

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2022-050**

**RESOLUTION APPROVING AN CONDITIONAL USE PERMIT TO ALLOW A
SCHOOL USE IN THE R-3 HIGH DENSITY RESIDENTIAL ZONING DISTRICT
LOCATED AT 13242 BERRYWOOD DRIVE (City file 22-23)**

WHEREAS, Tom Hice (representing Heritage Church) has requested approval of a conditional use permit to allow a school use in the R-3 zoning district on property legally described as follows:

THAT PT OF THE E 1/2 OF THE NW1/4 SE1/4 AND THAT PT OF THE E1/2 OF SW1/4 SE1/4 DESC AS FOL: COMM AT THE E COR OF SD SEC 8 THEN S 1D 10'11" W BEAR BASED ON CITY OF BAXTER COOR DATABASE NAD 83/88 808.18FT ALG THE E LINE OF SD SEC 8 THEN S 88D 1'49" W 931.41FT THEN SW'LY 380.62FT ALG A TANG CURVE CONCAVE TO THE SE C/A 25D 21'28" RAD 860FT TO A POINT OF REVERSER CURVATURE THEN SW'LY 42.39FT ALG A REVERSE CURVE CONCAVE TO THE NW C/A 2D 11'19" RAD 1109.81FT TO A POINT ON THE E LINE OF SD E1/2 NWSE WHICH IS N 0D 49'44" E 413.16FT FROM THE SE COR OF SD E1/2 NWSE THE POB OF THE TRACT TO BE DESC THEN CONT SW'LY 447.92FT ALG SD 1109.81FT RAD CURVE CONCAVE TO THE NW C/A 23D 7'29" THEN S 87D 59'10" W TANG TO THE LAST DESC CURVE 168.69FT TO THE E LINE OF THE W 66FT OF SD E1/2 NWSE THEN S 0D 39'33" W 567.56FT ALG SD E LINE OF THE W 66FT OF THE E1/2 NWSE AND ALG THE E LINE OF THE W 66FT OF SD E1/2 SWSE TO THE S LINE OF THE N 243FT OF SD E1/2 SWSE THEN N 87D 56'31" E 598.46FT ALG SD S LINE OF THE N 243FT TO THE E LINE OF SD E1/2 SWSE THEN N 0D 49'44" E 243.31FT ALG SD E LINE OF THE E1/2 SWSE TO SD SE COR OF THE E1/2 NWSE THEN N 0D 49'44" E 413.16FT ALG SD E LINE OF THE E1/2 NWSE TO THE POB. SUBJ TO A 10FT WIDE PERPETUAL ESMNT FOR A BIKEPEDESTRIAN PATH OVER, UNDER AND ACROSS THAT PT OF THE S1/2 NWSE REC AS DOC #564703 IN REC OFFICE. SUBJ TO AN ESMNT GRANTED TO CITY OF BAXTER ON 8-19-03. SUBJ TO ESMNTS/RESER/RESTR OF REC., SECTION 8, TOWNSHIP 133, RANGE 28, CROW WING COUNTY, MINNESOTA

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on June 14, 2022, and recommends approval, and;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their June 21, 2022, 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 amendment allows for a school use to be located in the exiting building on property that is zoned R-3 High Density Residential and is located at 13242

Berrywood Drive and the associated building having address 13198 Berrywood Drive; in accordance with the application and plans received by the city on May 24, 2022, except as may be amended by this resolution, based on the finding that all applicable conditional use permit standards have been met.

2. **Prior to commencing the school use,** 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, One Way /Do Not Enter signs shall be placed at the northerly access to Berrywood Drive.
3. Any future additions to the building shall require an amendment to this permit.
4. All signage shall comply with the sign ordinance and shall require a sign permit from the City.
5. Prior to the use of buses, the applicant shall submit, for review and approval by City staff, a bus circulation site plan that identifies turn radiuses for the buses.
6. If a documented parking issue arises the applicant shall address the problem through expanded parking or other means acceptable to the City. A parking issue implies parking outside of designated parking stalls such as on the grass, on the street, in drive aisles, and the likes. Failure to appropriately address a parking issue may result in revocation of the conditional use permit.
7. 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 21st day of June 2022.

Darrel Olson, Mayor

ATTEST:

Keely Steele, City Clerk

City Seal