



## ITEM REPORT PLANNING AND ZONING COMMISSION

Agenda Date: 8/12/2026  
Agenda Section: New Business

**TO:** Baxter Planning and Zoning Commission

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**FROM:** Joshua Doty, Community Development Director

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**REQUEST:** **PUBLIC HEARING. Preliminary and Final Plat** to allow “Timberline Heights Second Addition” to create one buildable lot; **Comprehensive Plan Amendment** from Public/Semi-Public/Institutional to High Density Residential; **Rezoning** from OS, Office Service to R-3, High Density Residential; and **Variance** for roof pitch for a 60-unit Apartment for property located at the southwest corner of Clearwater Road and Forest Drive (City File # 2026-023)

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**APPLICANT:** Kuepers Inc.

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**ZONING:** OS, Office Service

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### 1. Application Request

The applicant is requesting approval of the following items for the 3.7-acre site:

- **Preliminary and Final Plat** to allow “Timberline Heights Second Addition” to create one buildable lot from two lots;
- **Comprehensive Plan Amendment** from Public/Semi-Public/Institutional to High Density Residential
- **Rezoning** from OS, Office Service to R-3, High Density Residential; and
- **Variance** for roof pitch.

The proposed development includes a 60-unit, four-story apartment building with the ground floor being a garage level. The apartment would be oriented north and east along the street frontages. Parking would be oriented behind the building in the central part of the site, with ponding in the southwest corner of the site. The development is planned to have trail access from the building to connect to the public trail along Clearwater Road. In terms of elevation of the building on site and the exterior design; the proposed development would match up with the Timberline Hights phase one building that is currently under construction across Clearwater Road.

The development would include a mix of market rate units, including studio, one, and two-bedroom units. Each unit would have laundry and individually controlled HVAC systems. The apartment would include amenities such as a large two-story lobby, community room, fitness center, and theater room. All tenants will have access to the outdoor amenities in Timberline Hights Phase one across Clearwater Road. Additionally, the site would have its own play set on site.

## 2. Context

### Adjacent Land Use and Zoning

|       | Adjacent Land Use                      | Zoning                          |
|-------|----------------------------------------|---------------------------------|
| North | USDA Office Building                   | OS, Office Service              |
| East  | Vacant City Property Across Forest Dr. | OS, Office Service              |
| South | Residential Single-Family Homes        | R-2, Medium Density Residential |
| West  | Apartments                             | R-3, High Density Residential   |

### Natural Characteristics of the Site

The site has minimal topography and there are some trees in the southwest corner of the site that would be removed to allow the construction of a stormwater pond. Other trees on the site are on the south side of the site in a 35-foot-wide drainage and utility easement. The trees and the drainage area in the 35-foot easement would remain on the site. There are no wetlands located on the site. The site is not located in a shoreland overlay district and there is no floodplain on the property.

### Utility Commission Review

The Utility Commission reviewed the application on August 5, 2026, and recommends approval subject to the following conditions:

1. Add Utility Easement over the main and water main prior to recording the plat.
2. Dedicate a 25-foot drainage and utility easement adjacent to Clearwater Road extending the entire width of the property prior to recording the plat.
3. Include the 20-foot Bike and Pedestrian Trail Easement across the existing Lot 1, Block 3, JMS Baxter Estates parcel with the new plat prior to recording the plat.
4. Enter into a Development Agreement prior to issuing a building permit for the Timber Ridge of Baxter Senior Living development.
5. Enter into a Stormwater Facilities Maintenance Agreement prior to issuing a building permit for the Timber Ridge of Baxter Senior Living development.
6. Enter into a Permanent Access Easement prior to issuing a building permit for the Timber Ridge of Baxter Senior Living development.
7. Enter into a Construction Repair and Maintenance Agreement prior to issuing a building permit for the Timber Ridge of Baxter Senior Living development.
8. Show a 30x30 sight triangle in the SW corner of Forest Drive & Clearwater Road on the plat which can be reduced if it affects the building setback.

## 3. Analysis of Request

### Preliminary and Final Plat

Staff has reviewed the application for consistency with City Code requirements, as well as City policies.

The City's discretion in approving or denying a preliminary and final plat is limited to whether or not the proposed plat meets the standards outlined in the City Code. If it meets these standards, the city must approve the plat.

The applicant is proposing a plat to be named "Timberline Heights Second Addition" to create one buildable lot from two lots.

Staff reviewed the application based on R-3 for the subject High Density Residential development as a baseline for zoning review. The R-3 district requires a minimum lot area of 25,000 square feet and a minimum lot width of 120 feet for corner lots. The plat would create one lot that exceeds these minimum standards and complies with the minimum standards of the zoning ordinance.

### *Right-of-Way*

Previous plat approvals for the site already included the dedication of needed road right-of-way needed for Clearwater Road and Forest Drive. Staff is supportive of the existing right of way shown on the subject plat.

### *Access/Traffic*

Clearwater Road is designed to support traffic from the subject development. Access to the site is from Clearwater Road and the access location lines up with the USDA access across Clearwater Road. With these two factors, staff determined that a traffic study was not required for the development.

### *Park Dedication*

The plat includes the consolidation of two lots and there was previous park dedication office credits applied to the subject properties. As such, no park dedication fees are required with the subject development.

### Comprehensive Plan/Future Land Use Map Amendment

The applicant is requesting a Comprehensive Plan amendment to re-designate the underlying land use guidance for the east side of the site from Public/Semi-Public/Institutional to High Density Residential. As you can see from the Existing Future Land Use Plan below, the westerly lot of the site is already guided High Density Residential. The Public/Semi-Public/Institutional guiding was established at a time when the city was holding this property for a potential fire station, which is no longer planned.

### *Existing Future Land Use*



### *Transition of Land Use*

The existing Future Land Use Plan includes a large block of high-density residential land use on the south side of Clearwater Road. The amendment would complete this block from Grand Oaks Drive to Forest Drive as High Density Residential. Future Land Use to the North and East is Office and High Density. This land use would transition across the site to medium density and low density to the south, southeast and southwest.

### *Transition Findings*

Staff finds that proposed land use amendment would provide an appropriate transition of land use to surrounding properties. Staff notes that although the property to the south is guided for medium density residential, the property is developed with single family homes. As such the development

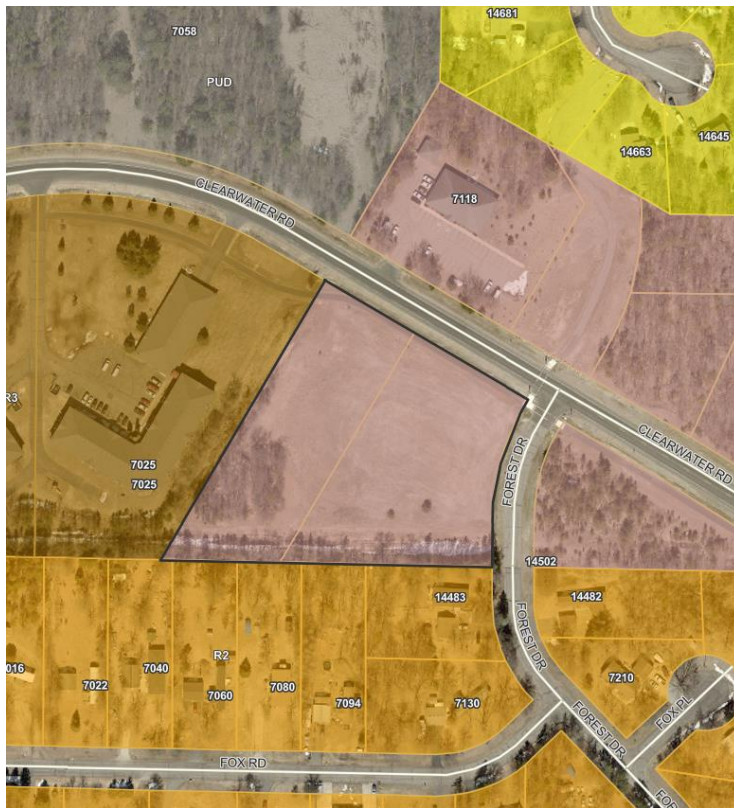
should focus on site specific transitions between the apartment development and the single-family homes to the south. The developer is leaving a 35-foot easement buffer, to support this transition. Additionally, the developer has oriented the building to the east and north to the extent possible and is proposing pine trees to soften the transition to single family to the south.

For these reasons, staff finds that the proposed land use offers an acceptable transition of land use and fits with the surrounding property, which supports a re-evaluation of the comprehensive plan.

### Rezoning

The applicant is requesting to rezone the property from OS, Office Service to R-3, High Density Residential.

### *Existing Zoning*



A rezoning of the property to R-3, High Density Residential density would allow a maximum of 20 units/acre. The applicant is proposing a 60-unit development on 3.7 net acres, which would be a density of 16.2 units per acre. The density proposed would be consistent with density in the area. Specifically, R-3 property is to east of the property and an R-3 PUD for the phase one apartment by the applicant is northwest of the site. Office property lies north and east.

As stated above, the developer is proposing to transition the development from the existing single family to the south through building placement and setback, existing trees, shrubs and new landscaping. With the conditions in the resolutions, staff supports the rezoning from OS to R-3.

### Variance

The applicant is requesting a variance to allow 4:12 roof pitch. The zoning ordinance allows roof pitch at 6:12 and higher or flat roofs, which are 3:12 and lower. The applicant has submitted an architectural design showing a fully compliant apartment, except for roof pitch.

The variance standards are established by Minnesota Statute §462.357, Subd. 6.2. The burden of proof is on the applicant to show that the variance standards have been met. Specifically:

a) That there are practical difficulties in complying with the Zoning Ordinance.

Staff Finding: The practical difficulties in complying with the ordinance is that the building is 4-story and complying with the ordinance would require a taller building, which would provide an acceptable transition to adjacent single-family homes and a flat roof would not match the architecture of the neighborhood.

b) That the conditions upon which a petition for a variation is based are unique to the parcel of land for which the variance is sought and were not created by the landowner.

Staff Finding: The conditions are unique to the parcel of the land and were not created by the applicant. The high density guiding allows 20 units per acre on the property. To provide a development plan that is sensitive to adjacent landowners, the applicant is proposing 16.2 units per acre with a 4-story building set back from neighboring single-family homes. This design maxes out the height requirement and setback to neighboring homes, which does not allow the higher roof pitch. The single-family homes south of the site create a unique condition for the subject property.

c) That the granting of the variation will not alter the essential character of the locality.

Staff Finding: the proposed variation would not alter the essential character of the locality because the variance would allow a lower height to the building. While a flat roof could be used to avoid a variance, flat roofs are not found in this area of the city.

d) The proposed variance would be in harmony with the general purposes and intent of the Ordinance.

Staff Finding: the variance would be in harmony with the general purposes and intent of the ordinance because roof pitch variance would allow compliance with other ordinance requirements for items such as building height and low floor separation requirements from periodically saturated soil.

e) The variance is consistent with the Comprehensive Plan.

Staff Finding: The variance would be consistent with the Comprehensive Plan because apartments are allowed with high density guiding.

#### Site Plan Context

Site plan review for the items listed in the table below, are not part of the review for this application. Site plan review will occur prior to issuance of a building permit. However, staff has included the information to show that (with some revisions) it appears that the site can be developed in compliance with ordinance requirements.

## Ordinance Standards

|                                           | <b>Ordinance Requirement</b>                                          | <b>Proposed</b>                                           | <b>Meets/Exceeds Requirements</b> |
|-------------------------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------|-----------------------------------|
| <b>Building Setbacks</b>                  | 40-foot front setback<br>10-foot side setback<br>30-foot rear setback | 40 feet<br>10 feet<br>>30 feet                            | Yes<br>Yes<br>Yes                 |
| <b>Accessory Structure Setbacks</b>       | 40-foot front setback<br>10-foot side setback<br>10-foot rear setback | 40 feet<br>10 feet<br>>30 feet                            | Yes<br>Yes<br>Yes                 |
| <b>Parking &amp; Drive Aisle Setbacks</b> | 10-foot setback                                                       | >10 feet                                                  | Yes                               |
| <b>Parking Stall Dimensions</b>           | 10 feet by 18 or 20 feet                                              | 10' x 20'                                                 | Yes                               |
| <b>Parking Stalls</b>                     | 120 Total<br>Of which 30 must be garage stalls                        | 120 Total<br>65 surface + 55 garage stalls                | Yes<br>Yes                        |
| <b>Drive Aisle Dimensions</b>             | 24 feet                                                               | > 24 feet                                                 | Yes                               |
| <b>Trail Connections</b>                  | Connection suggested                                                  | Connection provided                                       | Yes                               |
| <b>Building Height</b>                    | 45 feet                                                               | 45 feet                                                   | Yes                               |
| <b>Structural Coverage</b>                | 50 percent                                                            | 15 percent                                                | Yes                               |
| <b>Roof Pitch</b>                         | 6:12 or <3:12                                                         | 4:12                                                      | No*                               |
| <b>Landscaping</b>                        |                                                                       |                                                           |                                   |
| Number of Trees                           | 56 trees                                                              | 45 credited trees                                         | No**                              |
| Size of Trees                             | 2-inch and 6 foot                                                     | 2.5-inch and 6 foot                                       | Yes                               |
| Priority Placement of Trees               | Front Yard/Site<br>Perimeter Priority                                 | Front Yard/Site<br>Perimeter Trees                        | Yes                               |
| Number of Shrubs                          | 158 shrubs                                                            | 90 shrubs                                                 | No**                              |
| Size of Shrubs                            | 3 gallon                                                              | 3 gallon                                                  | Yes                               |
| Percentage of Coniferous                  | 30 % coniferous trees                                                 | > 30 %                                                    | Yes                               |
| <b>Parking Lot Islands</b>                | One island per 10 stalls<br>One Overstory Tree Per Island             | One island per 10 stalls<br>One Overstory Tree Per Island | Yes<br>No**                       |

\*Variance Requested and discussed above    \*\*Conditioned in draft resolution

### 4. Findings

Staff finds that the development plan provides efficient use of the land to establish 60 market rate apartment units on 3.7 acres for the community. This location allows the owner to share amenities for the residents of this site with the phase one property across Clearwater Road. With the conditions in the approving resolutions, the design of the development and building would meet or exceed all the City's requirements, except for the three variances.

### 5. Recommendation

Staff recommends approval of the Preliminary and Final Plat, Comprehensive Plan Amendment, Rezoning, and Variances, subject to the conditions and findings in the attached resolutions.

## Attachments

1. Draft Resolution Approving Comprehensive Plan Amendment
2. Draft Resolution Approving Rezoning
3. Draft Resolution Approving Preliminary and Final Plat
4. Draft Ordinance Approving Variances
5. Applicant's Narrative
6. Site Location Map
7. Site Development Plans