

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2021-068**

**RESOLUTION APPROVING AN INTERIM USE PERMIT FOR CHILDCARE SERVICES
WITHOUT URBAN UTILITIES FOR THE BRAINERD FAMILY YMCA AT CAMP VANASEK
LOCATED AT 14307 OAKWOOD DRIVE (City File # 20-32)**

WHEREAS, Brainerd Family YMCA ("the applicant") has requested approval of an interim use permit for property legally described as follows:

Parcel code: 40020784

Government Lot 9 Section 2, Township 133, Range 29 except the North 350 feet thereof & also except the South 100 feet of the North 450 feet lying West of Oakwood Drive Government Lot 9 Section 2 & also except a permanent fee acquisition for roadway purposes over, under & across that part of the North Half of the Southeast Quarter of the Southwest Quarter Section 2 lying northwesterly of a line drawn parallel with & 63.00 feet southeasterly of Oakwood Drive centerline, said centerline is described in Document #323432 & described as follows: commencing at the southwest corner of Section 2, thence East along the Section line for 174.55 feet to the point of beginning of the line to be described; thence North 41 degrees 40 minutes East 1316.05 feet to a steel pin marking the PC of a circular curve; thence to the left on a 01 degree 00 minutes circular curve (Delta Angle 06 degrees 20 minutes) for 633.33 feet to a steel pin marking the point of said 01 degree 00 minutes circular curve; thence North 35 degrees 20 minutes East 406.26 feet to a steel pin marking the PC of a circular curve; thence to the left on a 04 degrees 00 minutes circular curve (Delta Angle 22 degrees 13 minutes 30 seconds) for 555.62 feet to a steel pin marking the point of said 04 degrees 00 minutes circular curve; thence North 13 degrees 06 minutes 30 seconds East for 299.82 feet more or less, to a point on Quarter line, 185.0 feet South 88 degrees 56 minutes 30 seconds West of center of said Section 2, & there terminating. Together with & subject to easements, restrictions & reservations of record, if any.

Parcel code: 40020782

Government Lot 10 except the South 183 feet of Government Lot 10, Section 2, Township 133, Range 29 & except a permanent fee acquisition for roadway purpose over, under & across that part of Government Lot 10, except the South 183 feet thereof, lying southeasterly of a line drawn parallel with & 33.00 feet southeasterly of Oakwood Drive centerline & lying northwesterly of a line drawn parallel with & 63.00 feet southeasterly of Oakwood Drive centerline, said centerline is described in Document #323432 & described as follows: commencing at the Southwest corner of Section 2, thence East along the Section line 174.55 feet to the point of beginning of the line to be described; thence North 41 degrees 40 minutes East 1315.05 feet to a steel pin marking the PC of a circular curve; thence to the left on a 01 degree 00 minutes circular curve (Delta Angle 06 degrees 20 minutes) for 633.33 feet to a steel pin marking the point of said 01 degrees 00 minutes circular curve; thence North 35 degrees 20 minutes East 406.26 feet to a steel pin marking the PC of a circular curve; thence

to the left on a 04 degrees 00 minutes circular curve (Delta Angle 22 degrees 13 minutes 30 seconds) 555.62 feet to a steel pin marking the point of said 04 degrees 00 minutes circular curve; thence North 13 degrees 06 minutes 30 seconds East 299.82 feet more or less, to a point on Quarter line, 185.0 feet South 88 degrees 56 minutes 30 seconds West of center of said Section 2 & there terminating. Together with & subject to easements, restrictions & reservations of record, if any.

Parcel code: 40020781

North Half (N1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4), Section 2, Township 133, Range 29

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on August 10, 2021 and recommends approval, and;

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their August 17, 2021 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 an interim use permit for a childcare use without urban utilities, subject to the following findings and conditions:

1. The conditional use permit amendment is approved to authorize outside storage for the property, in accordance with the application and plans received by the City on September 21, 2020, except as may be amended by this resolution, based on the finding that all applicable conditional use permit standards have been met.
2. An interim use permit is approved to authorize temporary approval of a childcare use without urban utilities and without compliance with other City requirements. Specifically, the applicant shall build towards code compliance with the following code requirements with a re-evaluation in five years:
 - a. The facility would need to connect to urban utilities and approved permits would be needed to abandon the septic system and well.
 - b. Fire hydrants would be required to meet fire code requirements.
 - c. There appears to be a lot line through the one of the existing buildings. A plat is needed to correct this non-conformity.
 - d. A Conditional Use Permit is needed for a year-round Child Care/Day Care use.
 - e. The zoning ordinance requires paved parking facilities meeting zoning ordinance requirements, which will require storm water treatment (ponding).
 - f. The zoning ordinance requires paved parent drop-off/pick up facilities meeting zoning ordinance requirements, which will require storm water treatment (ponding).
 - g. Exterior site improvements proposed may require upgrades to other existing non-conforming site improvements.
 - h. The property is located on Whipple Lake and is therefore subject to all applicable shoreland ordinance requirements, including but not limited to impervious surface, setback requirements, etc.
 - i. Whipple Lake is also a FEMA Flood Plain and the use would be subject to all applicable FEMA floodplain requirements.
 - j. The improvements would require landscaping improvements that meet the landscaping ordinance.
 - k. Any proposed site lighting would need to meet ordinance standards.

- I. The use would be subject to SAC and WAC requirements and fees.
3. The site is subject to all applicable Building and Fire Code requirements.
4. During the term of the IUP, the City of Baxter maintains the right to review and evaluate whether the original intent and function of the use is being maintained. If it is determined that the use has materially changed, City staff can recommend revocation of the IUP to the City Council.
5. The interim use shall expire on August 17, 2026, unless the approval is extended by the City Council.

Whereupon, said Resolution is hereby declared adopted on this 17th day of August 2021.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal