



# PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, November 12, 2025 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 Hiltner.

## ROLL CALL

**MEMBERS PRESENT:** Chair Chuck Hiltner, Commissioners Larry Kellerman, Tim Swanson, Gwen Carleton, and Council Liaison/Mayor Darrel Olson

**MEMBERS ABSENT:** Commissioner Howie Oswald

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

**OTHERS:** Louis Frillman, Tim Moore, Bea Hagen, Scott Gallaway, Jessica Brownselll, Keith Finnegan, Chad Connor and Robert Proffer

## MINUTES

1. Approve Planning & Zoning Commission Meeting Minutes from October 14, 2025

**COMMENTS MOTION** by Commissioner Carleton, seconded by Commissioner Kellerman to approve the Planning and Zoning Minutes from the October 14, 2025. Motion carried unanimously.

Commissioner Swanson indicated there was an error, he was absent at the last meeting.

Chair Hiltner stated that this Commission is a recommending body, and that final approval/denial of the applications on the agenda is taken up with the City Council on November 18, 2025.

## COMMENTS AND QUESTIONS

None

## OLD BUSINESS

None

## NEW BUSINESS

2. **PUBLIC HEARING. Variance** to the parking and drive aisle standards for property located at 7837 Excelsior Road (City file 2025-033)

Chair Hiltner asked for the staff report. Planner Gindele stated the applicant is proposing to operate a food shelf grocery store, which is a permitted use in the C-2 zoning district, at the subject property and has requested a variance to the parking setback to allow them to gain four additional parking stalls to meet the City's minimum parking requirements.

Planner Gindele reviewed the site location with an aerial map with the Commission.

The subject property is developed with a commercial building and parking lot and is flat. There are no wetlands, floodplains, or shoreland overlay districts on the property. The proposed site plan would expand the impervious surface by 323 feet to 77% of the total lot area, which complies with the maximum 88 percent impervious surface requirement of the Office Service district.

Planner Gindele informed the Commission that a site plan was previously approved for this site that included angled parking stalls behind the building with a paved drive aisle on the west side of the building connecting the back parking lot with the front parking lot providing convenient egress from the parking area behind the building. However, the approved site plan was never fully constructed since the westerly drive aisle was never paved, which effectively rendered the rear parking area ineffective and the site nonconforming. Since the original site plan was approved, zoning ordinances pertaining to setbacks, drive aisle dimensions, parking stall dimensions, and amount of required parking have changed, further exacerbating the nonconformities. Assuming the current site layout without any parking behind the building, the site is under-parked by four stalls pursuant to the current Zoning Code. The proposed plan makes the best of a less-than-desirable situation while allowing the structure to be utilized for commercial purposes as it is intended for. The proposed site plan provides the required amount of parking stalls all meeting minimum dimensional requirements while providing convenient ingress/egress to the four stalls being added. The applicant is requesting a variance to the parking setback to allow the four new code compliant stalls.

The Utility Commission reviewed the application at their regular meeting on November 5, 2025 and recommends that the Planning Commission recommends approval of the variance with the condition that the four additional parking stalls be signed as Employee Parking; this has been added as a condition to the draft resolution.

Planner Gindele stated staff recommends approval of the variance, subject to the findings and conditions in the draft resolution.

Chair Hiltner asked about the loading dock and if there were going to be semi's utilizing the loading dock.

Chair Hiltner opened the public hearing.

Mr. Tim Moore, Lakes Area Food Shelf and Mr. Louis Frillman approached the podium and stated the loading dock will be used. Chair Hiltner asked if the loading dock was elevated or at grade. It's an at grade dock with a lift inside the building to assist with unloading items. Chair Hiltner asked if there is there room for the employees to move their vehicles if the semi is back there. Mr. Moore indicated that their main supplier is Second Harvest and it typically takes 20-30 minutes to unload the semi, and they then move onto another food shelf. He

indicated that there is still room for employees to get out of the parking lot if a semi were there.

Chair Hiltner closed the public hearing.

**MOTION** by Commissioner Carleton, seconded by Commissioner Swanson to approve the variance to the parking and drive aisle standards for property located at 7837 Excelsior Road, as presented in the draft resolution. Motion carried unanimously.

**3. PUBLIC HEARING. Zoning Ordinance Amendment** to rezone from RS, Residential Staging to R-1, Low Density Residential and **Preliminary and Final Plat** of “West Whipple Shores First Addition To Baxter” for property located at 14548 Red Sequoia Drive (City file 2025-034)

Chair Hiltner asked for the staff report. Planner Gindele stated the applicant is requesting approval of the following for the 1.23-acre site in the northeast corner of Red Sequoia Drive and Cedar Scenic Road:

- Rezoning from RS, Residential Staging to R-1, Low Density Residential; and
- Preliminary and Final Plat to allow “West Whipple Shores First Addition To Baxter” to create 2 single-family lots. Specifically, the subject site is presently platted as one rectangular lot fronting along the east side of Red Sequoia Drive. The applicant is proposing the rezoning to allow the R-1 lots, which allows lots that are a minimum of 100-feet wide and 15,000 square feet in lot area. No outlots or phasing is proposed with the subject development.

Planner Gindele reviewed the site plan and zoning district with the Commission.

The site complies with the stated purpose of the R-1 district. Staff finds that the proposed R-1 zoning would provide for slightly more density than would be allowed with RS zoning but still within the density range of three units per acre (1.6 units per acre proposed). Specifically, with RS zoning, the property is limited to the single lot that it currently is since the minimum lot size in the RS district is 10 acres. However, the developer is proposing to split the property in half to create two lots which would not be allowed with RS zoning. For this reason, the developer is proposing to rezone the property to R-1 Low Density Residential which carries a minimum lot size of 15,000 square feet. Both of the proposed lots would be greater than 25,000 sq. ft. The property has frontage on Red Sequoia Drive providing access to both lots. City utilities (water and sewer) service the subject property as there are currently two services stubs installed assuming a rezone to R-1, Low Density Residential and a subsequent plat to subdivide the property. Lots to the south and west are zoned R-1, Low Density Residential and lots to the north and east are zoned RS, Residential Staging. Therefore, the development will transition with the existing R-1 neighborhood.

Staff recommends approval of the rezoning based on the following findings:

- A. The rezoning meets the purpose and intent of the Zoning Ordinance and, specifically, the R-1 zoning district.
- B. The proposed use of single-family homes is not in conflict with applicable provisions of the zoning ordinance.

C. There is adequate infrastructure available to serve the proposed properties. The properties are located in an area where municipal sewer and water is available and adequate public streets exist to provide access to the property.

D. There is an adequate buffer or transition provided between potentially incompatible districts.

E. The proposed zoning is consistent with the City's Comprehensive Plan.

Planner Gindele reviewed the preliminary and final plat with the Commission. He explained the lots, streets, easements and conveyances, drainage and the need for park fees for the new lot.

The Utility Commission reviewed the preliminary and final plat of "West Whipple Shores First Addition To Baxter" at its regular meeting on November 5, 2025 and recommends approval.

The application was sent to the DNR for review; no comments have been received at the time of writing this report. A condition of approval has been added to the draft resolution requiring the applicant to comply with any platting requirements from the DNR.

Planner Gindele stated staff recommends approval of the rezoning from RS, Residential Staging to R-1, Low Density Residential, and the preliminary and final plat of "West Whipple Shores First Addition To Baxter", subject to the ordinance and findings and conditions in the attached resolutions.

Chair Hiltner asked if the Commission has looked at this property in the past. Planner Gindele indicated that the Commission looked at this location when the house was proposed being it was zoned R-S and did not meet the required lot size of the R-S district, a variance was issued.

Chair Hiltner opened the public hearing.

Mr. Chad Connor, Widseth approached the podium and indicated he had no concerns with the conditions.

Chair Hiltner closed the public hearing.

**MOTION** by Commissioner Kellerman, seconded by Commissioner Swanson to approve the Zoning Ordinance Amendment to rezone from RS, Residential Staging to R-1, Low Density Residential and Preliminary and Final Plat of "West Whipple Shores First Addition To Baxter" for property located at 14548 Red Sequoia Drive, as presented in the draft resolution. Motion carried unanimously.

**4. PUBLIC HEARING.** Conditional Use Permit to allow an apartment accessory to a single-family dwelling at 5257 Cedardale Lane (City file 2025-035)

Chair Hiltner asked for the staff report. CD Director Doty stated the applicant is requesting approval of a conditional use permit to allow an apartment accessory to a single-family dwelling for property located at 5257 Cedardale Lane. The applicant is proposing an

accessory apartment home addition to allow separate kitchen, bathroom, bedroom within the design of the home.

CD Director Doty reviewed the site location with an aerial map and floor plan with the Commission. He explained the floor plan changes that took an exterior door out and created a window to keep the flow through the house and not make it a potential duplex.

CD Director Doty reviewed the requirements that allow an apartment accessory to a one-family detached dwelling. The applicant has submitted a plan that meets the requirements if all conditions of the approving resolution are met. Staff has added several of the requirements to the approving resolution.

Staff recommends approval of the conditional use permit, subject to the findings and conditions in Resolution 2025-095.

Commissioner Kellerman questioned there not being an emergency exit for the apartment. CD Director Doty indicated that there are windows that could be used as an exit. He added that prior to the permit being issued, the building official will look at the layout to ensure code compliance. Commissioner Carleton asked why the sliding door was removed. CD Director Doty reviewed the condition of approval that the flow needs to be through the home, not exiting through a separate exterior door in the accessory apartment. If the door was to stay it would act as a duplex. Chair Hiltner stated he was concerned about not having a door with a person who may end up in a wheelchair and the two steps, if there is a fire how is that person going to get out of the apartment. CD Director Doty stated through the house or a window. He explained that zoning staff is looking at the zoning code, there is building code review that takes place regarding safety code when the permit is reviewed by the building official. Chair Hiltner asked if the building code can over-ride the zoning code. CD Director Doty stated it could, however there are lots of homes with egress windows and window wells for egress. He cautioned against going down the building code review path and rather, stick to the zoning code.

Chair Hiltner asked if the driveway was going to be extended to the other garage and asked the applicant to approach.

Chair Hiltner opened the public hearing.

Keith Finnegan 5257 Cedardale Lane approached the podium. He stated the existing driveway would be extended to that garage without a separate driveway access to the road.

Commissioner Carleton and Chair Hiltner still voiced concern regarding the removal of the door.

Chair Hiltner closed the public hearing.

**MOTION** by Commissioner Swanson, seconded by Commissioner Kellerman to approve the Conditional Use Permit to allow an apartment accessory to a single-family dwelling at 5257 Cedardale Lane, as presented in the draft resolution.

Prior to the motion, Commissioner Carleton wanted it known that there are safety concerns.

Motion carried unanimously.

CD Director Doty stated he would review this with the building official, prior to this item moving on to the City Council.

**5. PUBLIC HEARING.** Preliminary and Final Plat of “Costco Second Addition” and a Conditional Use Permits for a drive through and amended joint access for Panera located 13688 Elder Drive (city file 2025-037)

Chair Hiltner asked for the staff report. CD Director Doty stated the applicant is requesting approval of the following items for the roughly .97-acre site:

- Preliminary and Final Plat to allow “Costco Second Addition” to create one lot from an outlot; and
- Conditional Use Permits (CUPs) to allow a restaurant drive through and amended joint access.

The applicant is proposing to develop the vacant site located between Costco and State Highway 210 with a 3,128-square foot Panera Restaurant with outdoor patio and drive through. Access to the site would be from Elder Drive and Forthun Road, via a private drive on the outer sides of the Costco parking lot which serves Costco and the outer commercial lots along the private drive.

CD Director Doty reviewed an aerial, site plan, landscaping, drive through location and patio with the Commission. He explained the signage that was allowed with the original PUD approval. The PUD allowed for two freestanding signs, Wings Financial took one sign and the other sign will have three panels, one which is going to be used for Panera.

The Utility Commission reviewed the application on November 5, 2025, and recommended approval of the plat and conditional use permit subject to the following:

1. Enter into an Escrow Agreement prior to issuing a building permit.
2. Enter into a Stormwater Facilities Maintenance Agreement prior to issuing a building permit.

CD Director Doty reviewed the preliminary and final plat requirements with the Commission, including lot area/width, right-of-way, access and the need for park dedication fees. He then reviewed the requirements for a conditional use permit for a drive through and joint access.

CD Director Doty indicated that staff is recommending approval of the preliminary and final plat of “Costco Second Addition” and a Conditional Use Permits for drive through and amended joint access, subject to the findings and conditions in the draft resolutions.

Commissioner Kellerman asked about traffic and if there were any concerns. He indicated that the traffic is busy in that location and people are cutting through the Costco parking lot. CD Director Doty stated staff had no concerns with the traffic, as this PUD was originally planned for fill-in businesses in front of Costco.

Commissioner Swanson asked if there was going to be dedicated parking for Panera or is there going to be some overlapping. CD Director Doty stated there will be dedicated parking on the Panera site, however, there is no joint parking with Costco.

Chair Hiltner opened the public hearing.

Mr. Mark Wilhoite, CA Commercial Development out of Cincinnati, OH and Mr. Joe Schramm with Westwood approached the podium. Mr. Wilhoite stated the reason Panera is coming here is because of Costco and the amount of traffic that is generated with Costco and the other vacant lots creating more traffic once they are developed. He stated that Baxter won't see much of a traffic increase because they are getting the Costco traffic. Chair Hiltner asked if there were any concerns with the conditions. Mr. Wilhoite indicated that they worked with CD Director Doty on this project and have no concerns. He added that there might be some landscaping modifications of locations on site. He also confirmed the signage being just the Panera sign at this time and that when others come in that is when the two other panels will be filled.

Chair Hiltner asked about having a flagpole installed. Mr. Wilhoite stated he will bring it up to Panera, he did not see a reason Panera would not do that. He asked where would Chair Hiltner like to see the flag. Chair Hiltner stated anywhere on the site, the only regulation is height, it can't be 100 feet tall. Mr. Wilhoite asked if Panera can fly a flag under the American flag jokingly. CD Director Doty stated for the record, that flags are not regulated, only the pole height and placement are regulated.

Chair Hiltner asked about when they plan on starting. Mr. Wilhoite stated as soon as he can get a permit, they would start weather pending. He stated they plan to be open by next fall, however, if the weather holds off they would move the project up.

Chair Hiltner stated that he used to work for the power company and knows the power is on the lot to the east of them, Mr. Wilhoite stated they have consultants that handle that scope of work.

Chair Hiltner closed the public hearing.

**MOTION** by Commissioner Kellerman, seconded by Commissioner Carleton to approve Preliminary and Final Plat of "Costco Second Addition" and a Conditional Use Permits for a drive through and amended joint access for Panera located 13688 Elder Drive, as presented in the draft resolution. Motion carried unanimously.

## UPDATES

CD Director Doty gave an update on receiving the Veteran's Clinic application, which is fully code compliant and only requires a plat for the land. There will also be another plat for one of the City parks.

Commissioner Kellerman asked if there was a street going in towards Woida, the answer was yes, there will be a lot of street improvements with that project.

**ADJOURN**

**MOTION** by Commissioner Carleton, seconded by Commissioner Swanson to adjourn the meeting at 6:55 p.m. Motion unanimously approved.

Approved by:

Submitted By:

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Chuck Hiltner  
Chair

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Shanna Newman  
CD Administrative Assistant