

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2026-066**

**RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT
FOR “TIMBERLINE HEIGHTS SECOND ADDITION” TO CREATE ONE BUILDABLE LOT
FROM TWO LOTS FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF
CLEARWATER ROAD AND FOREST DRIVE
(CITY FILE NUMBER 2026-023)**

WHEREAS, Kuepers Inc. (“the applicant”) has requested approval of a preliminary and final plat for a 60-unit apartment development on property located at the southwest corner of Clearwater Road and Forest Drive, legally described as follows:

Lot 1, Block 3, JMS Baxter Estates, Crow Wing County, Minnesota, and;
Lot 2, Block 3, JMS Baxter Estates, Crow Wing County, Minnesota, and;

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called a Public Hearing on August 12, 2026, and recommends approval, and;

WHEREAS, the City Council considered the Planning and Zoning Commission recommendation at their August 18, 2026, 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 preliminary and final plat of Timberline Heights Second Addition, based on the finding that the standards in Title 11 of the Baxter Subdivision Ordinance are met as identified in the staff report dated January 14, 2025. 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 plat received by the City on July 13, 2026, except as may be amended by this resolution.
2. The preliminary and final plat is contingent on approval of the Comprehensive Plan Amendment, Rezoning, Variances, and Vacation of Easements.

3. **Prior to Recording the plat**, the applicant shall:
 - a. Add Utility Easement over the main and water main.
 - b. Dedicate a 25-foot drainage and utility easement adjacent to Clearwater Road extending the entire width of the property.
 - c. Include the 20-foot Bike and Pedestrian Trail Easement across the existing Lot 1, Block 3, JMS Baxter Estates parcel with the new plat.
 - d. Show a 30x30 sight triangle in the SW corner of Forest Drive & Clearwater Road on the plat which can be reduced if it affects the building setback.
 - e. Submit plat recording checklist items as reviewed and approved by city staff, to include an independent plat check letter and the submittal of an electronic CAD version of the Final Plat.
 - f. Comply with any platting requirements from Crow Wing County.
4. A building permit is required prior to beginning any new construction.
5. **Prior to issuance of building permits**, the applicant shall:
 - a. Record the final plat and any required agreements or easements with Crow Wing County.
 - b. Enter into a Development Agreement for the Timber Ridge of Baxter Senior Living development.
 - c. Enter into a Stormwater Facilities Maintenance Agreement for the Timber Ridge of Baxter Senior Living development.
 - d. Enter into a Permanent Access Easement for the Timber Ridge of Baxter Senior Living development.
 - e. Enter into a Construction Repair and Maintenance Agreement for the Timber Ridge of Baxter Senior Living development.
 - f. Revise the landscape plan to show the minimum number of trees and shrubs required by the landscape ordinance.
 - g. Revise the landscape plan for review and approval by city staff to increase coniferous plantings along the south property line to soften the transition from the four-story building to single family homes to the south.
 - h. Revise the landscape plan to show overstory deciduous trees for the landscaped islands adjacent to the building to be in compliance with the city's landscaped parking lot island requirements.
 - i. Revise sidewalk plans to add pedestrian ramps at curb locations and add sidewalk connectivity segments in the central area of the parking lot to be reviewed and approved by city staff.
 - j. Submit a trash enclosure plan. All trash and recycling areas shall be housed in fully opaque enclosures that are consistent with the primary color of the building. The enclosure materials and location shall be reviewed and approved by staff.
 - k. Submit a lighting plan for any exterior free standing or wall lighting shall be reviewed for compliance with the City's lighting ordinance.
 - l. Submit lowest floor elevations, which shall be three feet above saturated soils in compliance with 9-5-1 of the zoning ordinance.
 - m. 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.
 - n. Submit separate permits for any signage, which shall be in conformance with the City's sign ordinance. Signage shall comply with sight visibility triangle requirements.
 - o. Comply with all rooftop requirements of the ordinance. Specifically, (RTU) shall be visible if viewed at a height of five feet (5') above finish floor level at a distance of one hundred feet (100') from the building; any visible portion of any RTU beyond this

- point shall be painted to match the primary color of the exterior of the principal structure.
- p. Submit separate permits for any new mechanical equipment, gas meters, satellite dishes, and other utility hardware, whether located on the roof or exterior of the building or on the ground adjacent to it, shall be designed (including exterior color) and located to be aesthetically harmonious and compatible with the building. Screening may be required where the design, color and location of the equipment are found to be ineffective to buffer noise or provide aesthetic harmony.
 - q. Provide compliance with zoning review items related to the development plan.
- 6. Silt fence shall be installed prior to construction to prevent erosion on the site and to protect sediment from entering streets, adjacent properties, storm water ponds and wetlands.
 - 7. No stockpiling of materials, placement of construction equipment and construction materials will be allowed in the storm water ponding areas.
 - 8. A re-plat application at minimum would be required for any of the units to change from rental to owner-occupied units.
 - 9. The developer shall keep all sidewalks and/or trails that are connected to streets or adjacent properties open and maintained year-round.
 - 10. The permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
 - 11. Any future expansions would require review by the city and amendments are based on zoning ordinance standards.
 - 12. No building permits shall be issued until the final plat, agreements, and easements are filed and recorded with Crow Wing County.
 - 13. 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 18th day of August, 2026.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal