



PLANNING AND ZONING COMMISSION MEETING MINUTES

Tuesday, September 08, 2026, 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 Larry Kellerman, Gwen Carleton, Howie Oswald, Cathy Clark and Council Liaison/Mayor Darrel Olson

MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director (CD) Josh Doty and City Planner Matthew Gindele

OTHERS: Eric Borchardt, Nancy Borlang, Joan Wileman Martin, Jessica Smith, Betty & Scott Harrison, Eric Wilcox, Sam Challe, David Sundeen, Joel Clough, Scott McLaughlin, and Robert Slayter

MINUTES

1. Approve Planning & Zoning Commission Meeting Minutes from August 12, 2026

MOTION by Commissioner Carleton, seconded by Commissioner Clark to approve the Planning and Zoning Minutes from the August 12, 2026. 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 September 15, 2026.

COMMENTS AND QUESTIONS

None

OLD BUSINESS

None

NEW BUSINESS

2. **PUBLIC HEARING.** Conditional Use Permit to allow a second driveway access on a corner lot to a public street for property located at 5980 Wedgewood Rd (city file 2026-035)

Chair Hiltner asked for the staff report. Planner Gindele indicated the applicant has requested a conditional use permit (CUP) to allow a second driveway access on a corner lot. Specifically, the applicant currently has driveway access from an attached garage to Wedgewood Road. The applicant

has submitted a building permit application for a new detached garage that would be oriented toward Parkwood Drive with a second driveway from the detached garage to Parkwood Drive.

Planner Gindele reviewed the site plan, aerial and proposed garage details with the Commission. He explained the applicant has provided a plan that places the second driveway approximately 55 feet from the nearest driveway access and approximately 70 feet from the intersection of Parkwood Drive and Wedgewood Road meeting both the driveway and the intersection separation requirements. Additionally, the ordinance requires a minimum of 30 feet of separation from the intersection of two streets to a driveway access, and a minimum of 25 feet of separation between two driveway accesses. Due to the setbacks between driveways, the setback from the street intersection, and the fact that both Parkwood Drive and Wedgewood Road are local streets, staff finds that safe access and adequate visibility are provided.

The subject property is zoned R-1, Low Density Residential and is 26,572 square feet in size. The property is sparsely wooded and is developed with a home and attached garage. There are no wetlands or FEMA floodplains present on the property, and it is not in a shoreland overlay district.

The Utilities Commission reviewed the application at its regular meeting on September 2, 2026, and recommended approval of the conditional use permit with the condition that the property owner (applicant) pay for the additional storm sewer improvements required to accommodate the driveway; this has been added as a condition of approval in the draft resolution.

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

Chair Hiltner asked if that location had curb and gutter, the answer was no. Planner Gindele explained that the ditch is too shallow for a culvert, therefore the drainage inlet is needed.

Chair Hiltner opened the public hearing.

Mr. David Sundeen 5980 Wedgewood Rd., applicant approached the podium. Chair Hiltner asked him if he was OK with the conditions. He indicated that he was fine with the condition, however he didn't realize the costs associated with, he laughed. However, he is still going to do the drainage inlet.

Chair Hiltner asked if the driveway was going to be blacktopped, Mr. Sundeen indicated that it is a condition of approval.

Chair Hiltner closed the public hearing.

MOTION by Commissioner Kellerman, seconded by Commissioner Oswald to approve the conditional use permit to allow a second driveway access on a corner lot to a public street for property located at 5980 Wedgewood Rd as presented by staff in the draft resolutions. Motion carried unanimously.

3. **PUBLIC HEARING.** Conditional Use Permit Amendment to allow outdoor display of pontoon for property located at 15808 Edgewood Drive (city file 2026-033)

Chair Hiltner asked for the staff report. Planner Gindele indicated the applicant has requested a conditional use permit amendment (CUPA) to allow an outdoor display of pontoons. Specifically, the applicant is proposing to create an elevated, paved surface near Highway 371 to display up to four pontoons on.

Planner Gindele reviewed the surrounding properties with a site plan and aerial view with the Commission.

The subject property is zoned C-2, Regional Commercial and is 2.88 Acres in size. The property is lined with mature evergreens on the side lot lines with open grassy areas in the center of the lot and is developed with a commercial retail building and an outbuilding. There is a slight grade change sloping down from the edge of the parking lot toward Highway 371 where the planned improvements are proposed. There are no FEMA floodplains present on the property, and it is not in a shoreland overlay district. There may be a small wetland in the north property line near the Highway that would not be impacted.

The applicant previously received approval of a conditional use permit to allow pontoon sales on the subject property and is requesting an amendment to that CUP to allow for an outdoor pontoon display area near the highway. The pontoon display area is intended to help with visibility of the business from the highway. The proposed plan includes extension of a paved drive aisle from the parking lot on the east side of the building to an elevated paved surface for pontoon display near the highway. The display area would be elevated approximately 3.5 feet and would be approximately 3,300 square feet allowing for four pontoons to be displayed end-to-end. The slope up to the elevated display surface would be graded out and restored with a native grass and flower mix.

The ordinance allows for pontoon sales in the C-2 district with a conditional use permit pursuant to the following:

- A. All sales shall occur on one lot.
- B. Parking areas for the outside storage and sale of vehicles, boats and trailers, shall be on impervious surface, either bituminous, concrete, or approved equivalent.
- C. Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking areas from landscaped areas.
- D. All areas of the property not devoted to buildings or parking areas shall be landscaped in accordance with section 10-4-8, "Screening/Landscaping/Fencing", of this title.
- E. Off street parking shall be provided for customers and employees in accordance with section 10-5-2, "Off Street Parking", of this title.
- F. Parking for a motor vehicle, boat, or trailer sales shall not be less than nine feet (9') wide by 18.5 feet in length

Findings

The display area is proposed on the same lot as the principal structure serving the business. The display area is proposed to be surfaced with pavement. There are no landscaped areas interior to the functional site, therefore no curbing is required. A condition of approval has been added to the draft resolution requiring the submittal of a landscape plan compliant with the landscape ordinance to be reviewed and approved by staff prior to issuance of a grading permit. Off street parking is provided compliant with section 10-5-2 of the ordinance. Although the plan indicates four display stalls in the requested display area that are 8'x30', the stall won't be striped and there is sufficient space to meet the minimum requirement of 9'x18.5'.

The Utilities Commission reviewed the application at its regular meeting on September 2, 2026, and recommended approval of the conditional use permit amendment.

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

Chair Hiltner asked for clarification on the area in question, is it going to be completely filled in or just the area that the pontoons will be sitting on? Planner Gindele indicated just around the pontoons. Chair Hiltner asked about the sign, if it was going to stay or not. Planner Gindele stated he believed the sign was staying; however, the applicant can answer that question.

Chair Hiltner opened the public hearing.

Mr. Eric Wilcox 15808 Edgewood Dr. approached the podium. Chair Hiltner asked if he had any questions or concerns regarding the conditions, he did not.

Mr. Scott McLaghlin, owner of the pontoon business, approached and stated staff has been great to work with. They see a lot of traffic on Hwy. 371 and people can't really see them, that is why this request has come forward. Hopefully they will pick up more business. He added that they sell a lot fun in the lakes area.

Chair Hiltner closed the public hearing.

Planner Gindele noted that the sign is proposed to stay. He also added that the buildings on each side are closer to Hwy 371, which impedes the view of the store.

MOTION by Commissioner Oswald, seconded by Commissioner Kellerman to approve the conditional use permit to allow a conditional use permit amendment to allow outdoor display of pontoon for property located at 15808 Edgewood Drive as presented by staff in the draft resolutions. Motion carried unanimously.

4. **PUBLIC HEARING.** Preliminary and Final Plat of "CWPCU" and a Conditional Use Permit to allow a drive through for vacant property located north of 14275 Golf Course Drive (city file 2026-032).

Chair Hiltner stated he has a conflict of interest with this application and turned the gavel over the Commissioner Oswald.

Acting Chair Oswald asked for the staff report. Planner Gindele indicated the applicant is requesting approval of the following items for the roughly 3-acre site:

- Preliminary and Final Plat to allow "CWPCU" to create one lot from one existing outlot; and
- Conditional Use Permit (CUP) to allow a credit union drive through.

The applicant is proposing to replat an existing outlot into a buildable lot and develop the site with a 2-story 6,968-square foot footprint credit union with a drive through. The affected lot would be replatted from a non-buildable outlot to a buildable lot and black legal description and would remain the same shape and size. Access to the site would be from Golf Course Drive.

Planner Gindele reviewed the adjacent land, aerial and site map with the Commission.

The site is mostly flat with a slight grade-change that gets lower toward the west end of the lot. The subject property is heavily wooded and contains three wetland areas that have been delineated on the plat. The site is not located in a shoreland overlay district and there is no FEMA floodplain on the property.

The Utility Commission reviewed the application on September 2, 2026, and recommended approval of the preliminary and final plat and conditional use permit subject to the following:

1. Enter into a Development Agreement prior to issuing a building permit.
2. Enter into a Stormwater Facilities Maintenance Agreement prior to issuing a building permit.
3. Enter into a Permanent Access Easement prior to issuing a building permit.
4. Enter into a Construction Repair and Maintenance Agreement prior to issuing a building permit.

Planner Gindele reviewed the preliminary and final plat, including lot/area/width, access, sidewalk connections, landscape plan, floor plans, ATM location, park dedication and the conditional use for the drive through with the Commission. He reviewed the site plan and the conditions for revisions relating to it and stated that the site plan will be reviewed again at the time of building permit issuance. He reviewed the canopy over the tellers that is going to be utilized by the employees as a unique feature of the building. He then reviewed some of the elevations, materials and colors with the Commission.

Staff recommends approval of the preliminary and final plat of "CWPCU" and a Conditional Use Permit for drive through, subject to the findings and conditions in the draft resolutions.

Acting Chair Oswald opened the public hearing.

Mr. Sam Challe, HTG Architects Hopkins, MN approached the podium. Commissioner Kellerman stated he drove by that location today and noticed how heavily wooded the site is and asked if they are going to try to save trees. He noticed that they plan to add trees to the west, if the clearing is done with some discretion, they may not have to plant trees. Commissioner Kellerman noted the lack of landscaping and again felt that discretionary clearing could help with the plan. He stated that Fransen Bank was cleared recently and he has received a lot of comments on that site. Mr. Challe stated they are only clearing trees that are necessary for the build, 2 acres out of the 3.25 will have some clearing.

CD Director Doty stated staff is comfortable with the proposed plan, that they are only taking down the required trees for the pond, building and parking lot which are all necessary for development of the site.

Ms. Joan Wileman Martin 10483 49th Ave. SW Pillager, MN is the President of CWPCU. She stated their employees and customers are excited to be in Baxter. She spoke of a survey that they did with their members and found that moving to Baxter was something many of their members wanted.

Acting Chair Oswald asked if they were comfortable with the findings and conditions, she indicated that they are comfortable.

Acting Chair Oswald closed the public hearing.

MOTION by Commissioner Carleton, seconded by Commissioner Clark to approve the Preliminary and Final Plat of "CWPCU", a conditional use permit to allow a drive through for vacant property and a variance for property located north of 14275 Golf Course Drive as presented by staff in the draft resolutions.

Planner Gindele indicated that there was an error in the staff report, the variance is no longer needed. Commissioner Carleton amended the motion with Commissioner Clark providing a second.

Motion carried unanimously.

5. **PUBLIC HEARING.** Interim Use Permit Amendment allow a two-year extension of the Interim Use Permit for temporary approval of a lumber yard use with multiple accessory structures without a principal structure for QXO, formerly Simonson Lumber at 3915 Independence Road (City file 2026-030)

Chair Hiltner asked for the staff report. CD Director Doty indicated the applicant is requesting approval Resolution 2026-075 approving an interim use permit amendment of Resolutions 2025-076 and 2020-060 to allow a two-year extension of the interim use permit to allow temporary approval of a lumber yard use with multiple accessory structure without a principal structure. The original interim use permit, approved under Resolution 2020-060 provided a five-year temporary approval for the site. The city also approved an IUP amendment, approved under Resolution 2025-076 to allow one additional year. The applicant is requesting two additional years due to a second company acquisition. Simonson Lumber was sold to Kodiak Building Partners, who sold to QXO on April 1, 2026. The applicant states that QXO is a large organization that added 120 locations throughout the U.S. The request is to allow additional time for the new owner to address the terms of the IUP.

CD Director Doty reviewed the site plan showing the layout of the use.

The City's Utilities Commission reviewed the application at their meeting on September 2, 2026, and recommended approval subject to the following conditions:

- 1) Stormwater is brought up to code
- 2) Parking lot must be brought up to code
- 3) Signage be brought up to code
- 4) No parking in Independence Road right-of-way
- 5) No permanent sign allowed on the street

CD Director Doty reviewed the parking issues on the site plan that showed the areas that the Utilities Commission had concerns with. He reviewed the issue with the sign not being permanent and not being on their property, rather it is in City right-of-way. There have also been trucks parked on Independence Dr. in the City right-of-way in the past, there were no pictures, however it has been observed by city staff in the past and present. CD Director Doty stated the Utilities Commission did not put a specific timeline for completion on the conditions, just that the applicant has a two-year approval. He recommends that the Planning Commission have a conversation regarding the two years. Commissioner Kellerman asked if these were previous conditions of approval. CD Director Doty indicated that these items have not been conditions of past approvals and that they have taken place after the original approvals, these items have been noted more recently.

Staff notes that the original interim use permit approved on October 20, 2020, was to allow the lumber yard use without a principal structure. The non-conformities/conditions listed above from the Utilities Commission were established on the property after the IUP was approved. Specifically, parking started occurring along Independence Road without the construction of a formal paved parking lot, which is a violation of the zoning ordinance and stormwater requirements. In addition, the subject property was not allowed to have signage, but a non-conforming sign was added on wheels in the City cul-de-sac. Lastly, from time to time, the right-of-way has been used for truck trailer storage.

CD Director Doty clarified that the interim use permit is not for the items the Utilities Commission has concerns over, but it is for the secondary use without a primary use. Chair Hiltner assumed that storm water and parking first started with the initial approval, CD Director stated that was a

possibility. Chair Hiltner asked what it would take to bring the storm water pond up to code. CD Director Doty stated that when a parking lot is created a pond needs to be created in order for the rain on the hard surface to run off to and be treated. A parking calculation was done originally, since then the business has grown and more customers, more employees, means they probably do need more parking. The exact number of required parking hasn't been determined yet.

City staff notes that if the Planning Commission accepts the added conditions from the Utilities Commission, that the Planning Commission clarify how much time is allowed to address each of the above listed the nonconformities/conditions.

Staff notes that with approval of the two-year extension, all other conditions in Resolution 2020-060 remain valid and would be required to be completed withing the 2-year extended IUP.

Staff recommends approval of the Interim Use Permit Amendment, subject to the findings and conditions in Resolution 2026-075.

Chair Hiltner opened the public hearing.

Mr. Eric Borchardt 204 Country Ct. Albany, MN representing QXO, formerly Kodiak, and formerly Simonson Lumber approached the podium. Chair Hiltner asked Mr. Borchardt if he had just started with QXO, Mr. Borchardt stated he started with Simonson 2021, with Richard Hobbs. Mr. Hobbs promoted him to president when he was getting ready to sell Simonson Lumber. Kodiak sold to QXO in Spring 2026. He stated the team up here is hopeful to get some of these items corrected. At this time they have talked to contractors, which hadn't taken place previously. He could not make a promise as to when the items would be resolved seeing as how he has to answer to several levels of upper management within QXO but that he personally would try everything within his power to have all the items completed within the 2-year timeframe identified in the resolution.

Commissioner Clark asked how they plan on handling the conditions that the Utilities Commission has placed on approval. Mr. Borchardt said his first response would have been to Mr. Hobbs, questioning why some of these items weren't done, he indicated he wished Mr. Hobbs was present as he would tell him the same. He wasn't sure on the timeframe, as some of these items were time consuming. Signage has already been resolved, as his general manager has been spoken to and that can be resolved quickly without hurting the business. His preference would be to make all the corrections at the same time the principal building would be built. Chair Hiltner noted that he saw no parking signs were up. Mr. Borchardt asked if it is considered "parking" if a person it in the truck idling eating lunch, the Commission agreed that was not considered parking. Parking is having a trailer sitting there not hooked up to anything, as the Commission has seen in the he past.

Commissioner Carleton asked what does QXO stand for, Mr. Borchardt stated he would like to know as well. His boss had a virtual open house and that question was asked then, he said it doesn't stand for anything. He gave a little background on the purchases his boss had made throughout the years.

Chair Hiltner asked if there could be a date put on this from the Commission. CD Director Doty stated the resolution is worded for two years for them to make the required changes. If they come in within the two years with a building permit most of this will be resolved.

Mr. Borchardt stated he appreciated the time and understanding the City has given the companies.

Chair Hiltner closed the public hearing.

MOTION by Commissioner Kellerman, seconded by Commissioner Carleton to approve the interim use permit amendment allow a two-year extension of the interim use permit for temporary approval of a lumber yard use with multiple accessory structures without a principal structure for QXO, formerly Simonson Lumber at 3915 Independence Road as presented by staff in the draft resolutions. Motion carried unanimously.

Commissioner Clark asked if the resolution stands as is, that is correct.

6. **PUBLIC HEARING.** Conditional Use Permit to allow an accessory apartment for property located at 4859 Baywood Road (City file 2026-035). ***OPEN HEARING AND TABLE TO OCTOBER 13, 2026.***

CD Director Doty indicated the request to table was from the applicant and the Utilizes Commission agreed, as it was unclear of how this apartment floor plan is going to be laid out.

Chair Hiltner opened the public hearing.

MOTION by Commissioner Oswald, seconded by Commissioner Kellerman to approve tabling the conditional use permit to allow an accessory apartment for property located at 4859 Baywood Road as presented by staff in the draft resolutions. Motion carried unanimously.

7. **PUBLIC HEARING.** Conditional Use Permit to allow grading exceeding 10 cubic yards of material within the shore impact zone of a shoreland overlay district of White Sand Lake for property located at 14234 Memorywood Drive (City File 2026-031).

Chair Hiltner asked for the staff report. CD Director Doty indicated the applicant has requested a conditional use permit (CUP) to allow grading involving the movement of greater than 10 cubic yards of material within the shore impact zone of a shoreland overlay district of White Sand Lake for property located at 14234 Memorywood Drive. The applicant is proposing to replace an existing rock-face block retaining wall with a boulder retaining wall approximately 25 feet from the Ordinary High-Water Elevation of White Sand Lake. The new wall is proposed to be approximately one foot taller than the existing wall. The applicant is also proposing some re-grading of the area behind the wall.

CD Director Doty reviewed the aerial and site plan with the Commission.

The subject property is on the west shore of White Sand Lake and is developed with a home, attached garage and accessory buildings. The property is mildly wooded with a mix of mature deciduous and coniferous trees throughout the property. The property is mostly flat in the back yard, eventually sloping toward White Sand Lake. White Sand Lake also functions as floodplain and wetland and has an ordinary high-water level (OHWL) of 1,198.4. The proposed improvements are outside of any FEMA floodplain or wetland designation.

The applicant is proposing to replace an existing rock face block retaining wall along the lake/east side of the lot with a boulder wall with steps in the middle. The boulder wall would be approximately one foot taller than the existing wall that is approximately 1.5 feet tall. The increased height is to help reduce beach sand from entering the yard. The additional wall height would also allow the application to re-grade behind the wall to level out the grade behind the wall.

The existing wall spans across the width of the lot and the applicant is proposing the new wall in the same location. The wall is approximately 25 feet from the Ordinary High Water of the Lake. A conditional use permit is required to allow the movement of the wall material and grading that is over 10 cubic yards that is proposed in the shore impact zone (within 37.5 of the OHW), a conditional use permit is required. The shore impact zone of 37.5 feet is ½ of the 75-foot lake setback for White Sand Lake.

The City's shoreland ordinance requires a CUP for grading and filling that exceeds the movement of 10 cubic yards of material within the shore impact zone of 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 or 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.

A copy of the application was provided to the DNR for review; staff did not receive 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 recommends approval of the Conditional Use Permit, subject to the findings and conditions in the attached resolution.

Chair Hiltner opened the public hearing.

Mr. Joel Clough 14234 Memorywood Dr. applicant, approached the podium. He stated that he has a large beach and the wall has started to deteriorate and he is just trying to keep the sand out of his yard. He would like to make it taller and gave the Commission a visual difference in height to keep the sand off the yard and on the beach. Chair Hiltner asked about the neighbors and how the wall would tie into their lots. CD Director Doty indicated there are retaining walls on both sides and will tie in well.

Chair Hiltner closed the public hearing.

MOTION by Commissioner Carleton, seconded by Commissioner Oswald to approve the conditional use permit to allow grading exceeding 10 cubic yards of material within the shore impact zone of a shoreland overlay district of White Sand Lake for property located at 14234 Memorywood Drive as presented by staff in the draft resolutions. Motion carried unanimously.

UPDATES

None

ADJOURN

MOTION by Commissioner Clark, seconded by Commissioner Oswald to adjourn the meeting at 8:05 p.m. Motion unanimously approved.

Approved by:

Submitted By:

Chuck Hiltner
Chair

Shanna Newman
CD Administrative Assistant