meeting this condition.

The applicant has submitted a ten year master plan indicating that the only plan for a physical alteration to the structure is the addition of a door for ingress/egress; there are no plans to expand within the next ten years.
CUP Standards

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

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

The school use would not create an excessive burden on existing parks, schools, streets and other public facilities because the existing surrounding development pattern is equipped for this type of use.

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

Schools are allowed conditional uses in the R-1 district and would not depreciate adjacent properties.

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

The school use would not have an adverse effect on adjacent properties as long as the conditions in the attached resolution are complied with. Additionally, the school use is proposed to be located within an existing church whose appearance is not proposed to be altered.

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

Schools are an integral part of any developing community and provide a vital function for the community.

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

School uses are consistent with the purposes of the City and the R-1 zoning district.

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

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

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

With the conditions in the resolution, the proposed use would not cause a traffic hazard or congestion.

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

4. **Recommendation**

Staff recommends approval of the Preliminary and Final Plat of Christ Lutheran Addition to Baxter, the zoning ordinance text amendment, and the Conditional Use Permit subject to the findings and conditions in the attached resolutions.

**Attachments**
1. Draft Resolution Approving Preliminary and Final Plat
2. Draft Ordinance Approving the Ordinance Text Amendment
3. Draft Resolution Approving the CUP
4. Site Location Map
5. Applicant Narrative
6. Preliminary Plat
7. Final Plat
8. Site Plan
9. Floor Plans
10. Baxter Functional Classification Street Map
RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT
FOR “CHRIST LUTHERAN ADDITION TO BAXTER” (CITY FILE NUMBER 18-08)

WHEREAS, Chad Kinate (“the applicant”) has requested approval of a plat on property legally
described as follows:

Lots 1-6, Block 1, Fullerton’s Addition to Baxter, EXCEPT the East 10.00 feet of
said Lots 1, 2, and 3, Crow Wing County, Minnesota.

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called a
Public Hearing on April 11th, 2018 and recommends approval, and;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation
at their April 17th, 2018 meeting;

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

1. The subdivision does not require the creation of any public utility easements other than
   the standard required drainage and utilities easements of platted lots;

2. 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.

3. The subdivision does not fall within the corridors of any planned or proposed street as
   shown upon the official map or approved area plans.

4. 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 plans dated March 16th,
   2018 and received by the City of Baxter on March 20th, 2018, except as amended by this
   resolution.

2. Prior to Recording the plat, the applicant shall submit plat recording checklist items as
   reviewed and approved by city staff.
3. Building permits are required prior to beginning any new construction.

4. No building permits shall be issued until the final plat and all resolutions associated with this application are filed and recorded with Crow Wing County.

5. The final plat approval shall expire two years from 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 17th day of April, 2018.

___________________________________
Darrel Olson, Mayor

ATTEST:

___________________________________
Kelly Steele, City Clerk
THE CITY OF BAXTER ORDAINS:

SECTION 1. Amendments. The text of Articles A, B, C, D, E, G, H, and K of Chapter 3, Title 10 (Zoning Regulations) of the Baxter City Code is hereby amended by deleting the striken material and adding the underlined material as follows:

10-3A-3: CONDITIONAL USES:

School.

A. Provided no building shall be located within fifty feet (50') of any lot line.

B. The site shall be located within 1,000 feet of a collector or arterial roadway. The site shall be served by a minor arterial or higher classification of roadway.

C. A master plan shall be submitted that describes proposed physical development for the next five (5) years and for the following five (5) ten (10) years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

D. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

10-3B-3: CONDITIONAL USES:

School.

A. Provided no building shall be located within fifty feet (50') of any lot line.

B. The site shall be located within 1,000 feet of a collector or arterial roadway. The site shall be served by a minor arterial or higher classification of roadway.

C. A master plan shall be submitted that describes proposed physical development for the next five (5) years and for the following five (5) ten (10) years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.
parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

D. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

10-3C-3: CONDITIONAL USES:

School.

A. Provided no building shall be located within fifty feet (50') of any lot line.

B. The site shall be located within 1,000 feet of a collector or arterial roadway. The site shall be served by a minor arterial or higher classification of roadway.

C. A master plan shall be submitted that describes proposed physical development for the next five (5) years and for the following five (5) ten (10) years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

10-3D-3: CONDITIONAL USES:

School.

A. Provided no building shall be located within fifty feet (50') of any lot line.

B. The site shall be located within 1,000 feet of a collector or arterial roadway. The site shall be served by a minor arterial or higher classification of roadway.

C. A master plan shall be submitted that describes proposed physical development for the next five (5) years and for the following five (5) ten (10) years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

D. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

10-3E-3: CONDITIONAL USES:

School.

A. Provided no building shall be located within fifty feet (50') of any lot line.
B. The site shall be located within 1,000 feet of a collector or arterial roadway. The site shall be served by a minor arterial or higher classification of roadway.

C. A master plan shall be submitted that describes proposed physical development for the next five (5) years and for the following five (5) years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

D. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

10-3G-3: CONDITIONAL USES:

School.

A. The use when conducted entirely within a building.

B. The site shall be located within 1,000 feet of a collector or arterial roadway. The site shall be served by a minor arterial or higher classification of roadway.

C. A master plan shall be submitted that describes proposed physical development for the next five (5) years and for the following five (5) years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

D. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

10-3H-3: CONDITIONAL USES:

School.

A. The use when conducted entirely within a building.

B. The site shall be located within 1,000 feet of a collector or arterial roadway. The site shall be served by a minor arterial or higher classification of roadway.

C. A master plan shall be submitted that describes proposed physical development for the next five (5) years and for the following five (5) years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.
parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

D. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

10-3K-3: CONDITIONAL USES:

School.

A. The use when conducted entirely within a building.

B. The site shall be located within 1,000 feet of a collector or arterial roadway, served by a minor arterial or higher classification of roadway.

C. A master plan shall be submitted that describes proposed physical development for the next five (5) years and for the following five (5) ten (10) years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

D. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadway

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

WHEREUPON, said Ordinance is hereby declared adopted on this 17th day of April 2018.

_____________________________  Darrel Olson, Mayor

ATTEST:

_____________________________  Kelly Steele, Assistant City Administrator /Clerk  City Seal
CITY OF BAXTER, MINNESOTA
ORDINANCE 2018-____

SUMMARY OF ORDINANCE NO. 2018-____

AN ORDINANCE AMENDING THE TEXT OF TITLE 10 OF THE BAXTER CITY CODE

This ordinance amends the text of “Title 10 “Zoning Regulations” of the City Code. The ordinance consists of both technical and substantive amendments. The ordinance contains amendments to the following Sections:

Title 10, Chapter 3, Article A, Section 3, Conditional Uses
Title 10, Chapter 3, Article B, Section 3, Conditional Uses
Title 10, Chapter 3, Article C, Section 3, Conditional Uses
Title 10, Chapter 3, Article D, Section 3, Conditional Uses
Title 10, Chapter 3, Article E, Section 3, Conditional Uses
Title 10, Chapter 3, Article G, Section 3, Conditional Uses
Title 10, Chapter 3, Article H, Section 3, Conditional Uses
Title 10, Chapter 3, Article K, Section 3, Conditional Uses

A printed copy of the amended sections is available for inspection by any person at City Hall during the City Clerk’s regular office hours.

Whereupon, said Ordinance is hereby declared adopted on this 17th day of April, 2018.

_____________________________
Darrel Olson, Mayor

ATTEST:

__________________________
Kelly Steele, Assistant City Administrator/Clerk

City Seal
CITY OF BAXTER, MINNESOTA
RESOLUTION 18-____

A RESOLUTION APPROVING FINDINGS OF FACT FOR AN ORDINANCE AMENDING THE TEXT OF TITLE 10 OF THE BAXTER CITY CODE

WHEREAS, Christ Evangelical Lutheran Church initiated an amendment to update the City Code; and

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

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

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

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

2. The City Code and Zoning regulations have a substantial impact public health and safety, quality of life in the City.

3. The amendments were needed to address technical and substantive City Code standards.

4. The amendments improve clarity and consistency in the City Code.

Whereupon, said Resolution is hereby declared adopted on this 17th day of April, 2018.

______________________________
Darrel Olson, Mayor

ATTEST:

______________________________
Kelly Steele, Assistant City Administrator/Clerk

City Seal
CITY OF BAXTER, MINNESOTA
RESOLUTION 18-____

RESOLUTION APPROVING A CONDITIONAL USE PERMIT ALLOWING A SCHOOL USE IN THE R-1, SINGLE FAMILY RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 13815 CHERRYWOOD DRIVE (CITY FILE NUMBER 18-08)

WHEREAS, Christ Evangelical Lutheran Church ("the applicant") has requested approval of a conditional use permit for property legally described as follows:

Lot 1, Block 1, Christ Lutheran Addition to Baxter, Crow Wing County, Minnesota, and;

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on April 11th, 2018 and recommends approval, and;

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their April 17th, 2018 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 conditional use permit subject to the following findings and conditions:

1. The conditional use permit allows for a school use to be located within the R-1, Single Family Residential zoning district for property located at 13815 Cherrywood Drive, in accordance with the application and plans received by the city on February 28, 2018, except as may be amended by this resolution, based on the finding that all applicable conditional use permit standards have been met.

2. Building permits are required prior to beginning construction.

1. **Prior to issuance of a building permit**, the applicant shall:

   a. Pay all required SAC and WAC fees.
   b. Submit a One-Way/Do Not Enter sign plan for review and approval by City staff. Specifically, a “One Way” sign shall be placed at the entrance to the parking lot and a “Do Not Enter” sign shall be placed at the exit of the parking lot.

3. Any future additions to the building that would expand the school use shall require an amendment to this 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 17th day of April, 2018.

___________________________________
Darrel Olson, Mayor

ATTEST:

______________________________
Kelly Steele, City Clerk
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.
Christ Evangelical Lutheran Church Little Lambs Preschool – Baxter, MN

Christ Evangelical Lutheran Church (CELC) is planning to start a preschool within its existing facility at 13815 Cherrywood Drive in Baxter, for the purpose of engaging the community, expanding preschool opportunities within the Baxter area; and sharing God’s word with additional souls.

Scope of operation:

- Hours of operation
  - School year
  - ½ day option (7:30 a.m. – 12:30 p.m.): 2-5 days/week.
- Number and age of students
  - 4-5 yr. olds that are potty trained.
- Floor plan of where classrooms will be located.
  - See attached maps/drawings.

CELC will follow all requirements included in Minnesota Child Care Center Policy, Procedure, and Program Rule 3. Our intention with no facility expansion and minor renovation is to have one classroom (rooms 127 & 128 combined via accordion wall on attached floor plan) with up to 20 children ages 4-5 and two staff. There are existing offices for planning and preparation and wash rooms. Meals will be provided by parents via bag lunch or catered in for special occasions. The lead teacher will have a bachelors degree. We foresee a very low impact on traffic with parents utilizing the existing one-way parking lot with drop off from the main entrance to education wing entrance on the south side of the facility. CELC owns property connecting it directly to Inglewood Drive.

Christ Evangelical Lutheran Church is a nonprofit corporation formed under the laws of Minnesota. CELC is governed by its Voters, and Lay Planning Council consisting of various boards such as the board of education. With the City of Baxter’s approval CELC would like to move forward with a Conditional Use Permit to operate a preschool for a minimum of the next 10 years. I invite you to view our website: http://www.christbaxter.com/

CELC does not foresee any issues with the dual use of its facility as the predominant use currently is church services on Sunday mornings when there would be no preschool classes. If there are intermittent events (funerals, advent or lent mid-day services) during the week the parking lot is sized large enough to handle both the event parking and preschool staff parking. Mid-day church services typically have relatively low attendance which will leave plenty of room in the parking lot and start at 1:30 p.m. which is after the end of our ½ day preschool day (12:30 p.m.) Note – there is not anticipated to be children’s guardian parking throughout the day; rather drop off and pick-up temporary parking. For funerals, parking spots near the education wing entrance and playground would be coned off reserving them for children’s pick-up and pick-up times will be staggered with advance notice given to parents if necessary. If CELC’s Little Lambs Preschool is blessed with strong enrollment, it may consider expanding to offer a full day preschool option in future years.
With the City of Baxter's approval CELC would like to move forward with a Conditional Use Permit to operate a preschool within the existing CELC structure. The CELC property is currently used as a Church with a nursery and education classrooms and we see no impact on adjoining properties to change its use to a half or full day preschool operation.

Renovations to the property using the same type and color of building materials as the original building requested are:

1. Addition of an emergency exit on the south wall of the preschool classroom.

We do not have any plans for future expansion on the property over the next 10 years and with no expansion to impervious surfaces there should be no stormwater or environmental impacts. We believe this project is consistent with the Baxter Comprehensive and Land Use Plan.

In accordance with the quick fire code reference guide for day care facilities in Minnesota and International Fire Code 907.2.3 (less than 50 occupants) CELC intends on adding smoke detectors and carbon monoxide detectors within its one-story facility with no stairs to achieve compliance with the fire code.

Attached to this narrative please find a floor plan, aerial overview of the facility and original architectural designs. Thank you for your consideration of this proposed preschool use of the CELC facility.

Respectfully,

[Signature]

Justin Barrick  
Christ Evangelical Lutheran Church  
Chair – Board of Education  
Cell: 715.301.3094
Figure 3. Overview of Preschool Property (blue outline) with fenced in 2,500 square feet playground area traced in red with “P” in it. The evacuation area meeting location will also be the playground. Green square depicts classroom location. Light blue rectangle depicts parking drop-off and pick-up area.

Aerial Overview
TO: Baxter Planning and Zoning Commission
FROM: Joshua Doty, Community Development Director
DATE: April 6, 2018 for the April 11, 2018 Planning and Zoning Commission Meeting
REQUEST: PUBLIC HEARING. Rezoning from PB, Public Benefit to R-1, Low Density Residential, for approximately the westnerly 277 feet of Outlot A, Fourth Addition to Baxter Greenwood Acres; Preliminary and Final Plat to allow “Fifth Addition to Baxter Greenwood Acres to Create two lots and an Outlot; and Conditional Use Permits to move two single family homes onto two new single family lots located east of the Birch Drive cul-de-sac and north of College Road. (City File # 18-11).

APPLICANT: City of Baxter
ZONING: PB, Public Benefit

1. Application Request

The City of Baxter is requesting approval of the following items for the 4.39-acre Outlot located east of the Birch Drive cul-de-sac and north of College Road:

- Rezoning from PB, Public Benefit to R-1, Low Density Residential, for approximately the westnerly 277 feet of Outlot A, Fourth Addition to Baxter Greenwood Acres;
- Preliminary and Final Plat to allow “Fifth Addition to Baxter Greenwood Acres to Create two lots and an Outlot; and
- Conditional Use Permits to move two single family homes onto two new single family lots located east of the Birch Drive cul-de-sac and north of College Road.

The above described applications would allow the moving of two single family homes east of the Birch Drive cul-de-sac. The City has partnered with Habitat for Humanity, who would coordinate the related construction to move the homes.

Site History

The subject site has been zoned Office Service since approximately the 1990’s. As part of the latest Comprehensive Plan Update in 2015, the City of Baxter established the site as Park/Greenway on the City’s first Future Land Use Map. The property was platted in 2001 as Outlot A, Fourth Addition to Greenwood Acres.
2. Context

Adjacent Land Use and Zoning

<table>
<thead>
<tr>
<th></th>
<th>Adjacent Land Use</th>
<th>Zoning</th>
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<tbody>
<tr>
<td>North</td>
<td>Residential Property</td>
<td>R-1, Low Density Residential</td>
</tr>
<tr>
<td>East</td>
<td>Highland Scenic Road and the City of Brainerd</td>
<td>N/A</td>
</tr>
<tr>
<td>South</td>
<td>College Road</td>
<td>N/A</td>
</tr>
<tr>
<td>West</td>
<td>Single Family Homes</td>
<td>R-1, Low Density Residential</td>
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Natural Characteristics of the Site

The aerial photo below shows that Outlot A is natural property that is mostly wooded. The property is over 1,700 feet in length. There 10 single family homes that lie north of the subject outlot. College Road lies south of the outlot and Birch Drive lies west of the outlot. The site has a fair amount of topography as noted on the topography map below. There is no wetland or floodplain on the property and the site is not located in a shoreland overlay district.
Utility Commission Review

The Utility Commission reviewed the application on April 4, 2018 and recommend approval of the request.

3. Analysis of Request

**Rezoning to R-1, Low Density Residential**

The City is requesting a rezoning to amend the City’s Zoning Map from BP, Public Benefit to R-1, Low Density Residential for the approximately westerly 277 feet of Outlot A, Fourth Addition to Baxter Greenwood Acres. The rezoning of this portion of the outlot would allow the for the future moving of two single family homes east of the Birch Drive cul-de-sac. The site is located east of the Birch Drive cul-de-sac and north of College Road. The City’s current request is based on the opportunity to re-locate two existing homes that must be moved as part of the Cypress Drive Road improvement project. Therefore, the homes are currently located in the same neighborhood approximately 800 feet west of the subject property.

The existing zoning of the property is PB, Public Benefit (see zoning map below). The property to the North and West of the site is zoned R1 and the property to the South of the site is zoned R-3, High Density Residential, OS, Office Service, and C-1, Neighborhood Commercial.

![Zoning Map](image)

**Consistency with Comprehensive Plan**

The City recently amended the Comprehensive Plan and Future Land Use Plan by re-guiding the approximately westerly 277 feet of the Outlot A from Parks/Greenway to Low Density Residential as shown on the map below.
Future Land Use

When planning land use and zoning for a given area, consideration should be made to establish land use and zoning into larger blocks use if possible to avoid “spot zoning” of areas. Staff notes that as part of the Comprehensive Plan update in 2015, the City supported a Future Land Use designation of Parks/Greenway for this area to be consistent with the existing zoning of the property. However, the City has the opportunity to relocate two existing single-family homes for a portion of the property, while maintaining Parks/Greenway for the remainder of the property. Staff notes that the rezoning of the property would be adjacent to a large block of R-1, Low Density Residential zoned property and would therefore, not be considered “spot zoning”, which supports a re-examination of the zoning.

Existing Conditions Utilities

Although there is some topography, the subject site supports the addition of two new single-family homes. There are no wetlands, floodplain or shoreland areas. The site also served by and existing cul-de-sac of Birch Drive, which would provide direct access to a public street. Staff notes that although the property is guided and zoned for public use, two existing sewer and water service stubs were provided in the location of the proposed lots, which would provide convenient municipal sewer and water service for the relocated homes. Therefore, the existing conditions support development of the property for single family residential use.

Transportation System

The site is Birch Drive, which is a local street serving the neighborhood. Staff notes that Birch Drive currently serves as public street access for six single family lots. Therefore, the existing transportation system for this immediate area is supportive of low density residential zoning.

Rezoning Findings

Although reasonable findings can be made to support public land use for the subject area, staff notes that a rezoning to low density residential for two single family residential lots is also supportable. Specifically, the site area would be adjacent to an existing single-family home neighborhood on Birch Drive. In addition, the proposal would leave the majority of the outlot guided.
and zoned for Public Parks/Greenway land use. The sites existing conditions and existing utility services support the relocation of two single family homes to the subject area.

**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 applicant is proposing a plat to be named “Fifth Addition to Baxter Greenwood Acres” to create two single family lots and one outlot. The R-1 district requires a minimum lot area of 15,000 square feet and a minimum lot width of 100 feet for interior lots. The plat would create two interior lots that exceed these minimum standards, which complies with the minimum standards of the zoning Ordinance.

**Access/Traffic**

The site is served by and existing cul-de-sac of Birch Drive, which would provide direct access to a public street for the two single family lots.

**Right-of-Way**

Although, not considered ROW, the plat shows a 20-foot wide strip of outlot south of Lot 2. This land would serve as buffer property and could serve as future ROW for College Road if additional ROW is needed in the future. Staff supports the plat and finds that it sufficient for the City’s right-of-way needs.

**Park Dedication**

The subject property is platted as an outlot. Therefore, park dedication would be required for the two new single family lots. The current park dedication rate is $1,800 per residential unit. Therefore, a park dedication fee of $3,600 is required prior to recording the plat. Staff has added a condition to the plat resolution requiring the payment of park dedication fees.

**Conditional Use Permits**

The City is requesting conditional use permits to move two single family homes to the subject properties. Section 10-1-3D7 of the zoning ordinance requires that a conditional use permit is required before any previously occupied house or other structure, is moved onto a vacant lot. The zoning ordinance states that the application must be reviewed to determine if the structure will be compatible with other development in the area. The application must also be consistent with the “Baxter House Moving Policy Manual”.

The City has entered into a preliminary partnership with Habitat for Humanity, who would move the homes and coordinate the associated construction. Although, staff has not completed a formal architectural review, staff notes that the existing homes that would be moved are located on Cypress Drive Road. Therefore, the homes are currently located in the same neighborhood approximately 800 feet west of the subject property and therefore are consistent with the neighborhood.
Attached to this staff report is the Baxter House Moving Policy Manual. Staff has added a condition to the attached resolution requiring compliance with the house moving policy manual prior to moving the building.

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

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

   The single-family homes would not create an excessive burden on existing parks, schools, streets and other public facilities.

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

   Single family homes area permitted use of the R-1 district and would not depreciate adjacent properties.

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

   The two homes to be moved are in the existing neighborhood/area and would not have an adverse effect on adjacent properties.

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

   Single family homes for the subject property would relate to the overall needs of the city and to the existing land use in the surrounding area.

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

   Single family homes are consistent with the purposes of the City and the R-1 zoning district.

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

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

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

   The use would not cause traffic hazard or congestion. The homes would have access to a residential street cul-de-sac, that serves an existing neighborhood.

H. *Facilities*: The use shall have adequate utilities, access roads, drainage and necessary facilities.
The site existing utilities service stubs for two lots, access roads, drainage and necessary facilities.

4. **Recommendation**

Staff recommends approval of the Rezoning, Preliminary/Final plat, and Conditional Use Permits subject to the Ordinance and conditions and findings in the attached resolutions.

**Attachments**
1. Draft Ordinance Approving the Rezoning
2. Draft Resolution Approving Preliminary and Final Plat
3. Draft Resolution Approving the Conditional Use Permits
4. Site Location Map
5. Site Graphics
CITY OF BAXTER, MINNESOTA
ORDINANCE 2018-___

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 THE APPROXIMATELY WESTERLY 277 FEET OF OUTLOT A, FOURTH ADDITION TO BAXTER GREENWOOD ACRES (CITY FILE NUMBER 2018-11)

THE CITY OF BAXTER ORDAINS:

Section 1. Amendment of the City Code. Title 10 of the Zoning Ordinance of the City Code of the City of Baxter, Minnesota, is hereby amended by changing the classification on the City of Baxter Zoning Map from PB (Public Benefit) to R-1 (Low Density Residential) for land located east of the Birch Drive Cul-De-Sac and north of College Road, legally described as follows:

The Westerly 277 Feet of Outlot A, Fourth Addition to Baxter Greenwood Acres, 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 17th day of April 2018.

_____________________________
Darrel Olson, Mayor

ATTEST:

_____________________________
City Seal

Kelly Steele, City Clerk
CITY OF BAXTER, MINNESOTA
RESOLUTION 2018-____

RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT
FOR “FIFTH ADDITION TO BAXTER GREENWOOD ACRES” FOR PROPERTY LOCATED
EAST OF THE BIRCH DRIVE CUL-DE-SAC AND NORTH OF COLLEGE ROAD (CITY FILE
NUMBER 2018-11)

WHEREAS, The City of Baxter ("the applicant") has requested approval of a preliminary and
final plat on property located East of the Birch Drive cul-de-sac and North of College Road,
legally described as follows:

Outlot A, Fourth Addition to Baxter Greenwood Acres, Crow Wing County,
Minnesota.

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called a
Public Hearing on April 11, 2018 and recommends approval, and;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation
at their April 17, 2018 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 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 March 30, 2018, except as amended by this resolution.
2. Approval of the preliminary and Final Plat is contingent on approval of the rezoning from
   PB, Public Benefit to R-1, Low Density Residential.
3. Prior to Recording the plat, the applicant shall:
   a. Submit plat recording checklist items as reviewed and approved by city staff.
b. Pay park dedication fees for two single family lots according to the current fee schedule at the time the plat is recorded.

4. House moving permits and building permits are required prior to moving homes or construction.

5. No building permits shall be issued until the final plat, agreements, and easements are filed and recorded with Crow Wing County.

6. 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 17th day of April 2018.

___________________________________
Darrel Olson, Mayor

ATTEST:

____________________________________
Kelly Steele, City Clerk

City Seal
CITY OF BAXTER, MINNESOTA
RESOLUTION 2018-___

RESOLUTION APPROVING CONDITIONAL USE PERMITS TO ALLOW TWO EXISTING SINGLE-FAMILY HOMES TO BE MOVED TO PROPERTY LOCATED EAST OF THE BIRCH DRIVE CUL-DE-SAC, NORTH OF COLLEGE ROAD (CITY FILE NUMBER 2018-11)

WHEREAS, The City of Baxter (“the applicant”) has requested approval of conditional use permits for property legally described as follows:

Lots 1 and 2, Block 1, Fifth Addition to Baxter Greenwood Acres, Crow Wing County, Minnesota.

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on April 11, 2018 and recommends approval, and;

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their April 17, 2018 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 conditional use permits, subject to the following findings and conditions:

1. The conditional use permits allow the moving of two existing single-family homes from Cypress Drive to the subject properties, in accordance with the application and plans received by the city on March 30, except as may be amended by this resolution, based on the finding that all applicable conditional use permit standards have been met.

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

1. All applicable building/moving permits must be obtained prior to moving the building into the City of Baxter and prior to commencing any construction on the site.

2. Approval of the conditional use permits is contingent on approval of the rezoning from PB, Public Benefit to R-1, Low Density Residential and on approval of the preliminary and final plat to allow two single family lots.

3. Prior to issuance of any building or moving permits, the applicant shall:
   a. Demonstrate compliance with the requirements of the City of Baxter House Moving Policy Manual.
   b. Submit any required permit approvals from the State of Minnesota to allow the buildings to move to the subject site.
4. The subject homes to be moved shall be consistent with the homes in the existing neighborhood.

5. Approval shall expire within one year of the date of approval unless the applicant commences the authorized use and completes the required improvements.

Whereupon, said Resolution is hereby declared adopted on this 17th day of April 2018.

___________________________________
Darrel Olson, Mayor

ATTEST:

___________________________________  City Seal
Kelly Steele, City Clerk
Fifth Addition to Baxter Greenwood Acres

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.

NAD_1983_HARN_Adj_MN_Crow_Wing_Feet
City of Baxter

1: 3,840

Notes

THIS MAP IS NOT TO BE USED FOR NAVIGATION
KNOW ALL PERSONS BY THESE PRESENTS: That the City of Baxter, a Minnesota municipal corporation is owner of the following described property situated in Crow Wing County, Minnesota:

LEGAL DESCRIPTION:
Outlot A, FOURTH ADDITION TO BAXTER GREENWOOD ACRES, according to the recorded plat thereof on file in the Crow Wing County, Minnesota, Recorder's Office. Subject to easements, reservations or restrictions of record, if any. Subject to mineral reservations of record, if any. Has caused the same to be surveyed and platted as FIFTH ADDITION TO BAXTER GREENWOOD ACRES and do hereby dedicate the easements as shown on this plat for drainage and utility purposes only.

IN WITNESS WHEREOF, said City of Baxter, a Minnesota municipal corporation, has caused these presents to be signed by its proper officers this______ day of _______________________, 20____.

SIGNED:
Darrel Olson, Mayor           Brad Chapulis, Executive Director
City of Baxter

State of __________________
County of  ________________

This instrument was acknowledged before me on ___________________________ by Darrel Olson, Mayor and Brad Chapulis, Executive Director of City of Baxter, a Minnesota municipal corporation.

_________________________________________
_____________________________, Notary Public
PRINT NAME
___________________County, _______________
My Commission Expires:  ____________________

I, Chad M. Conner, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Sections 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat and all public ways are shown and labeled on this plat.

Dated this______ day of _______________, 20____.
_________________________________________
Chad M. Conner, Licensed Land Surveyor
Minnesota License Number 41643

State of Minnesota
County of Crow Wing

This instrument was acknowledged before me on ___________________________ by Chad M. Conner.
_________________________________________
_____________________________, Notary Public
PRINT NAME
___________________County, _______________
My Commission Expires:  ____________________

This plat of FIFTH ADDITION TO BAXTER GREENWOOD ACRES was approved and accepted by the City Council of the City of Baxter, Minnesota, at a regular meeting thereof held this ______ day of ____________________, 20____, and said plat is in compliance with the provisions of the Minnesota Statutes, Sections 505.03, Subd. 2.

By:  ________________________________________
Mayor
City of Baxter

By:  ________________________________________
Assistant City Administrator/City Clerk

Pursuant to Minnesota Statutes, Chapter 272.12, and there are no delinquent taxes on the land hereinbefore described on this plat and transfer and pursuant to Chapter 505.021, Subd. 9, taxes payable for the year __________ on the land hereinbefore described have been paid this ______ day of ______________, 20____.

Auditor/ Treasurer
Crow Wing County, Minnesota