



# PLANNING AND ZONING COMMISSION MEETING MINUTES

Tuesday, June 13, 2023 at 6:00 PM

Baxter City Hall, 13190 Memorywood Drive, Baxter, MN

*"A Growing Community"*

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## CALL TO ORDER

The regular meeting of the Baxter Planning and Zoning Commission was called to order at 6:00 pm by Chair Kinzel at 6:00 pm.

## ROLL CALL

**MEMBERS PRESENT:** Chair Bob Kinzel, Commissioners Steve Lund, Chuck Hiltner, Gwen Carleton, Howie Oswald and Council Liaison/Mayor Darrel Olson

**MEMBERS ABSENT:** None

**STAFF PRESENT:** CD Director Josh Doty and Planner Matthew Gindele

**OTHERS:** Greg Schmidt and Scott Ebinger

## MINUTES

1. Approve the Planning Commission meeting minutes from May 9th, 2023.

**MOTION** by Commissioner Hiltner, seconded by Commissioner Carleton to approve the Planning and Zoning Minutes from the April 11, 2023. Motion carried unanimously.

Chair Kinzel stated that this Commission is a recommending body and that final approval/denial is taken with the City Council on June 20, 2023.

## COMMENTS AND QUESTIONS

CD Director Doty reviewed a list of the new tenants/remodels taking place throughout town. Chair Kinzel asked if the Arby's remodel was going to include revising the flow of traffic. CD Director Doty stated it was discussed at one point, however at this time it is just an exterior remodel.

## OLD BUSINESS

None

## NEW BUSINESS

2. **PUBLIC HEARING.** Conditional Use Permit to allow an accessory structure area to exceed the maximum size allowed and a Variance to allow a 15-foot setback to a side lot line for property located at 5624 Clearwater Road (City file 23-21)

Chair Kinzel asked for the staff report. Planner Gindele stated the applicant has requested a conditional use permit (CUP) to allow for the construction of a 1,200 square foot accessory structure

that does not meet the size requirements of the Code. The property also has an existing 624 square foot attached garage, a 624 sq. ft. detached garage, and a 100 sq. ft. shed. The total proposed accessory structure area on the property is 2,548 sq. ft. The applicant has also requested a variance to allow a 15-foot setback from the west side lot line where a minimum of 50 feet is required.

Planner Gindele reviewed the site with an aerial photo.

The subject property is deep and narrow and is 2.71 acres in size. It is located within the shoreland overlay district of White Sand and Red Sand Lake with lake-front on Red Sand Lake which also acts as flood plain. The property is heavily wooded with mature deciduous trees and has little topography. No wetlands are present on the property.

The applicant has requested a conditional use permit (CUP) to be allowed to construct an additional 1,200 square feet of accessory structure area. The 1,200 square feet is in addition to an existing 1,348 square feet of accessory structure area bringing the total accessory structure area requested to 2,548 square feet when the maximum cumulative accessory structure area allowed is 1,800. The ordinance also limits the size of a single detached accessory structure to a maximum of 1,152 s.f.

The proposed structure would match the architectural design of the existing home including color, materials, construction type, and design compliant with ordinance requirements. The proposed garage height is approximately 15' 6" and the house is 18' 9" so the garage is also compliant with the maximum height restriction in the ordinance. The total impervious surface on the property after construction of the proposed garage would be approximately 15.5% of the total lot area.

The zoning ordinance allows accessory structures to deviate from the size standards of the ordinance with a conditional use permit for properties that are a minimum of 2.5 acres, subject to the following conditions:

- 1) The accessory building shall be a minimum of 50 feet from the side and rear property lines.
- 2) The accessory building is located rearward of the front line of the principal structure.
- 3) The accessory building meets all the conditions of the approved conditional use permit.

The applicant has submitted a plan showing that the accessory structure will be 15 feet from the nearest property side lot line (variance discussion to follow). Given that the subject property is a riparian lot (having frontage on a lake or river) the front yard is considered to be between the principal structure and the body of water with the rear yard between the principal structure and the street. The applicant is proposing the garage to be located in the rear yard between the street and the home in compliance with the condition above. The property is zoned R-1, Single Family Residential.

Planner Gindele stated the applicant has also requested a variance to allow an accessory structure over the maximum area allowed to have a 15-foot setback from a side lot line. One of the stated conditions of the ordinance allowing an oversized garage with approval of a CUP requires a minimum of a 50-foot setback from the side and rear property lines. The applicant is requesting the variance to allow a 15-foot setback from the northeast side property line.

Staff recommends approval of the conditional use permit and the variance, subject to the findings and conditions in the attached draft resolution.

Commissioner Hiltner asked if there was a variance needed for the other detached garage located on this property. Planner Gindele indicated that the existing detached garage meets all setback and size requirements and therefore did not need a variance for the 10-foot setback as that is the standard

setback. Commissioner Hiltner noted that the plans show an almost 17' tall structure height, not the 15'6" as indicated in the staff report. He asked if any of the neighbors had called regarding this request. CD Director Doty indicated that one neighbor did call, once they discussed the application, the neighbor had no concerns.

Council Liaison/Mayor Olson asked about the variance line item that states the owner did not create the need for the variance. CD Director Doty explained that the current owner of the lot did not create the lot arrangement. That lot arrangement was created by a previous owner of the land when it was platted out. He explained that the need for the variance is due to the deep and narrow shape of the lot that was created by a previous owner of the land.

Chair Kinzel opened the public hearing.

Mr. Scott Ebinger, 5624 Clearwater Rd. approached the podium. He wasn't aware that the limit was 1,152 sq. ft. and was willing to reduce the size if need be to have the garage. The Commissioners had no concern with the requested size. Chair Kinzel asked if Mr. Ebinger had any questions or concerns, he did not.

Chair Kinzel closed the public hearing.

**MOTION** by Commissioner Oswald, seconded by Commissioner Carleton to approve a conditional use permit to allow an accessory structure area to exceed the maximum size allowed and a Variance to allow a 15-foot setback to a side lot line for property located at 5624 Clearwater Road as presented by staff in the draft resolution. Motion unanimously approved.

3. **PUBLIC HEARING.** Conditional Use Permit for motor vehicle and equipment repair for property located at 8194 Fairview Road (city file 23-22)

Chair Kinzel asked for the staff report. CD Director Doty stated the applicant is requesting approval of a conditional use permit for motor vehicle repair for the roughly 2.9-acre site located at 8194 Fairview Road. The applicant would use the central portion of the building to operate an automotive specialties facility. "Automotive Specialties referring to Classic Cars, Hot Rods, Performance Based Vehicles, Fabrication, Custom Exhaust Building (Following EPA Regulations), In House Chassis Dyno, and Parts Retail Sales area." The existing site and building are designed to operate the auto service use with only a mechanical permit needed to operate the use.

In 2022, the City approved a conditional use permit for motor vehicle, boat and equipment repair for a separate business owner to operate a repair shop. That business use never moved forward, and the building is vacant. The CUP is for the proposed use is required because the CUP in 2022 was to use the entire building, whereas the subject use is proposed for the central portion of the building.

CD Director Doty reviewed the site plan and interior use of the building. He reviewed the parking lot and the striping options.

The applicant is requesting a conditional use permit (CUP) to allow for motor vehicle engine repair. The C-2 zoning district allows motor vehicle equipment repair uses with a conditional use permit, subject to the following standards:

**Motor vehicle, boat, or equipment repair standards**

- A. All servicing of vehicles and equipment shall occur entirely within the principal structure.

- B. To the extent required by State law and regulations, painting shall be conducted in an approved paint booth, which thoroughly controls the emission of fumes, dust, or other particulated matter.
- C. Storage and use of all flammable materials, including liquid and rags, shall conform with applicable provisions of the Minnesota State Fire Code.
- D. Parking, driveway, and circulation standards and requirements shall be subject to the review and approval of the City and shall be based upon the specific needs of the operation and shall accommodate large vehicle equipment and semitrailer/tractor trucks.
- E. The storage of damaged vehicles and vehicle parts and accessory equipment must be completely inside a principal or accessory building.
- F. The sale of products other than those specifically mentioned in this section shall be subject to a separate conditional use permit.

**Staff findings of motor vehicle, boat, and equipment repair**

The site can be accessed from Fairview Road by an existing approach meeting minimum driveway width standards. The site provides internal circulation throughout the property with drive aisles greater than 24 feet wide meeting the City's minimum standard for drive aisle widths. The applicant has submitted a site parking plan that meets the minimum standards of the parking ordinance for the use. Staff notes that additional parking spaces would need to be striped prior to additional tenants in the building. However, there is enough paved surface on site to add additional parking in the future, if needed. There are several pre-existing non-conforming conditions that exist on the property relating to parking and drive aisle setbacks from property lines, signage, and the lack of a conditional use permit to allow joint access between the pavement of the subject site and the lot to the east. Staff has added conditions in the resolution relating to the existing legal non-conformities. The remaining conditions listed above have been added to the draft resolution as conditions of approval.

Staff recommends approval of the conditional use permit for motor vehicle, boat, and equipment repair, subject to the conditions and in the attached draft resolutions.

Chair Kinzel opened the public hearing.

Mr. Greg Schmidt 1833 Graydon Ave. Brainerd, approached the podium. He stated he is the applicant for 8194 Fairview Rd. Mr. Schmidt gave the Commission his background of part owner of Paradigm Automotive which is being sold. A portion of this business is being relocated to the Fairview location with their current customers. He noted the performance shop is not going to be like a regular shop as his customers have high end cars that don't want to be left outside. He gave an example of a 69 Camaro, an owner would not want it out in the rain or have the sun beat down on the interior. They have been in business for 15 years.

Chair Kinzel asked if there were questions or concerns regarding the conditions. Mr. Schmidt indicated that he has been in contact with staff and the owner of the building regarding some of the changes/repairs that have been required. The owner is willing to work with Mr. Schmidt on the repairs.

Chair Kinzel asked Mr. Schmidt what B.I.G. stood for. Mr. Schmidt indicated that through his drag racing he uses/has a social media/U-Tube handle called Bad Influence Garage, which can be perceived as a negative. Thus, the B.I.G. came about.

Commissioner Oswald asked if there were any noise ordinances impacted being there will be hot rods. CD Director Doty stated there was specific conversations regarding the noise from the Dyno,

which can get loud with larger motors. There have been conditions specific to the noise meeting the city and state requirements in the resolution. After speaking with the applicant, they run the dyno during the day for a short period of time. Mr. Schmidt added that his current location on Laurel St. is directly across from Mississippi Terrace a residential apartment complex, they close the doors and utilize a fan when it's going to be overly loud, to keep the residents from getting upset. He noted they don't want people upset with their business.

Chair Kinzel closed the public hearing.

**MOTION** by Commissioner Carleton, seconded by Commissioner Hiltner to approve the conditional use permit for motor vehicle and equipment repair for property located at 8194 Fairview Road as presented by staff in the draft resolution. Motion unanimously approved.

**UPDATES**

None

**ADJOURN**

**MOTION** by Commissioner Oswald, seconded by Commissioner Hiltner to adjourn the meeting at 6:31 p.m. Motion unanimously approved.

Approved by:

Submitted By:

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Bob Kinzel  
Chair

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Shanna Newman  
CD Administrative Assistant