

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2022-069**

**RESOLUTION APPROVING CONDITIONAL USE PERMITS FOR A SALES YARD
EXPANSION, AN ACCESORY BUILDING, AND OFF-SITE PARKING LOT AND VARIANCES
FOR OFF SITE PARKING, ACCESSORY STRUCTURE/FENCE SETBACK, FENCE HEIGHT
AND ARCHITECTURAL STANDARDS FOR MENARDS LOCATED AT 15236 DELLWOOD
DRIVE AND THE VACANT LOT NORTHEAST OF WHISPERING WOODS LANE AND
PEARL DRIVE (CITY FILE NUMBER 2022-13)**

WHEREAS, Menard, Inc. ("the applicant") has requested approval of conditional use permits and variances for property legally described as follows:

Lot 1, Block 1, and Lot 1, Block 2, Menard Third Addition, Crow Wing County, Minnesota.

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on August 10, 2022 and recommends approval, and;

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their August 16, 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 a conditional use permits and variances, subject to the following findings and conditions:

1. The conditional use permit allows a sales yard/garden center expansion, accessory structure, and off-site parking, in accordance with the application received on April 14, 2022, and revised plans received on June 7, 2022, July 18, 2022, July 20, 2022, July 25, 2022, and August 5, 2022, except as may be amended by this resolution, based on the finding that all applicable conditional use permit standards have been met.
2. The variance allows; 1) off-site parking that is not connected to an existing parking lot that services a principal use; 2) A four-foot accessory structure/fence setback, where 35 feet is required to the north property line to allow the racking accessory structure for the yard expansion; 3) A 14-foot-high fence where 6 feet is the maximum height allowed by the zoning ordinance; 4) Metal as an exterior finish for 100 percent the siding and roof material; and 5) A non-articulated accessory structure, in accordance with the application received on April 14, 2022, and revised plans received on June 7, 2022, July 18, 2022, July 20, 2022, July 25, 2022, and August 5, 2022., except as may be amended by this resolution, based on the finding that all applicable variance standards have been met.
3. A building permit is required prior to beginning any new construction.

4. Prior to issuance of a building permit the applicant shall:

- a. Comply with building code requirements, as required by the City Building Official for the racking system located near the property line.
 - b. A landscaping plan shall be submitted for review and approval by staff based on the city's landscaping ordinance.
 - c. Revise plans to show a continuous row of 6-foot-high coniferous trees along the north and east sides of the 14-foot-high yard fence. The planting plan shall be reviewed and approved by the City. The applicant shall provide and maintain tree water bags for the newly planted trees for two years for tree survivability. The applicant shall replace any trees that die.
 - d. A landscaped hedge is required around the off-site parking lot, as required by the ordinance.
 - e. The 14-foot-high fence shall be engineered to meet a 90-mile per hour wind load.
 - f. Revise plans to provide identify the fence painted with an earth tone color to be reviewed and approved by the city. The fence painting shall be maintained by the property owner.
 - g. Complete a 100-year stormwater design for review and approval by the City.
 - h. Submit city approved and executed Stormwater Facilities Maintenance Agreements for Lot 1, Block 1, and Lot 1, Block 2, and Outlot A, Menard Third Addition.
 - i. Require a Development Agreement for the Municipal Improvements prior to the plat being recorded or a building permit issued.
 - j. Provide flashing lights and streetlights at the pedestrian crossing on Whispering Woods Lane from the off-street parking lot.
 - k. Public Works Director/City Engineer shall review and approve Civil Drawings.
 - l. Provide well sealing certificate from the Minnesota Department of Health for sealing the well on the recently acquired residential property.
 - m. If watermain extension is needed along Whispering Woods Lane, then the sanitary sewer main shall be extended and the road reconstructed to a 10-ton road as far east as the watermain is required.
 - n. Eliminate grading that is currently shown in the Civil Drawings within the 30-foot Conservation Easement along the east property line of Lot 1, Block 1 of the MENARDS THIRD ADDITION Plat.
5. All new and replaced roof top units (RTUs) shall comply with the requirements of the ordinance. Specifically, no rooftop unit (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.
6. 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.
7. All signage shall comply with the zoning ordinance except as amended by this resolution. Proposed signage shall require a separate building permit.

8. All exterior lighting shall have a ninety-degree cutoff shield that conceals the light source with a non-sag, non-yellowing lens and shall fully comply with the lighting standards of the zoning ordinance.
9. The conditional use permit shall terminate if violations of city codes or conditions of the CUP occur.
10. 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 2022.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal