



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

PLANNING REPORT

TO: Baldwin Township Planning Commission

FROM: D. Daniel Licht

REPORT DATE: 22 August 2024

60-DAY DATE: 4 October 2022

RE: Baldwin Township – ABRA Auto (01-00419-0120); Building Expansion

TPC FILE: 101.02

BACKGROUND

Baldwin North LLC is proposing an addition onto the principal building located at 32018 125th Street. The proposed 4,500 square addition is located on the west side of the existing. Section XX-9-2.A of the Zoning Ordinance requires that expansion of an existing principal building within the C1, General Commercial District be subject to review by the Planning Commission and approval of the Town Board. The Planning Commission will consider the site and building plan review application at their meeting on 28 August 2024 at 7:00PM.

Exhibits:

- Site Location Map
- Site Plan dated 8-9-24
- Floor Plan dated 8-9-24

ANALYSIS

Comprehensive Plan. The Comprehensive Plan guides the property for commercial uses. Areas planned for commercial land uses is for development of businesses that provide goods and services to local, as well as regional patrons. The existing autobody repair business is consistent with the uses guided by the Comprehensive Plan. Expansion of an existing business within this commercial area is also consistent with economic development goals of the Town to sustain and grow business activity within the community.

Zoning. The property is zoned C1, General Commercial District. Autobody uses are allowed by approval of an interim use permit in accordance with Section XX-5-4.D of the Zoning Ordinance. In that the addition to the existing building is planned primarily for parts storage and services related to the autobody repair, it is not expected to substantially increase the activity on the property. As such, Town staff did not process the expansion as an amendment to the existing interim use, but only as a site and building plan review.

Surrounding Uses. The property faces US Highway 169 and has existing commercial businesses to the north, west, and south. There are no residential uses or rural zoned property in the area of the property. The proposed expansion is to be on west side of the existing building and will mostly not be visible from the front of the property or US Highway 169. The proposed expansion of the existing building will be compatible with surrounding uses.

Lot Requirements. Section XX-61-7 of the Zoning Ordinance requires lots in the C1 District to be a minimum of 22,500 square feet in area and 150 feet in width. The property is an existing platted lot of record that is 1.58 acres (68,824.8 square feet) in area and approximately 175 feet in width at the front setback line. The lot complies with the requirements of the Zoning Ordinance.

Setbacks. The table below outlines the setbacks applicable to the property by Section XX-61-8 of the Zoning Ordinance. The existing building complies with the setback requirements of the Zoning Ordinance. The proposed addition at the southwest corner of the existing building does not extend closer to the south (side) or west (rear) lot lines than the existing structure.

	Front	Side	Rear
Required	50ft.	20ft.	20ft.
Existing ¹	130ft.	25ft.	120ft.
1. Measurements are approximate			

Building. The existing building is 10,788 square feet in area and with the proposed 4,500 square foot addition will be 15,288 square feet in area.

Consistent with the building type and exterior finish of the existing building the proposed expansion will be post and beam construction with metal siding.

Buildings within the C1 District are allowed to be constructed to a height of 2.5 stories or 35 feet measured to the midpoint of the pitched roof in accordance with Section XX-61-9.A of the Zoning Ordinance. The existing building and proposed expansion is a one story structure. The height of the walls for the proposed addition are 24 feet and the roof does not extend above that of the existing structure.

The building plans are subject to review and approval of the Building Official in accordance with Section XX-17-4 of the Zoning Ordinance.

Parking. There are 23 on-site parking stalls designated on an asphalt surface in the front yard of the property. Additionally, there is vehicle parking to the rear of the principal building as well, which appears to be used for storage purposes. Section XX-21-7 of the Zoning Ordinance does not specify a parking stall requirement for auto repair uses. Institute of Transportation Engineers data recommends eight off-street parking stalls plus one additional stalls for each 800 square feet of building area over 1,000 square feet. The calculation of required parking stalls for the expanded building is shown below. The existing on-site parking is adequate for the expanded principal building.

$$8 \text{ stalls} + ((15,288\text{sf.} - 1,000\text{sf.}) * 0.9) / 800\text{sf.} = 25 \text{ stalls}$$

Landscaping. Section XX-19-2 of the Zoning Ordinance requires only that areas not taken up by buildings or parking and loading areas be landscape green areas or left in a natural state. Section XX-19-3 of the Zoning Ordinance further requires that landscape screening is required where commercial property abuts a rural zoning district, which this property does not. No changes to the site landscaping is proposed as part of the expansion of the principal building.

Utilities. The property is served by an existing well and septic system. The existing septic system is to be subject to review and approval of the Town Building Official as part of the expansion and as required by Section XX-4-2.C.2 of the Building Ordinance.

Stormwater. The Town Engineer will review the plans for expansion of the existing building as part of the building permit application to determine if additional stormwater management measures are required. All grading, drainage, and erosion control issues are subject to review and approval of the Town Engineer.

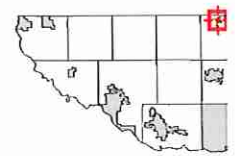
RECOMMENDATION

The proposed expansion of the ABRA Auto building is growth of an in-place business within the Town that is consistent with the Comprehensive Plan. The proposed site and building plans comply with the provisions of the Zoning Ordinance. Our office recommends approval of the application subject to the conditions as stated below.

POSSIBLE ACTIONS

- A. Motion to recommend **approval** of site and building plans for 32018 125th Street subject to the following conditions:
1. The site and building shall be developed in accordance with the plans submitted to Baldwin Township except as modified herein.
 2. The building plans shall be subject to review and approval of the Building Official in accordance with Section XX-17-4 of the Zoning Ordinance.

3. The existing septic system shall be subject to review and approval of the Town Building Official as required by Section XX-4-2.C.2 of the Building Ordinance.
 4. All grading, drainage, and erosion control issues shall be subject to review and approval of the Town Engineer.
- B. Motion to recommend the application be **denied** based on a finding that the request is does not comply with the Zoning Ordinance.
- C. Motion to **table**.
- c. Joan Heinen, Town Clerk/Treasurer
Matthew Kind, Town Engineer
Andy Schreder, Building Official



Legend

Roads

□ **Parcels**

A0



ABRA AUTO BODY
PAINT AREA ADDITION
2001 180TH STREET
MINNETONKA, MINNESOTA

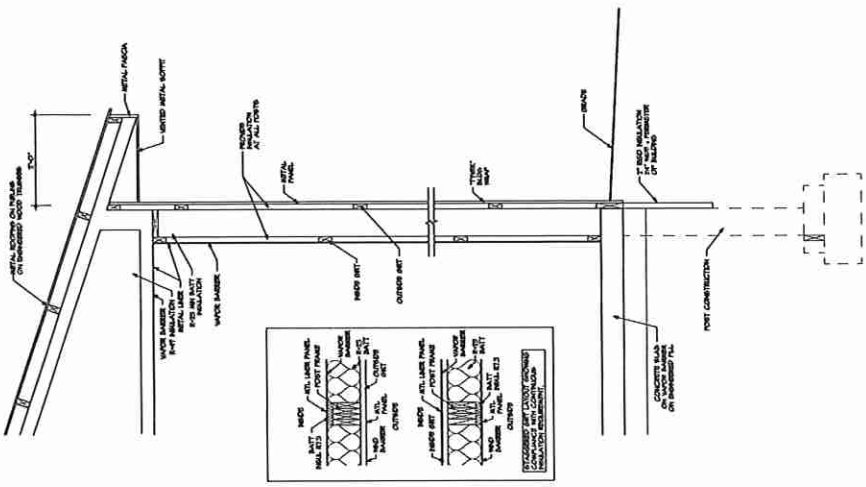
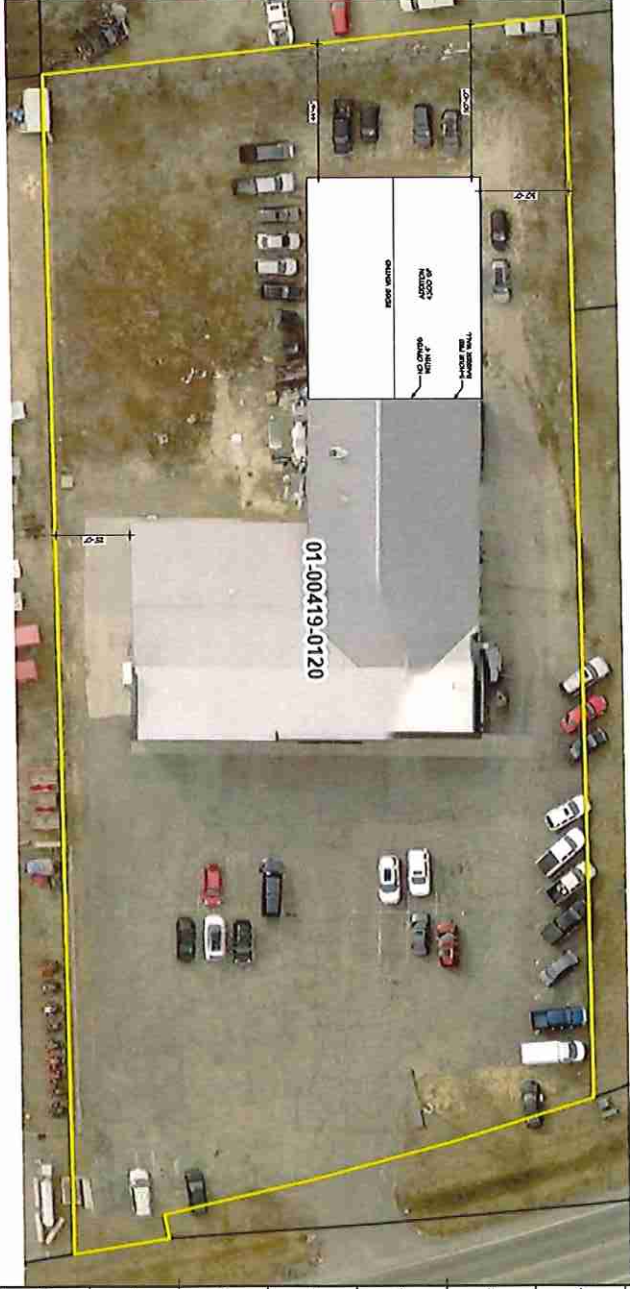
CONTRACT # 20210113

OUTSOURCE
ARCHITECTURE
COURTESY AND OUTSOURCE ARCHITECTURE, LLC
72A BOULDER BLVD
ST. CLOUD, MN 56301
OFFICES: 6202 2ND ST
DUNWOODY, WI 54803

DATE: 8-9-21
DRAWN BY: D. A. WEA
PROJECT: ABRA AUTO BODY
PAINT AREA ADDITION
SHEET: 1 OF 1
THIS DOCUMENT IS NOT VALID FOR A SECOND PROJECT
IF ANY CHANGES ARE MADE TO THIS DRAWING, THE USER IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION.
THESE PLANS ARE NOT VALID FOR A SECOND PROJECT

SCALE: 1" = 20'-0"

AI-1 TYPICAL SECTION





3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

PLANNING REPORT

TO: Baldwin Township Planning Commission

FROM: D. Daniel Licht

REPORT DATE: 22 August 2024

60-DAY DATE: 22 September 2024

RE: Baldwin Township – Bayerl (PID 01-00031-1320); Variance

TPC FILE: 269.02

BACKGROUND

Jake Bayerl owns the single family property at 28145 Elk Lake Road (CR 87), which is developed with a single family dwelling and two detached sheds.

Mr. Bayerl is proposing remove the two small sheds and construct a 1,920 square foot detached accessory building on the property. Section 11-18-2.F of the Zoning Ordinance limits the area of all detached accessory buildings on the platted lot to three percent of the lot area and the area of any individual detached accessory building to 1,800 square feet. Also, there are steep slopes and a portion of Little Diamond Lake within the property that limits options for locating the proposed detached accessory building. A site plan has been submitted that proposes that the detached accessory building be built in the northeast corner of the lot within the required setback from the east lot line.

Mr. Bayerl has applied for a variance to allow area and location of the proposed accessory building, which is to be processed in accordance with Section XX-6-4 of the Zoning Ordinance. Variance applications are subject to review by the Planning Commission and approval of the Town Board. A public hearing to consider the application has been noticed for the Planning Commission meeting on 28 August 2024 at 7:00PM.

Exhibits:

- Site Location Map
- Certificate of Survey
- Findings of Fact

ANALYSIS

Comprehensive Plan. The Baldwin Township Comprehensive Plan guides development of land use patterns that provide connections to existing public amenities and the natural landscape. The subject site is a rural residential lot within a platted subdivision. The use of the property for a single family dwelling and related detached accessory buildings is consistent with the Comprehensive Plan.

Zoning. The subject site is zoned R1, General Rural District and single family dwellings are allowed as a permitted use and is also within the Shoreland Overlay District of Little Diamond Lake, which is classified as a Natural Environment Lake. Performance standards for detached buildings accessory to single family dwellings are established by Section 11-18-2 of the Zoning Ordinance.

Surrounding Uses. The subject site is surrounded by other single family lots of comparable size or smaller. The existing single family use and proposed detached accessory building will be compatible with the area surrounding the property.

Lot Requirements. Lots within the R1 District are required by Section XX-51-7 of the Zoning Ordinance to be 2.5 acres in area, 200 feet in width measured at the front setback line abutting a public right-of-way, and 300 feet in depth. The minimum lot requirements of the R1 District are greater than those of the Shoreland Overlay District. The property is 4.7 acres in area, approximately 634 feet in width, and approximately 290 feet in depth. The property complies with the minimum lot requirements of the R1 District other than the minimum depth requirement which is a legal non-conforming condition.

Impervious Surface. Section XX-90-10.B.1 of the Zoning Ordinance limits impervious surface within a lot subject to Shoreland Overlay District standards to 25 percent. Impervious surfaces within the lot with construction of the detached accessory building will be 5.9 percent of the lot area, which complies with the Zoning Ordinance.

Detached Accessory Building. The property owners are proposing reconstruction a detached accessory building with an area of 1,920 square feet. The following paragraphs analyze the proposed detached accessory building for compliance with the performance standards of Section XX-18-2 of the Zoning Ordinance:

- **Use.** Section 11-18-2.C of the Zoning Ordinance prohibits use of a detached accessory building as living quarters or for a home occupation requiring approval of an Interim Use Permit. We recommend that the limitations on the use of the detached accessory building be made a condition of approval.
- **Height.** Section 11-18-2.B.1 of the Zoning Ordinance limits the height of detached accessory buildings on lots less than five acres in area District to 25 feet. The proposed detached accessory building is to be constructed with sidewalls 14 feet in height and a 6/12 roof pitch, which calculates as an overall height of 22 feet or 18 feet to the midpoint of the pitched roof. The proposed height of the detached accessory building complies with the Zoning Ordinance.
- **Setbacks.** The table below summarizes the setback requirements of the R1 District established by Section XX-51-8 of the Zoning Ordinance applicable both principal and detached accessory buildings and the setback required from the Ordinary High Water Level of Little Diamond Lake required by Section XX-90-7.B of the Zoning Ordinance.

R1 District Setbacks			
Front	Side	Rear	OHWL
50ft.	10ft.	25ft.	150ft.

The location of the proposed detached accessory building complies with the front, side, and Ordinary High Water Level setbacks, but is setback only 10 feet from the east lot line whereas 25 feet is required. Within the property are steep slopes and a portion of Little Diamond Lake that limit potential building sites to the proposed location of the property or in the front yard encroaching into the setback required from Elk Lake Road (CR 87).



Town staff and Sherburne County staff did not favor the location within the setback from Elk Lake Road (CR 87) due to traffic safety and visibility concerns. Findings of fact supporting approval of a variance to allow the proposed location of the detached accessory building within the setback required from the east lot line have been drafted for consideration by the Planning Commission.

- **Area.** Section XX-18-2.F of the Zoning Ordinance establishes two regulations governing the area of detached accessory buildings for unplatted parcels between 2.5 acres up to 5.0 acres in area. The first standard limits the area of any one detached accessory building to not more than 1,800 square feet. The second performance standard limits the lot coverage of all detached accessory buildings to not more than four percent of the lot area.

	Maximum Area of Any One Structure	Maximum Lot Coverage For All Accessory Structures
Allowed	1,800sf.	3,398sf.
Proposed	1,920sf.	8,190sf.

The area of the proposed detached accessory building exceeds the maximum area allowed for any one building, but is within the total lot coverage allowed for all detached accessory buildings within the lot. To comply with the requirements of Section XX-18-2.F of the Zoning Ordinance, the property owner would need to reduce the area of the proposed detached accessory building to 1,800 square feet and/or construct two detached accessory buildings.

From a general perspective, limits on the area (and number) of detached buildings are meant to control the bulk and scale of a building(s) relative to the residential dwelling on the property to ensure that the use remains accessory and does not disrupt the intended residential character of an area. Rural residential areas typically have opportunities for larger detached accessory buildings corresponding to larger parcels and less development density.

Establishing allowances for detached accessory buildings in relation to the area of a lot is a common means controlling the bulk and scale of structures on a property. The scale established by the Zoning Ordinance correlates allowed building area to lot area in a reasonable manner. The provision limiting the area of individual buildings does not effect the bulk of detached accessory buildings within a lot as the allowed area can be achieved through multiple buildings. This approach may also lead to a perception of greater crowding of buildings within a lot given multiple structures and the need for separation.

Based on the individual building limit not be effective at controlling the bulk of detached accessory buildings, Town staff supports approval of a variance to allow one detached accessory building with an area of 1,824 square feet upon the subject site. Furthermore, The existing natural conditions within the lot that necessitate consideration of a setback variance to allow construction of a detached accessory building further support the need for variance to allow only one detached accessory building that is larger than 1,800 square feet.

Access. The property has one access to Elk Lake Road (CR 87), which will continue to be used to access the reconstructed detached accessory building. No additional driveways are proposed.

Wetlands. Development review pertaining to potential wetland impacts remain subject to approval of Sherburne County in accordance with Section XX-16-4.A of the Zoning Ordinance. The National Wetlands Inventory does not identify wetlands within the lot outside of Little Diamond Lake, so no application for a Sherburne County Wetland Conservation Act Land Use Permit is to be required.

Utilities. Section XX-4-2.C.2 of the Building Ordinance requires that the existing Subsurface Sewerage Treatment System (SSTS) on the property be certified for compliance with current SSTS rules at the time any building permit is issued, unless a Certificate of Compliance has been issued within the last 10 years. All SSTS issues are subject to review and approval of the Building Official.

RECOMMENDATION

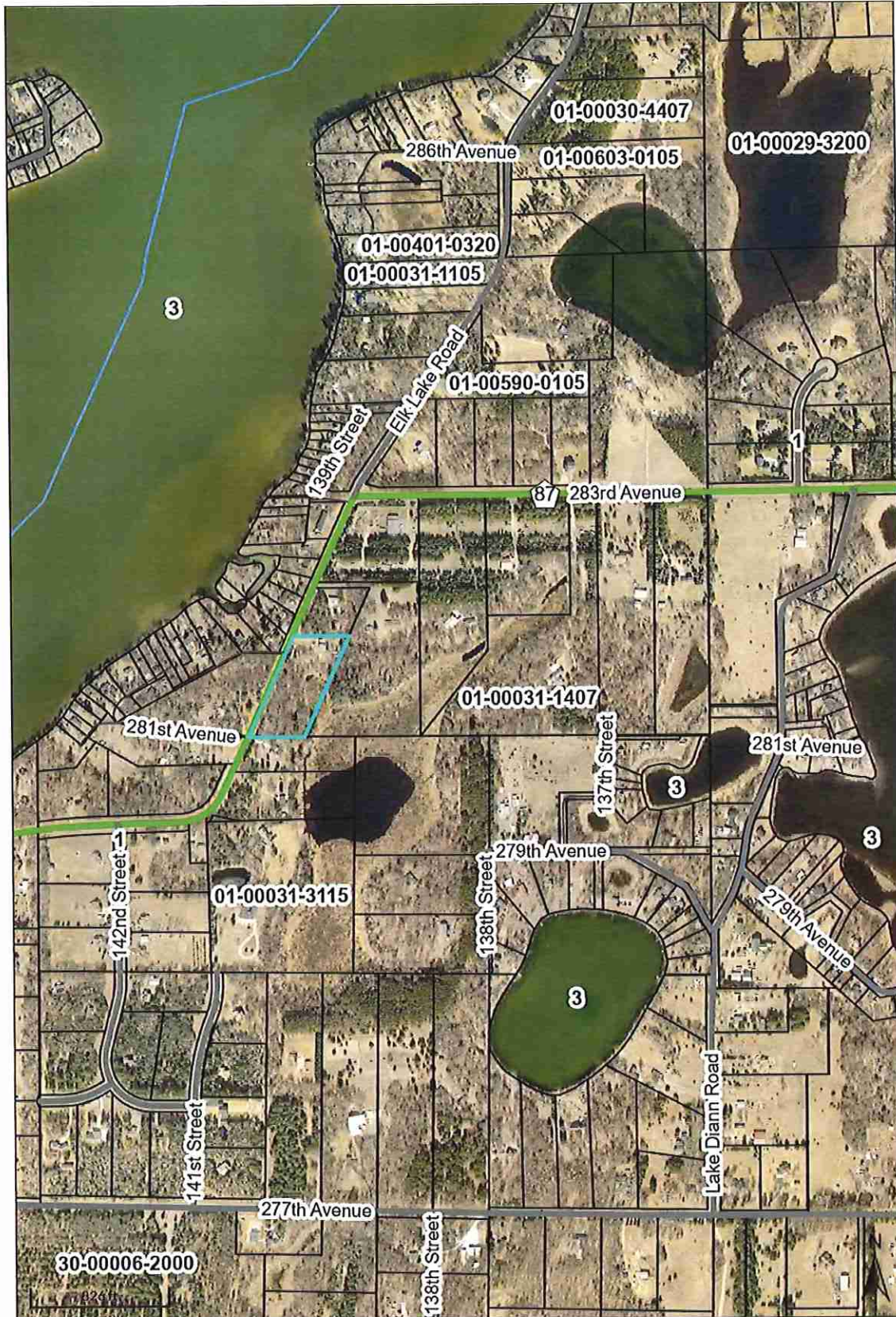
Our office recommends approval of a variance to allow for reconstruction of a 1,920 square foot detached accessory building that also encroaches into the required rear yard setback within the subject property. Findings of Fact supporting Town staff's recommendation have been prepared for consideration by the Planning Commission. This recommendation includes the conditions outlined below.

POSSIBLE ACTIONS

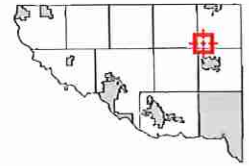
- A. Motion to **adopt** Findings of Fact as presented and recommend **approval** of a variance for 28145 Elk Lake Road (PID 01-428-0150), subject to the following conditions:
 1. The proposed detached accessory building shall not be used for living quarters or for business purposes, except as may be allowed in accordance with the requirements of the Zoning Ordinance.
 2. The proposed detached accessory building shall comply with the setback requirements of the R1 District except as approved by variance, subject to review and approval of the Zoning Administrator.

- 3. Subsurface Sewage Treatment System certification shall be subject to review and approval of the Building Official.
- B. Motion to recommend the application be **denied** based on a finding that the request is inconsistent with the Comprehensive Plan and criteria established by the Zoning Ordinance.
- C. Motion to **table**.
- c. Joan Heinen, Town Clerk/Treasurer
Andy Schreder, Town Building Official

Site Location Map



Overview



Legend

Roads

- MN Highway; US Highway
- Municipal-State Aid Street
- Municipal Street
- Township Road
- State Forest Road
- Bureau of Fish and Wildlife Road
- Connector (Ramp)
- Privately Maintained Public Access Road
- County Road
- County-State Aid Highway
- Parcels
- Streams

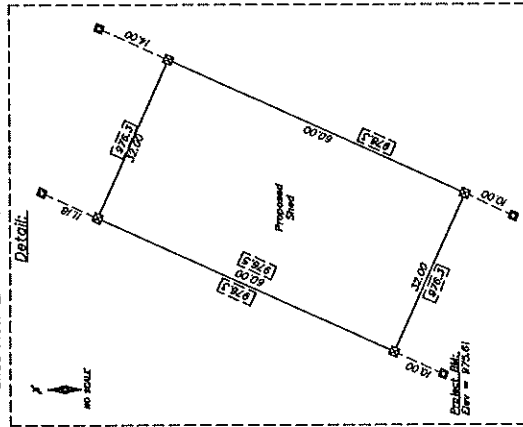
Certificate of Survey for Jake Bayerl

Part of Government Lot 3, Section 31, Township 35, Range 26
Baldwin Township, Sherburne County, Minnesota

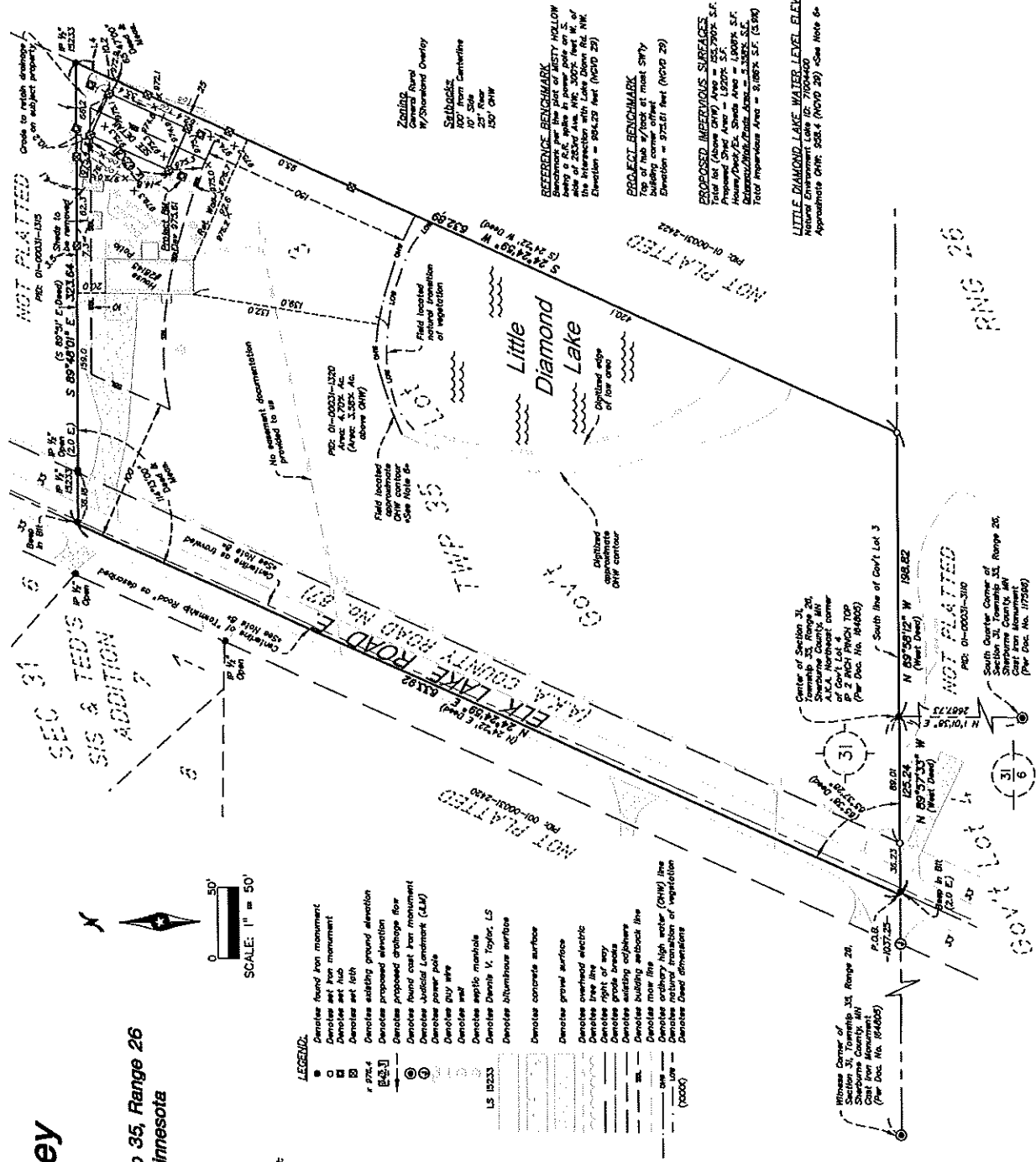
Existing Property Description (Doc. No. 286652):
That part of Government Lot 3, Section 31, Township 35, Range 26, Sherburne County, Minnesota, described as follows:
Beginning at the intersection of the centerline of the Township Road and the south line of said Government Lot 3, said point of intersection being 123.24 feet east of the northeast corner of Government Lot 4 in said Section 31, and thence South 89°45'01" East a distance of 323.64 feet to the southeast corner of said Government Lot 3, thence South 89°45'01" East a distance of 323.64 feet to the southeast corner of said Government Lot 3, thence West along said south line to the point of beginning. For the purpose of this description, the south line of said Government Lot 3 is assumed to bear due East and West.

Survey Notes:
1. This survey was performed without the benefit of a title report. No search for recorded encumbrances was made. The surveyor is not responsible for any errors or omissions in this document. The surveyor is not responsible for any errors or omissions in this document. The surveyor is not responsible for any errors or omissions in this document.
2. The purpose of this survey was to map the existing conditions of the parcel and relate them to the proposed subdivision. The survey was not made for the purpose of creating a new subdivision. The survey was not made for the purpose of creating a new subdivision. The survey was not made for the purpose of creating a new subdivision.
3. The bearings are based on the Township Road and the South line of Government Lot 3. The bearings are based on the Township Road and the South line of Government Lot 3. The bearings are based on the Township Road and the South line of Government Lot 3.
4. The bearings are based on the Township Road and the South line of Government Lot 3. The bearings are based on the Township Road and the South line of Government Lot 3. The bearings are based on the Township Road and the South line of Government Lot 3.
5. The bearings are based on the Township Road and the South line of Government Lot 3. The bearings are based on the Township Road and the South line of Government Lot 3. The bearings are based on the Township Road and the South line of Government Lot 3.
6. The bearings are based on the Township Road and the South line of Government Lot 3. The bearings are based on the Township Road and the South line of Government Lot 3. The bearings are based on the Township Road and the South line of Government Lot 3.
7. The bearings are based on the Township Road and the South line of Government Lot 3. The bearings are based on the Township Road and the South line of Government Lot 3. The bearings are based on the Township Road and the South line of Government Lot 3.
8. The bearings are based on the Township Road and the South line of Government Lot 3. The bearings are based on the Township Road and the South line of Government Lot 3. The bearings are based on the Township Road and the South line of Government Lot 3.

PROPOSED SHED ELEVATIONS
Shed Floor Elev = 976.5



1
Part of Gov't L3, Sec. 31, Twp. 35, Rng. 26
28145 ELK LAKE RD E. ZIMMERMAN, MN 55398
Baldwin Twp, Sherburne County, Minnesota
Certificate of Survey



DATE	REV	DATE	DESCRIPTION
6/14/24	1		
DESIGN BY:			
DRAWN BY:			
CHECKED BY:			
DWG FILE:			
FILE NO.:			

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
CIVIL ENGINEERING
12075 FIRST STREET, ROCKERS, MN 55309-1322
TEL 763-262-9822 FAX 763-262-9844

1
OF SHEETS

**BALDWIN TOWNSHIP
PLANNING COMMISSION
VARIANCE
FINDINGS OF FACT & RECOMMENDATION**

APPLICANT: Jake Bayerl

APPLICATION: Request for variance to allow construction of a 1,920 square foot detached accessory building that encroaches into a required rear yard setback at 28145 Elk Lake Road (CR 87).

PLANNING COMMISSION MEETING: 28 August 2024

FINDINGS: Based upon review of the application and evidence received, the Baldwin Township Planning Commission now makes the following findings of fact:

1. The property is identified as PID 01-00031-1320 legally described as:

That part of Government Lot 3, Section 31, Township 35, Range 26, Sherburne County, Minnesota, described as follows: Beginning at the intersection of the centerline of the Township Road and the south line of said Government lot 3, said point of intersection lying 125.24 feet west of the northeast corner of Government Lot 4 in said Section 31 as measured along said south line of said Government Lot 3; thence North 24 degrees 22 minutes East along said centerline of Township Road a distance of 633.92 feet; Thence South 89 degrees 51 minutes East a distance of 323.64 feet; thence South 24 degrees 22 minutes West to an intersection with the south line of said Government Lot 3; thence west along said south line to the point of beginning. For the purpose of this description, the south line of said Government Lot 3 is assumed to bear due East and West.

2. The property is guided for rural land uses Comprehensive Plan.
3. The property is zoned R1, General Rural District.
4. The applicant is requesting a variance from:
 - A. Section XX-18-2.F of the Zoning Ordinance to allow construction of a 1,920 square foot detached accessory building.
 - B. Section XX-51-8.C of the Zoning Ordinance to allow encroachment into a required rear yard setback.

5. The Planning Commission must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-6-3 of the Zoning Ordinance:

- A. That the variance would be consistent with the comprehensive plan.

Finding: Construction of the proposed detached accessory building is within the lot coverage limits for detached accessory buildings intended to control the scale and bulk of structures accessory to residential uses and to maintain rural character consistent with the Comprehensive Plan.

- B. That the variance would be in harmony with the general purposes and intent of this ordinance.

Finding: The proposed detached accessory building is within the lot coverage limits for detached accessory buildings that serve to maintain compatibility of accessory structures with surrounding properties. A limit on the area of individual buildings within the total lot coverage limits for all detached accessory buildings does not control the scale or bulk of structures within the lot and has the opposite effect of resulting in perceived greater development of the lot and crowding of buildings. Furthermore, mandating that the allowed detached accessory building area be divided into multiple structures causes practical difficulties for the ability to utilize the allowed building area. The requested variance provides for a reasonable use of the property not allowed by the Zoning Ordinance that is consistent with the intent of the accessory building performance standards.

- C. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding: The practical difficulties of the area limit for individual detached accessory buildings and setback encroachment is caused by the natural conditions of the subject property that limits potential building sites for one, much less two, detached accessory buildings.

- D. That the purpose of the variance is not exclusively economic considerations.

Finding: The need for variance is not based solely on economic considerations.

- E. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Finding: The construction of the proposed detached accessory building complies with the lot coverage limits for detached accessory buildings, which would apply consistently to other lots within the same plat and those properties within the R1 District.

- F. That the requested variance is the minimum action required to remedy the practical difficulty.

Finding: The requested variance allowing a single detached accessory building is the minimum action available to eliminate the practical difficulty.

- G. The potential for the variance to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

Finding: Approval of the requested variance reduce impacts to natural resources within the lot by utilizing an existing concrete slab and avoiding removal of existing trees and other vegetation that would be necessary to relocate the structure in compliance with required setbacks.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by this ordinance.

Finding: Approval of the variance will not allow for a lesser degree of flood protection.

- I. Variances shall not be approved for any use that is not allowed under this ordinance for property in the zoning district in which the parcel or lot is located.

Findings: Detached accessory buildings are a permitted accessory use allowed within the R1 District.

6. The planning report dated 22 August 2024 prepared by the Town Planner, The Planning Company LLC, is incorporated herein.
7. The Planning Commission conducted a public hearing at their meeting on 28 August 2024 to consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning Commission recommends the request be **APPROVED**, subject to the following conditions:

1. The proposed detached accessory building shall not be used for living quarters or for business purposes, except as may be allowed in accordance with the requirements of the Zoning Ordinance.
2. The proposed detached accessory building shall comply with the setback requirements of the R1 District except as approved by variance, subject to review and approval of the Zoning Administrator.
3. Subsurface Sewage Treatment System certification shall be subject to review and approval of the Building Official.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

ADOPTED by the Planning Commission of Baldwin Township this 28th day of August, 2024.

BALDWIN TOWNSHIP PLANNING COMMISSION

BY: _____
Clarence Mattson, Chair

ATTEST: _____
Marlene Nelson, Administrative Assistant



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

PLANNING REPORT

TO: Baldwin Township Planning Commission

FROM: D. Daniel Licht

REPORT DATE: 19 October 2023

RE: Baldwin Township – Beltzer Builders (PID 01-00016-4300)

TPC FILE: 269.02

BACKGROUND

The Oaks of Battle Brook LLC (d/b/a Beltzer Builders) has acquired the undeveloped 26.83 acre property located at 31585 124th Street (CSAH 2). The property owner is proposing construction of a 3,000 square foot shop building with a 1,200 square foot loft and 450 square foot covered porch. The proposed use of the property is as a contractor's yard, which is allowed with approval of an Interim Use Permit in accordance with Section XX-5-4.1.2 of the Zoning Ordinance. A public hearing to consider the current application has been noticed for the Planning Commission meeting on 28 August 2024 at 7:00PM.

Exhibits:

- Site Location Map
- Future Land Use Plan map
- Zoning Map
- Roadway Classification map
- Certificate of Survey dated 4/24/24
- Building Plans dated 4/22/2024 (4 sheets)
- Sherburne County Access Permit dated 5-15-24
- Findings of Fact & Recommendation

ANALYSIS

Comprehensive Plan. The Town Comprehensive Plan guides development of land use patterns that provide connections to existing public amenities and the natural landscape. The subject site is a rural parcel adjacent to US Highway 169. From an economic development standpoint, the Comprehensive Plan should promote continued development of high quality, high value industries that expand tax base and create employment opportunities within the town. The US Highway 169 corridor is an asset in this regard, providing both access and visibility for commercial and industrial uses. The requested Interim Use Permit would establish a location suitable for a small business increasing tax base and adding employment within the Town.

Zoning. The subject site is zoned R1, General Rural District. The R1 District allows for contractors yards as an interim use subject to the specific performance standards of Section XX-5-4.1.2 of the Zoning Ordinance. Section XX-5-6 of the Zoning Ordinance establishes that an approved Interim Use Permit is terminated upon any of the following events, whichever occurs first:

- A. The date or event stated in the interim use permit approved by the Town Board.
- B. Upon violation of conditions under which the interim use permit was issued.
- C. Upon change in the town's zoning regulations that renders the use nonconforming.
- D. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.
- E. Upon a change in ownership, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to [the Zoning Ordinance].

We recommend that events B through E terminating the Interim Use Permit be made a condition of approval.

Surrounding Uses. US Highway 169 and 124th Street (CSAH 2) abuts the west side of the property. To the south and east of the subject site are rural residential parcels with single family dwellings. To the north of the property is a platted residential subdivision with single family dwellings. Northeast of the subject site is a manufactured home parcel. The area of the subject property and existing vegetation minimize potential compatibility issues with surrounding residential uses. The need for additional screening should be evaluated by the Planning Commission.

Contractors Yard. Section XX-2-2 of the Zoning Ordinance defines a contractors yard as “a defined site or parcel of land used for the storage of vehicles, equipment, and materials by a person whose business is contracting work in any of the building trades. Section XX-5-4.I.2 establishes provisions for regulating medium contractors yard uses based on the characteristics of the operation subject to the following standards:

- a. Within the R1 district, parcel area shall be a minimum of 10 acres.
- b. There may be a maximum of 20 commercially licensed motorized or non-motorized vehicles associated with the contractor’s yard including trucks and trailers.
- c. There may be a maximum of 20 employees (full time equivalent) working onsite. This includes employees who are on-site to pick up and drop off materials and equipment.
- d. Setbacks: Within the R1 district, the contractor’s yard and all related uses shall be setback a minimum of 150 feet from all property lines.

The Certificate of Survey does not identify any outdoor storage areas for vehicles, equipment, or building materials. The outdoor storage areas are also subject to the setback requirements outlined above. Any outdoor storage must be identified on the Certificate of Survey and comply with applicable setbacks and other requirements of the Zoning Ordinance or it would not be allowed.

Building Plans. The property owner has submitted plans for the proposed building.

- **Floor Area.** Section XX-17-9 of the Zoning Ordinance requires industrial buildings to have a minimum floor area of 2,000 square feet. The proposed building includes a 3,000 square foot shop/warehouse space and 1,200 square foot office loft for a total floor area of 4,200 square feet. The area of the proposed building complies with the minimum requirements established by the Zoning Ordinance.
- **Exterior Finish.** The building permit application states that the exterior finish of the proposed building is to be black ribbed steel siding. Section XX-17-10.D of the Zoning Ordinance requires industrial buildings with elevations facing US Highway 169 to utilize 60 percent masonry materials, architectural panels, or fiber cement with metal building allowed to comprise the remainder of the exterior finish or all of the finish for elevations not visible from US Highway 169. The existing vegetation within the property and proposed location of the building likely means that it will not be visible from US Highway 169. Use of metal siding for the proposed building complies with the Zoning Ordinance.

- **Building Height.** Section XX-51-9.A of the Zoning Ordinance allows principal buildings up to a height of 35 feet within the R1 District. Building height is measured to the mid-point of the pitched roof. The proposed building has 18 foot sidewalls and a 6/12 roof pitch for an overall height of 33 feet. The height of the building to the mid-point of the roof is 26 feet, which complies with the Zoning Ordinance.

Landscape Plan. A landscape plan has not been submitted for the proposed development. The subject property is heavily wooded and existing vegetation will effectively screen the proposed use in all directions. No additional landscaping is required.

Lot Requirements. Unplatted parcels within the R1 District are required by Section XX-51-7 of the Zoning Ordinance to be 20 acres in area, 200 feet in width measured at the front setback line abutting a public right-of-way, and 300 feet in depth. The area, width, and depth exceed the minimum lot requirements of the R1 District and the requirements for medium contractors yards established by Section XX-5-4.I.2 of the Zoning Ordinance.

Setbacks. The table below outlines the setback requirements applicable to principal and accessory uses upon the property. The 150 foot setback required from property lines for contractors yards established by Section XX-5-4.I.2.d of the Zoning Ordinance is more restrictive than the base R1 District setbacks. The Certificate of Survey identifies that the proposed building is setback to comply with the setback requirements applicable to contractors yards as required by the Zoning Ordinance.

124 th Street	North	East	South	Contractors Yard
130ft.	20ft.	25ft.	20ft	150ft.

Access. The property is proposed to have one access to 124th Street (CSAH 2). The Sherburne County Transportation Plan designates 124th Street as a Major Collector roadway with capacity to accommodate traffic from surrounding residential and commercial land uses. Sherburne County has approved an access permit for the proposed driveway as shown on the Certificate of Survey.

Off-Street Parking. The existing driveway within the property is a gravel two-track generally indicated on the Certificate of Survey and visible on aerial photographs of the site. The Certificate of Survey does not identify proposed improvements to the driveway or designation of off-street parking areas. Development of the site with the proposed commercial use is required by Section XX-21-2 of the Zoning Ordinance to comply with the requirements for off-street parking. The site plan must be modified to identify:

- Grades not exceed four percent (XX-21-6.B.1)
- Surfacing with asphalt or concrete (XX-21-6.B.2.c)
- Surface section design (XX-21-6.B.2.d)
- Perimeter concrete curb (XX-21-6.B.2)

Parking stalls with dimensions of nine feet by 20 feet accessed by 24 foot wide drive aisles are to be shown on the site plan. The number of off-street parking stalls required to be provided is calculated below:

Use	Requirement	Gross Area	Required Stalls
Office	1 stall/250sf.	1,200sf.	5
Shop/Warehouse	1 stall/2,000sf.	3,000sf.	2
Total			7

The design and construction of the off-street parking area is to be subject to review and approval of the Town Engineer.

Signs. Chapter 23 of the Zoning Ordinance regulates signs allowed upon the property. Section XX-23-6.A of the Zoning Ordinance allows one identification sign up to 96 square feet in area and 15 feet in height upon properties within the R1 District. Section XX-23-5.A of the Zoning Ordinance requires all signs be setback a minimum of 10 feet from property lines. Installation of signs upon the property requires issuance of a sign permit subject to review and approval by the Zoning Administrator.

Exterior Lighting. Section XX-16-10 of the Zoning Ordinance established standards for exterior lighting that include provisions to minimize light cast to adjacent properties, public roads, and skyward to maintain a dark rural sky. Specifications for any exterior light fixtures to be installed upon the property are to be submitted for review and approval by the Zoning Administrator.

Grading Plan. The property owner has not submitted a grading plan for development of the subject site. A grading plan will be required prior to issuance of a building permit detailing grading, drainage, and erosion control measures in accordance with Section XX-16-5 of the Zoning Ordinance. All grading and stormwater management issues are subject to review and approval of the Town Engineer.

Wetlands. Development review pertaining to potential wetland impacts remains subject to approval of Sherburne County in accordance with Section XX-16-4.A of the Zoning Ordinance. There are extensive wetlands within the property as shown on the Certificate of Survey based on a wetland delineation approved by Sherburne County. Sherburne County has approved a Wetland Conservation Act Land Use Permit for the proposed development.

Utilities. A Subsurface Sewage Treatment System (SSTS) and well are to be constructed to provide services for the proposed building. Plans related to the Subsurface Sewage Treatment System and well are to be subject to review and approval of the Building Official.

RECOMMENDATION

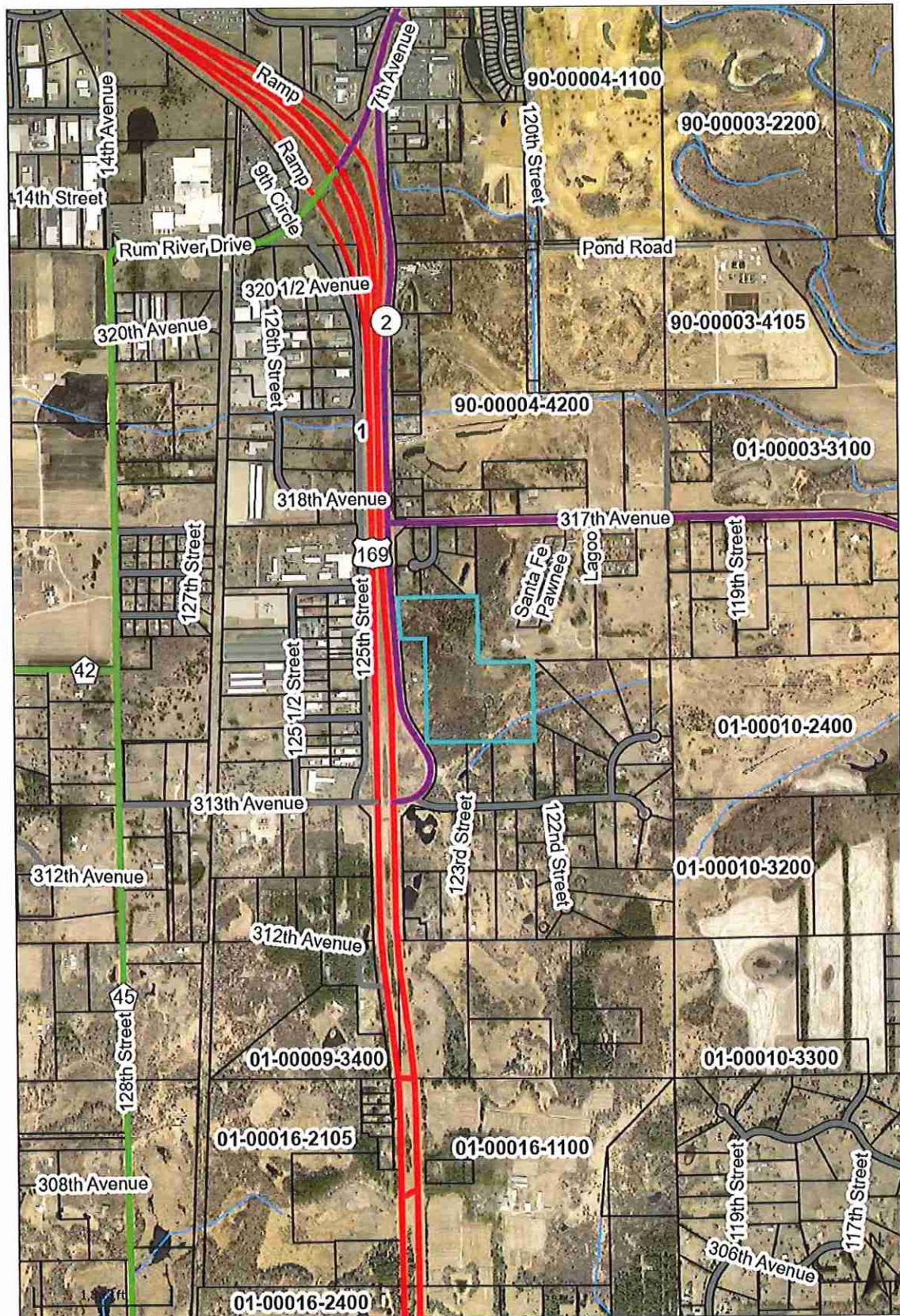
The proposed contractor's yard for Betzler Builders is allowed by the Zoning Ordinance, but plans are incomplete and additional information is required prior to issuance of a building permit. Our office recommends approval of an Interim Use Permit subject to the conditions outlined below. Findings of Fact supporting Town staff's recommendation have been prepared for consideration by the Planning Commission.

POSSIBLE ACTIONS

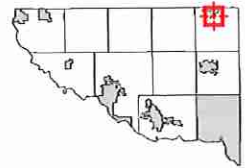
- A. Motion to **adopt** Findings of Fact as presented and recommend **approval** of an Interim Use Permit for at medium contractor's yard at 31585 124th Street (PID 01-00009-1100), subject to the following conditions:
1. The Interim Use Permit shall terminate upon happening of the following events, whichever occurs first:
 - a. Upon violation of conditions under which the interim use permit was issued.
 - b. Upon change in the town's zoning regulations that renders the use nonconforming.
 - c. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.
 - d. Upon a change in ownership, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to the Zoning Ordinance.
 2. There shall be a maximum of 20 commercially licensed motorized or non-motorized vehicles associated with the contractor's yard including trucks and trailers allowed, which shall be parked on site in accordance with the provisions of Chapter 21 of the Zoning Ordinance.
 3. There shall be a maximum of 20 employees (full time equivalent) working onsite, including employees who are on-site to pick up and drop off materials and equipment.
 4. All elements of the contractor's yard, including structures, vehicles, equipment, and material stockpiles, shall comply with the setback requirements established by the Zoning Ordinance.

5. A site plan shall be submitted identifying proposed driveways and off-street parking areas to be constructed in compliance with the provisions of Chapter 21 of the Zoning Ordinance, subject to review and approval of the Town Engineer.
 6. A site plan shall be submitted identifying any outdoor storage areas; except as designated on an approved site plan, outdoor storage shall be prohibited.
 7. All signs shall comply with Chapter 23 of the Zoning Ordinance and require issuance of a sign permit prior to placement upon the property, subject to review and approval of the Zoning Administrator.
 8. All exterior lighting upon the property shall comply with Section XX-16-XX of the Zoning Ordinance, including installation of 90-degree horizontal shielding, subject to review and approval of the Zoning Administrator.
 9. A grading plan shall be submitted as required by Section XX-16-5 of the Zoning Ordinance; all grading, drainage and erosion control issues shall be subject to review and approval of the City Engineer.
 10. All wetland issues shall be subject to review and approval of Sherburne County.
 11. Use of onsite well and Subsurface Sewage Treatment Systems shall be subject to review and approval of the Building Official.
- B. Motion to recommend the application be **denied** based on a finding that the request is inconsistent with the Comprehensive Plan and criteria established by the Zoning Ordinance.
- C. Motion to **table**.
- c. Joan Heinen, Town Clerk/Treasurer
Matthew Kind, Town Engineer
Andy Schreder, Town Building Official

Site Location Map



Overview



Legend

Roads

- MN Highway; US Highway
- Municipal-State Aid Street
- Municipal Street
- Township Road
- State Forest Road
- Bureau of Fish and Wildlife Road
- Connector (Ramp)
- Privately Maintained Public Access Road
- County Road
- County-State Aid Highway
- Parcels
- Streams

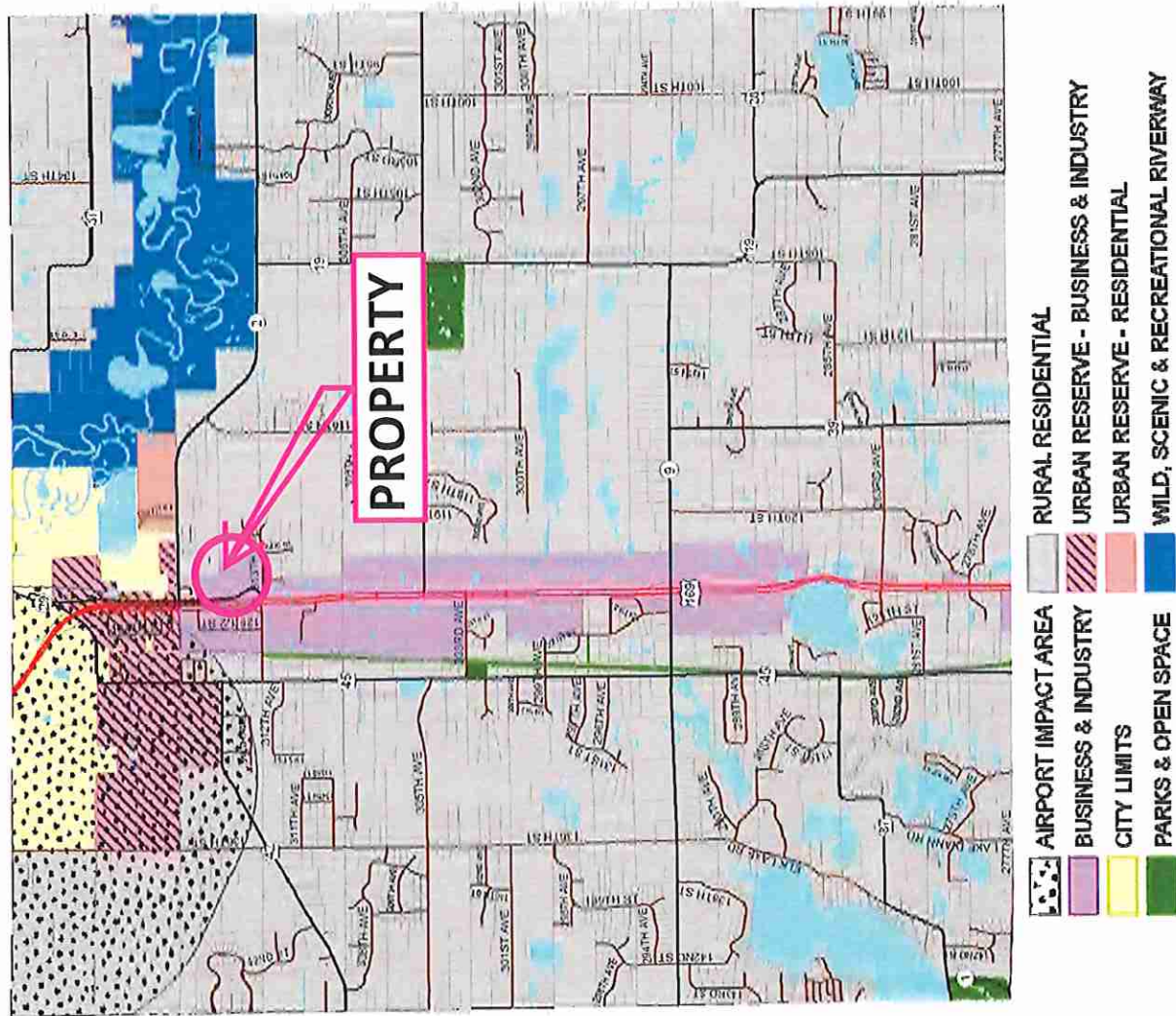


Figure 9.3: Sherburne County Future Land Use Map (Baldwin Township). Source: Sherburne County Planning & Zoning Dept.

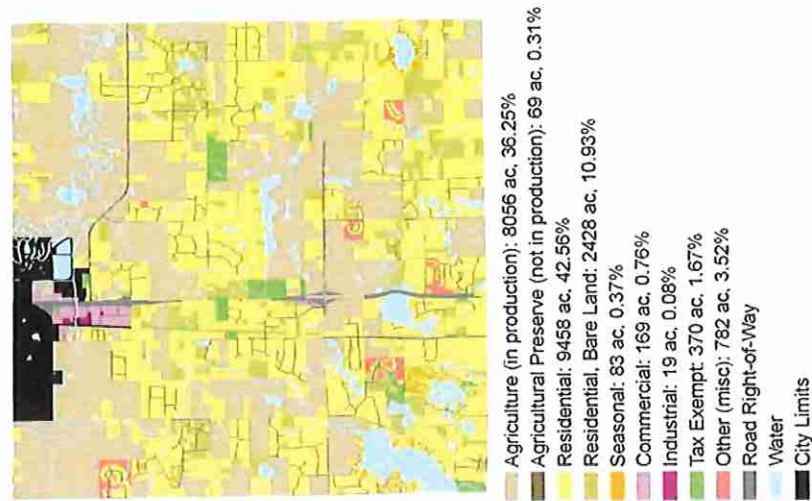
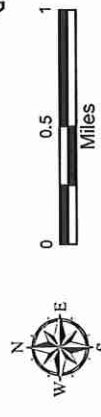
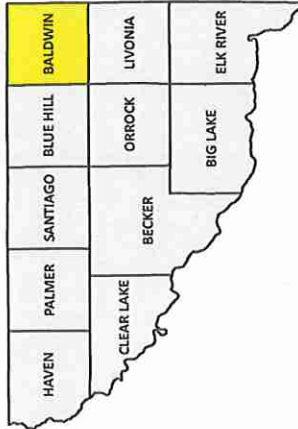


Figure 9.4: Baldwin Township existing land use by acres (2008). Source: Sherburne County Assessor's Dept.

Baldwin Township Zoning Map



Township Boundary

City Limits

Zoning

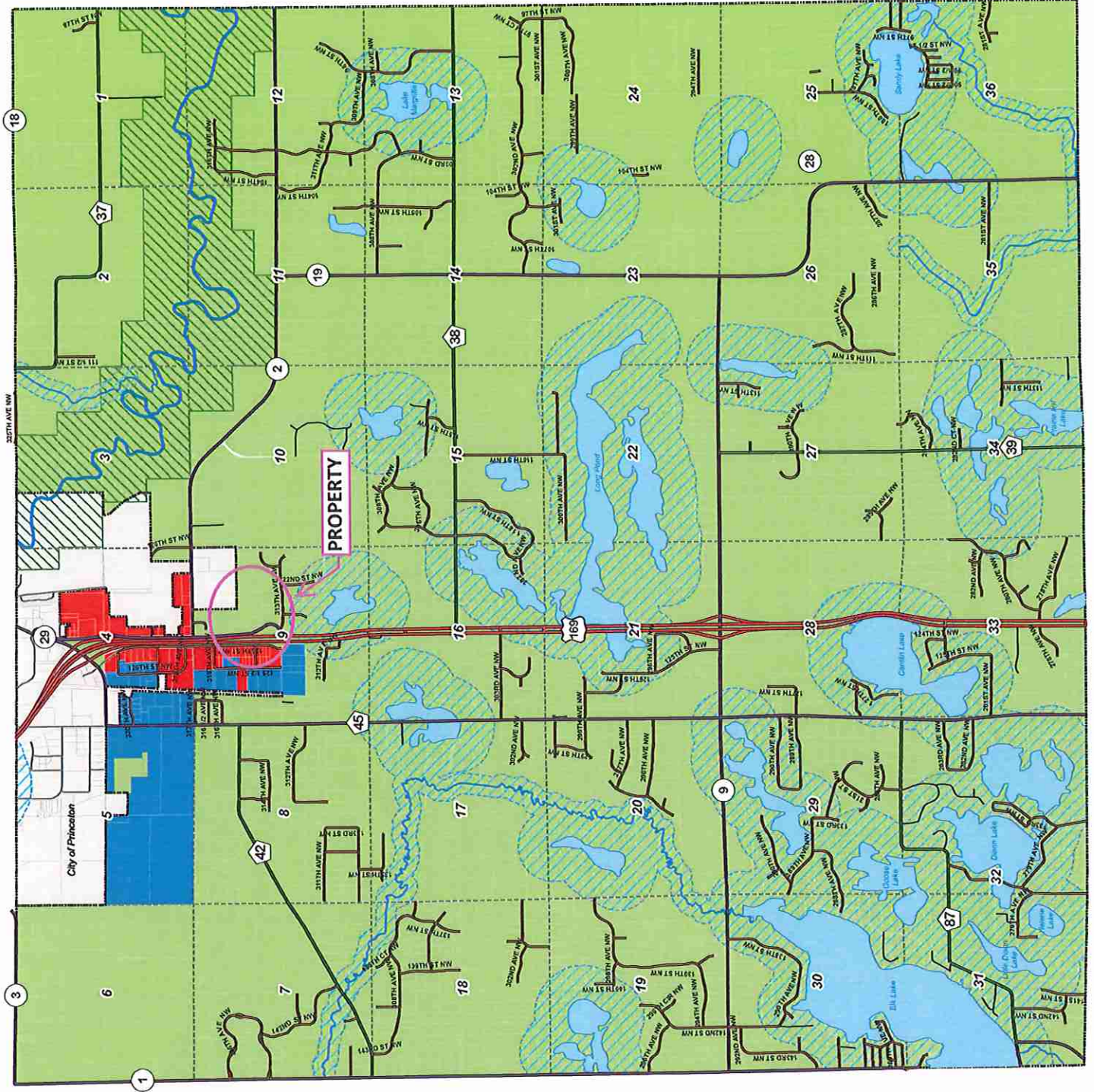
- R1, General Rural - 21,558ac (97.3%)
- C1, General Commercial - 163ac (0.8%)
- I1, General Industrial - 426ac (1.9%)
- S, Shoreland - 7860ac (35.5%)
- WS, Wild and Scenic - 1339ac (6%)

Roads

- US Highway
- County-State Aid Highway (CSAH)
- County Road
- Township Road
- Private Road
- City Street

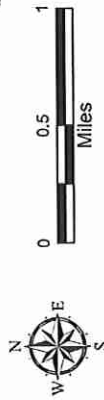
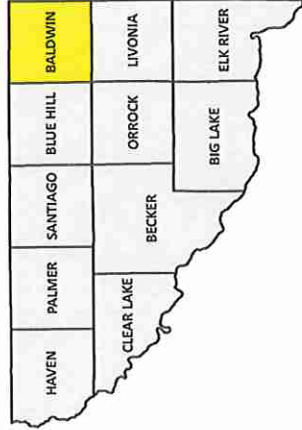


DISCLAIMER: Baldwin Township does not warrant the accuracy nor the correctness of the information contained in this map. It is your responsibility to verify the accuracy of this information. In no event will Sherburne County be liable for any damages, including loss of business, lost profits, business interruption, loss of business information or other pecuniary losses, that might arise from the use of this map or the information it contains. Map information is believed to be accurate but accuracy is not guaranteed.



Baldwin Township

ROADWAY CLASSIFICATION



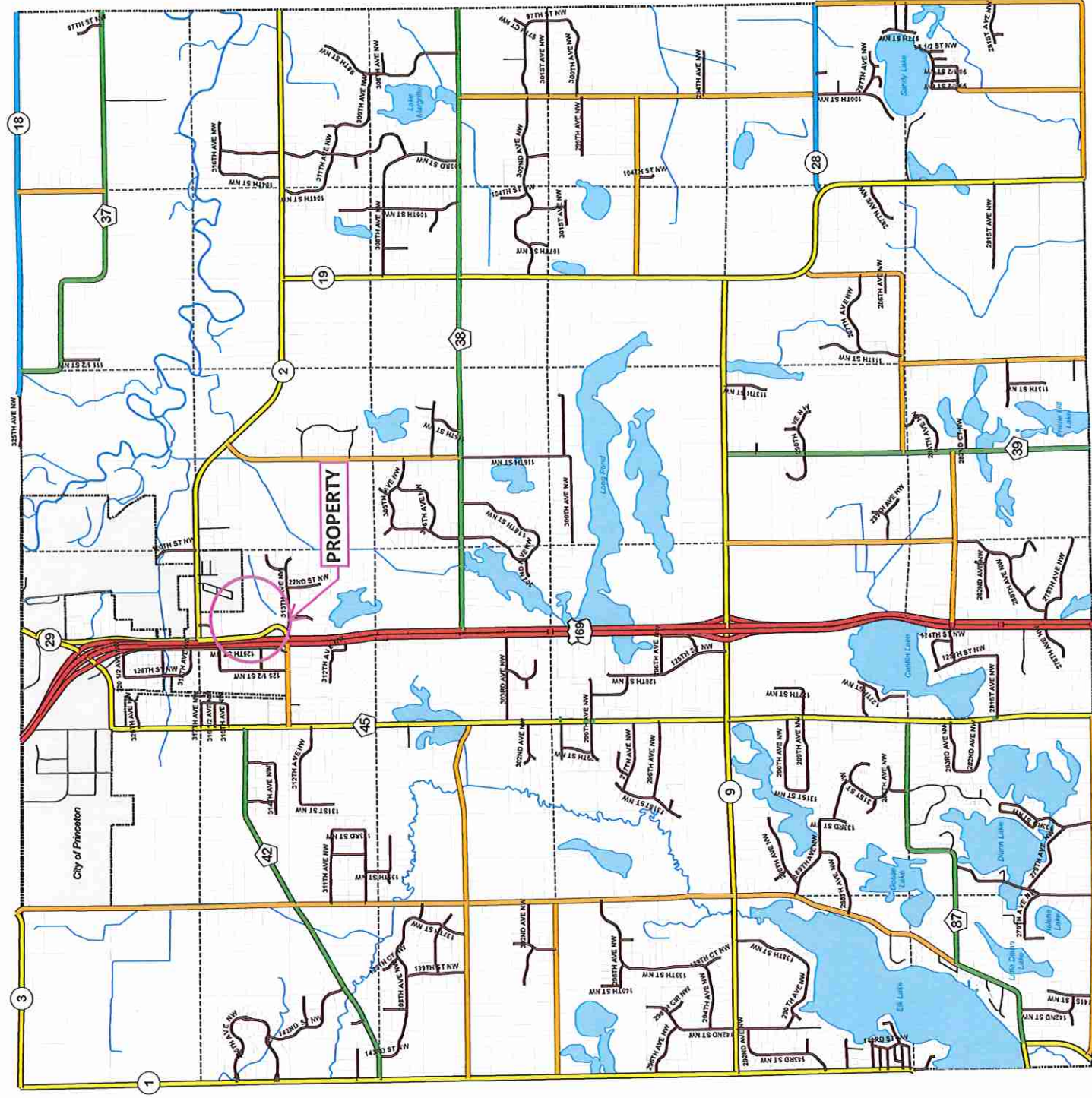
- Roads**
- DNR Public Waters
 - Township Boundary
 - Principal Arterial (Federal/State)
 - County Major Collector
 - County Minor Collector
 - County Local
 - Town Collector
 - Town Road
 - City Street
 - Private Road

TPC
The Planning Company

Source:
Sherburne County 2040 Transportation Plan
Baldwin Township

DISCLAIMER: Baldwin Township does not warrant the accuracy nor the correctness of the information contained in this map. It is your responsibility to verify the accuracy of this information. In no event will Sherburne County be liable for any damages, including loss of business, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains. Map information is believed to be accurate but accuracy is not guaranteed.

X:\GIS\Projects\Municipal\BWT\Roadway Classification Map.mxd



Property Description (Trustee's Deed - Doc. No. 967817):

The West 800.00 feet of the Northwest Quarter of the Northeast Quarter lying South of FREDERICK'S ADDITION, according to the plat thereof on file in the office of the County Recorder, EXCEPT that part of the West 300 feet lying in the North 1000 feet of the South 1551 feet of West Half of the Northeast Quarter; AND the Southwest Quarter of the Northeast Quarter, EXCEPT the West 300 feet AND EXCEPT the South 572.7 feet, all in Section 9, Township 35 North, Range 26 West, Sherburne County, Minnesota.
SEE NOTE 8

SETBACKS

80' From service rd. Centerline
25' Rear
10' Side

ZONING

R-1

Survey Notes:

1. This survey was performed without the benefit of a title report. Limited search for restrictions or easements was made by the surveyor. We reserve the right to update this survey upon receipt of title documentation.
2. Road right of way is shown for reference purposes only. Actual width and location may vary.
3. Wetlands were not delineated. Contours are shown per MNR TOPOG LIDAR data.
4. The South line of the subject property has been laid out by multiple surveyors and occupied by landowners in a location different than described in the current deed. See other notes.
5. It appears there was a previous location for the East-West Quarter line or center of Section used by others historically to lay out surrounding properties. Said previous location is about 10 feet north of the current location. See John Oiler & Associates surveys, File No. M-0797 and M-1420.
6. It appears the "West 300.00 feet" was intended to be measured from the former east right of way line of Highway No. M59, not the west line of the NE 1/4.
7. Documentation for ownership within the original 75 foot wide right of way for Highway No. M59 was not provided. Seek advice from an experienced title examiner to determine who has title to the area.
8. Because of the above stated discrepancies, corrective actions may be needed to reconcile the differences between deed descriptions and property boundaries as historically laid out. The purpose of this survey is to illustrate existing conditions and
9. Portion of the property may be subject to wetland and floodplain regulations.

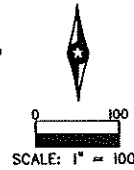
Certificate of Survey

for
Betzler Builders

Section 9, Township 35, Range 26

Baldwin Township, Sherburne County, Minnesota

X



LEGEND:

- Denotes found iron monument
- Denotes found cast iron monument
- Denotes found metal disk
- Denotes power pole
- Denotes guy wire
- Denotes telephone pedestal
- Denotes soil boring by others
- Denotes well
- Denotes culvert
- Denotes John Oiler, LS
- Denotes bituminous surface

Denotes gravel surface

- Denotes right of way
- Denotes major contour
- Denotes minor contour
- Denotes existing adjoiners
- Denotes all fence/blogs
- Denotes building setback line
- Denotes plot dimensions
- (S) Denotes dead dimensions

PROPOSED BUILDING ELEVATIONS
Top of Slab Elev = 969.0

BUILDING TYPE
Slab on Grade

REFERENCE BENCHMARK
MNDOT Gadsden Monument "7106 L"
Elevation = 966.33 feet (NAVD 88)

PROJECT BENCHMARK
Top of hub w/look at most SWly building corner offset
Elevation = 969.00 feet (NAVD 88)

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Surveyor under the laws of the State of Minnesota.

Signed: *Craig A. Wenstamm*
Craig A. Wenstamm
Date: 5/2/25 Lic. No. 47466

BOGART, PEDERSON & ASSOCIATES, INC.



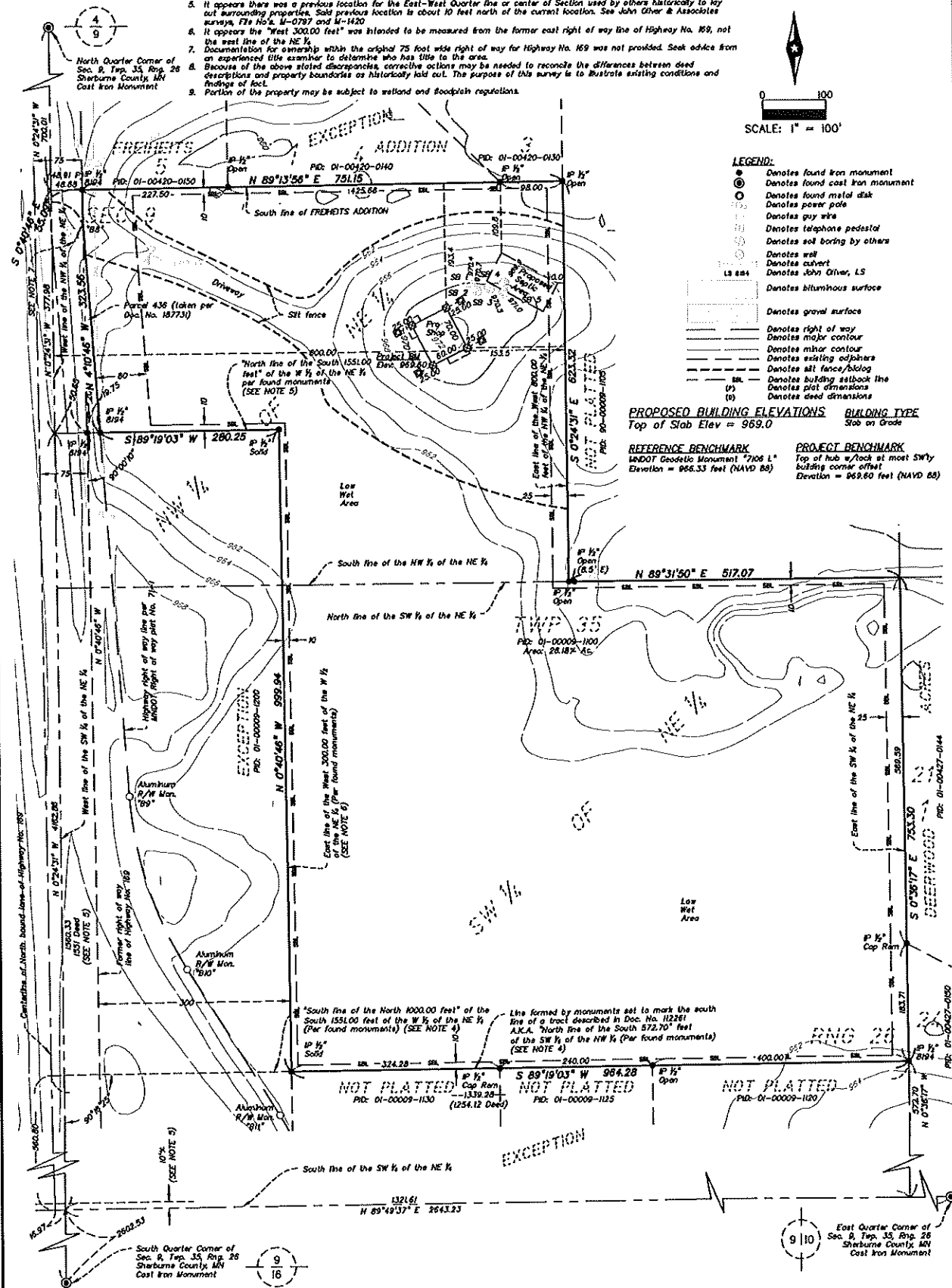
LAND SURVEYING
& ENGINEERING
MAPPING

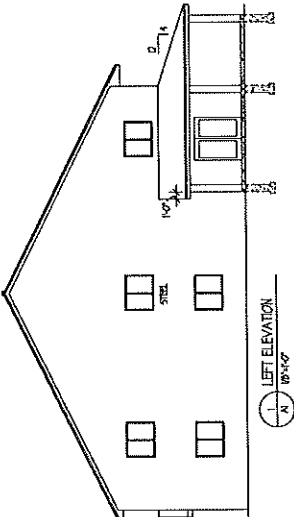
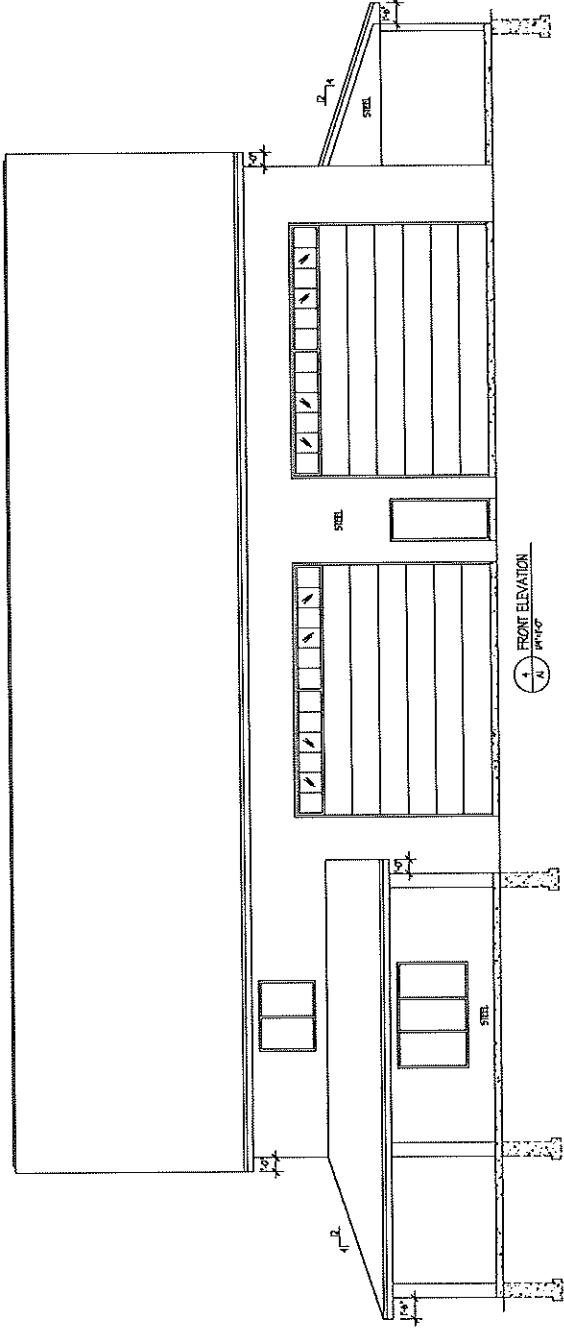
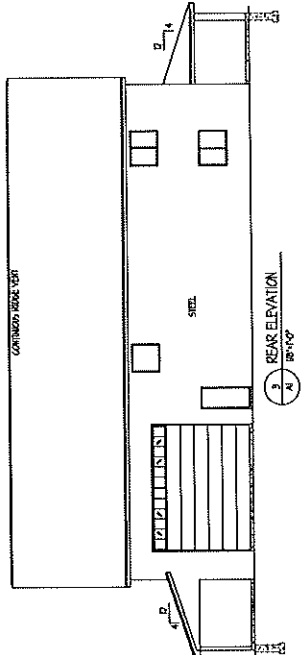
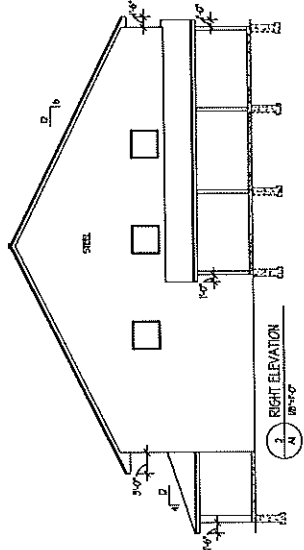
13075 DRIST STREET, BECKER, MN 55304-0322
TEL: 763-262-8822 FAX: 763-262-1844

Certificate of Survey
Betzler Builders
Sec. 9, Twp. 35, Rng. 26
Sherburne County, MN

SHEET NO.
1

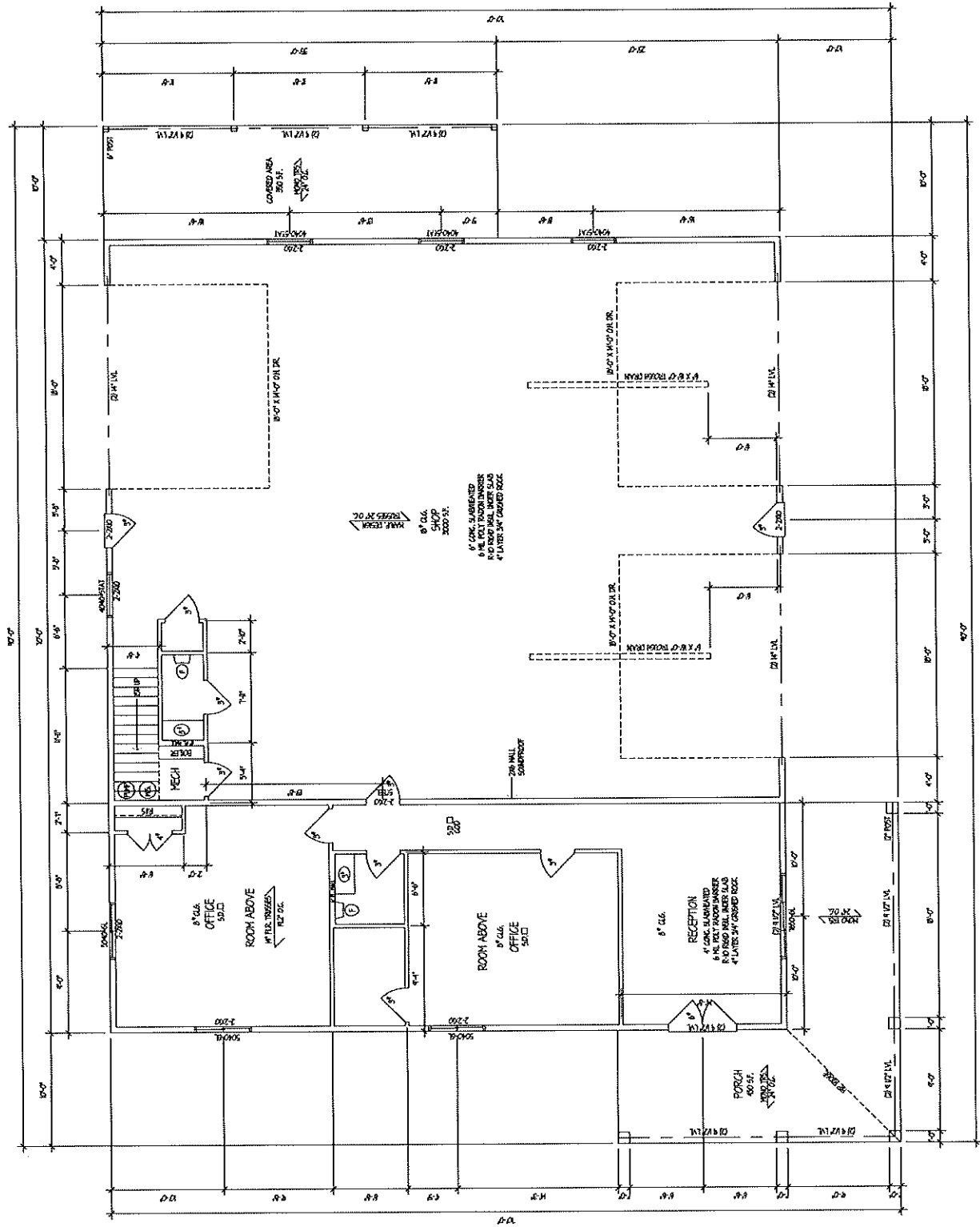
OF SHEETS
1





VERIFY CONDITIONS TO VERIFY
ALL DIMENSIONS AND CONDITIONS
AND BE RESPONSIBLE FOR SAME

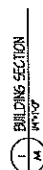
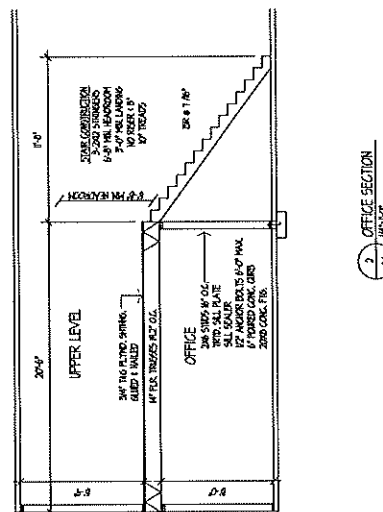
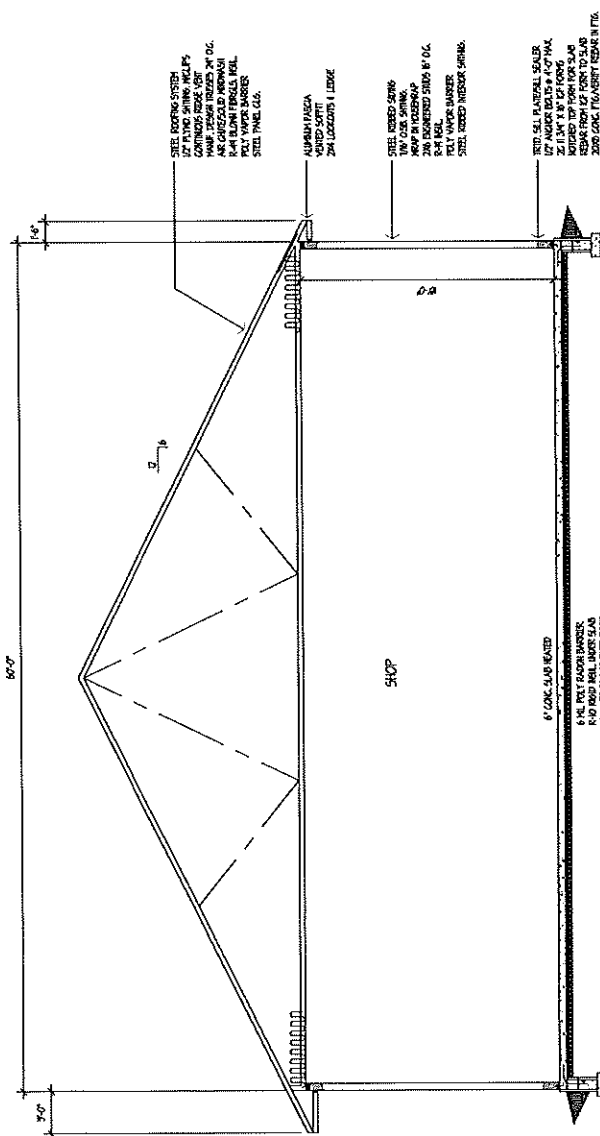
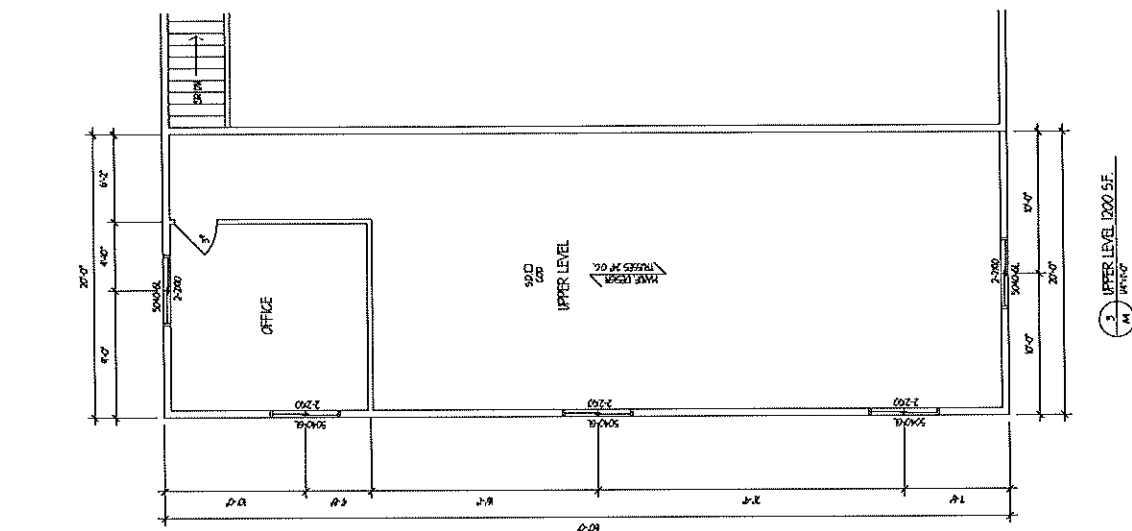
CONTINUED FROM 10/1



10'-0" WALL FRAMING @ SHOP
 10'-0" WALL FRAMING @ OFFICE
 FRAME OFFICE MOVS. TOP 6'-0" OFF SLAB
 HIGH MOVS. TOP 10'-0" OFF SLAB
 *UNTIL MOVS. IN-VALUE 32 OR BETTER

NOTE: CONTRACTOR TO VERIFY
 ALL DIMENSIONS AND LOCATIONS
 AND BE RESPONSIBLE FOR SAME

1 MAIN LEVEL 1200 SF.
 2 8000 SF.



2

Public Works
13880 Business Center Drive
Suite 100
Elk River, MN 55330-4668
763-765-3354
763-765-3366 Fax



Access to County Highway Permit Waiver

The Sherburne County Public Works Department requires that all landowners apply for an Access Permit when **Adding, Changing Usage, or Removing** entrances onto a County Road. Either an approved Access Permit or this completed, signed form, in lieu of the Access Permit must be presented to the **Baldwin Township Zoning Office** before a building permit will be issued. Access to the property described below has been evaluated and approved by the Public Works Department. No change is requested by the applicant nor permitted by Public Works. No fee is required for the evaluation.

Applicant/Contact Name: Jason Betzler Phone: 320-496-7419
Mailing Address: 12222 313th Ave
Princeton, MN 55371
Property ID Number: 01-00009-1100 City/Township Baldwin
Property Address/Location: 31585-124th St. NW

- ☒ Access meets County Standards.
☐ Access denied; must be via Township/City Street.
☐ Access has been previously applied for and will be using shared driveway.
☒ Mailbox support purchase required (\$200.00 payable to Sherburne County Public Works).
☐ Other, please explain.

PA \$200 on 5/14/24
CC

Comments:

All Sherburne County Public Works requirements have been met and fees are paid in full to complete this

Access waiver.

Authorized Signature: _____

Date: _____

5-15-24.

**FINDINGS OF FACT & RECOMMENDATION
INTERIM USE PERMIT
THE OAKS OF BATTLE BROOK LLC**

APPLICANT: The Oaks of Battle Brook LLC (d/b/a Betzler Builders)

APPLICATION: Request for an Interim Use Permit to allow a contractors yard at 31585 124th Street (CSAH 2).

PLANNING COMMISSION MEETING: 28 August 2024

FINDINGS: Based upon review of the application and evidence received, the Planning Commission now makes the following findings of fact:

1. The property is identified as 01-00016-4300 and legally described as:

The West 800.02 feet of the Northwest Quarter of the Northeast Quarter lying Southerly of FREIHEIT'S ADDITION, according to the plat thereof on file and of record in the office of the County Recorder, EXCEPT that part of the West 300 feet lying in the North 1000 feet of the South 1551 feet of West Half of the Northeast Quarter; AND the Southwest Quarter of the Northeast Quarter, EXCEPT the West 300 feet AND EXCEPT the South 572.7 feet, all in Section 9, Township 35 North, Range 26 West, Sherburne County, Minnesota.

2. The property is guided for Rural Residential land uses Comprehensive Plan.
3. The property is zoned R1, General Rural District.
4. The applicant is proposing a contractor's yard upon the property; contractor's yards are allowed within the R1 District subject to approval of an Interim Use Permit subject to Section XX-5-4.1.2 of the Zoning Ordinance.
5. The Planning Commission must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-5-2 of the Zoning Ordinance:
 - A. The proposed action's consistency with the specific policies and provisions of the town comprehensive plan.

Finding: The Comprehensive Plan promotes development of high quality, high value industries that expand tax base and create employment opportunities within the Town. The R1 District allows limited opportunity for certain businesses to operate subject to approval of an Interim Use Permit. The US Highway 169 corridor is an asset in this regard providing both access and visibility for commercial and industrial uses. The requested Interim Use Permit would establish a location suitable for a small business increasing tax base and adding employment within the Town consistent with the Comprehensive Plan.

- B. The proposed use's compatibility with present and future land uses of the area.

Finding: The area of the subject property and existing vegetation minimize potential compatibility issues with surrounding residential uses making the proposed use compatible with existing and future land uses in the area.

- C. The proposed use's potential to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

Finding: The proposed use will not impact natural resources or historically significant areas.

- D. The proposed use's conformity with all performance standards contained within [the Zoning Ordinance] and other town ordinances.

Finding: The proposed use will comply with all applicable Town ordinances.

- E. Traffic generation of the proposed use in relation to capabilities of roads serving the property.

Finding: The proposed use has access to 124th Street (CSAH 2) with adequate capacity to accommodate traffic generated by the proposed use.

- F. The proposed use can be accommodated by existing public services and facilities and will not overburden the town's service capacity.

Finding: The proposed use will not overburden the Town's existing service capacity.

6. The planning report dated 23 August 2024 prepared by the Town Planner, The Planning Company LLC, is incorporated herein.
7. The Planning Commission conducted a public hearing at their meeting on 28 August 2024 consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning Commission recommends the request be **APPROVED**, subject to the following conditions:

1. The Interim Use Permit shall terminate upon happening of the following events, whichever occurs first:
 - a. Upon violation of conditions under which the interim use permit was issued.
 - b. Upon change in the town's zoning regulations that renders the use nonconforming.
 - c. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.
 - d. Upon a change in ownership, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to the Zoning Ordinance.

2. There shall be a maximum of 20 commercially licensed motorized or non-motorized vehicles associated with the contractor's yard including trucks and trailers allowed, which shall be parked on site in accordance with the provisions of Chapter 21 of the Zoning Ordinance.
3. There shall be a maximum of 20 employees (full time equivalent) working onsite, including employees who are on-site to pick up and drop off materials and equipment.
4. All elements of the contractor's yard, including structures, vehicles, equipment, and material stockpiles, shall comply with the setback requirements established by the Zoning Ordinance.
5. A site plan shall be submitted identifying proposed driveways and off-street parking areas to be constructed in compliance with the provisions of Chapter 21 of the Zoning Ordinance, subject to review and approval of the Town Engineer.
6. A site plan shall be submitted identifying any outdoor storage areas; except as designated on an approved site plan, outdoor storage shall be prohibited.
7. All signs shall comply with Chapter 23 of the Zoning Ordinance and require issuance of a sign permit prior to placement upon the property, subject to review and approval of the Zoning Administrator.
8. All exterior lighting upon the property shall comply with Section XX-16-XX of the Zoning Ordinance, including installation of 90-degree horizontal shielding, subject to review and approval of the Zoning Administrator.
9. A grading plan shall be submitted as required by Section XX-16-5 of the Zoning Ordinance; all grading, drainage and erosion control issues shall be subject to review and approval of the City Engineer.
10. All wetland issues shall be subject to review and approval of Sherburne County.
11. Use of onsite well and Subsurface Sewage Treatment Systems shall be subject to review and approval of the Building Official.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

ADOPTED by the Planning Commission of Baldwin Township this 28th day of August, 2024.

BALDWIN TOWNSHIP PLANNING COMMISSION

BY: _____

Clarence Mattson, Chair

ATTEST: _____

Marlene Nelson, Administrative Assistant



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

PLANNING REPORT

TO: Baldwin Township Planning Commission

FROM: D. Daniel Licht

REPORT DATE: 22 August 2024

120-DAY DATE: 16 October 2024

RE: Baldwin Township – Northland Ponds; Preliminary Plat

TPC FILE: 269.02

BACKGROUND

Lakeside Investments MN, LLC is proposing to subdivide an existing 36.692 acre parcel (PID 01-00034-3100) into 10 lots and one outlot. The subject property is currently undeveloped. The proposed subdivision requires application for preliminary plat approval to be processed in accordance with Section XX-3-3.B of the Subdivision Ordinance. Application has also been made for setback variances from the Ordinary High Water Level of a Natural Environment Lake that is within the subject property. The application is subject to review by the Planning Commission and approval of the Town Board. A public hearing has been noticed for the Planning Commission to consider the application at their meeting on 28 August 2024 at 7:00PM.

Exhibits:

- Site Location Map
- Comprehensive Plan Land Use Map
- Zoning Map
- Roadway Classification Map
- Preliminary Plat dated 06/07/24
- Civil Plans dated 5/31/24 (18 sheets)
- Findings of Fact and Recommendation

ANALYSIS

Comprehensive Plan. The Baldwin Township Comprehensive Plan includes a goal to establish land use patterns that provide connections to existing public amenities and the natural landscape. Existing rural residential character is to be expanded without spoiling scenery or open spaces. The proposed preliminary plat is consistent with the goals and policies of the Comprehensive Plan.

Zoning. The subject site is zoned R1, General Rural District. The subject property is also within the Shoreland Overland District of an unnamed Natural Environment Lake classified as such based on an amendment of the Zoning Ordinance approved on 17 June 2024 and Prairie Hill Lake east of 116th Street (CR 39). The preliminary plat proposes subdivision of 10 lots for construction new single family dwellings. Single family dwellings (and related accessory structures) are allowed as a permitted use within the R1 District and Shoreland Overlay District.

Surrounding Uses. Existing development in the area of the subject property includes rural single family dwellings on parcels that are between five and 10 acres in area to the north and east. There is a 40 acre undeveloped parcel to the west of the subject site and an 80 acre parcel with one single family dwelling to the south. The proposed preliminary plat also surrounds an exception parcel with a single family dwelling. The proposed preliminary plat allowing for construction of 10 single family dwellings will be compatible with the character of the surrounding area.

Access. The subject site abuts 116th Street (CR 39), which is designated as local road by the Sherburne County Transportation Plan. Lots 1 and 2, Block 1 are proposed to access 116th Street (CR 39). Lot 1, Block 1 is proposed to use an existing access onto 116th Street (CR 39) whereas Lot 2, Block 1 will share an access with the existing driveway accessing the exception parcel. Access for Lots 1 and 2, Block 1 to 116th Street (CR 39) is to be subject to review and approval by Sherburne County.

Lots 3-6, Block 1; Lots 1 and 2, Block 2; and Lots 1 and 2, Block 3 are to be accessed via right-of-way and construction of a local town road designated as 280th Avenue. The location of 280th Avenue intersecting 116th Street (CR 39) is to be subject to review and approval of Sherburne County. The proposed preliminary plat provides for dedication of 66 feet of right-of-way for 280th Avenue consistent with the requirements of Section XX-10-4.B.1 of the Subdivision Ordinance. Construction plans for 280th Avenue are for a 24 foot wide road surface and three foot gravel shoulders. Right-of-way dedication and the design of the road sections within these rights-of-way will be subject to review and approval of the Town Engineer pursuant to Section XX-10-4.B.3 of the Subdivision Ordinance.

Access to individual lots from 280th Avenue will be subject to the requirements of Section 1.08 of the Town Right-of-Way Ordinance. Driveways must be a minimum of 75 feet from intersections or other driveways on the same side of the street. Section XX-21-6.B.2.b of the Zoning Ordinance requires that the driveway within each platted lot be surfaced with concrete or asphalt at least to the 50 foot front setback line.

The preliminary plat provides for extension of the right-of-way for 280th Avenue to the west plat line to allow for future subdivision of the parcel to the west. A temporary cul-de-sac will need to be constructed at the terminus end of 280th Street. A temporary roadway easement will be required over Lot 3, Block 1 and Lot 1, Block 1 for the temporary cul-de-sac. Removal of the temporary cul-de-sac and restoration of the yards would be the future responsibility of the subdivider of the parcel to the west.

The preliminary plat also includes Outlot A intended as future right-of-way for extension of a road to the south if the abutting 80 acre parcel is subdivided in the future to provide neighborhood connectivity and multiple access points to the preliminary plat other than from 116th Street (CR 39). As the road that would be constructed within the right-of-way is not needed for access to the lots within the preliminary plat, Town staff recommends that the right-of-way be platted as an outlot and deeded to the Town. Future construction of a road within Outlot A would be the responsibility of the subdivider of the abutting parcel to the south.

Lot Requirements. Section XX-50-7 of the Zoning Ordinance sets forth the following minimum requirements for lots within the R1 District. The minimum lot area and width requirements applicable to platted single family lots within the R1 District are more restrictive than those of the Shoreland Overlay District for Natural Environment Lakes and govern as provided for by Section XX-1-5.B of the Zoning Ordinance.

A. Lot Area:		
	Platted Lot:	2.5 acres
	Buildable Area Within Parcel or Lot:	40,000 square feet
B. Lot Width:		200 feet
C. Lot Depth		300 feet

The proposed lots range in area from 2.50 acres to 5.17 acres in area and have a mean area of 3.29 acres. All of the proposed lots have more than 40,000 square feet of buildable area for construction of a single family dwelling as required by Section XX-16-2.B of the Zoning Ordinance. Each lot is more than 200 feet in width measured at the required setback from the front lot line abutting a public road and are more than 300 feet in depth. The lots within preliminary plat comply with the minimum requirements of the R1 District and Shoreland Overlay District.

Impervious Surface. Section XX-90-10.B.1 of the Zoning Ordinance limits impervious surface within the Shoreland Overlay District to not more than 25 percent of the lot area. All or portions of the lots within the preliminary plat are subject to the provisions of the Shoreland Overlay District. Each lots (or the portions thereof within the Shoreland Overlay District) have sufficient area to allow for construction of a single family dwelling, accessory structures, or other impervious surfaces while complying with the 25 percent limit. The certificate of survey submitted with application for a building permit will be required to indicate the proposed impervious surface within the lot.

Setbacks. Lots within the R1 District are subject to the setback requirements established by Section XX-50-8 of the Zoning Ordinance below. Each of the other lots within the preliminary plat have adequate area to allow for construction of a single family dwelling in compliance with required minimum setbacks of the R1 District.

A. Front Yard or Side Yard Abutting a Public Road:		
	Township Road:	50 feet
B. Side Yard (except as allowed by Section XX-51-5.A):		20 feet
C. Rear Yard:		25 feet

Section XX-90-7.B.1 of the Zoning Ordinance requires a minimum setback of 150 feet from the Ordinary High Water Level of a Natural Environment Lake for structures and Subsurface Sewage Treatment Systems. Because of the limits of the buildable area at the northeast corner of the subject property and the lack of depth between the Natural Environment Lake and 116th Street (CR 39), Lots 1 and 2, Block 1 cannot comply with the 150 foot setback requirement. The preliminary plat proposes to reduce the required setback to a minimum of 75 feet from the Ordinary High Water Level by variance. All other lots within the preliminary plat have the ability to comply with the setback required from the Ordinary High Water Level.

Such variance is warranted based on the natural limitations of the northeast area of the preliminary plat and that the Natural Environment Lake was only recently classified to be regulated by Shoreland Overlay District provisions after subdivision of the exception parcel from the subject property. Findings of fact supporting approval of a variance to allow the reduction in the setback from the Ordinary High Water Level for Lots 1 and 2, Block 1 have been prepared by Town staff for consideration by the Planning Commission.

Landscaping. Section XX-19-2.B.1 of the Zoning Ordinance requires planting two shade or evergreen trees per acre for each lot platted after 3 April 2023. The tree planting requirement will be satisfied as part of the building process for each lot.

Grading. The developer has provided a grading plan the proposed preliminary plat. The site work will disturb less than one acre, so the stormwater management provisions of Section XX-10-6 of the Subdivision Ordinance do not apply. All grading, drainage, and erosion control issues are subject to review and approval of the Town Engineer.

Wetlands. Administration of the Wetland Conservation Act (WCA) remains within the jurisdiction of Sherburne County in accordance with Section XX-10-7 of the Subdivision Ordinance. A wetland delineation for the subject site has been reviewed by Sherburne County with approval pending. No impacts to the Natural Environmental Lake are proposed. All wetland issues are subject to review by the Town Engineer and approval of Sherburne County.

Utilities. The lots within the proposed preliminary plat are to be served by private Subsurface Sewage Treatment Systems (SSTS) and wells in accordance with Section XX-10-5 of the Subdivision Ordinance. The submitted plans identify a primary and secondary drainage field site within each lot for a SSTS. All SSTS and well plans are to be subject to review and approval of the Building Official at the time a building permit is applied for.

Easements. Section XX-10-8 of the Subdivision Ordinance requires dedication of drainage and utility easements a minimum of 12 feet in width at the perimeter of each lot, which may be centered on lot side and rear lines for abutting lots within the preliminary plat. The preliminary plat indicates the required perimeter drainage and utility easements, as well as over stormwater basins corresponding to the proposed grading plan. All drainage and utility easements are to be subject to approval of the Town Engineer.

Park Dedication. Section XX-10-10 of the Subdivision Ordinance requires developers to dedicate 10 percent of the buildable area of a parcel being subdivided to the Town for park purposes. The Town may also elect to receive a cash fee in lieu of land dedication to be used only for development of the Town park system. The decision as to whether the developer is required to dedicate land, pay a cash fee in lieu of land, or provide for dedication of a combination of land and cash fees to satisfy park dedication requirements is to be made by the Town.

The preliminary plat does not propose dedication of land to the Town for public park purposes meaning park dedication requirements would be satisfied by payment of a cash fee in lieu of land. Park dedication requirements for the proposed preliminary plat were reviewed by the Park Committee at their meeting on 18 July 2024. The Park Committee recommends that the developer pay a cash fee in lieu of land to satisfy park dedication requirements, which is subject to approval of the Town Board. The cash fee in lieu of land is to be paid at the time of final plat approval based on the fee established by the Town Fee Schedule in effect at that time.

RECOMMENDATION

The proposed Northland Ponds preliminary plat is consistent with the Comprehensive Plan for rural residential development. The preliminary plat further complies with the requirements of the Zoning Ordinance and Subdivision Ordinance, with exception of the setback from the Ordinary High Water Level of a Natural Environment Lake for Lots 1 and 2, Block 1. We recommend approval of a variance from the Shoreland Overlay District setback requirements in accordance with the Findings of Fact attached hereto and approval of the preliminary plat subject to the stipulations outlined below.

POSSIBLE ACTIONS

A. Motion to recommend **approval** of a variance and the preliminary plat of Northland Ponds subject to the following conditions:

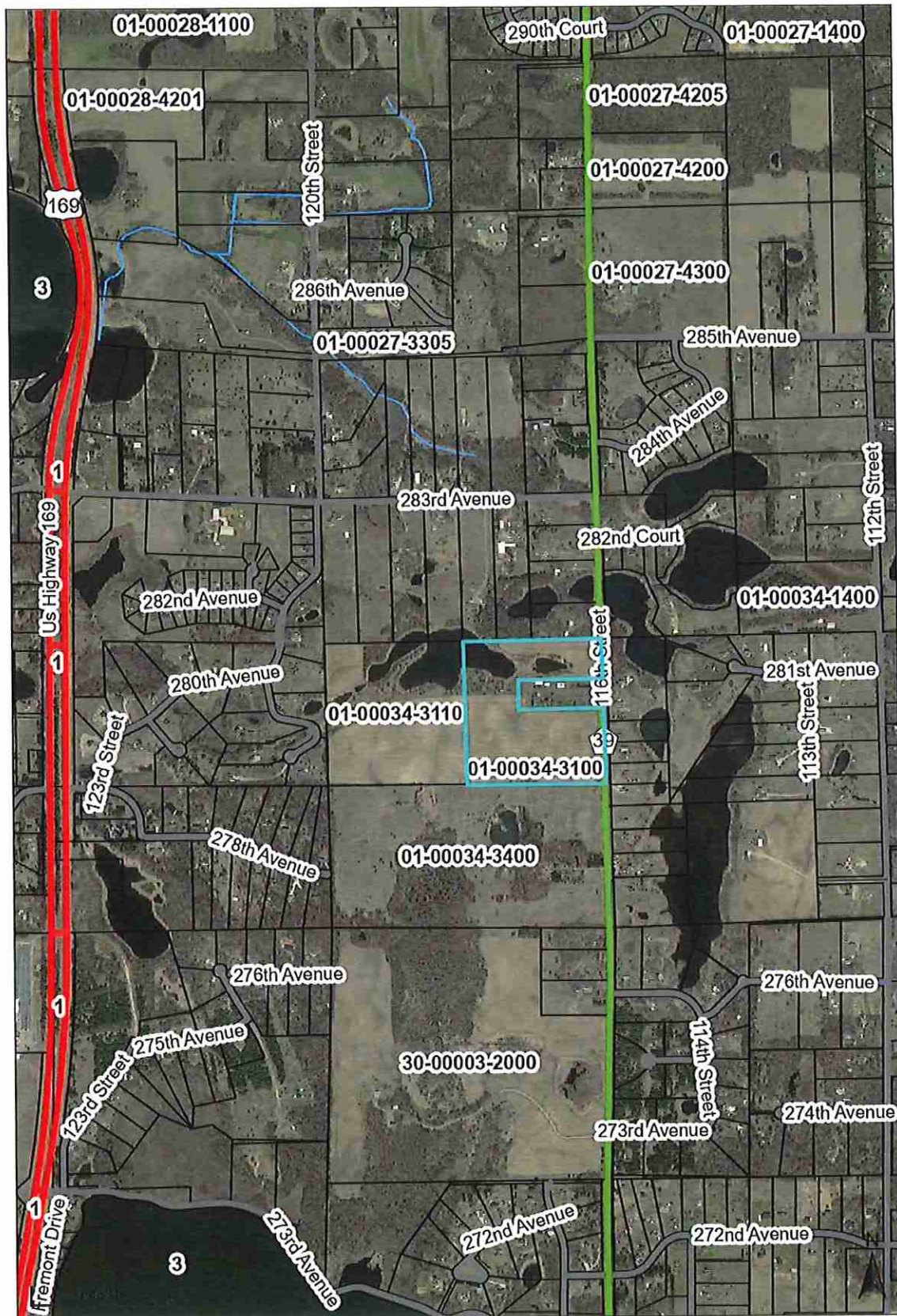
1. The preliminary plat shall be valid for a period of one year from the date of approval in accordance with Minnesota Statutes 462.358, Subd. 3C., unless extended by the Town Board (or City Council).
2. Access from Lots and 2, Block 1 to 116th Street (CR 39) shall be subject to review and approval of Sherburne County.
3. The proposed intersection of 280th Avenue with 116th Street (CR 39) shall be subject to review and approval of Sherburne County.
4. The developer shall dedicate a temporary roadway easement at the terminus end of 280th Avenue, subject to review and approval of City staff.
5. Outlot A shall be deeded to the Town for future right-of-way purposes.
6. The right-of-way and street design and construction for 280th Avenue shall be subject to review and approval of the Town Engineer.
7. Access to individual lots from Town roads shall comply with Section 1.08 of the Town Right-of-Way Ordinance and Section XX-21-6.B.2.b of the Zoning Ordinance.
8. Construction on all lots shall comply with the following setback requirements:

A. Front Yard or Side Yard Abutting a Public Road:		
	County Road	67 feet
	Township Road:	50 feet
B. Side Yard (except as allowed by Section XX-51-5.A):		20 feet
C. Rear Yard:		25 feet
D. Ordinary High Water Level		
	Lots 1 and 2, Block 1	75 feet
	Lots 3-6, Block 1; Lots 1-2, Block 2; Lots 1-2, Block 3	150 feet

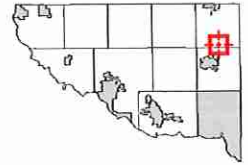
9. Impervious surface within all or portions of lots within the Shoreland Overlay District shall not exceed 25 percent; proposed impervious surface within the Shoreland Overlay District shall be shown on the certificate of survey for each lot with application for a Building Permit.

10. Subsurface Sewage Treatment Systems and well utilities for each lot shall be subject to review and approval of the Building Official.
 11. All grading, drainage, and erosion control plans shall be subject to review and approval of the Town Engineer.
 12. All wetland issues shall be subject to review and approval of Sherburne County.
 13. All easements shall be subject to review and approval of the Town Engineer.
 14. Park dedication requirements shall be satisfied by payment of a cash fee in lieu of land based on the Town Fee Schedule in effect at the time of final plat approval, subject to approval of the Town Board.
- B. Motion to recommend the application be **denied** based on a finding that the request is does not comply with the Zoning Ordinance and Subdivision Ordinance.
- C. Motion to **table**.
- c. Joan Heinen, Town Clerk/Treasurer
Bob Ruppe, Town Attorney
Dan Bogart, Acting Town Engineer
David Roedel, Sherburne County
James Bedell, DNR

Site Location Map



Overview



Legend

Roads

- MN Highway; US Highway
- Municipal-State Aid Street
- Municipal Street
- Township Road
- State Forest Road
- Bureau of Fish and Wildlife Road
- Connector (Ramp)
- Privately Maintained Public Access Road
- County Road
- County-State Aid Highway
- Parcels
- Streams

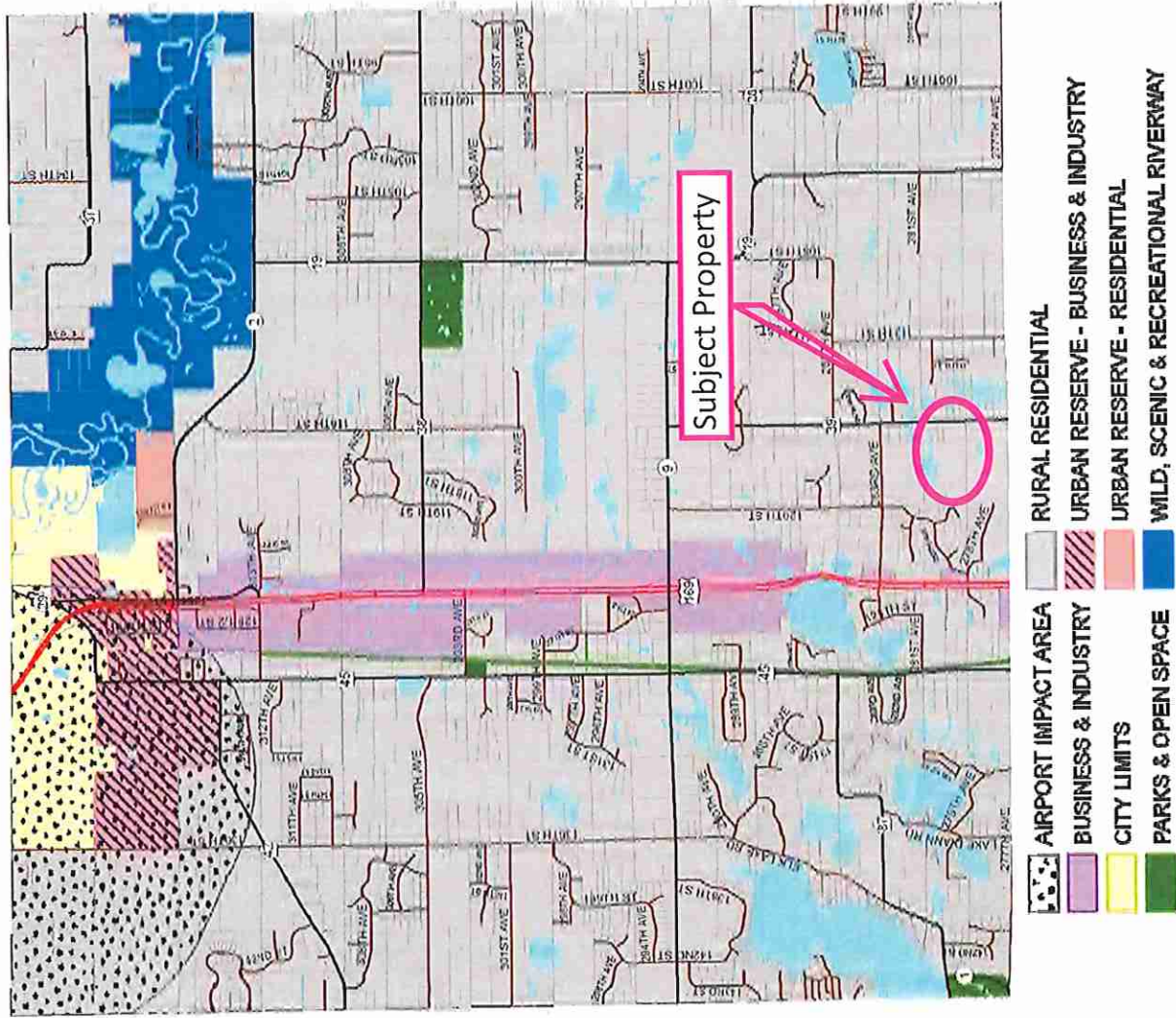


Figure 9.3: Sherburne County Future Land Use Map (Baldwin Township). Source: Sherburne County Planning & Zoning Dept.

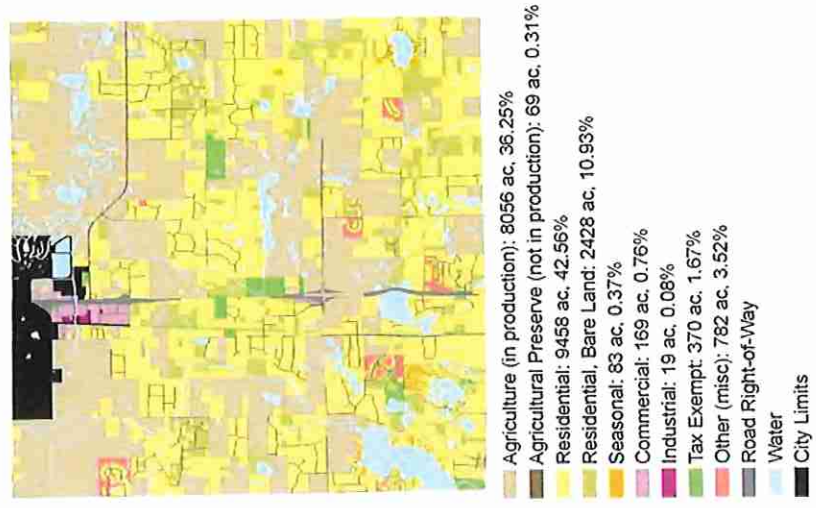
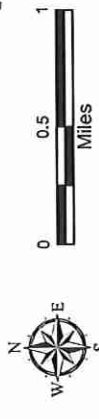


Figure 9.4: Baldwin Township existing land use by acres (2008). Source: Sherburne County Assessor's Dept.

Baldwin Township Zoning Map

HAVEN	PALMER	SANTIAGO	BLUE HILL	BALDWIN
CLEAR LAKE	BECKER	ORROCK	LIVONIA	ELK RIVER



Township Boundary

City Limits

Zoning

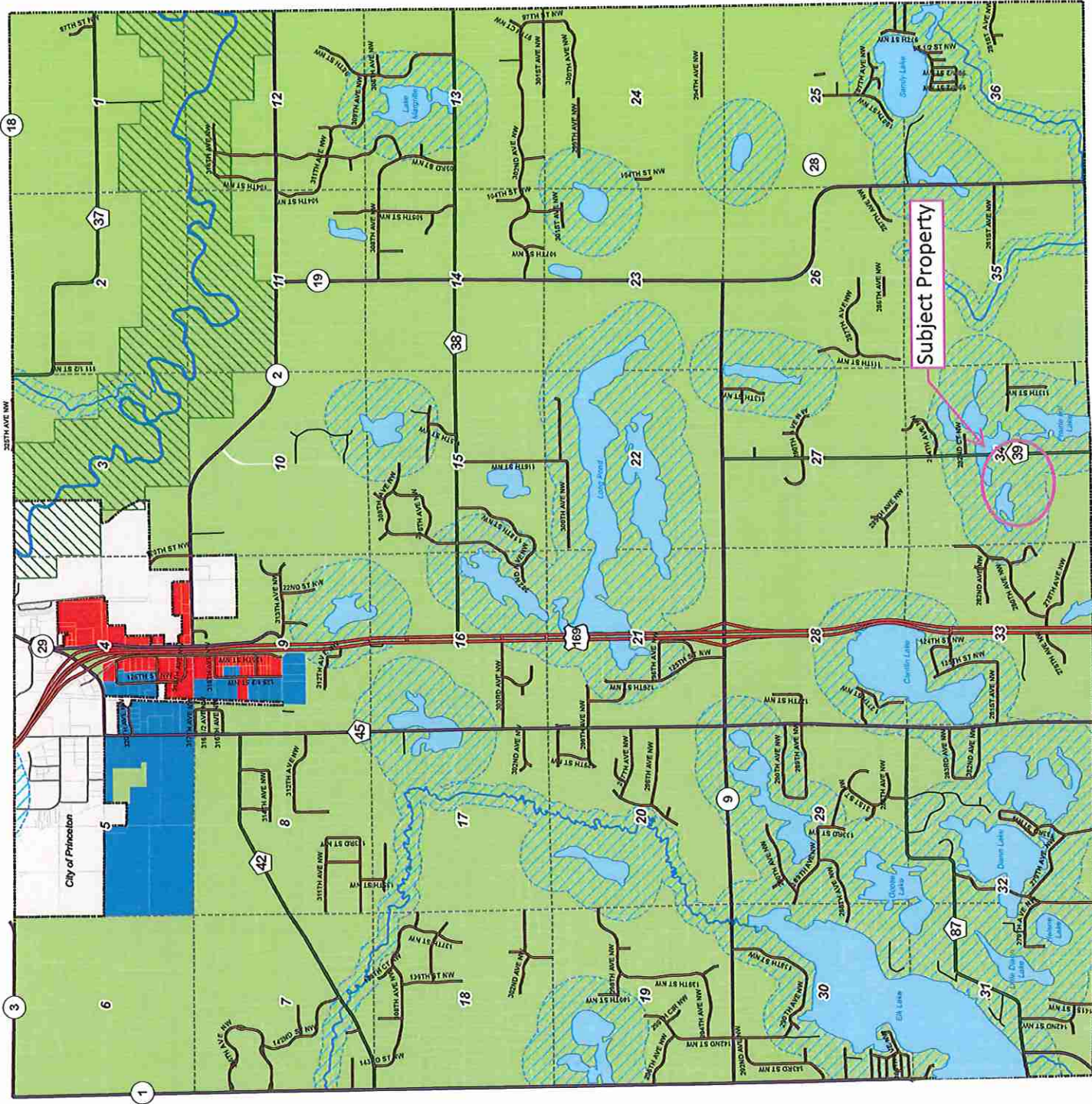
- R1, General Rural - 21,558ac (97.3%)
- C1, General Commercial - 163ac (0.8%)
- I1, General Industrial - 426ac (1.9%)
- S, Shoreland - 7860ac (35.5%)
- WS, Wild and Scenic - 1339ac (6%)

Roads

- US Highway
- County-State Aid Highway (CSAH)
- County Road
- Township Road
- Private Road
- City Street

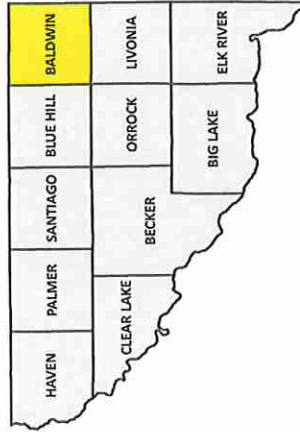


DISCLAIMER: Baldwin Township does not warrant the accuracy nor the correctness of the information contained in this map. It is your responsibility to verify the accuracy of this information. In no event will the County be liable for any damages, including loss of business, loss of property, or interruption, loss of business information or other losses that might arise from the use of this map or the information it contains. Map information is believed to be accurate but accuracy is not guaranteed.



Baldwin Township

ROADWAY CLASSIFICATION



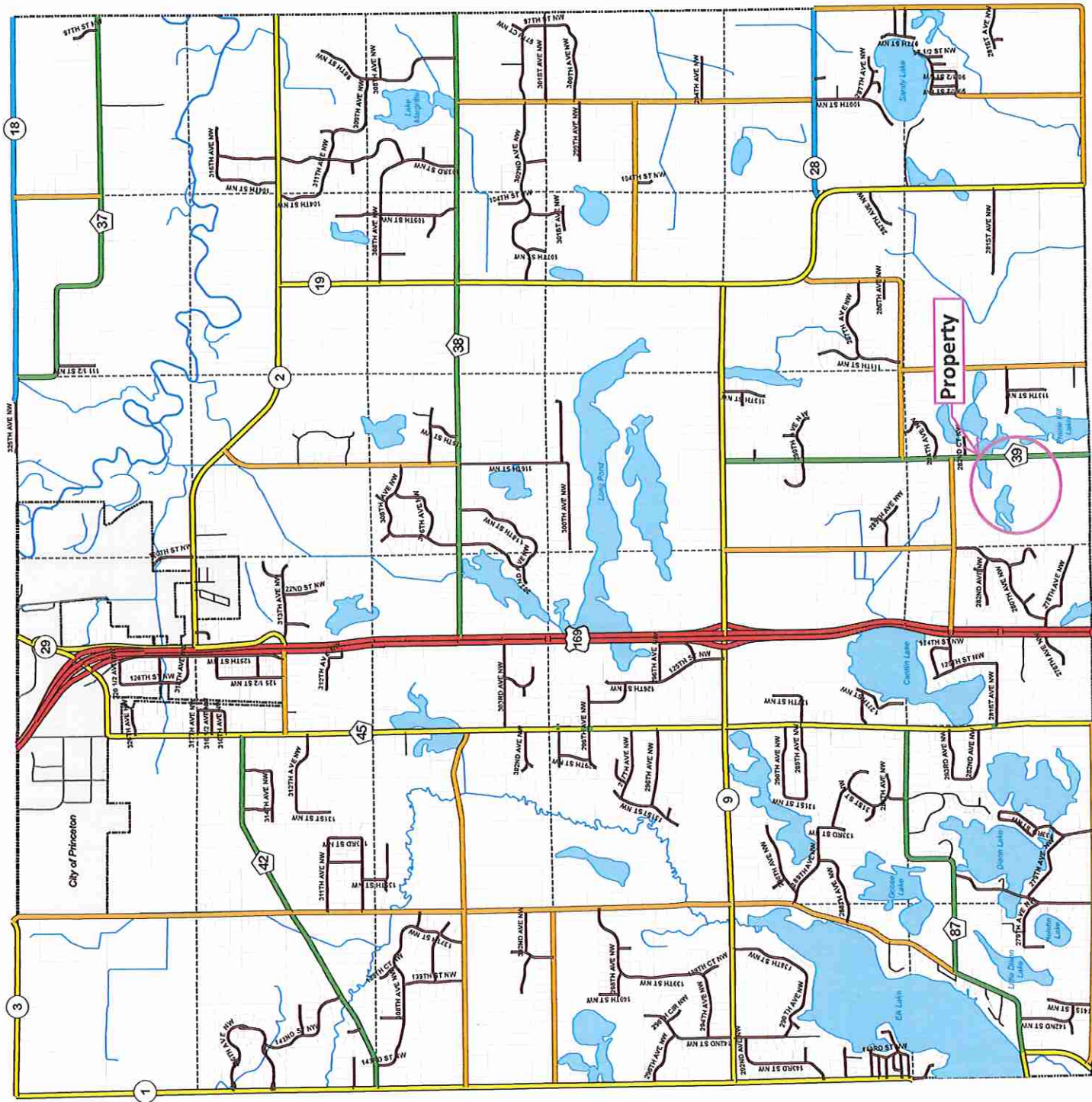
- Roads**
- DNR Public Waters
 - Township Boundary
 - Principal Arterial (Federal/State)
 - County Major Collector
 - County Minor Collector
 - County Local
 - Town Collector
 - Town Road
 - City Street
 - Private Road

TPC
The Planning Company

Source:
Sherburne County 2040 Transportation Plan
Baldwin Township

DISCLAIMER: Baldwin Township does not warrant the accuracy nor the correctness of the information contained in this map. It is your responsibility to verify the accuracy of this information. In no event will Sherburne County be liable for any damages, including loss of business, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains. Map information is believed to be accurate but accuracy is not guaranteed.

K:\GIS\Projects\Municipal\Baldwin\Roadway Classification Map.mxd



The Northeast Quarter of the Southwest Quarter of Section 34, Township 30, Range 20d, Sherburne County, Minnesota, encompassing therefrom the South 200.00 feet of the North 804.00 feet of the East 798.00 feet, Also encompassing therefrom the South 78.00 feet of the North 454.00 feet of the East 453.00 feet of the East 798.00 feet of the Northeast Quarter of the Southwest Quarter of Section 34, Township 30, Range 20, Sherburne County, Minnesota.

AREA OF PROPOSED LOT (246' ABOVE MOTTLED SOIL) (PER SOIL BORINGS BY SOIL SCIENTIST)		LOT 6, BLOCK 1 — 74,070 Sq.Ft.	
Lot 1, Block 1	— 134,323 Sq.Ft.	Lot 2, Block 1	— 43,500 Sq.Ft.
Lot 2, Block 1	— 43,500 Sq.Ft.	Lot 1, Block 2	— 76,884 Sq.Ft.
Lot 3, Block 1	— 128,825 Sq.Ft.	Lot 1, Block 2	— 83,520 Sq.Ft.
Lot 4, Block 1	— 109,768 Sq.Ft.	Lot 1, Block 2	— 83,498 Sq.Ft.
Lot 5, Block 1	— 109,768 Sq.Ft.	Lot 1, Block 2	— 80,000 Sq.Ft.

— EXACTLY MOTTLED SOIL
— LOT 1, BLOCK 1
— PORTION OF LOT 2, BLOCK 1
— MOTTLED SOIL, REMAINING

Name of Person Name of Institution Address City State Zip	Name of Person Name of Institution Address City State Zip
Name of Person Name of Institution Address City State Zip	Name of Person Name of Institution Address City State Zip

1. The professional surveyor has made no investigation or independent search for elements of record, encumbrances, restrictive covenants, easements, or any other facts that an accurate and current title search may disclose.

2. The underground utilities shown are depicted per approved records. The accuracy and completeness of the information and the utility companies are not warranted. The information is provided for informational purposes only and is not intended to be used for any other purpose. The user assumes all liability for any use of the information. The information is provided as is and without warranty. The user assumes all liability for any use of the information. The information is provided as is and without warranty. The user assumes all liability for any use of the information.

Division of Caltrans, Sacramento Office.

3. Project Description: MC007, Sacramento, Sta. 7108+42.
Division = 9601.71 Net (MAY 1925)

4. Site Description: Double side cut in gravel pits, west side of County Highway 39.
(1185 Street NW, 2,700 feet south of 263rd Avenue NW.
(Substation = 0101.30, Net (JAN 1925)

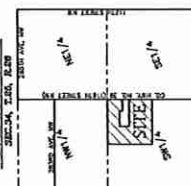
2. Possible Building Site is shown only for conceptual purposes. Actual location of proposed house to be determined by the holder and approved by the Dakota Township building official at time of construction.

6. Minimum Lowest Floor Elevations are used as the existing depths from the existing ground surface. The existing ground surface elevations, floor elevations and heights depicted on this preliminary plat, Final Lowest Floor Elevations shall be verified and approved by Dakota Township prior to home construction.

The McQuar Area Hydrogeologist, James Baidal, estimated the Ordinary High Water Elevation at 1011.0 feet on July 1, 2024. The estimated Ordinary High Water Elevation was determined based on LIDAR data and a site visit.

5. Due to the recent reallocation of the DART Protected National No. 7100-8000 to a Natural Environment Lake after application had been made, the waterfowl are being requested for Lots 1 and 2. Block 1 regarding the setback distance from the Ordinary High Water Line of the Natural Environment Lake for both the proposed structure(s) and the proposed septic system(s).

VICINITY MAP

[illegible]

PRELIMINARY PLAT
FOR
LAKESIDE INVESTMENTS MN, LLC
SHERBURNE COUNTY, MINNESOTA

NORTHLAND PONDS

RUM RIVER
LAND SURVEYORS & ENGINEERS
565 Peak Street, Presque Isle, MN 55371
O-763-287-4474 RRLE.com

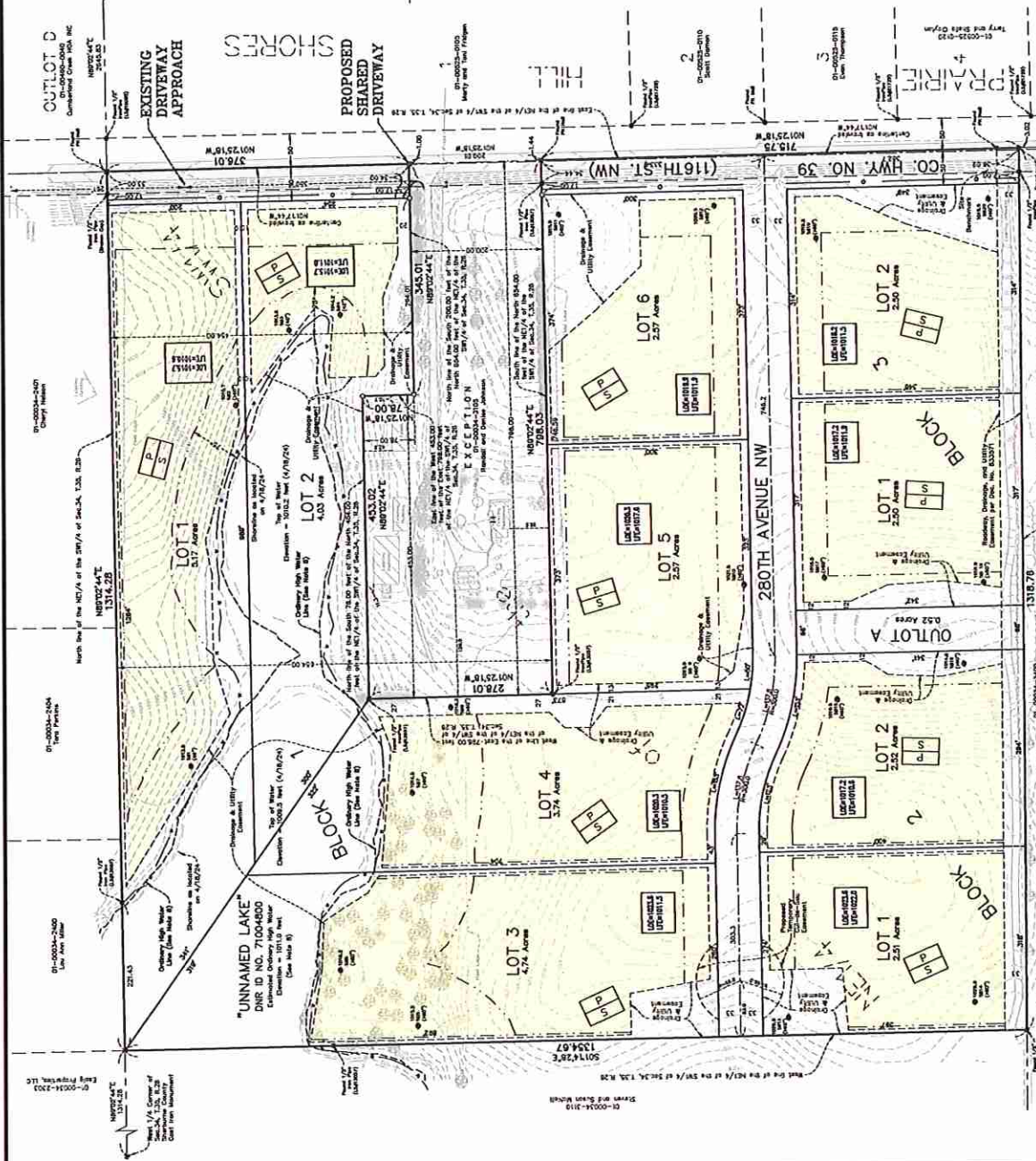
REPORT OF:	SM
DATE:	06/07/24
FILE NO.	P-4693.02

Survey, plan or report was prepared
under supervision and that I am a duly
licensed Surveyor under the laws of the

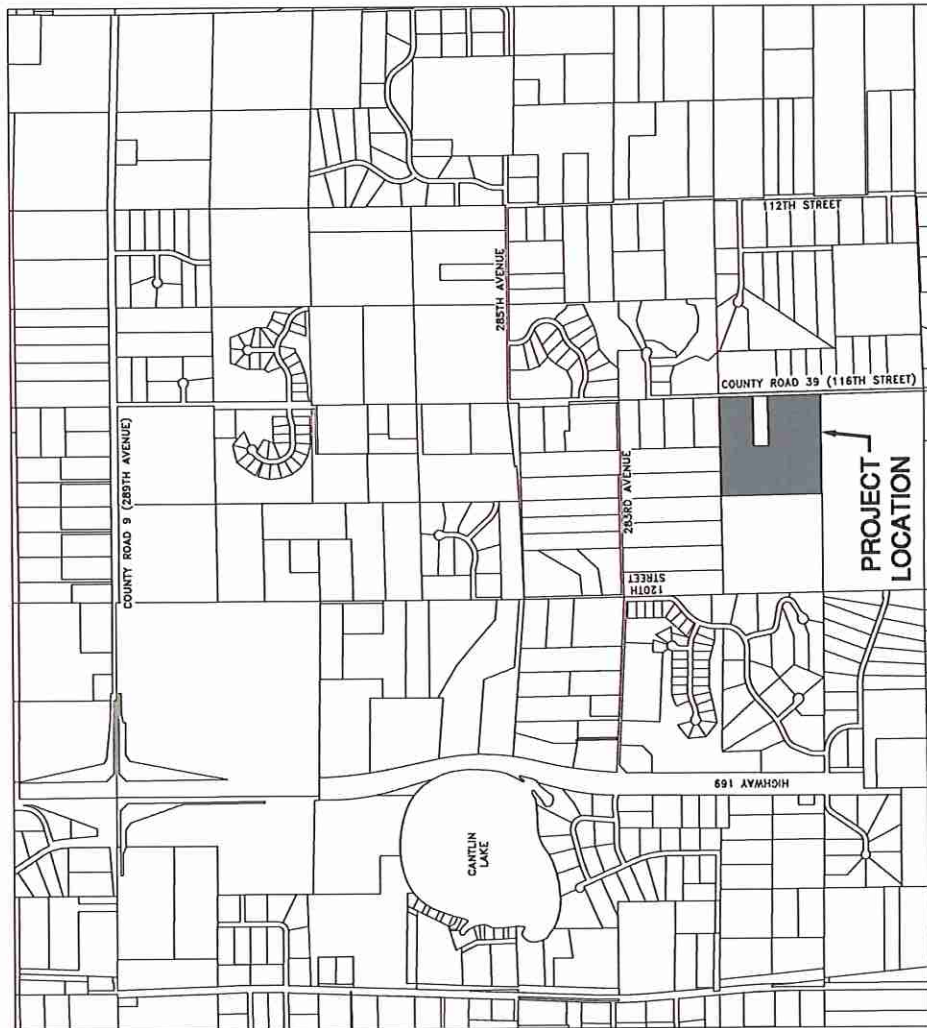
I hereby certify that _____
by me or under my _____
Licensed Professional _____
State of Minnesota. _____
_____ *John* _____
_____ *Brian Green, PLS* _____
_____ *04/07/14* _____

[illegible]

REVISION
per: Technology Committee

[illegible]

NORTHLAND PONDS SITE DEVELOPMENT PLANS LAKESIDE INVESTMENTS MN, LLC IN BALDWIN TOWNSHIP



PROJECT BENCHMARK:
MN/DOT BENCHMARK NO. 7106 AC
ELEV=988.21 (NGVD 1929)

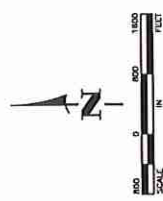
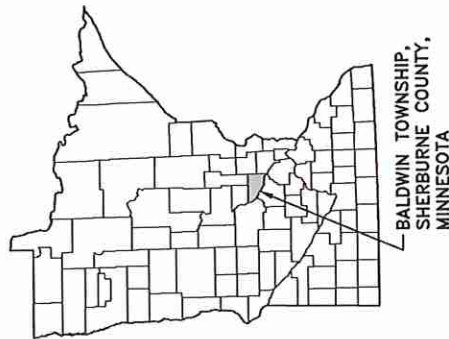
SITE BENCHMARK:
DOUBLE SPIKE SET IN POWER POLE WEST SIDE OF COUNTY ROAD 9 (116TH STREET) NW, 2700 FEET SOUTH OF 26TH AVENUE (SOUTHEAST CORNER OF SITE)
ELEV=1019.30 (NGVD 1929)

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. ACCORDING TO THE STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA.



DEVELOPER/OWNER
LAKESIDE INVESTMENTS MN, LLC
2939 HIGHWAY 10 SOUTH
TODD MALONEY
763-639-9722

ENGINEER/SURVEYOR
RUM RIVER LAND SURVEYORS AND ENGINEERS
505 FIRST STREET
PRINCETON, MN 55371
BRIAN PESSON, P.L.S.
763-427-3880
763-427-0520 (FAX)



GOVERNING SPECIFICATIONS

THIS PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION".

ALL FEDERAL STATE AND LOCAL LAWS, REGULATIONS, AND ORDINANCES SHALL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.

ALL TRAFFIC CONTROL DEVICES AND SIGNING SHALL CONFORM TO THE LATEST EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING THE LATEST FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.

SHEET INDEX

THIS PLAN CONTAINS 17 SHEETS

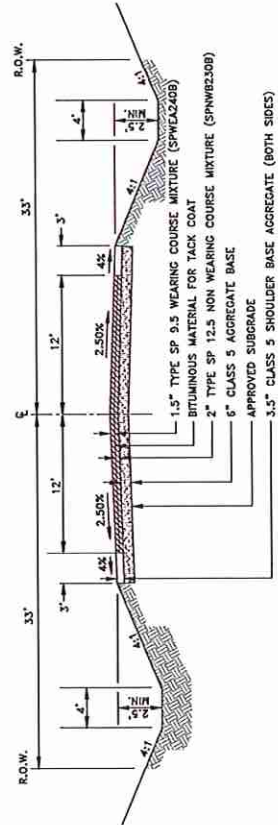
SHEET NO.	DESCRIPTION
1	CONSTRUCTION NOTES, PROJECT LEGEND AND TABULATIONS
2	DETAILS
3	EXISTING TOPOGRAPHY AND REMOVALS PLAN
4	PROPOSED TOPOGRAPHY AND REMOVALS PLAN
5	PROPOSED CONDITIONS SHEET INDEX
6-9	GRADES, DRAINAGE AND SEDIMENT CONTROL PLAN
10-11	PROPOSED EROSION CONTROL PLAN
12-13	RESTORATION PLAN
14-17	CROSS SECTIONS

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

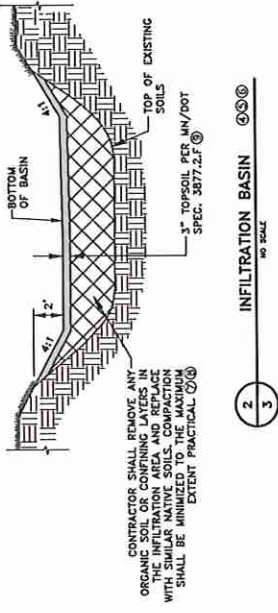
Timothy A. Eckerichs DATE 5/31/24
TIMOTHY A. ECKERICHS, P.E. 43362 LIC. NO.
RUM RIVER LAND SURVEYORS AND ENGINEERS
DESIGN ENGINEER

DATE	REVISION

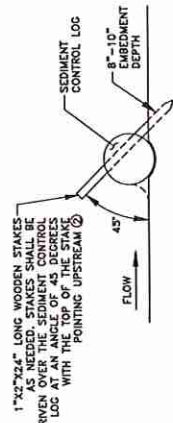
SHEET 1 OF 13 SHEETS



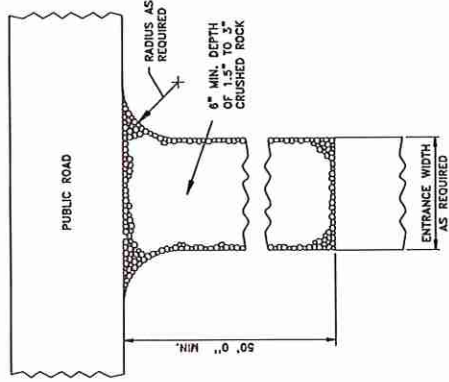
1
3
TYPICAL STREET SECTION



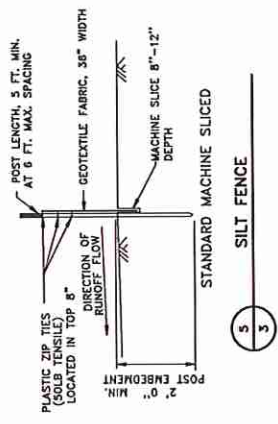
2
3
INfiltration BASIN
NO SCALE



4
3
SEDIMENT CONTROL LOG TYPE STRAW



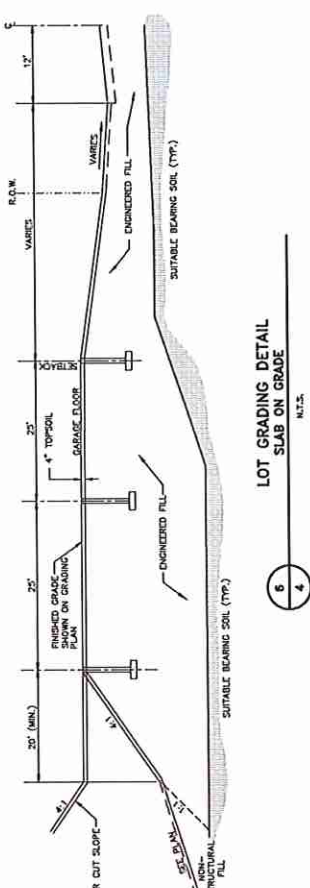
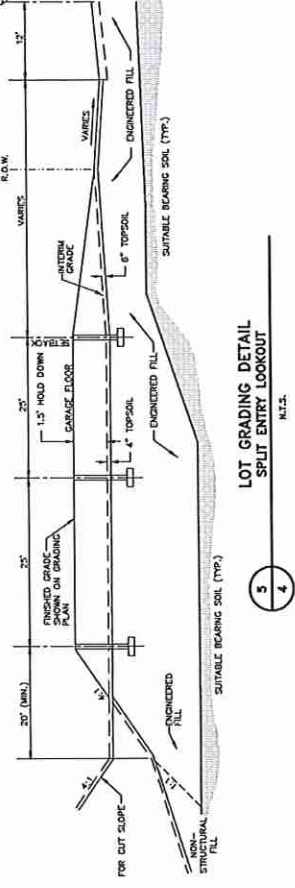
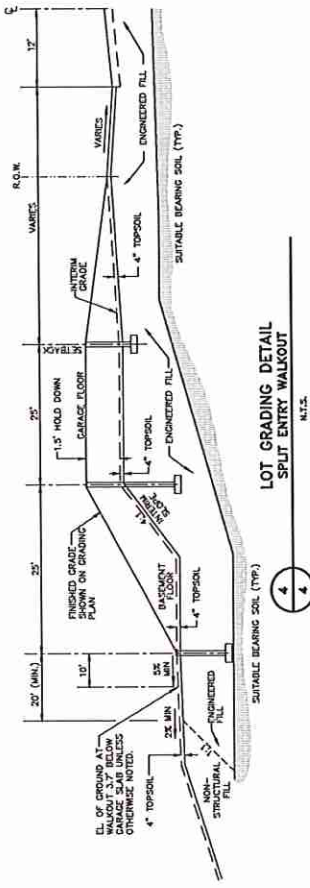
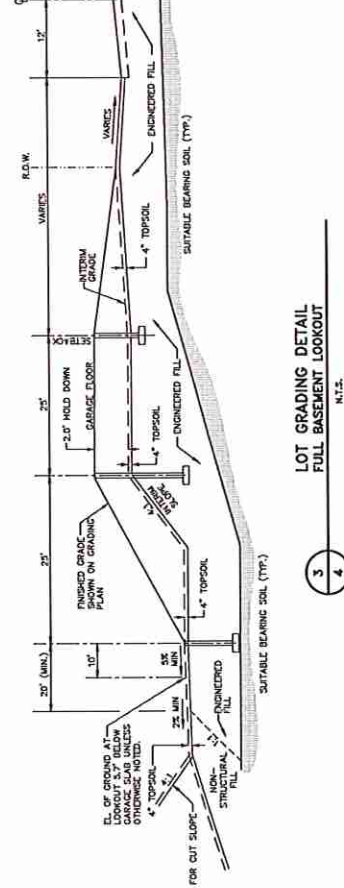
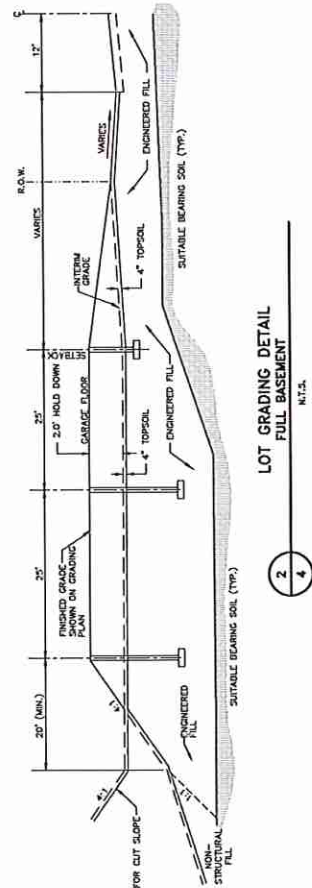
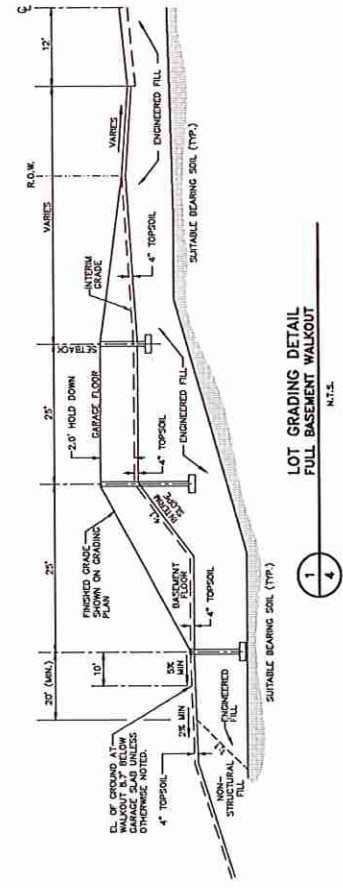
3
3
STABILIZED CONSTRUCTION EXIT



3
3
SILT FENCE

- REFERENCE NOTES:
- ① SEDIMENT CONTROL LOGS SHALL BE PLACED AFTER GRADING.
 - ② PLACE STAKES AS NEEDED TO PREVENT MOVEMENT OF SEDIMENT CONTROL LOGS PLACED ON SLOPES OR AS NEEDED DUE TO OTHER FACTORS.
 - ③ SEDIMENT CONTROL LOG SHALL MEET THE REQUIREMENTS OF MN/DOT SPEC. 3897.2.A.
 - ④ CONTRACTOR SHALL PROTECT THE INFILTRATION BASIN WITH 48" HIGH ORANGE SAFETY FENCE PRIOR TO THE START OF CONSTRUCTION.
 - ⑤ TRACKED EQUIPMENT SHALL BE MINIMIZED OVER THE FOOTPRINT OF THE BASIN. ONLY LOW PRESSURE, WIDE TRACKED EQUIPMENT SHALL BE USED FOR CONSTRUCTION.
 - ⑥ INFILTRATION BASINS SHALL NOT BE GRADED TO WITHIN THREE FEET OF THE FINAL GRADE UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN CONSTRUCTED AND FULLY STABILIZED OR PROTECTED FROM EROSION. INFILTRATION AREAS HAVE BEEN PROVIDED.
 - ⑦ 1/2" TO 3/4" SAND SHALL BE PLACED IN THE BOTTOM OF THE INFILTRATION BASIN SHALL BE BETWEEN 0.45 AND 0.55 INCHES PER HOUR. THE CONTRACTOR MAY HAVE TO AMEND THE SOILS TO MEET THIS REQUIREMENT.
 - ⑧ COMPACTED SOIL WITHIN THE INFILTRATION BASIN SHALL BE SCARIFIED TO A DEPTH OF 12" PRIOR TO RESTORATION.
 - ⑨ ON-SITE TOPSOIL MAY BE USED IF IT MEETS THE REQUIREMENTS OF MN/DOT SPEC. 3877.2.F.

DATE		REVISION	SHEET		DETAILS	
2/7/24	PLAN REVISIONS FOR CITY REVIEW		3	13	NORTHLAND PONDS BALDWIN TOWNSHIP, MINNESOTA	
DRAWN BY: J. E. D.			P-4693.02			
CHECKED BY: J. E. D.			P-4693.02			
DATE: 02/07/24			P-4693.02			
PROJECT: NORTHLAND PONDS			P-4693.02			
SHEET NO: 3			P-4693.02			
SHEET TOTAL: 13			P-4693.02			



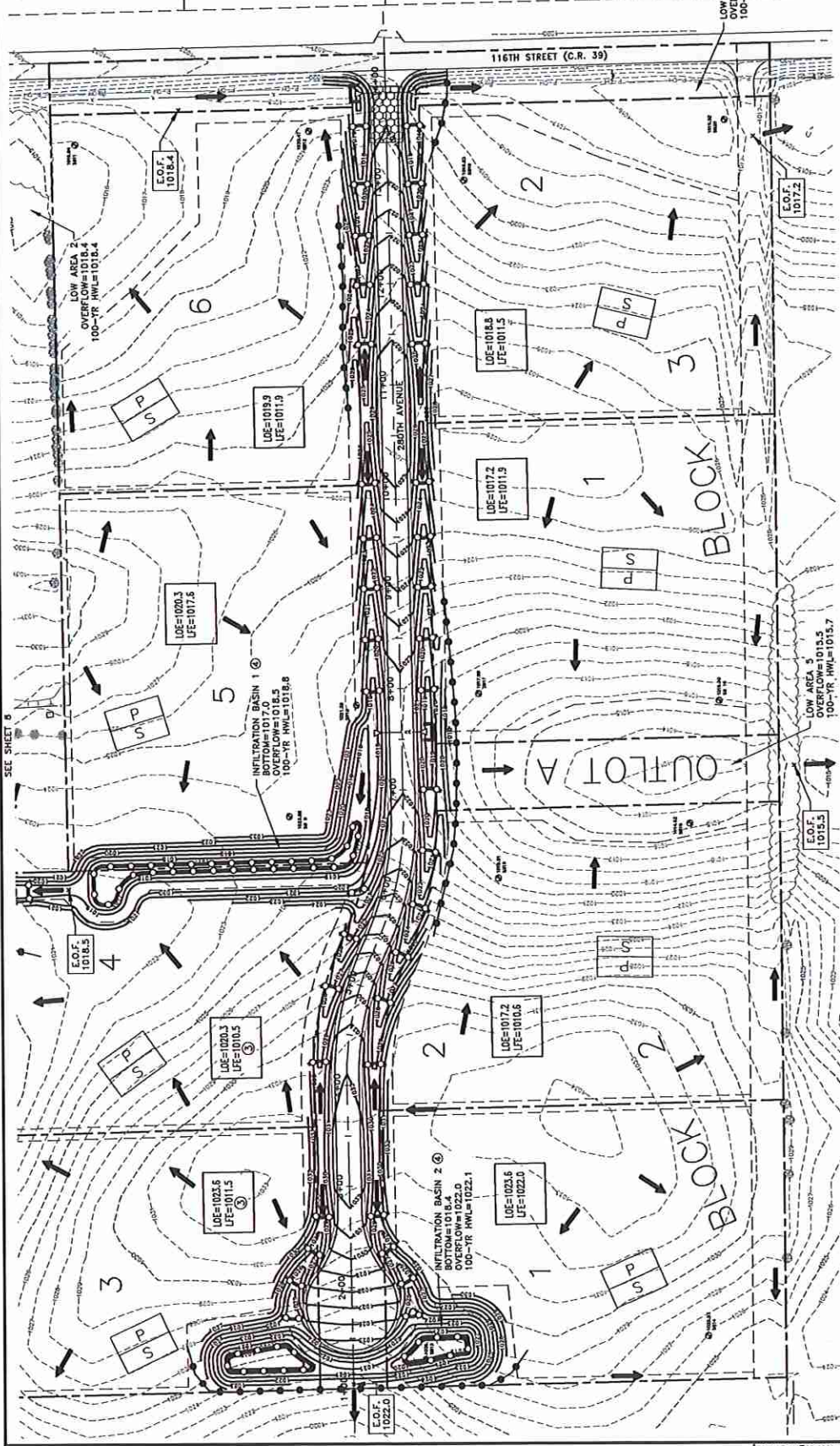
DATE		REVISION	RUM RIVER		NORTHLAND PONDS		LOT GRADING DETAILS		SHEET 4		13		P-4893.02	
DRAWN BY		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
CHECKED BY		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
APPROVED BY		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT NO.		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT NAME		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT LOCATION		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT DESCRIPTION		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT OWNER		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT CONTACT		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT STATUS		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT NOTES		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT COMMENTS		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT REVISIONS		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT APPROVALS		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT SIGNATURES		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT STAMPS		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT NOTES		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT COMMENTS		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT REVISIONS		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT APPROVALS		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT SIGNATURES		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			
PROJECT STAMPS		DATE	LAND SURVEYORS & ENGINEERS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4		13		P-4893.02			



☒	GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN SHEET NUMBER
☒	STREET AND STORM SEWER CONSTRUCTION PLAN SHEET NUMBER
☒	RESTORATION PLAN SHEET NUMBER

DATE	REVISION	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.	RUM RIVER LAND SURVEYORS & ENGINEERS 10000 Highway 100, Suite 100 Minnetonka, MN 55345 (763) 859-4441 rumriversurveyors.com	NORTHLAND PONDS	PROPOSED CONDITIONS SHEET INDEX	SHEET 6	OF 13	SHEETS	P-4693.02
BALDWIN TOWNSHIP, MINNESOTA									

REFERENCE NOTES:
 ① FINAL LOCATION OF HOUSE AND EXISTING SEWERAGE TREATMENT SYSTEM (SSTS) AREAS SHALL BE VERIFIED AT THE TIME OF HOME CONSTRUCTION.
 ② FINAL HOUSE TYPES AND ELEVATIONS SHALL BE DETERMINED AT THE TIME OF LOT DEVELOPMENT. THESE LOT DEVELOPMENTS SHALL BE THE FINAL DEPTH TO MOTTLLED SOILS.
 ③ MULTIPLE HIGH WATER AND FLOOD ELEVATIONS EXIST ON THIS LOT. THE PROPOSED HOME SHALL BE ELEVATIONS SHOWN SHALL BE 15' HIGHER THAN THE HOUSE PADS SHOWN ON THE GRADING AND DRAINAGE AND SEDIMENT CONTROL PLAN. THESE ELEVATIONS SHALL BE REVIEWED IF THE HOUSE PAD IS RELOCATED.
 ④ CONSTRUCT INFILTRATION BASIN PER ②.



LEGEND

- HOUSE PAD LOCATION ①
- MINIMUM LOW OPENING ELEVATION
- MINIMUM LOW FLOOR ELEVATION
- SEEDIMENT CONTROL LOG PER ②
- STABILIZED CONSTRUCTION EXIT PER ③
- CULVERT END CONTROL
- EMERGENCY OVERFLOW ELEVATION

REVISION

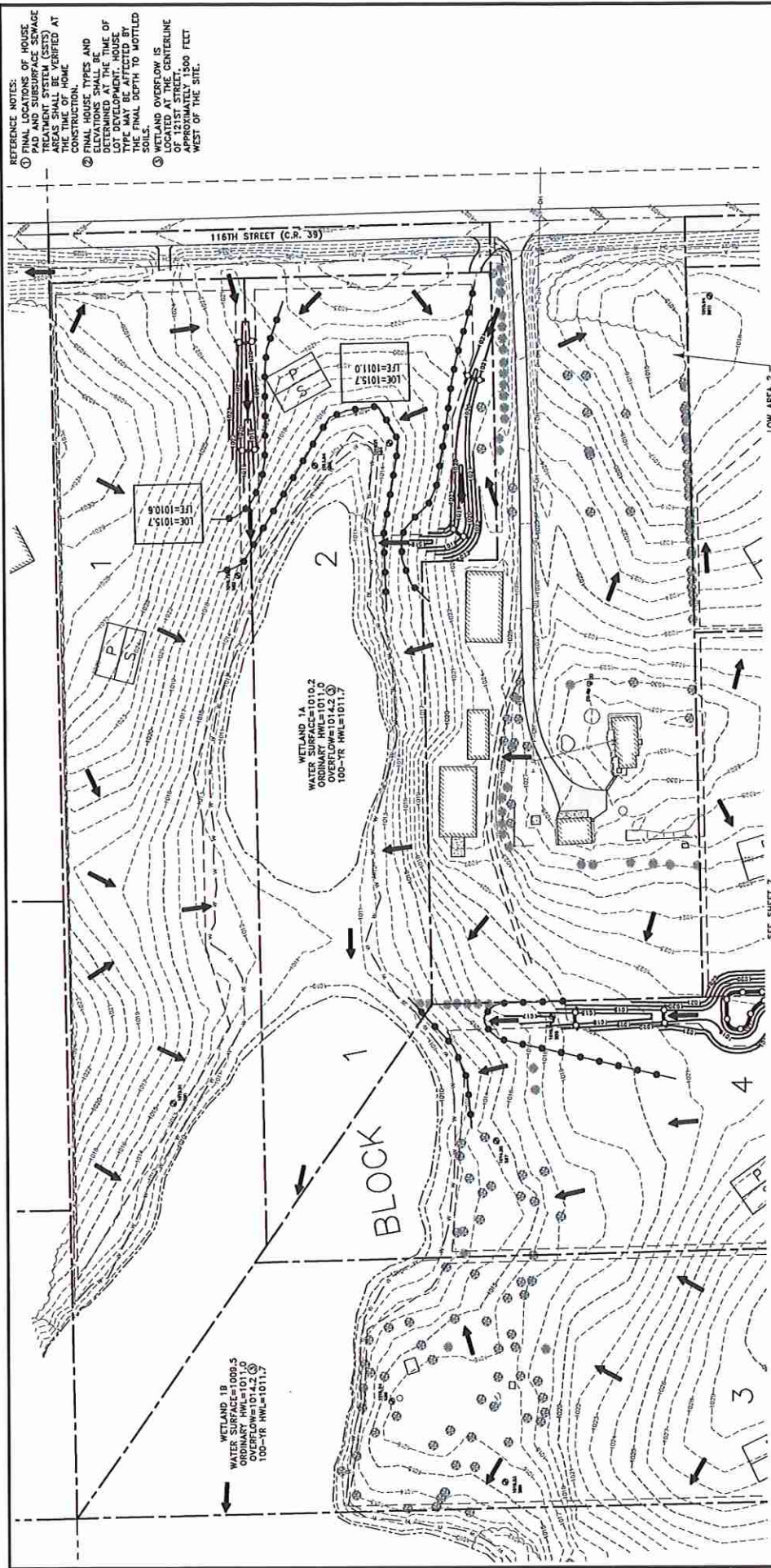
DATE	REVISION
7/2/2024	PLAN INSIDE THE CITY BOUNDARY

DATE 7/2/2024 **TIME** 10:00 AM **BY** J. L. **FOR** J. L.

PROJECT NORTHLAND PONDS **TOWNSHIP** BALDWIN TOWNSHIP, MINNESOTA **SHEET** 7 OF 13 **SCALE** 1"=40'

DESIGNER RUM RIVER **LAND SURVEYORS & ENGINEERS** **REGISTERED PROFESSIONAL ENGINEER** **NO. 000000000** **STATE** MINN.

DATE 7/2/2024 **TIME** 10:00 AM **BY** J. L. **FOR** J. L.

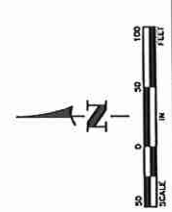


REFERENCE NOTES:

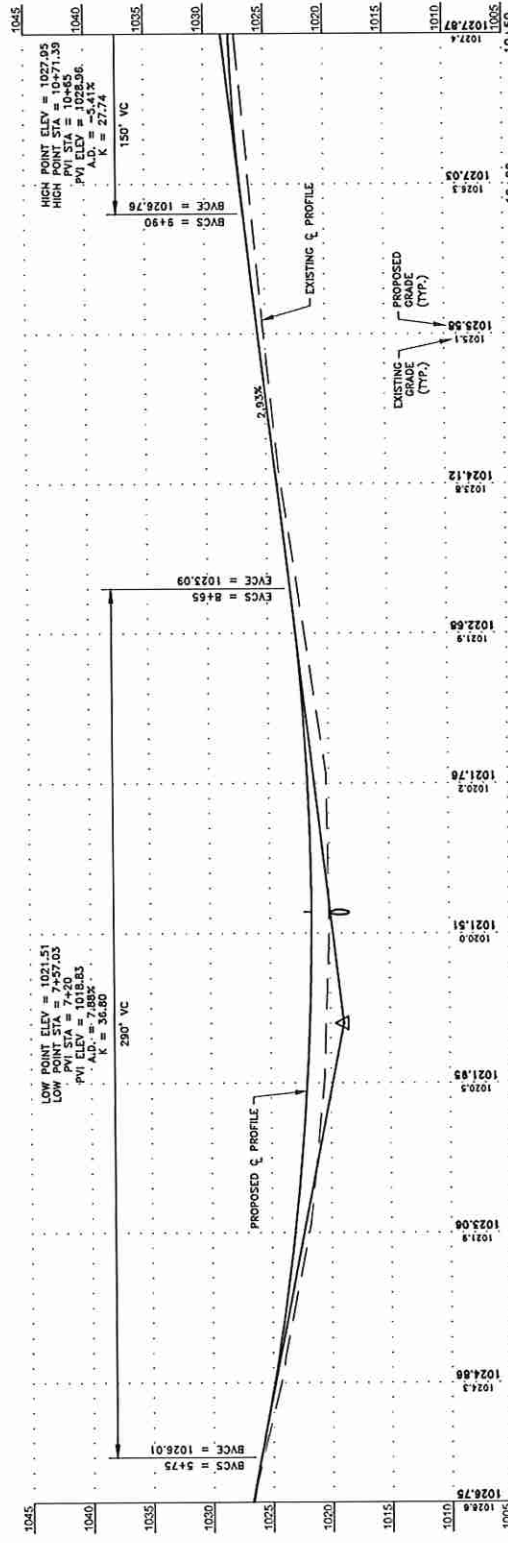
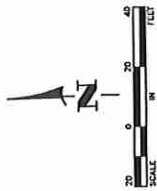
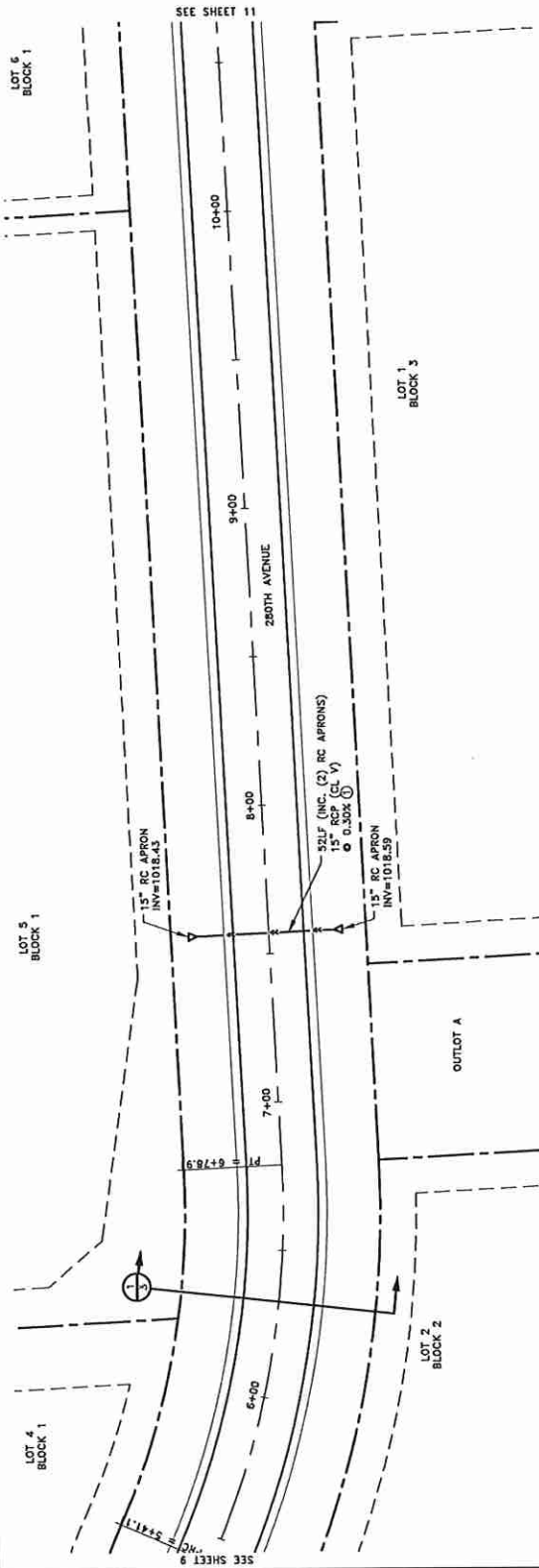
- ① FINAL LOCATIONS OF HOUSE PAD AND SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS) AREAS SHALL BE VERIFIED AT THE TIME OF HOME CONSTRUCTION.
- ② FINAL HOUSE TYPES AND ELEVATIONS SHALL BE DETERMINED AT THE TIME OF LOT DEVELOPMENT. HOUSE TYPE MAY BE AFFECTED BY THE FINAL DEPTH TO MOTTLED SOILS.
- ③ WETLAND OVERFLOW IS LOCATED AT THE CENTERLINE OF 121ST STREET, APPROXIMATELY 1500 FEET WEST OF THE SITE.

LEGEND

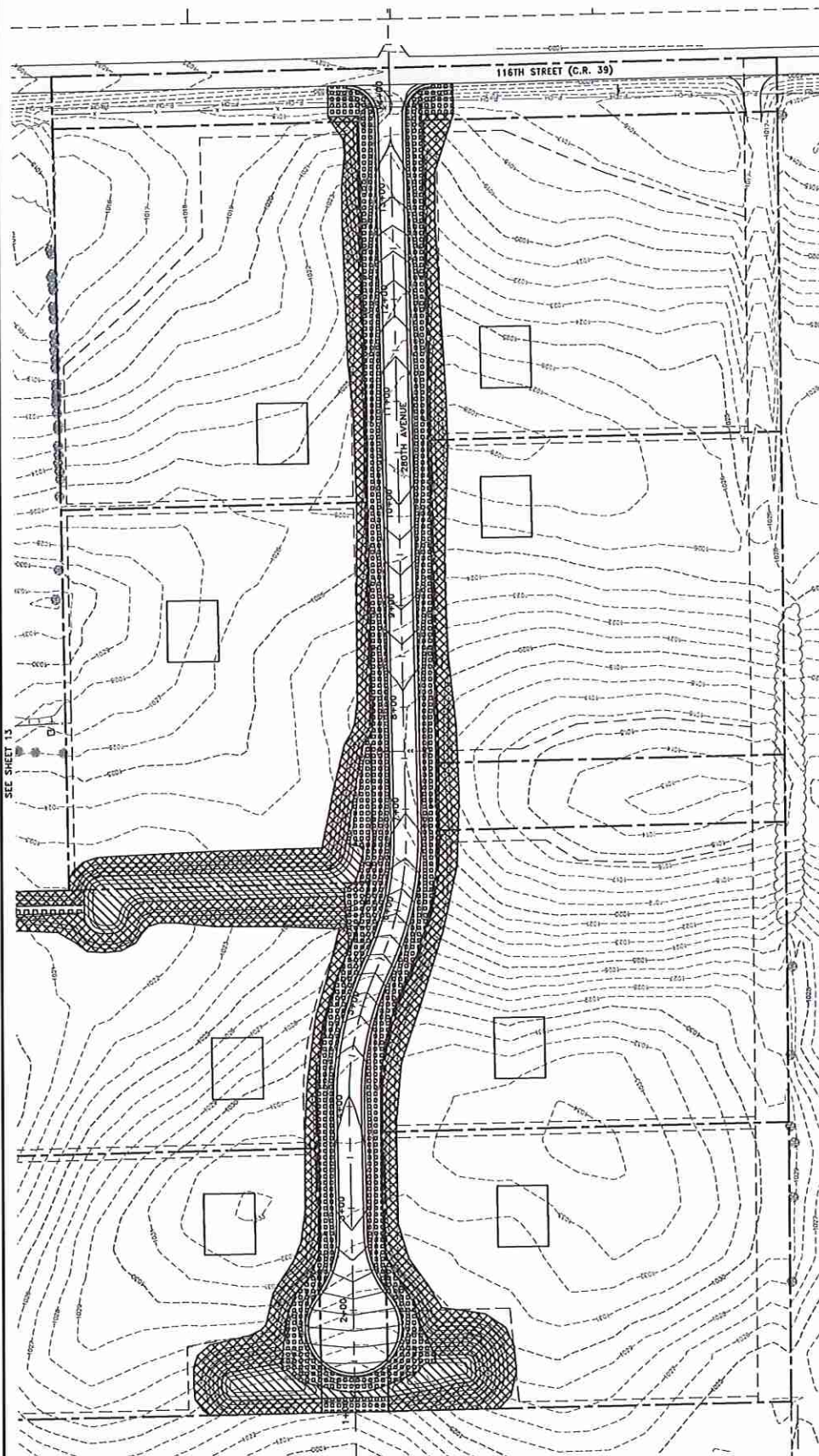
HOUSE PAD LOCATION (②)	PRIMARY AND SSSTS AREA (①)
LOE=XXXXX LFE=XXXXX	P S
MINIMUM LOW OPENING ELEVATION MINIMUM LOW FLOOR ELEVATION	SILT FENCE PER (③)
LOE=XXXXX LFE=XXXXX	SEDIMENT CONTROL LOG PER (④)
↑ DRAINAGE ARROW	
EMERGENCY OVERFLOW ELEVATION	
COF. XXXXX	

[illegible]

REFERENCE NOTES:
 ① TIE ALL PIPE JOINTS PER MN/DOT
 STANDARD PRACTICE 314.5.



DATE		REVISION		 RUM RIVER LAND DEVELOPMENT ENGINEERS 601-284-4444 www.rumriverland.com		NORTHLAND PONDS STREET AND STORM SEWER CONSTRUCTION PLAN 280TH AVENUE BALDWIN TOWNSHIP, MINNESOTA		SHEET 10 OF 13 SHEETS P-4693.02
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.				Date: 5/31/2024 Signature: [Signature] Title: P.E.		License No. 43362		



LEGEND

SEED MIX 25-131 (220 LBS/ACRES) 1 FERTILIZER (300 LBS/ACRES) ROLLED EROSION PREVENTION CATEGORY 20	
SEED MIX 335-261 (35 LBS/ACRES) 1 FERTILIZER (300 LBS/ACRES) HYDRAULIC MULCH MATRIX (2300 LBS/ACRE)	
SEED MIX 25-131 (220 LBS/ACRES) 1 FERTILIZER (300 LBS/ACRES) HYDRAULIC MULCH MATRIX (2300 LBS/ACRE)	

DATE	REVISION
7/19/24	PLAN REVISIONS PER

I hereby certify that this plan, specification, or report was
 prepared by me or under my direct supervision and that I
 am a duly Licensed Professional Engineer under the laws
 of the State of Minnesota.

Date: 5/23/2006
 Signature: [Signature]
 License No. 43582
 Name: MICHAEL A. LOUDRICH, P.E.

1350 R	TAE
1350 R	TAE
1350 R	CJJ

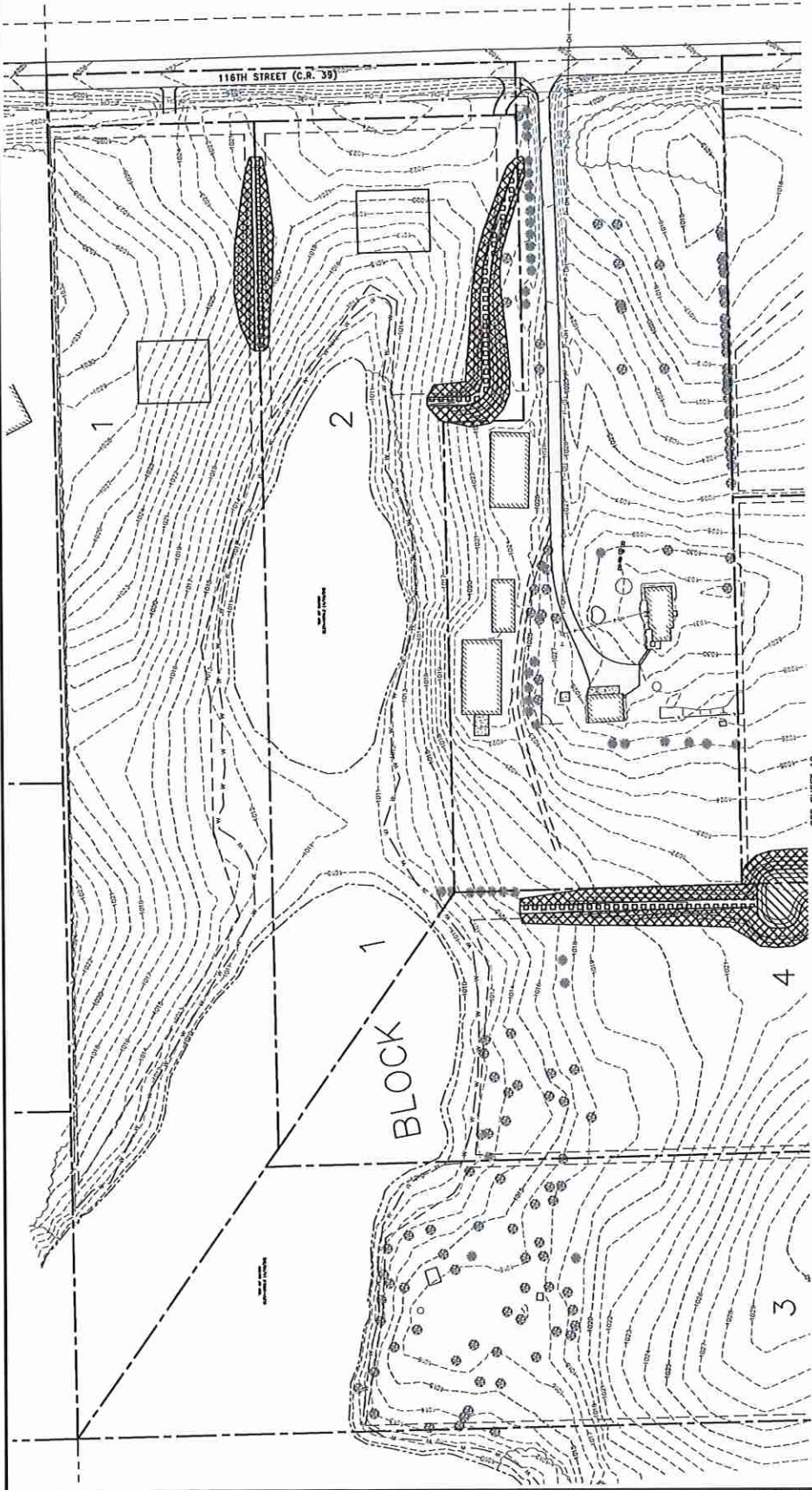


RUM RIVER
LAND SURVEYS & ENGINEERS
505 First Street, Princeton, MN 55371
O 612-281-4476
info@rmls.com

NORTHLAND PONDS

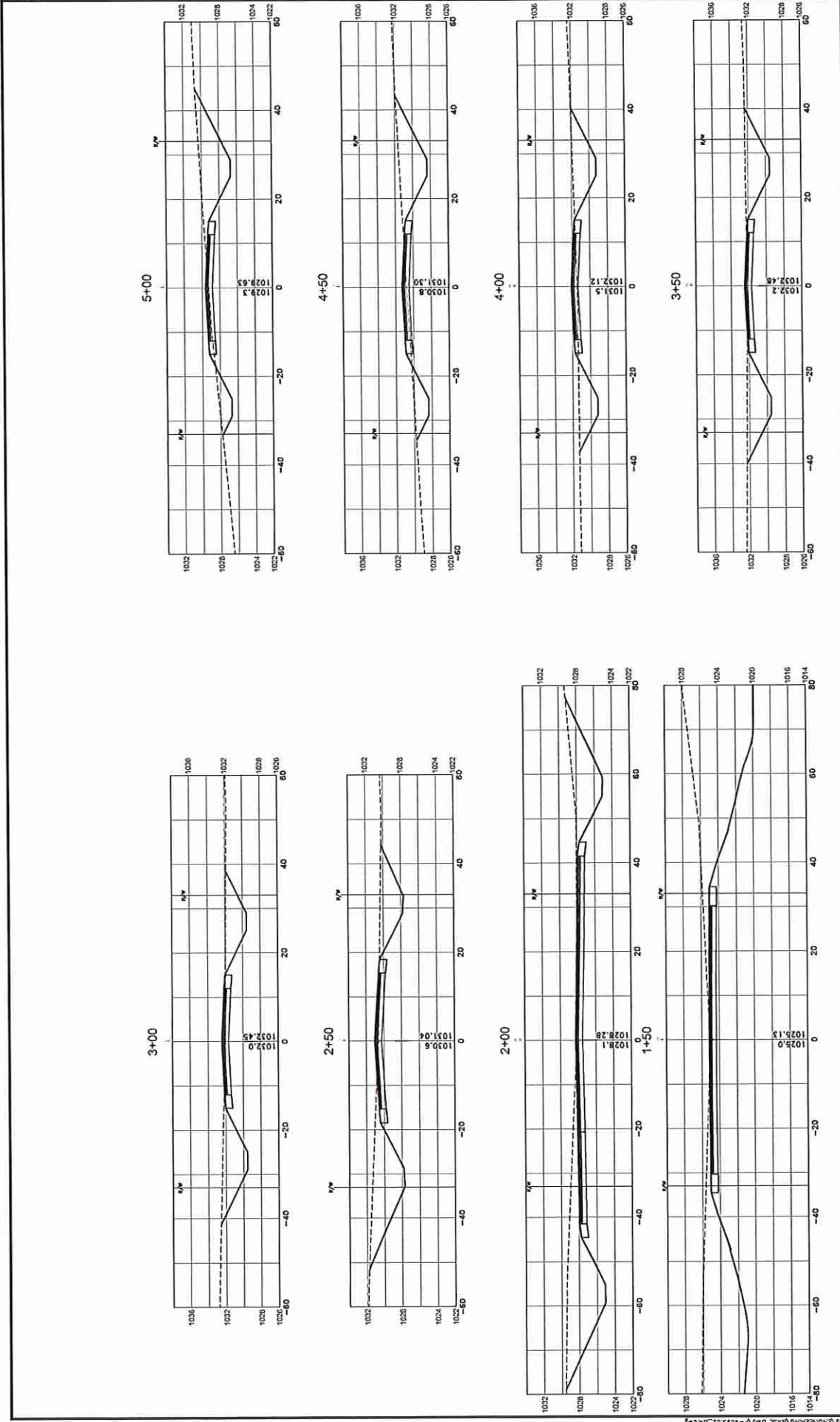
RESTORATION PLAN

BALDWIN TOWNSHIP, MINNESOTA

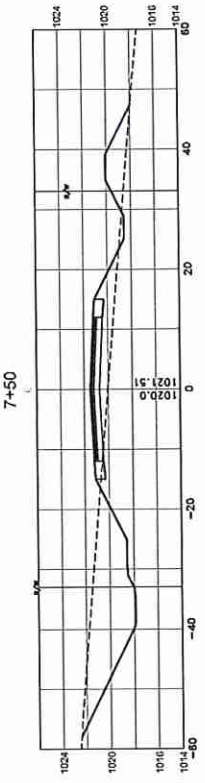
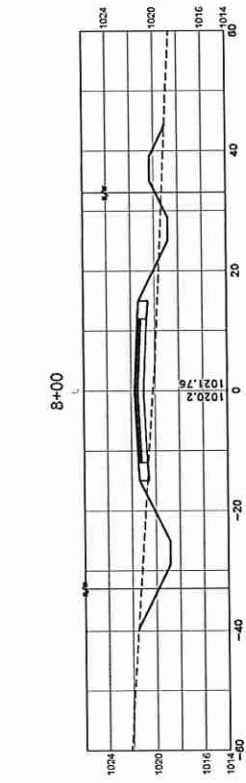
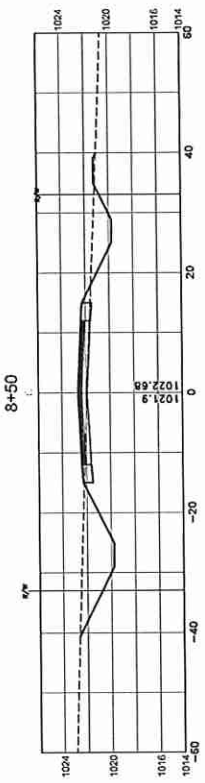
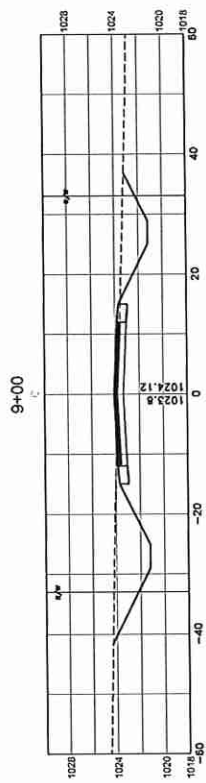
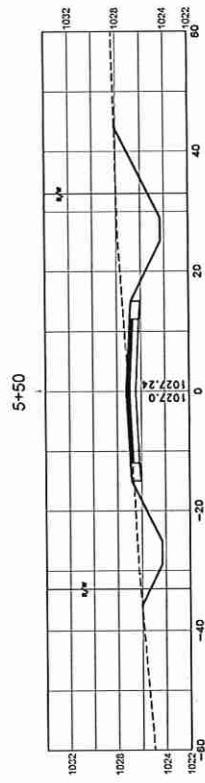
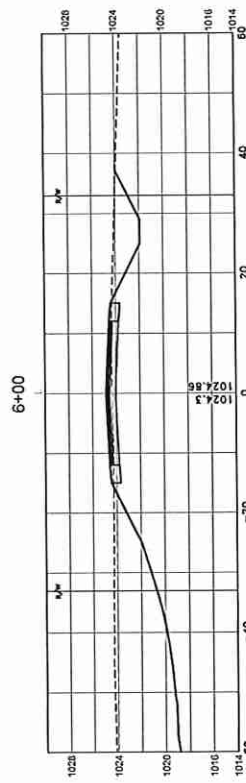
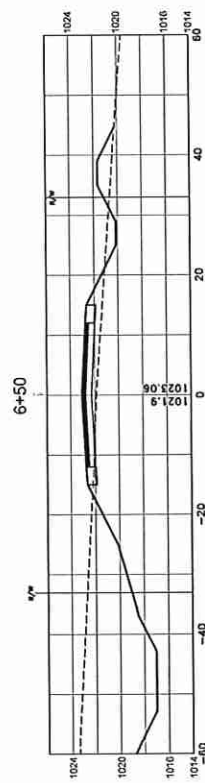
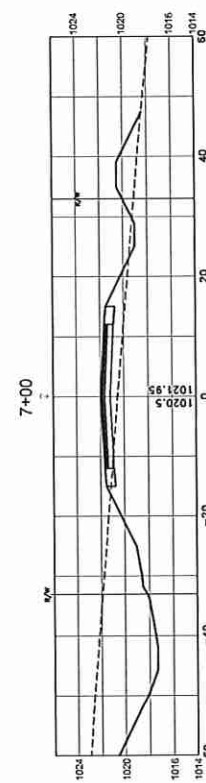


P-4693.02





DATE		REVISION		 RUM RIVER LAND SURVEYORS & ENGINEERS 10000 1/2 N. HWY. 100, SUITE 100 MINNETONKA, MN 55345 P: 952.893.0200 F: 952.893.0201 WWW.RUMRIVERLANDSURVEYORS.COM		NORTHLAND PONDS CROSS SECTIONS 280TH AVENUE BALDWIN TOWNSHIP, MINNESOTA		SHEET X1 OF X4 SHEETS P=4893.02	
------	--	----------	--	---	--	--	--	--	--

[illegible]

ISSUED BY TAE	ISSUED BY TAE	ISSUED BY CJJ
------------------	------------------	------------------

RUM RIVER
LAND SURVEYORS & ENGINEERS
502 First Street, Houston, TX 77002
O-763.3816, 4414 M-F 9-5 Central

NORTHLAND PONDS

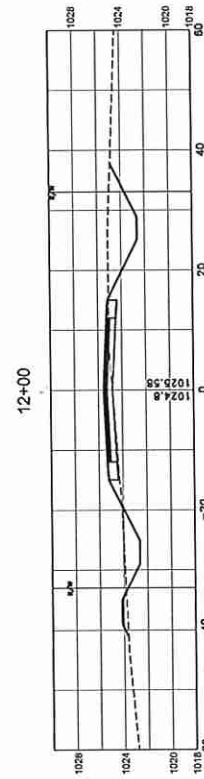
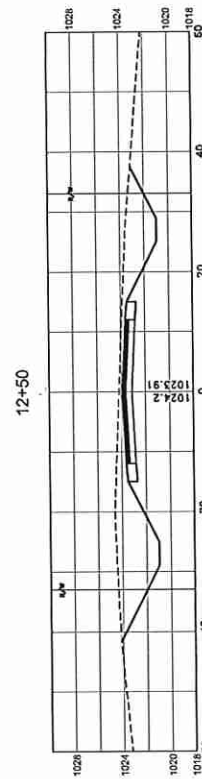
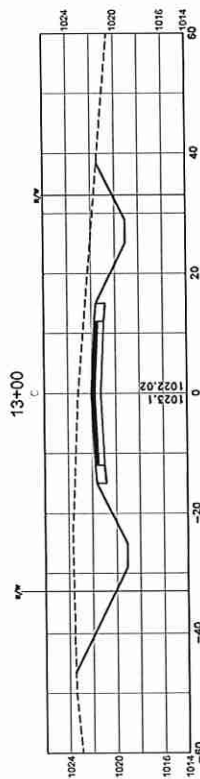
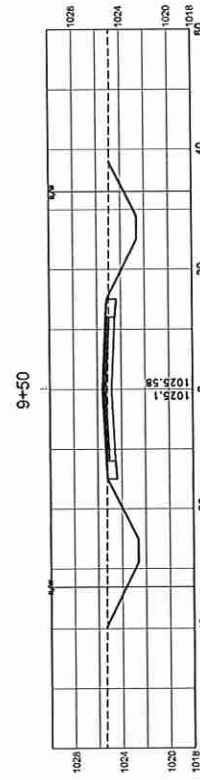
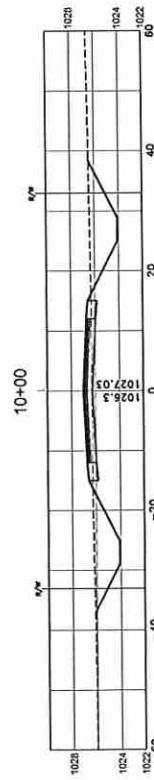
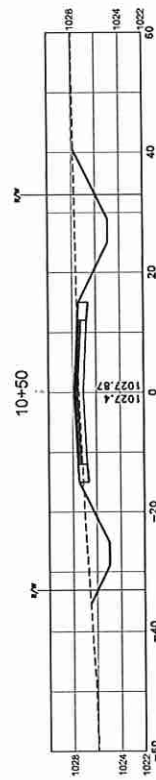
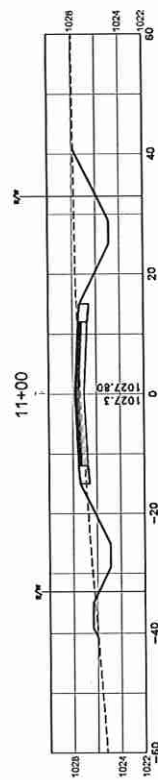
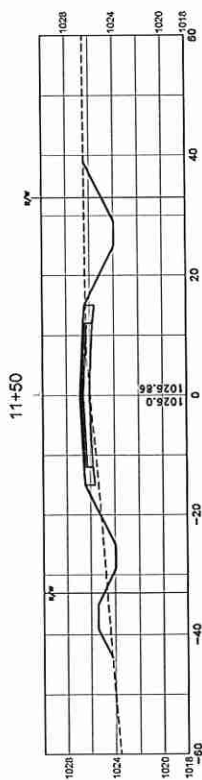
CROSS SECTIONS
280TH AVENUE
N TOWNSHIP, MINNESOTA

SHEET
X2

or

X4
SHEETS

P-4593.02



DATE	REVISION		DESIGN BY	TAC
			DESIGN BY	TAE
			DESIGN BY	CJJ

ISSUED BY:	TAE
ISSUED BY:	TAE
CHECKED BY:	CJJ

ISSUED BY:	TAE
ISSUED BY:	TAE
CHECKED BY:	CJJ

ISSUED BY:	TAE
ISSUED BY:	TAE
CHECKED BY:	CJJ



RUM RIVER
LAND SURVEYORS • ENGINEERS
5237 Pal Street, Princeton, NJ 08540
609.339.4474 FAX 609.339.4475

RUM RIVER
LAND SURVEYORS • ENGINEERS
5237 Pal Street, Princeton, NJ 08540
609.339.4474 FAX 609.339.4475

RUM RIVER
LAND SURVEYORS • ENGINEERS
5237 Pal Street, Princeton, NJ 08540
609.339.4474 FAX 609.339.4475

RUM RIVER
LAND SURVEYORS • ENGINEERS
5237 Pal Street, Princeton, NJ 08540
609.339.4474 FAX 609.339.4475

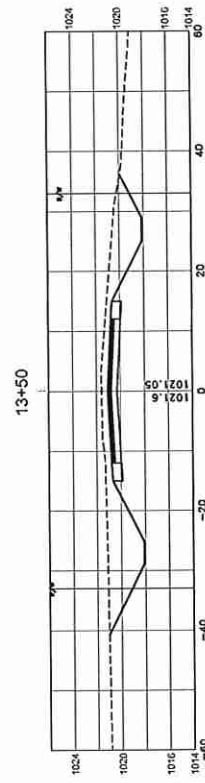
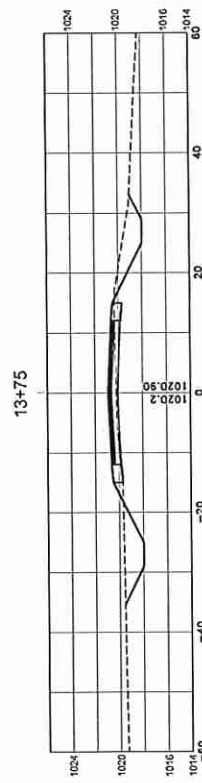
RUM RIVER
LAND SURVEYORS • ENGINEERS
5237 Pal Street, Princeton, NJ 08540
609.339.4474 FAX 609.339.4475

RUM RIVER
LAND SURVEYORS • ENGINEERS
5237 Pal Street, Princeton, NJ 08540
609.339.4474 FAX 609.339.4475

SHEET
X3
or
X4
SHEETS

SHEET
X3
or
X4
SHEETS

SHEET
X3
or
X4
SHEETS



DATE		REVISION		 RUM RIVER LAND SURVEYORS & ENGINEERS REGISTERED PROFESSIONAL ENGINEERS STATE OF MINNESOTA 0013284675		NORTHLAND PONDS		CROSS SECTIONS 280TH AVENUE BALDWIN TOWNSHIP, MINNESOTA		SHEET X4	OF X4 SHEETS	P-4593.02
------	--	----------	--	---	--	-----------------	--	---	--	-------------	--------------------	-----------

**BALDWIN TOWNSHIP
PLANNING COMMISSION
VARIANCE
FINDINGS OF FACT & RECOMMENDATION**

APPLICANT: Lakeside Investments MN, LLC

APPLICATION: Request for variance from the minimum setback from a Natural Environment Lake required by the Shoreland Overlay District

PLANNING COMMISSION MEETING: 28 August 2024

FINDINGS: Based upon review of the application and evidence received, the Baldwin Township Planning Commission now makes the following findings of fact:

1. The property is legally described as:

The Northeast Quarter of the Southwest Quarter of Section 34, Township 35, Range 26, Sherburne County, Minnesota, excepting therefrom the South 200.00 feet of the 200.00 feet of the North 654.00 feet of the East 798.00 feet, Also excepting therefrom the South 78.00 feet of the North 454.00 feet of the West 453.00 feet of the East 798.00 feet of the Northeast of the Northeast Quarter of the Southwest Quarter of Section 34, Township 35, Range 26, Sherburne County, Minnesota.

2. The property is guided for Rural land uses by the Comprehensive Plan.
3. The property is zoned R1, General Rural District and is also located within the Shoreland Overlay District of a Natural Environment Lake.
4. The applicant is requesting a variance to a reduction from 150 feet to 75 feet for the setback required by Section _____ of the Zoning Ordinance for structures and Subsurface Sewage Treatment Systems for Lots 1 and 2, Block 1 of the proposed preliminary plat of Northland Ponds.
5. The Planning Commission must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-6-3 of the Zoning Ordinance:

- A. That the variance would be consistent with the comprehensive plan.

Finding: The proposed variance will allow for subdivision and construction of two new single family lots consistent with the Comprehensive plan.

- B. That the variance would be in harmony with the general purposes and intent of this ordinance.

Finding: Proposed Lots 1 and 2, Block 1 are located at the northeast area of the preliminary plat separated from the balance of the subdivision by a wetland now classified as a Natural Environment Lake as of ____ 2024. The developable area of proposed Lots 1 and 2, is limited by the extent of the Natural Environment Lake encumbering the property and lack of depth between said lake and 116th Street (CR 39).

- C. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding: The configuration of the property was established prior to adoption of the ordinance classifying the wetland as a Natural Environment Lake creating a practical difficulty for approval of the preliminary plat as proposed.

- D. That the purpose of the variance is not exclusively economic considerations.

Finding: The need for variance is only due to the recent classification of the wetland as a Natural Environment Lake and limited area and depth of developable land at the northeast area of the proposed preliminary plat.

- E. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Finding: The propose preliminary plat is consistent with the character of rural residential land uses surrounding the subject property.

- F. That the requested variance is the minimum action required to remedy the practical difficulty.

Finding: The proposed variance applies to only two of the 10 lots proposed with the preliminary plat and is the minimum action necessary.

- G. The potential for the variance to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

Finding: The proposed location of the structures and Subsurface Sewage Treatment Systems within Lots 1 and 2, Block 1 are setback the greatest distance possible from the Ordinary High Water Level, which is greater than would have been required prior to the recent classification of the wetland as a Natural Environmental Lake, to prevent potential impacts to natural resources.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by this ordinance.

Finding: Approval of the variance will not allow for a lesser degree of flood protection.

- I. Variances shall not be approved for any use that is not allowed under this ordinance for property in the zoning district in which the parcel or lot is located.

Finding: The requested variance is not for a use not allowed by the Zoning Ordinance.

6. The planning report dated 22 August 2024 prepared by the Town Planner, The Planning Company LLC, is incorporated herein.
7. The Planning Commission conducted a public hearing at their meeting on 28 August 2024 to consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission voted to recommend that the Town Board approve the request based on the aforementioned findings.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning Commission recommends the request be **APPROVED**.

ADOPTED by the Planning Commission of Baldwin Township this 28th day of August, 2024.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

BALDWIN TOWNSHIP PLANNING COMMISSION

BY: _____
Clarence Mattson, Chair

ATTEST: _____
Marlene Nelson, Administrative Assistant



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

PLANNING REPORT

TO: Baldwin Township Planning Commission

FROM: D. Daniel Licht

REPORT DATE: 28 August 2024

60-DAY DATE: 18 September 2024

RE: Baldwin Township – Reem (PID 01-00405-0090); Variance

TPC FILE: 269.02

BACKGROUND

Keven and Elizabeth own the property at 28543 100th Street, which is developed with a single family dwelling and a detached garage. The property owners are proposing to expand the existing detached garage for additional storage. The area of the proposed expanded detached accessory building exceeds the area limits established by the Zoning Ordinance. The existing detached garage also encroaches into the right-of-way for 100th Street as would the proposed expansion. The property owners have applied for a variance to allow expansion of the existing detached garage. Applications for variance are processed in accordance with Section XX-6-4 of the Zoning Ordinance and are subject to review by the Planning Commission and approval of the Town Board. A public hearing to consider the application has been noticed for the Planning Commission meeting on 28 August 2024 at 7:00PM.

Exhibits:

- Site Location Map
- Certificate of Survey
- Site/Building Plan Drawing
- Findings of Fact

ANALYSIS

Comprehensive Plan. The Baldwin Township Comprehensive Plan guides development of land use patterns that provide connections to existing public amenities and the natural landscape. The subject site is lot within the Shady Oaks subdivision platted in 1952 along the shoreline of Sandy Lake to provide for residential use with enjoyment of the waterbody. The continued use of the property for a single family dwelling (and related accessory storage) is consistent with the Comprehensive Plan.

Zoning. The subject site is zoned R1, General Rural District and single family dwellings are allowed as a permitted use. Sandy Lake is a designated Recreational Development Lake and adjacent properties are subject to the standards of the Shoreland Overlay District. Single family dwellings are also a permitted use within the Shoreland Overlay District.

Surrounding Uses. There are similar single family dwellings to the north and south of the property along the shoreline of Sandy Lake developed with single family dwellings. There are also residential dwellings to the west across 100th Street on larger rural parcels. The proposed expansion of the existing detached accessory dwelling upon the property will be compatible with the surrounding area.

Lot Requirements. Lots within the R1 District are required by Section XX-51-7 of the Zoning Ordinance to be 2.5 acres in area, 200 feet in width measured at the front setback line abutting a public right-of-way, and 300 feet in depth (the minimum lot requirements of the R1 District are greater than those of the Shoreland Overlay District). The parcel is 0.19 acres in area, approximately 65 feet in width, and approximately 130 feet in depth to the Ordinary High Water Level and is, therefore, a legal non-conforming lot of record.

Detached Garage. The dimensions of the existing detached garage are 12 feet by 20 feet for an area of 240 square feet. The property owners are proposing a 20 foot addition to the east wall of the detached garage, which includes the overhead door for access, which would increase the area of the structure to 480 square feet.

Section XX-18-2.F of the Zoning Ordinance allows a detached accessory building upon the subject property to be up to 1,200 square feet or 248 square feet, which ever is less. The existing detached accessory structure complies with the limit of the Zoning Ordinance based on lot area, but the expansion would not.

Increasing the area of the existing detached accessory building to 480 square feet, (the equivalent of a two-stall garage) is appropriate to allow reasonable use of the property as a residential dwelling.

Setbacks. The table below summarizes the setback requirements of the R1 District established by Section XX-51-8 of the Zoning Ordinance and Shoreland Overlay District established by Section XX-90-7.B.1 of the Zoning Ordinance:

	R1 District Setbacks		
	100 th St.	Side	OHWL
Required	50ft.	10'	150'

The north sidewall of the existing detached accessory building is generally parallel to, but over the front lot line encroaching into the right-of-way of 100th Street. The expansion of the existing detached garage would be within the required setback from 100th Street and continue the encroachment upon the right-of-way to a lesser extent because of a slight angle to the building footprint relative to the front lot line. To the south of the south sidewall of the existing detached garage is the Subsurface Sewage Treatment System for the property making it not possible to shift a detached garage to the south. A condition of approval of a variance to allow expansion of the existing detached garage should be that the property owner enter into an encroachment agreement with the Town that addresses potential liability of the existing and expanded structure being within the right-of-way and also requiring removal from the right-of-way should the detached garage be destroyed or reconstructed in the future.

Impervious Surface. Section XX-90-10.B.1 of the Zoning Ordinance limits impervious surface within a lot subject to Shoreland Overlay District standards to 25 percent. The Certificate of Survey does not identify existing or proposed impervious surfaces within the lot. The site plan for the proposed property will need to be revised to indicate existing and proposed impervious surfaces. Impervious surface within the lot greater than 25 percent to accommodate the expansion of the existing detached garage is reasonable based on the extent to which the area of the lot is non-conforming.

Access. The property has access to 100st Street. The driveway will be reconstructed as part of the expanded detached garage and parking area east of the structure. The existing driveways along 100th Street do not comply with the minimum of 75 feet between driveways required by Section 1.08.3(b) of the right-of-way ordinance, which is due to the non-conforming width of the lots within the Shady Oak plat. The width of the revised driveway access cannot be expanded and the setback of the parking area from the side lot line cannot be reduced from current conditions. Reconstruction of the proposed access is to be subject to review and approval of the Town Engineer with application for a driveway permit.

Wetlands. Development review pertaining to potential wetland impacts remain subject to approval of Sherburne County in accordance with Section XX-16-4.A of the Zoning Ordinance. The proposed development will not impact wetlands and no County Wetland Conservation Act Land Use Permit is required.

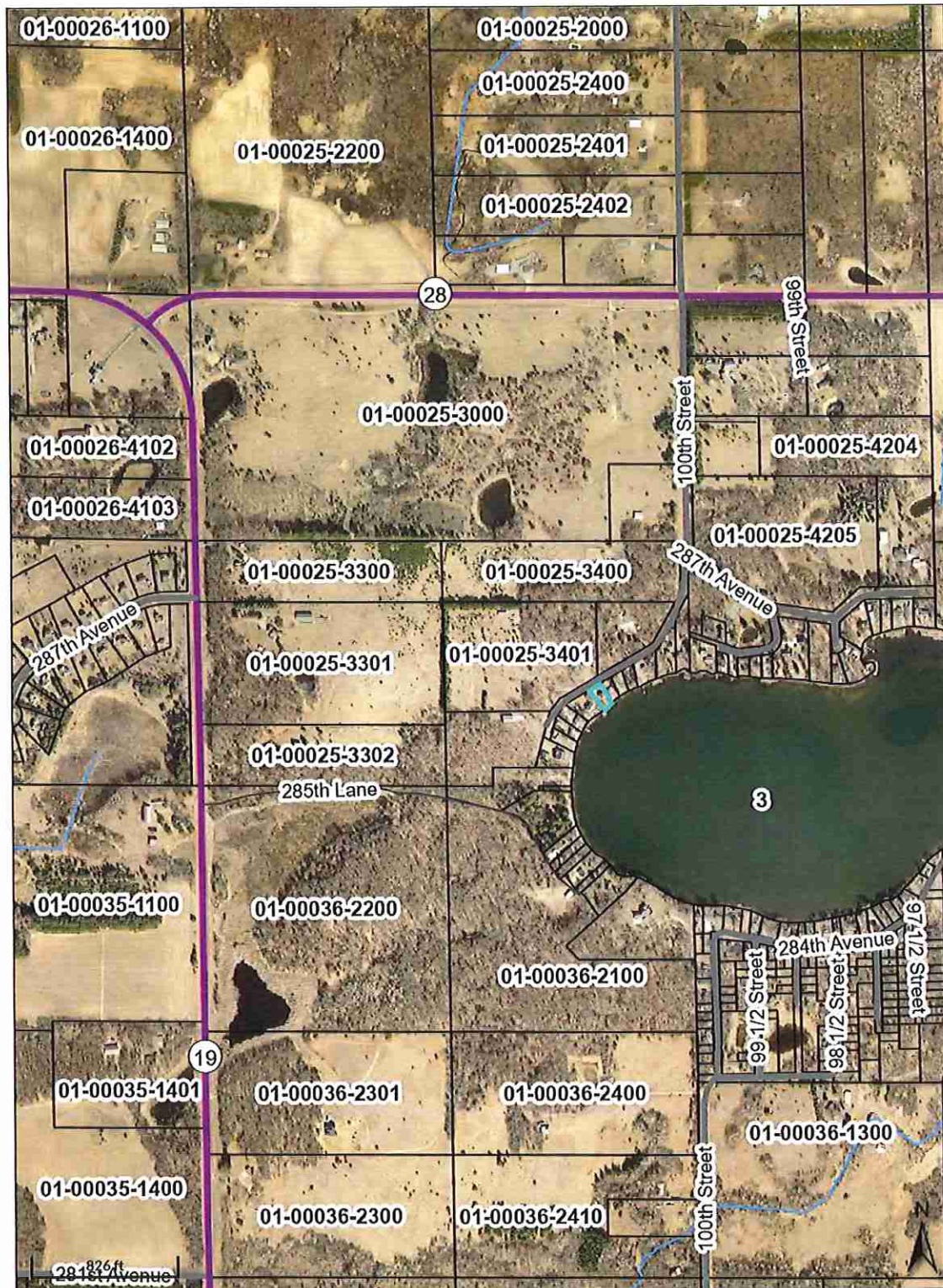
Utilities. The existing single family dwelling is served by an on-site Subsurface Sewage Treatment System holding tank and well. All SSTS issues are subject to review and approval of the Building Official at the time a building permit is applied for.

RECOMMENDATION

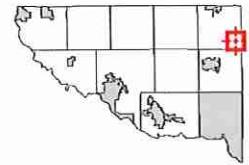
Our office recommends approval a variance to allow for expansion of an existing detached garage upon the subject property at 28543 100th Street. Findings of Fact supporting Town staff's recommendation have been prepared for consideration by the Planning Commission, which includes the conditions outlined below.

POSSIBLE ACTIONS

- A. Motion to **adopt** Findings of Fact as presented and recommend **approval** of a variance for 28543 100th Street (01-00405-0090), subject to the following conditions:
 - 1. The lot shall be developed in accordance with the plans on file with the Town as provided for by Section XX-6-5 of the Zoning Ordinance, subject to review and approval of the Zoning Administrator.
 - 2. The property owner shall enter into an encroachment agreement as drafted by the City Attorney and subject to approval of the Town Board.
 - 3. Access to 100th Street shall be subject to review and approval of the Town Engineer for compliance with the Right-of-Way Ordinance.
 - 4. All Subsurface Sewage Treatment System issues shall be subject to review and approval of the Building Official.
- B. Motion to recommend the application be **denied** based on a finding that the request is inconsistent with the Comprehensive Plan and criteria established by the Zoning Ordinance.
- C. Motion to **table**.
- c. Joan Heinen, Town Clerk/Treasurer
Andy Schreder, Town Building Official
Matt Kind, Town Engineer



Overview



Legend

Roads

- MN Highway; US Highway
- Municipal-State Aid Street
- Municipal Street
- Township Road
- State Forest Road
- Bureau of Fish and Wildlife Road
- Connector (Ramp)
- Privately Maintained Public Access Road
- County Road
- County-State Aid Highway
- Parcels
- Streams

Parcel ID 01-00405-0090

Sec/Twp/Rng 25-35-26

Property Address 28543 100TH ST NW
ZIMMERMAN

District BALDWIN

Brief Tax Description n/a

Alternate ID n/a

Class 201-Residential 1 unit

Acreage 0.19

Owner Address REEM, KEVIN D & ELIZABETH A
7432 INLAND LN N
MAPLE GROVE MN 55311

(Note: Not to be used on legal documents)

Easement Exhibit for Kevin Reem

PROPOSED SEPTIC SYSTEM EASEMENT DESCRIPTION:

A permanent easement for septic system purposes over, under, and across that part of Government Lot 1, Section 25, Township 35, Range 26, Sherburne County, Minnesota, described as follows:

Commencing at the Southwest corner of the North 327.98 feet of said Government Lot 1; thence South 89 degrees 45 minutes 58 seconds East, assumed bearing along the South line of said North 327.98 feet of Government Lot 1, a distance of 835.51 feet; thence South 00 degrees 53 minutes 49 seconds East, parallel with the West line of said Government Lot 1, a distance of 401.67 feet to the intersection with the Northwesterly right-of-way line of the Road as dedicated in the plat of SHADY OAKS, said Sherburne County, Minnesota, said point of intersection being the point of beginning of the easement to be described; thence South 59 degrees 33 minutes 03 seconds West, along said Northwesterly right-of-way line, a distance of 61.91 feet; thence North 37 degrees 55 minutes 20 seconds West, a distance of 54.14 feet; thence North 52 degrees 04 minutes 40 seconds East, a distance of 78.10 feet; thence South 37 degrees 55 minutes 20 seconds East, a distance of 40.02 feet to the intersection with a line drawn parallel with said West line of Government Lot 1 extended North from the point of beginning; thence South 00 degrees 53 minutes 49 seconds East, along said parallel line, a distance of 27.77 feet to the point of beginning.

AREA OF PROPOSED SEPTIC SYSTEM EASEMENT IS 4,425 SQ.FT. OR 0.102 ACRES.

NOTES:

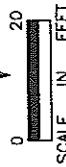
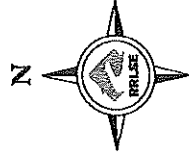
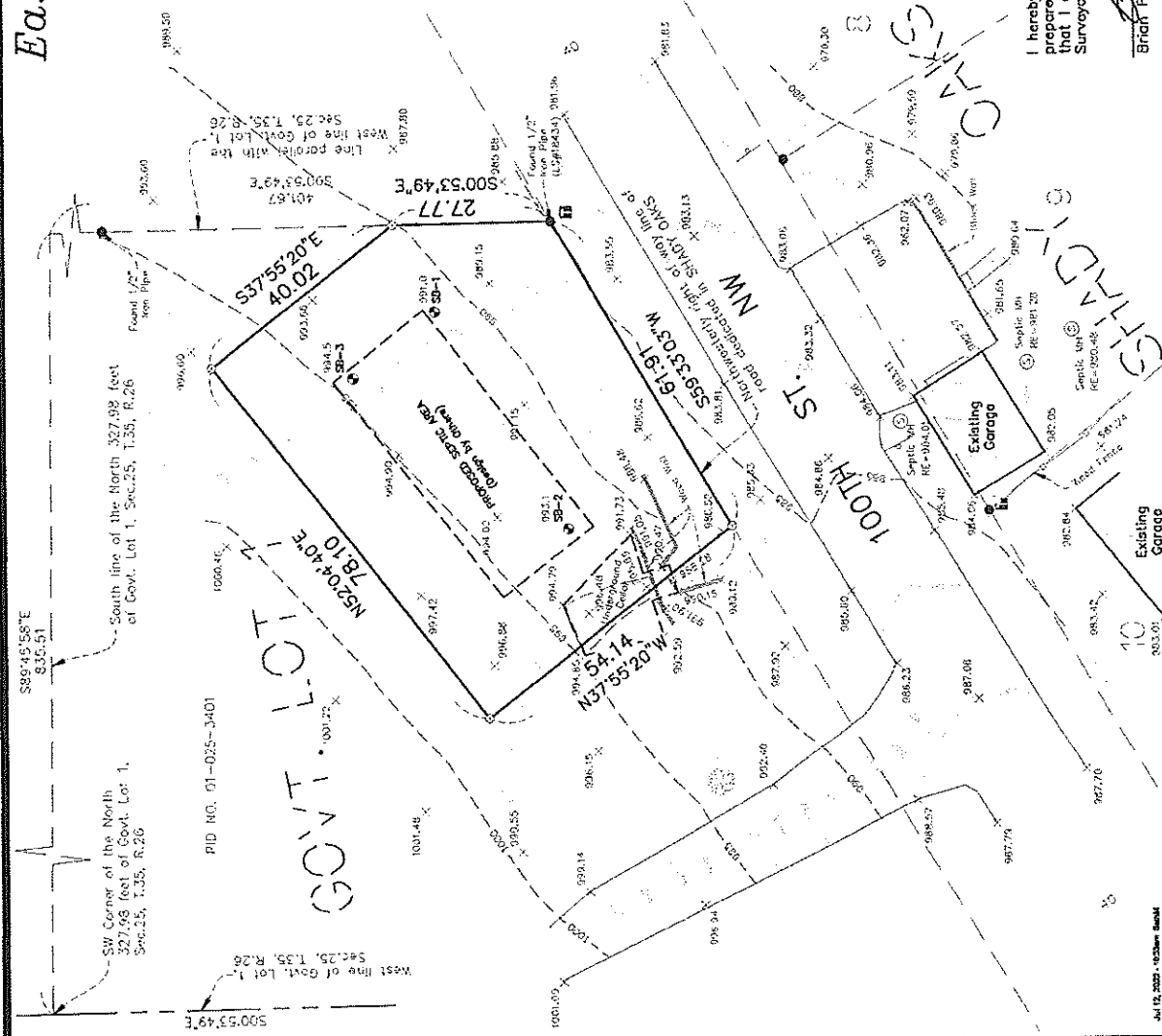
1. The professional surveyor has made no investigation or independent search for easements of record, encumbrance, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
2. In providing this exhibit no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility existing on the site, whether private, municipal or public owned.
3. Bearings are based on the Sherburne County Coordinate System (NAD83 1985 Adjustment).
4. This exhibit is based on a certificate of survey prepared by Rum River Land Surveyors Inc. dated September 13, 2007.

Denotes Proposed
Septic System
Easement Area



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Minnesota.

Brian Person
Brian Person, MN License No. 49139 Date 07/12/22



LEGEND

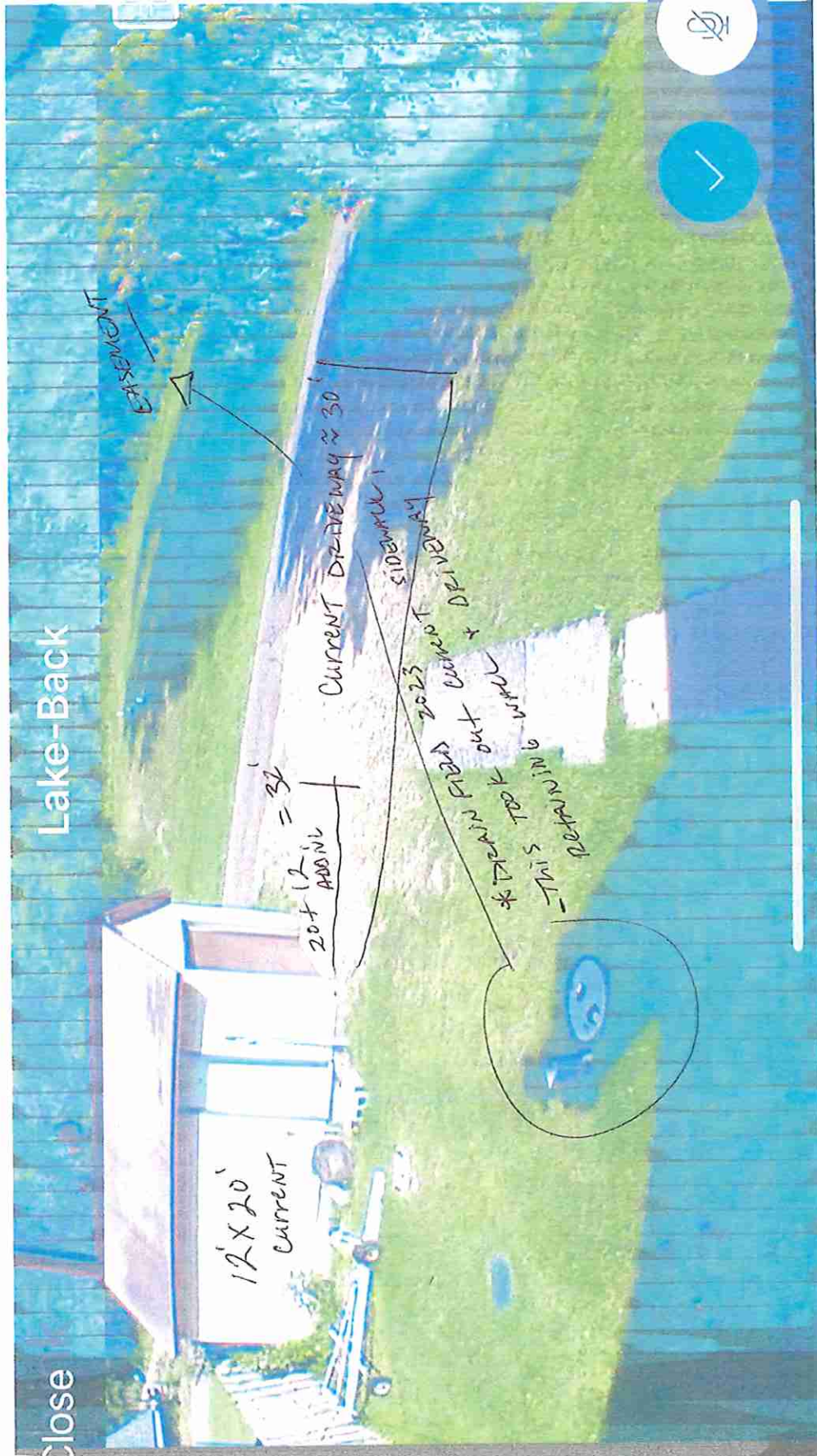
- = DENOTES FOUND IRON MONUMENT
- = DENOTES SET SPIKE
- ⊙ = DENOTES SEPTIC MANHOLE
- ⊕ = DENOTES SOIL BORING (BY OTHERS)
- ⊗ = DENOTES COMMUNICATION PEDESTAL
- ⊘ = DENOTES UTILITY POLE
- = DENOTES OVERHEAD UTILITY LINE

RUM RIVER
LAND SURVEYORS & ENGINEERS
505 First Street, Pritchard, MN 55371
O-763.889.4476 RLSE.com

Job No.: P-4812.01

Close

Lake-Back



**BALDWIN TOWNSHIP
PLANNING COMMISSION
VARIANCE
FINDINGS OF FACT & RECOMMENDATION**

APPLICANT: Kevin and Elizabeth Reem

APPLICATION: Request for variance to allow expansion of an existing detached garage at 28543 100th Street.

PLANNING COMMISSION MEETING: 28 August 2024

FINDINGS: Based upon review of the application and evidence received, the Baldwin Township Planning Commission now makes the following findings of fact:

1. The property identified as PID 01-00405-0090.
2. The property is guided for rural land uses by the Comprehensive Plan.
3. The property is zoned R1, General Rural District and is also located within the Shoreland Overlay District of Sandy Lake.
4. The applicant is requesting a variance to allow expansion of an existing detached garage:
 - A. Detached accessory building area greater than three percent of the lot area required by Section XX-18-2.F of the Zoning Ordinance.
 - B. Within the 50 foot setback required from the 100th Street right-of-way required by Section XX-51-8.A of the Zoning Ordinance;
 - C. Impervious surface greater than 25 percent as required by Section XX-90-10.B.1 of the Zoning Ordinance;
 - D. Construction on a non-conforming lot of record as required by Section XX-90-8 of the Zoning Ordinance
5. The Planning Commission must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-6-3 of the Zoning Ordinance:

- A. That the variance would be consistent with the comprehensive plan.

Finding: The expansion of the existing detached garage accessory to a residential use upon the legal non-conforming lot is consistent with the Comprehensive plan.

- B. That the variance would be in harmony with the general purposes and intent of this ordinance.

Finding: The expansion of the existing detached garage is consistent with the intent of the Zoning Ordinance.

- C. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding: The property was established as a lot of record prior to adoption of the current lot and setback requirements applicable to the lot and the existing detached garage constructed prior to acquisition of the property by the current owner.

- D. That the purpose of the variance is not exclusively economic considerations.

Finding: The need for variance is due to the legal non-conforming area, width, and depth of the property that make it not possible to comply with the applicable setback requirements as well as the location of the existing detached garage.

- E. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Finding: The properties to the north and south of the subject site are similar in dimension to the subject site and developed with single family dwellings such that approval of the variance will not alter the character of the area.

- F. That the requested variance is the minimum action required to remedy the practical difficulty.

Finding: The proposed location of expansion of the existing detached garage is the minimum action necessary to expand the existing detached garage.

- G. The potential for the variance to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

Finding: The proposed location of the single family dwelling is setback the greatest distance possible from the OHWL to prevent potential impacts to natural resources.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by this ordinance.

Finding: Approval of the variance will not allow for a lesser degree of flood protection.

- I. Variances shall not be approved for any use that is not allowed under this ordinance for property in the zoning district in which the parcel or lot is located.

Finding: The requested variance is not for a use not allowed by the Zoning Ordinance.

6. The planning report dated 23 August 2024 prepared by the Town Planner, The Planning Company LLC, is incorporated herein.
7. The Planning Commission conducted a public hearing at their meeting on 28 August 2024 to consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission voted to recommended that the Town Board approve the request based on the aforementioned findings.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning Commission recommends the request be **APPROVED**, subject to the following conditions:

1. The lot shall be developed in accordance with the plans on file with the Town as provided for by Section XX-6-5 of the Zoning Ordinance, subject to review and approval of the Zoning Administrator.
2. The property owner shall enter into an encroachment agreement as drafted by the City Attorney and subject to approval of the Town Board.
3. Access to 100th Street shall be subject to review and approval of the Town Engineer for compliance with the Right-of-Way Ordinance.
4. All Subsurface Sewage Treatment System issues shall be subject to review and approval of the Building Official.

ADOPTED by the Planning Commission of Baldwin Township this 28th day of August, 2024.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

BALDWIN TOWNSHIP PLANNING COMMISSION

BY: _____
Clarence Mattson, Chair

ATTEST: _____
Marlene Nelson, Administrative Assistant