



# PLANNING AND ZONING COMMISSION MEETING MINUTES

Tuesday, June 10, 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 Gwen Carleton, Howie Oswald, Larry Kellerman and Council Liaison/Mayor Darrel Olson

**MEMBERS ABSENT:** Commissioner Tim Swanson

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

**OTHERS:** Nicholette and Matthew Dunlap and Jacob Quam

## MINUTES

1. Approve Planning & Zoning Commission Meeting Minutes from May 13, 2025.

**MOTION** by Commissioner Oswald, seconded by Commissioner Kellerman to approve the Planning and Zoning Minutes from the May 13, 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 May 17, 2025.

## COMMENTS AND QUESTIONS

None

## OLD BUSINESS

None

## NEW BUSINESS

2. **PUBLIC HEARING.** Variance to accessory structure height for property located at 6441 Foley Road (legally described as Part of Government Lot 4, Crow Wing County, Minnesota) (complete legal on file at City Hall) (City file 2025-010)

Chair Hiltner asked for the staff report. Planner Gindele stated the applicant is requesting a variance to allow a detached garage to exceed the height restrictions of the ordinance for property located at 6441 Foley Road. Specifically, the applicant is requesting to be permitted to construct a 1,152 sq. ft. detached garage that is taller than the principal structure.

Planner Gindele reviewed the site location, site plan, proposed garage location, setbacks and house pictures.

The subject property is a 2.61-acre parcel on Perch Lake that slopes gently down to the lake from the north. The site is within the shoreland overlay district to Perch Lake which also acts as FEMA floodplain. The floodplain extends up into the property but not as far north as the current home location or the proposed garage location. A portion of the floodplain may also double as a wetland.

The applicant is requesting a variance to allow a detached garage to be constructed to a height that exceeds the height of the home. Specifically, the applicant is requesting the variance to allow an 18-foot-tall garage, which would be 3 feet taller than the height of the house, but still shorter than the maximum 25' height restriction on accessory structures. The applicant states that the proposed garage will match the color and materials of the house once the project is done. The house has vinyl LAP siding with a 6-inch reveal that will be painted to match the proposed color of the garage. The applicant is proposing LP smart side on the garage that will match the existing vinyl on the house as ordinance requires. The proposed garage complies with the maximum size restriction on accessory structures of 1,152 sq. ft. The applicant states that a planned future home addition would increase the height of the house to be equal to, or taller than, the proposed garage, at which time the garage would become compliant with the ordinance height restrictions without the requested variance. The subject property currently has no garage for storage space and the applicant has a family of 6 which includes 4 children, all of whom are in sports. The applicant states that the extra garage height is needed to allow for attic space above the garage for extra storage of personal property.

The zoning ordinance states that "No accessory structure, whether attached or detached, shall exceed the height of the principal structure. However, in no case shall an accessory structure exceed twenty-five feet (25') in height in an R-1 or R-2 district".

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

Chair Hiltner opened the public hearing.

Mrs. Nicholette & Matt Dunlap owners, approached the podium. Chair Hiltner noted there weren't a lot of conditions regarding this application. Planner Gindele stated the conditions are that the attic storage above the garage is not to be used as a dwelling unit and the material/colors need to match the home. Chair Hiltner asked the applicant if there were any concerns regarding the conditions, they indicated they were aware and had no concerns. Chair Hiltner indicated on the plans that there were two different lumber sizes and asked which one was being used. The applicant indicated they would have to ask their builder.

Council Liaison/Mayor Olson asked if they own both lots that the driveway is located on or if there was an easement in place for the driveway on the lot to the east. Mrs. Dunlap stated that the driveway shown on the site plan is the old layout and that they have their own driveway access to the road now. Chair Hiltner asked about the neighbor and how they access their property, Mrs. Dunlap indicated they have an easement to the east.

Chair Hiltner closed the public hearing.

**MOTION** by Commissioner Oswald, seconded by Commissioner Kellerman to approve the variance to accessory structure height for property located at 6441 Foley Road, as presented in the draft resolution. Motion carried unanimously.

3. **PUBLIC HEARING.** Interim Use Permit Amendment to allow a tent with fireworks sales in the parking lot of Westside Liquor located at 15807 Audubon Way (Lot 4, Block 1 Nature Learning Trail Business Park, Crow Wing County, Minnesota) (City file 2025-015)

Chair Hiltner asked for the staff report. Planner Gindele stated the applicant is requesting approval of an Interim Use Permit Amendment to allow outdoor fireworks sales at Westside Liquor located at 15807 Audubon Way.

Planner Gindele reviewed the site plan and tent location with the Commission.

Planner Gindele gave the history, in 2019, the City Council approved an interim use permit to allow outdoor fireworks sales for TNT at the subject location. The interim use permit (IUP) was valid through the 2024 season. The applicant has requested an amendment to the IUP to allow them to continue to provide seasonal fireworks sales from a tent in the parking lot at the site, as they have done since 2010. The C-2, Regional Commercial zoning district, allows seasonal, outdoor fireworks sales with approval of an interim use permit, subject to the conditions listed in the staff report.

Planner Gindele stated there are no residential districts adjacent to the subject property. The applicant would sell approved fireworks only and has stated that two staff will be present at the tent 24 hours a day. During busier times, additional employees may be at the site. Two fire extinguishers will also be on site at all times. The tent sale would be allowed from June 19th to July 6th each year for the next five seasons. Hours of operation are from 8:00 a.m. to 11:00 p.m. daily. A portable bathroom would be placed on site. To date, staff has not received any complaints regarding the subject outdoor fireworks sale.

To date staff has not received any complaints regarding this location.

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

Commissioner Oswald noted two different times were provided, is it 10 pm or 11pm that they are required to close. Staff determined it was 11pm.

Chair Hiltner asked if this was being done every five years, Planner Gindele stated that is correct, this IUP would be good through 2029.

Chair Hiltner opened the public hearing.

Mr. Jacob Quam 515 McKnight Rd. S. St. Paul, MN55119, approached the podium and thanked the Commission for their time. Chair Hiltner asked Mr. Quam if he was comfortable with all the condition, he indicated that he was comfortable.

Chair Hiltner asked about signage. Mr. Quam indicated they will be on the tent and possible little signs that stick in the ground. Chair Hiltner asked if those were allowed, Planner Gindele indicated they are not an allowed type of signage in Baxter. CD Director Doty indicated condition number 6 allows for only (2) 32 sq. ft. banners on the tent.

Chair Hiltner asked if the fire department was involved, Mr. Quam indicated that the tent was inspected by the fire department and/or building officials. Planner Gindele indicated that the Baxter Building Official is licensed to do fire inspections. CD Director Doty informed the Commission of the regulations regarding tents and the various requirements based on size.

Chair Hiltner closed the public hearing.

**MOTION** by Commissioner Kellerman, seconded by Commissioner Oswald to approve the interim use permit amendment to allow a tent with fireworks sales in the parking lot of Westside Liquor located at 15807 Audubon Way for the next five years, as presented in the draft resolution. Motion carried unanimously.

#### UPDATES

None

#### ADJOURN

**MOTION** by Commissioner Kellerman, seconded by Commissioner Oswald to adjourn the meeting at 6:20 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