



ITEM REPORT
PLANNING AND ZONING COMMISSION

Agenda Date: 5/12/2026
 Agenda Section: New Business

TO: Baxter Planning and Zoning Commission

FROM: Matthew Gindele, City Planner

REQUEST: **PUBLIC HEARING.** Conditional Use Permit to allow grading exceeding 50 cubic yards of material within the shoreland overlay district of Perch Lake for property located at 12962 Knollwood Drive (City File 2026-014).

APPLICANT: JP Contracting LLC, 29581 Deer Lake Lane, Aitkin, MN 56431
 R-1, Low Density Residential

ZONING:

1. Application Request

The applicant has requested a conditional use permit (CUP) to allow grading involving the movement of greater than 50 cubic yards of material within the shoreland overlay district of Perch Lake for property located at 12962 Knollwood Drive. The applicant is proposing to replace an existing wood retaining wall along the north side lot line of the subject property with a two-tiered boulder retaining wall.

2. Context

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Single Family Residential	R-1, Single Family Residential
South	Single Family Residential	R-1, Single Family Residential
West	Single Family Residential	R-1, Single Family Residential
East	Perch Lake	N/A Perch Lake

Natural Characteristics of the Site

The subject property is approximately 1.15 acres on the west shore of Perch Lake and is developed with a home and attached garage. The property is mildly wooded with a mix of mature deciduous and coniferous trees throughout the property, but primarily located between the home and Knollwood Drive. The property has a fair amount of contour that eventually slopes down to Perch Lake. Perch Lake also functions as floodplain and wetland and has an ordinary high water level (OHWL) of 1,190.4. The proposed improvements are outside of any FEMA floodplain or wetland designation.

3. Analysis of Request

Conditional Use Permit

The applicant is proposing to replace an existing retaining wall along a side lot line to stabilize the slope and add visual appeal. There is currently a wood retaining wall in the location of the proposed improvements that is caving in and tipping down the slope and needs to be replaced. The existing wall is approximately six feet tall with two feet of slope from the top of the wall up to the driveway. The new wall would level out the grade at the driveway and would create a two-tiered wall. Each tier of the new wall would be four feet tall with about a six-foot-wide landscaped terrace between the two tiers. Each tier of the wall would be constructed with four-foot-tall boulders. Smaller boulders would be placed in the crevasses between the larger boulders. Total material proposed to be moved exceeds 50 cubic yards. The proposed project area is along the north side lot line of the subject property and is within the shoreland district to Perch Lake. The eastern portion of the wall closest to the lake crosses the property line onto the property to the north located at 12972 Knollwood Drive. The applicant states that the northerly neighbor is aware and in support of the proposed project. A condition of approval has been added to the draft resolution requiring the applicant to submit an easement agreement for the retaining wall between the two neighbors to be reviewed by the City Attorney and recorded against both properties with Crow Wing County prior to beginning construction of the wall.

An attached garage exists in the general vicinity of the retaining wall. The applicant states that the retaining wall is non-load-bearing. A condition has been added to the resolution requiring the applicant to comply with the building code and with any requirements of the Baxter Building Official.

The City's shoreland ordinance requires a CUP for grading and filling that exceeds the movement of 50 cubic yards of material within a shoreland district, subject to the following conditions:

1. The smallest amount of bare ground is exposed for as short a time as feasible;
2. Temporary ground cover, such as sod, is planted;
3. Methods to prevent erosion and trap sediment are employed;
4. Fill is stabilized to accepted engineering standards.

The applicant estimates the project would take approximately seven days to complete and proposes using silt fence and bio retention logs as necessary to protect the lake from runoff in the case of a rain event during project construction. The conditions listed above have also been added to the draft resolution.

Staff finds that the applicant has submitted a plan that meets the requirements listed above.

DNR Review/Comments

A copy of the application was provided to the DNR for review; staff has not received any comments at the time of writing this report. A condition has been added to the resolution requiring compliance with any DNR requirements should any be received.

Staff has also reviewed the request against the general CUP standards. Section 10-7-4 of the Zoning Ordinance defines the criteria for reviewing and processing a conditional use permit (CUP). Specifically:

- A. *Excessive Burden: The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.*

The grading and installation of the retaining wall would have no effect on existing parks, schools, streets, and other public facilities because all improvements are proposed on private property and do not involve any public improvements. Additionally, the proposed work does not add any residential units that would use the City's park system.

B. Compatibility: The use shall be compatible with adjacent land uses so that existing uses will not be depreciated in value and there will be no deterrence to development of vacant land.

The proposed use is compatible with adjacent land uses and would not depreciate adjacent properties because it is intended to improve an existing condition. Other houses on Perch Lake also have retaining walls along the side lot line for soil/bank stabilization.

C. Appearance: The use shall have an appearance that will not have an adverse affect (sic) upon adjacent properties.

The proposed grading and retaining wall would be consistent in appearance with the area and would not have an adverse effect on adjacent properties. The wall is designed to be visually appealing with a landscaped terrace between the two tiers of the wall.

D. Overall Needs: The use, in the opinion of the planning and zoning commission shall be reasonably related to the overall needs of the city and to the existing land use.

The proposed project is consistent with the city's land use plan for the property which designates it as Low Density Residential. The project meets the overall needs of the city and the existing land use because it helps stabilize the slope and improves function of the property.

E. Consistent With Purpose: The use shall be consistent with the purposes of this title and purposes of the zoning district in which the applicant intends to locate the proposed use.

The grading and retaining wall use would be consistent with the purpose of the Zoning Ordinance because it serves a residential use and the applicant has submitted a plan that meets the city's zoning requirements for grading in a shoreland district if all conditions of approval are met.

F. Comprehensive Plan: The use shall not be in conflict with the comprehensive plan of the city.

The use would not conflict with the comprehensive plan of the city.

G. Traffic: The use will not cause traffic hazard or congestion.

The use would not cause traffic hazard or congestion.

H. Facilities: The use shall have adequate utilities, access roads, drainage and necessary facilities.

The site has adequate utilities, access roads, drainage, and necessary facilities.

4. Recommendation

Staff recommends approval of the Conditional Use Permit, subject to the findings and conditions in the attached resolution.

Attachments

1. Resolution 2026-040 approving the CUP
2. Site Location Map
4. Site Plan
5. Wall Detail