

RESOLUTION NO: 24-37

TOWN OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA

APPROVAL OF AN INTERIM USE PERMIT
FOR PID

WHEREAS, The Oaks of Battle Brook LLC have submitted a request for approval of an Interim Use Permit to allow a contractors yard at 31585 124th Street (CSAH 2); and

WHEREAS, the property identified as PID The property is identified as 01-00009-1100 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.

WHEREAS, the property is guided for rural land uses by the Comprehensive Plan; and

WHEREAS, the property is zoned R1, General Rural District; and

WHEREAS, 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.I.2 of the Zoning Ordinance.

WHEREAS, the Town Board 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-5-3 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.

WHEREAS, 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 6-0 to recommend that the Town Board approve the request based on the aforementioned findings.

WHEREAS, the planning report dated 5 September 2024 prepared by the Town Planner, The Planning Company LLC, is incorporated herein.

NOW THEREFORE BE IT RESOLVED THAT based on the foregoing information and applicable ordinances, the application is **APPROVED**, subject to the following conditions:

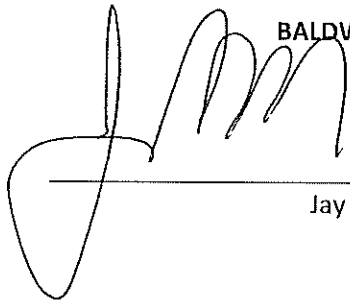
1. The Interim Use Permit shall terminate upon happening of the following events, whichever occurs first:
 - a. Upon violation of conditions under which the interim use permit was issued.
 - b. Upon change in the town's zoning regulations that renders the use nonconforming.
 - c. The redevelopment of 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. Hours of operation shall be limited to 7:00AM to 7:00PM on Monday through Saturday; no work shall be allowed on Sunday.
5. 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.
6. A site plan shall be submitted identifying proposed driveways and off-street parking areas to be surfaced with crushed asphalt, subject to review and approval of the Town Engineer.
7. Except as designated on an approved site plan, outdoor storage shall be prohibited.
8. 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.
9. 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.
10. 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.
11. All wetland issues shall be subject to review and approval of Sherburne County.
12. Use of onsite well and Subsurface Sewage Treatment Systems shall be subject to review and approval of the Building Official.

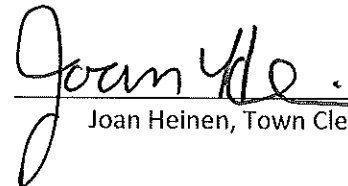
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ADOPTED by the Town Board of Baldwin Township this 9th day of September, 2024.

MOTION BY: Helm
SECOND BY: Walker
ALL IN FAVOR: All
THOSE OPPOSED: None


BALDWIN TOWNSHIP

Jay Swanson, Chair

ATTEST:


Joan Heinen, Town Clerk/Treasurer