



PLANNING AND ZONING COMMISSION MEETING MINUTES

Tuesday, August 12, 2025 at 6:00 PM

Baxter City Hall, 13190 Memorywood Drive, Baxter, MN

"A Growing Community"

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 Tim Swanson, Gwen Carleton, Howie Oswald, and Council Liaison/Mayor Darrel Olson

MEMBERS ABSENT: Commissioner Larry Kellerman

STAFF PRESENT: City Planner Matthew Gindele and Police Chief Matt Maier

OTHERS: Jeff Westendorf, Darlene Schrader, Jason Kocer, Ben Schrader, Justin Barrick and Clint Malikowski

MINUTES

1. Approve Planning & Zoning Commission Meeting Minutes from July 8, 2025

MOTION by Commissioner Swanson, seconded by Commissioner Oswald to approve the Planning and Zoning Minutes from the July 8, 2025. Motion carried unanimously.

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 August 19, 2025.

COMMENTS AND QUESTIONS

None

OLD BUSINESS

2. **PUBLIC HEARING.** Conditional Use Permit for a drive-through restaurant and joint access and Variances for the drive-through and trash enclosure for property located at 7609 Excelsior Road (legally described as Lot 1, Block 1, Kohls Addition, Crow Wing County, Minnesota) (City file 2025-012)

Chair Hiltner stated that the applicant is asking to table the application until the September 9, 2025 meeting. Chair Hiltner asked Planner Gindele if they were still working on items. Planner Gindele indicated that the applicant is still working with the neighbor to the south. No one was present to provide comments for the public hearing.

MOTION by Commissioner Carleton, seconded by Commissioner Swanson to table the Conditional Use Permit for a drive-through restaurant and joint access and Variances for the drive-through and trash enclosure for property located at 7609 Excelsior Road, as presented in the draft resolution. Motion carried unanimously.

NEW BUSINESS

3. **PUBLIC HEARING.** Conditional Use Permit to allow motor vehicle repair and joint access for vacant property located north of 7399 Garrison Road (City file 2025-021)

Chair Hiltner asked for the staff report. Planner Gindele stated the applicant is requesting approval of conditional use permits to allow a motor vehicle repair business and joint access for property adjacent to the north of 7399 Garrison Road. The application would allow a new tire center that would provide minor vehicle repairs consisting primarily of tire repair/replacement and oil and filter changes to be constructed on the 2.1-acre vacant property.

Planner Gindele reviewed the location on an aerial with the surrounding business and access location. There is currently an easement on the property for access. He explained the parking lot being re-worked with the Commission and noted that El Tiquila has signed off on this application.

Planner Gindele reviewed the new parking lot and building location. He stated the applicant worked with staff to relocate the tire storage, trash enclosure and building front. He reviewed the site plan, landscaping, island location, additional trees on 371 and pylon sign location.

The applicant has submitted an architectural review application showing compliance with the architectural review requirements (exterior materials, colors, building articulation, etc.). Staff notes that architectural plans that meet the standards of the architectural ordinance are approved administratively. A condition has been added to the draft resolution requiring verification of the proposed colors.

Planner Gindele reviewed the CUP requirement for motor vehicle repair with the Commission that was stated in the packet. He then reviewed the joint access conditions and the pylon signage.

The Utility Commission reviewed the application on August 7, 2025 and recommends approval of the request with the following conditions which have been added to the draft resolution:

1. Provide a Watermain Easement around the water improvements prior to issuing a building permit.
2. Enter into an Escrow Agreement prior to issuing a building permit.
3. Enter into a Stormwater Facilities Maintenance Agreement prior to issuing a building permit.

The application and plans have been sent to MnDOT for review; however, the City has not received any comments at the time of writing this report. A condition has been added to the draft resolution requiring compliance with any conditions MnDOT may have.

Staff recommends approval of the conditional use permit to allow motor vehicle repair and joint access for vacant property as presented in the draft resolution.

Commissioner Carleton asked if El Tequila had their own sign, Planner Gindele stated that they do in the southeast corner of their lot. Commissioner Swanson commented that El Tequila has outdoor

seating and an auto repair shop can be noisy; he asked what the hours of operation are. Chair Hiltner stated they could ask the applicant when the hearing is opened.

Chair Hiltner asked about the signage, if adding Les Schwab would put them over the allowed signage, Planner Gindele indicated that it would not, and the signage was part of an agreement already in place on the site which limits the size of the sign to a maximum of 160 sq. ft.; the proposed sign is slightly smaller than 160 sq. ft. Chair Hiltner asked about the El Tequila parking being on the other lot, Planner Gindele stated he was not here when those parking agreements were made. He indicated that the agreement stated that this property was required to have 40 stalls and they have 44 stalls and are meeting the required parking. Council Laision/Mayor Olson asked about the easement road, if it was private or if the City plows the road. Planner Gindele indicated that it is a private road and the City does not typically plow private roads; however, he was unaware of the specifics on this private drive.

Chair Hiltner opened the public hearing.

Mr. Jeff Westendorf with Westwood Professional Service 12701 Whitewater Dr. Minnetonka, MN representing Les Schwab, approached the podium. He stated Les Schwab is very excited to be coming to Baxter. He stated the first question was regarding the operations hours. They would be open Saturday-Thursday 8 am to 6 pm, Friday 8 am to 5 pm and are closed on Sunday.

Chair Hiltner stated that there were a lot of conditions, were there any concerns regarding those conditions. Mr. Westendorf indicated they have worked well with staff and have no concerns.

Chair Hiltner closed the public hearing

MOTION by Commissioner Carleton, seconded by Commissioner Oswald to approve the Conditional Use Permit to allow motor vehicle repair and joint access for vacant property located north of 7399 Garrison Road as presented in the draft resolution. Motion carried unanimously.

4. PUBLIC HEARING. Variance to allow a front yard porch to be in within the 40-foot setback for property located at 12609 Chestnut Drive (Lot 6, Block 1, Valley View Estates, Crow Wing County, Minnesota) (City file 2025-022)

Chair Hiltner asked for the staff report. Planner Gindele indicated the applicant is proposing to reconstruct and expand a porch on the roadside of an existing home and has requested a variance to allow it to extend into the required 40-foot front yard setback. Specifically, the applicant is requesting that the porch be allowed to have a 36-foot 2-inch front yard setback rather than 40 feet.

Planner Gindele reviewed the aerial, location and site plan with the Commission. He reviewed the variance standards that were in the packet.

The applicant is proposing to construct a 22' 4" x 7' 7" porch that would extend 7' 7" out from the house toward the street, 3-feet 10-inches into the front yard setback. The existing home and porch are currently located at the 40-foot setback.

The applicant has stated that the existing porch only extends 4 feet out from the house and is degraded and needs to be replaced. The applicant also states that current porch is too small and doesn't allow enough area to safely and conveniently open the front door to enter the house which

is why the homeowner is requesting the variance to make the porch more functional and user friendly.

Planner Gindele reviewed several of the findings with the Commission and stated that staff recommends approval of the variance to allow a front yard porch to be in within the 40-foot setback for property located at 12609 Chestnut Drive, as presented in the draft resolution.

Chair Hiltner noted that the footing show 50" and not the required 60". Planner Gindele stated that the building code changed and only requires 50" footings now, however, the footing depth will be reviewed when the permit is submitted.

Chair Hiltner opened the public hearing.

Mr. Ben Schrader, New View Renovations 5755 Mapleton Rd. Baxter approached the podium. Chair Hiltner asked if he was okay with the conditions, he indicated that he was fine with the conditions. Chair Hiltner asked if it was treated lumber. Mr. Schrader indicated the frame would be treated lumber and the decking would be a maintenance free compost.

Chair Hiltner closed the public hearing

MOTION by Commissioner Oswald, seconded by Commissioner Swenson to approve the Variance to allow a front yard porch to be within the 40-foot setback for property located at 12609 Chestnut Drive as presented in the draft resolution. Motion carried unanimously.

5. Consider amendments to the City Hunting Map

Chair Hiltner asked for the staff report. Planner Gindele stated the City of Baxter is requesting amendments to the City's Hunting Map. Specifically, the City of Baxter has hunting regulations and a Hunting Map that indicates where certain types of hunting is allowed and where hunting is not allowed. As land use changes occur within the City, the Hunting Map should be re-evaluated to see if changes need to be made to the map. Hunting Zones The City's Hunting Map (attached) delineates every property in the City into one of five zones as follows:

- No Hunting
- Archery Only Zone
- Shotgun & Archery Only Zone
- Muzzleloader / Shotgun & Archery Zone
- Managed Archery**

Planner Gindele reviewed the hunting map with the Commission.

The majority of the City is located in the No Hunting zone. Properties that are permitted for hunting are generally larger properties or properties that are in rural areas of the City. To help manage deer numbers within Baxter, the City has allowed larger properties adjacent to residential areas and those residential lots adjacent to large vacant tracts of land in the Archery Only Zone. Shotgun and muzzleloader is allowed only when property for hunting is at least 500 feet from dwelling or occupied building. The following areas are currently proposed for consideration:

Project Area One-16025 Edgewood Dr.

The City received a request from the unofficial "Deer Management Committee" (which is comprised of Baxter residents and staffed by the police department) to add the outlined property in the image above to the hunting map to be allowed for archery only hunting. The property owner has also signed off on the request via email received on August 8, 2025. The subject property is 13.5 acres in size and has split zoning on it with Commercial/Industrial on the north half and Medium Density Residential on the south half. The subject property has an existing home on it and is flanked by open space on all sides, which primarily consists of wetlands. The request has been reviewed in conjunction with the police department.

Staff recommends that this property be added to the "Archery Only" zone on the 2025 hunting map.

Project Area Two-City land behind Forestview Acres

The City is requesting that the City-owned property outlined in the image above be added to the "Managed Archery Only" zone on the 2025 hunting map. This property was previously in the "Archery Only" zone but was removed from it for the 2024 hunting season since, at the time, the property was being used as a temporary access road while the City completed a street/water/sewer project in the south Forestview area. That project has been completed, and the property is no longer being used as an access road, although there is a trail through it. The total area of the property is approximately 27 acres and is 170 feet wide at the pinch-point on the south end but quickly widens out to over 400 feet wide. The request has been reviewed in conjunction with the police department.

Staff recommends that the property identified in the image above be added to the "Managed Archery Only" zone.

Recommendation:

Staff recommends that the Planning Commission review the Hunting Map Amendment options and recommend specific map amendments to the City Council. Specifically, staff recommends that Project Area 1 be added to the "Archery Only" hunting zone and Project Area 2 be added to the "Managed Archery Only" hunting zone on the 2025 Hunting Map.

Staff explained the requirements to hunt in the "Managed Archery Only". A proficiency test is required where the applicant must demonstrate an ability to hit a target. There is also an on-line hunting education course that the DNR provides that is required. Chair Hiltner asked who does the proficiency test, Chief Maier stated Beimert Outdoors does the test, he then explain the test. Chair Hiltner asked if cross bows were allowed in archery, the answer was yes.

Commissioner Carleton asked how wide the City owned property is, Planner Gindele indicated the widest is about 400 feet and the pinch point is about 170 feet. Chair Hiltner asked if the city property was limited to the number of hunters, Chief Maier indicated that there is not a limit of hunters, however they have to have the proficiency test to hunt and a City permit.

Chair Hiltner if the property requested on HWY 77 was owner-occupied. Planner Gindele referred to the person that brought that request forward to respond to that question. Mr. Clint Malikowski 14232 Memorywood Dr. approached the podium. Chair Hiltner asked if it was a rental property, Mr. Malikowski indicated that she runs a business out of the property. Chair Hiltner asked if he had permission to hunt the property, he indicated that he does have written and email approval to hunt the property. Planner Gindele stated that putting the property on the map means anyone can ask for permission to hunt that property. Commissioner Carleton asked if there was someone living in the house, Mr. Malikowski indicated that there is not someone living in the house full-time.

Chair Hiltner asked how many members are on the Deer Management Committee, it was indicated 5 Baxter residential members.

Commissioner Swanson, being new to the Commission asked if the hunting map was reviewed annually, the answer was yes, for the past 5-6 years.

Chair Hiltner asked about permanent blinds being allowed on City property. Chief Maier indicated that currently the code doesn't reference blinds, however, he is working on verbiage to amend the City Code to mirror Crow Wing County's which prohibit permanent stands/blinds.

Chair Hiltner asked if a motion or recommendation was needed. Planner Gindele indicated that it is not a public hearing, however a motion/recommendation is requested.

Mr. Jason Kocer 14165 Cherrywood Dr. approached the podium. He spoke of the property to the east of 16025 Edgewood Dr., he indicated that he had permission to hunt that property, however it didn't make it on to the agenda. He requested consideration of that property also being included in tonight's approval, as he has the paperwork allowing hunting. Mr. Kocer indicated that there was not a defined process as to how to get a parcel added to the hunting map. Planner Gindele acknowledged that Chief Maier informed him that this parcel may come up tonight, however staff hasn't had the chance to review the request/permission to hunt the parcel at this time. Planner Gindele stated that the last request to add a property to the hunting map was technically a permission slip for an individual to hunt a parcel with the way it was written and not a request to add it to the public hunting map. Therefore, staff would need to review the request prior to forming a recommendation on the request. Planner Gindele stated that regarding the process for a property owner to add their property to the hunting map, Chief Maier and staff are working on a defined process for the future. Planner Gindele stated there are two different items in play here. One is having signed request from the owner to add their property to the public hunting map, and the other is an individual having permission to hunt a particular piece of property. Those two items need to be clarified. Chair Hiltner asked if the third parcel could be added to the next meeting being it is before bow hunting. Planner Gindele indicated that it could move forward to the next meeting, however, the Council approval of it would occur three days after the start of the archery season. Chair Hiltner asked what the individual would need to do to have it placed on next month's agenda. Planner Gindele stated that staff will work with them to get on the September agenda to get approval for City Council on September 16th, which is only a few days after bow hunting opener on the 13th.

MOTION by Commissioner Carleton, seconded by Commissioner Swanson to approve Project Area One-16025 Edgewood Dr. to be archery only and Project Area Two-City land behind Forestview Acres to Managed Archery Only portion of the hunting map. Motion approved.

Mr. Justin Barrick 4897 Oak St. Baxter approached the podium. He stated that the permission slips have been used for years, since the Memorywood parcels and now it seems there has been a change in what the city is requiring. He requested a streamline process that would allow Mr. Kocer's request to add the additional parcel without having additional staff time and another meeting for approval. He gave the history of the hunting map going through the Long-Range Planning Meeting, which was uncertain, to now going through Planning and Zoning which is defined on the second Tuesday of each month.

Council Larison/Mayor Olson commented that vetting is important, he used City Council as an example. When someone makes a request during public comments at a Council meeting the Council takes it under advisement, but does not act on the comment/request at that meeting; vetting is important to make sure mistakes aren't made, so these requests are deferred back to staff to come

back with a staff recommendation at a later meeting. Chair Hiltner agreed with the Mayor's comment, what if a property owner's neighbor isn't in agreement with having hunting, they have a right to speak. Commissioner Carleton stated it needs to come back to the next meeting. All Commissioner agreed with Commissioner Carleton.

Council Larison/Mayor Olson stated that he appreciates the Deer Management Committee taking the lead on trying to manage the deer population. He asked if they have seen the number of deer decrease. The Commissioner indicated that they haven't seen a downfall in the number of deer. Mr. Barrick approached and indicated that some neighborhoods have seen a decrease in deer population, however other areas have been tougher to get staff approval, such as a parcel in the Industrial District that didn't make this agenda. Streamlining the process will be a benefit in the future.

The Commission held conversation about where they see deer and where they have noticed the deer aren't as populated.

UPDATES

None

ADJOURN

MOTION by Commissioner Carleton, seconded by Commissioner Swanson to adjourn the meeting at 6:58 p.m. Motion unanimously approved.

Approved by:

Submitted By:

Chuck Hiltner
Chair

Shanna Newman
CD Administrative Assistant