

RESOLUTION NO: 24-60

CITY OF BALDWIN  
COUNTY OF SHERBURNE, MINNESOTA

NORTHLAND PONDS  
VARIANCE AND PRELIMINARY PLAT APPROVAL

**WHEREAS**, The Lakeside Investments MN, LLC (the “developer”) is proposing to subdivide property 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.*

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

**WHEREAS**, the property is zoned R1, General Rural District and is also located within the Shoreland Overlay District of a Natural Environment Lake.

**WHEREAS**, the developer has submitted application for preliminary plat approval to be processed in accordance with Section XX-3-3.B of the Subdivision Ordinance; and

**WHEREAS**, the developer has submitted application for a variance from Section XX-90-7.B.1 of the Zoning Ordinance establishing setbacks within the Shoreland Overlay District; and

**WHEREAS**, the City Council 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 17 June 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 116<sup>th</sup> Street (CR 39) and the practical difficulty of the property owner caused by the government action of amending the performance standards applicable to the subject property after the preliminary plat application had been submitted.*

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

*Finding: The preliminary plat for subdivision of the was established prior to adoption of the ordinance classifying the wetland as a Natural Environment Lake creating a practical difficulty for approval of the subdivision designed as proposed caused by government action.*

- 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 as a result of government action and limited area and depth of developable land at the northeast area of the proposed preliminary plat such that the need for variance is not based only 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 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 the proposed setback reduction from 150 feet to 75 feet is the minimum action necessary to alleviate the practical difficulty caused by government action of amending the development standards applicable to the property.*

- 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.*

**WHEREAS**, the Planning Reports dated 11 December 2024 prepared by the City Planner, The Planning Company, LLC, is incorporated herein by reference; and

**WHEREAS**, the Planning Commission conducted a public hearing at their regular 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 tabled the application to allow the developer to request the Department of Natural Resources survey the Natural Environment Lake to determine the Ordinary High Water Level; and

**WHEREAS**, the Planning Commission conducted a second public hearing at their regular meeting on 20 November 2024 to consider the application and additional information, 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 adopt findings of fact and recommend approval of the requests; and

**WHEREAS**, the City Council considered the application at their meeting on 16 December 2024.

**NOW, THEREFORE, BE IT RESOLVED** by the Baldwin City Council that based on the foregoing information and applicable ordinances **requested variance and preliminary plat are APPROVED**, 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 City Council.
2. Access from Lots 1 and 2, Block 1 to 116<sup>th</sup> Street (CR 39) shall be subject to review and approval of Sherburne County.
3. The proposed intersection of 280<sup>th</sup> Avenue with 116<sup>th</sup> 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 280<sup>th</sup> Avenue, subject to review and approval of City staff.
5. Outlot A shall be deeded to the City for future right-of-way purposes.
6. The right-of-way and street design and construction for 280<sup>th</sup> Avenue shall be subject to review and approval of the City Engineer.
7. Access to individual lots from City streets shall comply with Section 1.08 of the City 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
	City Street:	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		

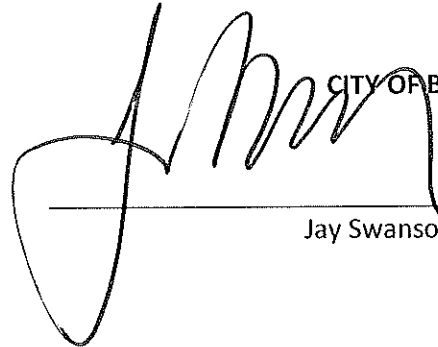
	Lot 2, Block 1	75 feet
	Lots 1, 3-6, Block 1; Lots 1-2, Block 2; Lots 1-2, Block 3	150 feet

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 City Engineer.
12. A minimum 20 foot wetland buffer shall be established by conservation easement at the delineated edge of the Natural Environment Lake, subject review and approval by City staff concurrent with application for final plat.
13. All wetland issues shall be subject to review and approval of the City Engineer.
14. All easements shall be subject to review and approval of the City Engineer.
15. Park dedication requirements shall be satisfied by payment of a cash fee in lieu of land based on the Fee Schedule Ordinance in effect at the time of final plat approval, subject to approval of the City Council.
16. Development of the subject property shall comply with the Bald and Golden Eagles Protection Act, including issuance of a General Permit for Disturbance, subject to review and approval of the U.S. Fish and Wildlife Service.

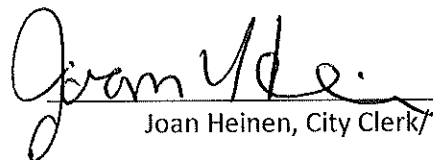
*(remainder of page intentionally blank signatures follow)*

ADOPTED by the Baldwin City Council this 16<sup>th</sup> day of December, 2024.

MOTION BY: Holm  
SECONDED BY: Rush  
IN FAVOR: case, walker  
OPPOSED: Swanson

  
CITY OF BALDWIN  
\_\_\_\_\_  
Jay Swanson, Mayor

ATTEST:

  
\_\_\_\_\_  
Joan Heinen, City Clerk/Treasurer

**EXHIBIT A**  
**LEGAL DESCRIPTION**

**Parcel A:**

The Southwest Quarter of Southeast Quarter of Section 20, Township 35, Range 26, Sherburne County, Minnesota.

**Parcel B:**

The Southeast Quarter of Southwest Quarter of Section 20, Township 35, Range 26, Sherburne County, Minnesota.

**Parcel C:**

The Northwest Quarter of Southwest Quarter of Southwest Quarter; and the East Half of Southwest Quarter of Southwest Quarter, Section 20, Township 35, Range 26, Sherburne County, Minnesota