

**CITY OF BAXTER, MINNESOTA  
RESOLUTION 2024-066**

**RESOLUTION APPROVING CONDITIONAL USE PERMIT FOR OPEN STORAGE  
ACCESSORY TO A PRINCIPAL USE FOR VAN PARKING AND STAGING FOR PROPERTY  
LOCATED AT 12692 TIMBERWOOD DRIVE (CITY FILE NUMBER 24-019)**

WHEREAS, Ryan Company (“the applicant”) has requested approval of conditional use permit for property legally described as follows:

LOT 1, BLOCK 1, RYAN ADDITION TO BAXTER, CROW WING COUNTY,  
MINNESOTA

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on June 11, 2024, which was tabled without discussion to July 9, 2024, and recommends approval, and;

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their July 16, 2024 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 for Open Storage Accessory to a Principal Use for the parking of vans in the van parking lot and van staging area located on the east and south sides of the building, in accordance with the application and plans received by the City on May 24, 2024, and revised plans on June 19, 2024, June 21, 2024, and June 25, 2024, except as amended by this resolution, based on the finding that all applicable conditional use permit standards have been met as identified in the staff report dated May 14, 2024.
2. Approval of the shall be contingent upon approval of the preliminary and final plat of “Ryan Addition to Baxter”.
3. The plat of “Ryan Addition to Baxter” shall be recorded with the Crow Wing County Recorder’s Office prior to issuance of any building permits.
4. A building permit shall be required prior to beginning any building construction.
5. **Prior to issuance of a building permit the applicant shall:**
  - a. Enter into a Development Agreement.
  - b. Enter into a Construction Repair and Maintenance Agreement for Stormwater Utilities, Sanitary Sewer, and Water main for Project Timber Wolf.
  - c. Execute a Permanent Hydrant Access Easement.
  - d. Enter into a Stormwater Facilities Maintenance Agreement prior to issuing a building permit.
  - e. Final landscape plans shall be submitted for review by city staff for compliance with numbers of trees and shrubs, sizes, and species type pursuant to the City’s landscape ordinance requirements.

- f. All exterior sidewalks shall be ADA compliant.
- g. Plans shall be revised to be in compliance with the city's parking lot island requirements.
- h. All sides of the principal structure shall be architecturally designed to be compliant with the City's Architectural Ordinance requirements. Specifically, the applicant shall revise the elevations of the building on street sides to comply with the city's articulation requirements to be reviewed and approved by city staff.
- i. All trash and waste materials shall be stored within the trash enclosure at all times.
- j. The trash enclosure and fencing shall be reviewed by city staff to ensure compliance with full opacity requirements.
- k. The plans for screening of the loading area shall be reviewed by city staff to ensure that the full screening is provided pursuant to ordinance requirements.
- l. The plans for Open Storage of motor vehicles shall be reviewed by city staff to ensure that the areas are screened pursuant to ordinance requirements.
- m. All signage shall require a separate sign permit to be reviewed and approved by the City.
- n. All mechanical equipment, electrical 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.
- o. All exterior lighting shall have a ninety-degree cutoff shield that conceals the light source with a non-sag, non-yellowing lens. Any lighting shall be arranged so as not to produce glare beyond the property line. Lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate glare.
- p. No rooftop unit (RTU) shall be visible at a point 100 feet from the principal structure and 5 feet above finished grade; all visible portions of any RTU beyond this point shall be painted to match the primary color of the exterior of the building.
- q. All upland areas not otherwise forested or improved with buildings, structures, landscaping, or other allowed impervious surfaces shall be sodded or hydroseeded with species normally grown as permanent lawns and established to seventy percent (70%) coverage/thickness prior to receiving a Certificate of Occupancy. Grass seeding may be used only in areas that have an automatic, underground irrigation system.

- 6. Approval shall expire within one year of the date of approval unless the applicant commences the authorized use.

**Whereupon, said Resolution is hereby declared adopted on this 16<sup>th</sup> day of July, 2024.**

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**Darrel Olson, Mayor**

**ATTEST:**

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**Kelly Steele, City Clerk**

***City Seal***