



PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, August 12, 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, City Planner Matthew Gindele and Chief Matt Maier

OTHERS: Dean Renke, Zac Rosenow, Sarah Adams, Kim Ellingson, Yvette Campbell, Chris Raimann, Ashley Martel, Justin Skillings, Kelly Hockett, Nate Thisse, Steve Terman, Sarah Haberle, Monica Husen, Renae Richardson and Amy Herboldt

MINUTES

1. Approve Planning & Zoning Commission Meeting Minutes from July 14, 2026.

Chair Hiltner noted that his name was mentioned in the July minutes, however he wasn't present. Staff will make the corrections.

MOTION by Commissioner Kellerman, seconded by Commissioner Clark to approve the Planning and Zoning Minutes from the July 14, 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 August 18, 2026.

COMMENTS AND QUESTIONS

None

OLD BUSINESS

None

NEW BUSINESS

2. Consider amendments to the City Hunting Map

Chair Hiltner asked for the staff report. Planner Gindele indicated 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.

Planner Gindele reviewed the five zones on the hunting map, located in the packet, 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 – 5356 Clearwater Road-Staff recommends archery only.

Project Area Two – 11411 Jasperwood Drive- Staff recommends archery only.

Project Area Three – vacant private land west of 6151 Paris Road - Staff supports the no hunting as requested by the property owner.

Project Area Four – Mississippi Overlook Park east of the entrance trail- Staff supports the no hunting as requested by the adjacent property owner and proposed work in this area for 2026.

Project Area Five – 13801 Paper Birch Drive-Staff recommends leaving this parcel as no hunting.

Planner Gindele recapped that staff recommends that Project Area 1 and 2 be added to the "Archery Only" hunting zone, Project Area 3 and 4 be removed from the hunting zone and designated as "No Hunting", and Project Area 5 be left alone to remain as "No Hunting" on the 2026 Hunting Map.

Chair Hiltner asked if there are "no hunting" signs that go up to let the hunters know where the property line are located. Planner Gindele stated that most of the land is private and in Baxter permission from the land owner is required. Also, most hunters these days use an app such as ONX that gives them detailed information on the property and where the property lines are located.

Chair Hiltner asked if the owner on Clearwater Road owns more than one lot, Planner Gindele indicated that they only own the lot that is being requested. Commissioner Carleton asked if the City is going to post "No Hunting", Planner Gindele explained that public Baxter land requires police approval to hunt on the land. If a hunter came to the police department requesting to hunt the Mississippi Overlook area, a permit will be denied. Chair Hiltner asked Chief Maier if all of this was handled by his department, the answer was yes. Chief Maier explained to the Commission how the hunting is managed.

MOTION by Commissioner Carleton, seconded by Commissioner Clark to approve the hunting map as recommended by staff in the draft resolutions. Motion carried unanimously.

3. **PUBLIC HEARING.** Variances to allow a deck and a patio to be in the bluff and river setback for property located at 6151 Paris Road. (City file 2026-022)

Chair Hiltner asked for the staff report. Planner Gindele indicated the applicant is requesting variances to allow a deck and patio expansion within the required 150-foot setback from the ordinary high-water mark (OHWM) of the Mississippi River and within the required 30-foot setback from a bluff on the Mississippi River.

The applicant is proposing to demolish an existing deck and construct a new deck that would extend two additional feet closer to the river and ten additional feet horizontally along the house. Additionally, the applicant is proposing to dress up an existing porch by adding landscaping, including a small boulder retaining wall, that would extend two additional feet toward the river; the porch itself would remain the same. Both the existing deck and the existing porch are within the 150-foot setback to the river and within the 30-foot setback to the top of bluff. The existing porch is over the top of the bluff and the existing deck is very close to it.

Planner Gindele reviewed an aerial of the location, contours, proposed changes and pictures of the existing decks.

Planner Gindele explained the existing deck and patio are modest in size and need to be repaired. The owner is planning on extending the deck two feet closer to the river and 10 feet horizontally along the house line to make it more usable, allowing space for a table and chairs.

The existing patio is trimmed with timber beams that are now rotten and need to be replaced. The patio won't extend any closer to the river as the applicant is looking to replace the deteriorated beams with small boulders that would form a shallow crescent "C" shape along the outside edge of the patio with the deep part of the crescent extending only two feet from the patio. The space between the boulders and the patio would be filled with landscape rock or mulch and would be planted with landscaping.

The house was built within the setback to the river and the bluff and it appears that the existing deck and patio are at, or over, the top of the bluff. The proposed improvements would not extend any closer to the river than a third larger patio that will be left alone. There would be no impact to existing vegetation between the proposed improvements and the river, and no grading or other dirt-work is required to complete the proposed improvements.

Planner Gindele indicated that the variance requests meets the variance requirements.

The DNR was provided a copy of the application and has responded that they have no comments.

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

Chair Hiltner asked if all of the wood be removed, Planner Gindele indicated that his last conversation with the applicant was that he would like to leave a few of the bottom rows to keep the ground stable and cover the remaining with mulch. He added that the applicant is here to night to answer any questions.

Chair Hiltner opened the public hearing.

Mr. Dean Rennke, 6151 Paris Rd. owner, approached the podium. He stated the timbers are 35 years old and in order to fix the wall he needs to remove the timbers and would like to minimize the cost. He has no concerns with the conditions.

Chair Hiltner closed the public hearing.

MOTION by Commissioner Kellerman, seconded by Commissioner Oswald to approve the variances to allow a deck and a patio to be in the bluff and river setback for property located at 6151 Paris Road as presented by staff in the draft resolutions. Motion carried unanimously.

4. **PUBLIC HEARING.** Interim Use Permit Amendment of Resolution 2021-068 to allow a five-year extension of the Interim Use Permit for Childcare Services without urban utilities for the Brainerd Family YMCA at Camp Vanasek located at 14307 Oakwood Drive (City file 2026-028)

Chair Hiltner asked for the staff report. CD Director Doty stated the applicant is requesting approval Resolution 2026-057 approving an interim use permit amendment of Resolution 2021-068 to allow a five-year extension for Childcare Services without urban utilities for the Brainerd Family YMCA at Camp Vanasek located at 14307 Oakwood Drive. The interim use permit amendment would extend the interim use permit expiration date to August 18, 2031. All other conditions in Resolution 2021-068 remain valid.

The additional time would allow the applicant to complete the improvements identified in the IUP approval. The planning commission staff report from 2021 and resolution 2021-068 are in the packet for the Planning Commission's review.

Staff recommends approval of the Interim Use Permit Amendment, subject to the findings and conditions in Resolution 2026-057.

Chair Hiltner opened the public hearing and closed the public hearing.

Commissioner Carleton asked if there is a plan to put city water and sewer in that location. CD Director Doty indicated that is the plan, however the city need to address the road from Cedar Scenic up to Whipple Beach, where there is a current project occurring. They will need to connect at that time. There has been conversation regarding working on this area due to safety concerns and potential additional parking.

Commissioner Clark asked if there has been any movement towards the items listed on the previous IUP. CD Director Doty stated most of the items have not been resolved. The facility has gone through a lot of changes and expansion to assist the children, this was more of a priority.

MOTION by Commissioner Carleton, seconded by Commissioner Kellerman to approve the Interim Use Permit Amendment of Resolution 2021-068 to allow a five-year extension of the Interim Use Permit for Childcare Services without urban utilities for the Brainerd Family YMCA at Camp Vanasek located at 14307 Oakwood Drive as presented by staff in the draft resolutions.

Commissioner Clark asked if there could be a time frame established being most of the items are safety related and haven't been resolved. CD Director Doty indicated that the city could put any time frame established related to the non-conformity. He explained that a lot of these items are large price items and building up the funding can take time. Commissioner Clark would like someone to look into this for accountability. She has concern that nothing has changed in seven years and questioned if anything would change in another five years. Chair Hiltner asked if there could be an update given, CD Director Doty stated that the city meets with the YMCA every year, if not more, to see how their funding campaign is going.

Chair Hiltner asked for an update in a future meeting.
Motion carried unanimously.

5. **PUBLIC HEARING.** PUBLIC HEARING. Conditional Use Permit to allow bicycle rental and sales for property located in the southeast corner of State Highway 210 and Cypress Drive having PID 40080799 (city file 2026-024)

Chair Hiltner asked for the staff report. Planner Gindele stated the applicant is requesting approval of a conditional use permit to allow equipment (electronic bicycle) rental and sales on the 1.33-acre site.

The applicant is proposing to develop the vacant site located in the southeast corner of State Highway 210 and Cypress Drive with a 3,200-square foot E-bike sales, rental, and repair store. Access to the site would be from the existing controlled access provided to Cypress Drive. No modifications to the access or railroad crossing are proposed. The site plan includes an accessory outdoor display/sales area for bikes on the 10-foot-wide sidewalk located on northwest-facing side of the building.

Planner Gindele reviewed the site location, site plan, floor plan, access plan, trail connections and elevations/architecture with the Commission. He reviewed the conditions and findings and site plan review with the Commission.

The Utility Commission reviewed the application on August 5, 2026, and recommended approval of the conditional use permit subject to the following:

1. Enter into an Escrow Agreement prior to issuing a building permit.
2. Enter into a Stormwater Facilities Maintenance Agreement prior to issuing a building permit.

Planner Gindele stated the applicant is requesting a conditional use permit to allow equipment rental of e-bikes. The zoning ordinance states that equipment rental is allowed subject to the conditions and findings identified in the staff report. He then reviewed the site plan review that was listed in the staff report identifying the loading area and outdoor display area.

Staff did reach out to MnDOT, being it abuts State Hwy 210, there was no response from them.

Staff recommends approval of the Conditional Use Permit allowing equipment rental of e-bikes, subject to the findings and conditions in the draft resolutions.

Commissioner Kellerman asked if E-bikes are considered motorized and if so, are they allowed on trails? Chief Maier indicated that there are three classes of E-bikes (A, B, & C). The state regulates which class of bike can be on state trails, he believed it was based off of speed. Commissioner Kellerman stated that the assisted living behind the mall has a lot of elderly walking on the trails and was concerned about the speed. Chair Maier indicated that the city doesn't have an ordinance that prevents them from being on the trails. It is a task he has been working on.

Chair Hiltner asked what is going to prevent someone going south to use the railroad crossing to make a U turn to go north to get to that business, possible signage. Chief Maier said it will be illegal for them to make a U-turn there and that area is watched closely. Commissioner Kellerman questioned the access to this site. CD Director Doty stated that each business looks at access differently and the applicant is aware the access.

Chair Hiltner opened the public hearing.

Mr. Justin Skillings 2257 Cottagewood Dr. Nisswa, applicant, approached the podium. Chair Hiltner asked if he understood the Commission's concerns regarding access. Mr. Skillings indicated that he did understand, he knows it's not ideal but he is aware. Commissioner Kellerman asked if the customers are allowed to take rented bikes other places using a vehicle, or just use the surrounding trails. Mr. Skillings stated that he allows them to take the bikes off site using a vehicle and that he will provide the bike rack to ensure the rack works for the weight of the bike. Commissioner Kellerman asked about his class of bikes, Mr. Skillings indicated that his bikes are a class 2 which only goes up to 20 miles per hour and per state law are allowed on trails. He explained the differences in Class 1, 2, and 3, his bikes are class 2 no more than 20 mph.

Chair Hiltner asked if Mr. Skillings had any concerns with the conditions, he did not.

Chair Hiltner closed the public hearing.

MOTION by Commissioner Oswald, seconded by Commissioner Kellerman to approve the conditional use permit to allow bicycle rental and sales for property located in the southeast corner of State Highway 210 and Cypress Drive having PID 40080799 as presented by staff in the draft resolutions. Motion carried unanimously.

6. **PUBLIC HEARING.** Preliminary and Final Plat of Bell Bank Addition and a Conditional Use Permit to allow a drive through for a bank for property located in the southwest corner of Clearwater Road and Golf Course Drive (city file 2026-025)

Chair Hiltner indicated he had a conflict of interest and turned the gavel over to Commissioner Oswald.

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

- Preliminary and Final Plat to allow "Bell Bank Addition" to create one lot from four existing platted lots; and
- Conditional Use Permit (CUP) to allow a bank drive through.

The applicant is proposing to consolidate the four vacant lots into one lot via a plat and develop the site with a 7,480-square foot bank with a drive through. Access to the site would be from Golf Course Drive and Clearwater Road.

Planner Gindele reviewed the aerial, site plan, traffic study, preliminary and final plat, right-of-way, access, park dedication, the CUP for the drive through, site plan review, elevations and signage with the Commission. Drive-through CUP conditions and findings and general CUP conditions and findings are identified in the staff report dated August 12, 2026.

Planner Gindele reviewed the Utilities Commission review comments regarding this project. It was noted that this project includes construction of a watermain into the site for fire protection. The watermain will remain privately owned but will be within an easement and will be maintained with the rest of the City's watermain. Additionally, there is a concrete median that will need to be installed on Clearwater Road as identified in the traffic study. The development agreement will ensure the watermain and concrete median are constructed/tested/inspected per city details and specifications to help protect the City's infrastructure.

The Utility Commission reviewed the application on August 5, 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.

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

Commissioner Oswald opened the public hearing.

Ms. Kim Ellingson, 5691 Inland Road, Pequot Lakes approached the podium and stated she is the Market President of the Bell Bank here in town. They currently have a location in the Westport Shopping Center. She indicated that she is here with senior leadership Sarah Adams and Yvette Campbell and noted they have 11 employees at the current location. She indicated that they have done a lot of work with Widseth to get to this point and Widseth has done a tremendous job helping them.

Ms. Ellingson gave background on Bell Bank. Bell Bank is based out of Fargo, ND and they are celebrating 60 years in the banking business. They are a 14-Billion-dollar bank, family and employee owned and are independent. They have three main values to create a family atmosphere, treating our customers well and paying it forward to the community. They are committed to remaining independent with decisions being made locally. Bell Bank has been looking in this area for some time and are committed to the community being they are on 23 boards and non-profits, ensuring they are here to stay.

Ms. Ellingson stated looking at the site plan they will have room for 10 additional people at this location.

Commissioner Oswald asked if they were comfortable with all of the questions, she indicated they are comfortable with all of the conditions.

Commissioner Clark asked if the Westport location will close, Ms. Ellingson stated yes, they have a short-term lease with the owner.

Steve Terman, Senior Project Manager for this project approached. He indicated they are already making plan changes to comply with the by-pass lane and architectural requirements that are conditioned in the resolution. He is looking forward to getting started on the project.

Commissioner Oswald closed the public hearing.

MOTION by Commissioner Kellerman, seconded by Commissioner Carleton to approve the preliminary and final plat of Bell Bank Addition and a conditional use permit to allow a drive through for a bank for property located in the southwest corner of Clearwater Road and Golf Course Drive as presented by staff in the draft resolutions.

Commissioner Clark mentioned that page 84 of the resolution as an incorrect date, staff will correct prior to council.

Motion carried unanimously.

7. **PUBLIC HEARING.** Variance for reduced trash enclosure setback to Glory Road for property located at 7352 Glory Road. (city file 2026-026)

Chair Hiltner asked for the staff report. CD Director Doty stated the applicant on behalf of Five Below is requesting approval of a variance for reduced trash enclosure setback to the front property line along Glory Road located at 7352 Glory Road. Specifically, the applicant is requesting a 15-foot front-yard setback to a trash enclosure area to allow the development of a building addition to allow Five Below the roughly 1.1-acre site. The applicant would remove existing parking stalls on the south side of the building and parking lot to make room for the building addition and trash enclosure addition. Access to the site is provided from Glory Road and Garrison Road.

CD Director Doty gave the background to the Commission. On April 7, 2026, the City Council approved a Conditional Use Permit Amendment to amend joint access on the site for Five Below. On April 7, 2026, the City Council denied variances for building and trash enclosure setback on the site for Five Below. The applicant is currently proposing a different variance application, which no longer includes a building setback variance.

CD Director Doty reviewed the aerial, site location, site plan, landscape/screening plan and architectural/elevations with the Commission.

CD Director Doty stated the applicant is requesting a variance to allow a 15-foot front yard setback to a trash enclosure area, where 35 feet is required by the zoning ordinance. The applicant is proposing a building addition on the south side of the existing building for Five Below. To support the building addition, the applicant is proposing a trash enclosure area on the south end of the larger parking lot to the east of the existing building. The existing parking on the south side of the building and parking lot would be removed to allow the building addition and trash enclosure area. Three parking spaces and some green space would be removed for the trash enclosure area. A total of 55 parking stalls are proposed to be removed for the trash enclosure, building addition, and other site improvements, but enough stalls would remain to meet the required parking standard of the ordinance. The architecture of the proposed building addition would mimic the architecture of the existing building.

It was noted that the Utility Commission reviewed the application on August 5, 2026 and recommended approval of the variance.

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

Chair Hiltner confirmed the 15-foot setback was from Glory Road, CD Director Doty indicated that was correct as it is considered a front setback. Chair Hiltner inquired why they need two trash enclosures. CD Director Doty stated that is what their facility needs. Commissioner Carleton asked if the other business have their trash enclosures in the back, CD Director Doty it's on the north end of the building.

Chair Hiltner opened the public hearing and closed the public hearing, as no one was present for this application.

MOTION by Commissioner Carleton, seconded by Commissioner Oswald to approve the variance for reduced trash enclosure setback to Glory Road for property located at 7352 Glory Road as presented by staff in the draft resolutions. Motion carried unanimously.

8. **PUBLIC HEARING.** Resolution Revoking Conditional Use Permit for Planned Unit Development for lots 1 & 2, Block 3, JMS Baxter Estates (City file 2026-029)

Chair Hiltner asked for the staff report. CD Director Doty stated the City is requesting approval of a Resolution Revoking Conditional Use Permit for Planned Unit Development for mixed residential and commercial uses including single family, multi-family, apartment units and office-service commercial uses, as to Lots 1 & 2, Block 3, JMS Baxter Estates. The past approvals are not applicable, as the property is being developed by a different developer. Additionally, the CUP for PUD is prohibiting the proposed development and therefore, the city wishes to revoke the CUP for PUD for the subject property.

Staff recommends approval of the Resolution Revoking Conditional Use Permit for Planned Unit Development, subject to the findings and conditions in the attached Resolution.

Chair Hiltner opened the public hearing and closed the public hearing.

MOTION by Commissioner Oswald, seconded by Commissioner Clark to approve the resolution revoking conditional use permit for planned unit development for Lots 1 & 2, Block 3, JMS Baxter Estates as presented by staff in the draft resolutions. Motion carried unanimously.

9. **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 roof pitch** for a 60-unit Apartment for property located at the southwest corner of Clearwater Road and Forest Drive (City File # 2026-023)

CD Director Doty noted that there is a revised staff report removing the two of the original variance requests. The applicant has revised the site plan as shown in the revised staff report.

Chair Hiltner asked for the staff report. CD Director Doty stated 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 the 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 Heights 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.

CD Director Doty reviewed the preliminary and file plat, right-of-way, access/traffic, park dedication, comprehensive plan/future land use map amendment, transition of land use, translon findings, existing zoning and rezoning and the landscaping plan.

CD Director Doty stated 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.

CD Director Doty explained the variance request and findings. The applicant is requesting variance to allow 4:12 roof pitch. The zoning ordinance allows roof pitch at 6:12 and higher or flat roofs, which are less than 3:12. The applicant has submitted an architectural design showing a fully compliant apartment, except for roof pitch.

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.

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

Chair Hiltner opened the public hearing.

Mr. Chris Raimann, Kuepers Construction approached the podium. He indicated that this is phase two of the apartment building being built across the street. The proposed building will match the materials of the existing building being built. Mr. Raimann stated that CD Director Doty did a great job presenting this project. He stated that phase one should be completed by October with people moving in November. He informed the Commission that phase one is already at 33% filled, which is not typical

as people usually want to see the apartment before they sign a lease. They are seeing high demand for units in this area.

Commission Oswald asked if there was enough parking for 60 units. Mr. Raimann indicated there is almost enough underground parking, however some people don't want a garage. He noted there is a fee for parking. Chair Hiltner asked if there was going to be e-charging for electric cars. Mr. Raimann said they had considered it, however, at this time only the Infrastructure for charging stations will be installed with the idea that they will eventually have e-charging in the future.

Chair Hiltner asked Mr. Raimann if he was comfortable with all of the conditions; he stated that he was.

Commissioner Oswald noted that there was only one elevator. Mr. Raimann said that they have found that a second elevator is needed when you go over 75 units.

Ms. Sarah Haberle, 14483 Forest Drive approached the podium. She stated that she has sever concerns over this project being it is going next to her house. She stated that the construction of Timberline Heights phase 1 and the of Clearwater Road shook her house so bad that it damaged it. Now this new building is proposed even closer to her house and she is concerned about the shaking and vibrations the construction will cause. She is also concerned about the playground equipment being 100 feet from her bedroom window and the amount of people that are going to be in the building in a small area. She was concerned about the closeness of the building and playground equipment. She stated in 2023 that when Clearwater Road was done, the equipment from the road project created internal damage to her home. She stated her home is dry stack as it is a double wide mobile home and more damage is going to take place with this project. She also had concern over the noise during construction, indicating she is not going to have any peace while this is being constructed. She stated that she can't just pick up and move her house. She can hear the construction now from across the street, from the time they get there until the time they leave at 7:00pm. With this building being built on her door step, how are they going to keep from wrecking her house.

Chair Hiltner asked her about the damage to her home. Ms. Haberle stated during the road project she had drywall and batting strips come loose and pushed a panel of the double wide. The City was using the vacant land to store the trucks. At one point she had to call the cops because Anderson Brothers was out there at 2:00 am starting trucks.

Ms. Haberle stated her family has owned that property for 20 years and she has had trespassers from the city property on to her property, with more people this could get worse.

Ms. Haberle stated the phase one project has 10 dryer vents pointing right at her house and how many more vents are going to be pointed at her house. She stated that she has asthma and can't go outside because of all of the apartments around her and the dryer vent smells.

CD Director Doty asked Mr. Raimann to approach and give a time frame of the build. He indicated about a year and the most intrusive time would be during excavation. Commissioner Carleton asked about hours of work. CD Director Doty stated 7-10, Mr. Raimann indicated that they are complying with the ordinance regarding hours of work.

Ms. Amy Herboldt, 7080 Fox Road approached the podium, she is directly behind the building. Regarding the parking lot and the trees being removed, she is going to have headlights right in her

windows. She wants to know how much coverage she is going to have to prevent the lights. She is also concerned about the house shaking being they are living in mobile homes that aren't as sturdy.

CD Director Doty explained the landscaping plan that included a row of 6-foot pine trees are being proposed to provide a buffer. CD Director Doty stated the applicant has been working with staff to have a better landscaping plan; this chart was put together prior to receiving the revision.

Commissioner Kellerman asked about the lighting, CD Director Doty stated there are lighting ordinance that require parking lot light to be directed down toward the parking not angled to cause a glare.

Ms. Herboldt stated she is going to miss seeing all of the wildlife in that area.

Monica Husen, 7040 Fox Road approached the podium and indicated that someone had cut down a bunch of trees in the drainage easement on the south lot line so those won't provide screening to her home. She asked about the storm water ponding, is it waste water or run-off. CD Director Doty explained how the holding pond works and that each development is required to have them.

Mr. Raimann stated they will look closer into the parking lot lighting and additional screening.

Chair Hiltner closed the public hearing.

MOTION by Commissioner Carleton, seconded by Commissioner Kellerman to approve the 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 roof pitch for a 60-unit Apartment for property located at the southwest corner of Clearwater Road and Forest Drive hunting map as presented by staff in the draft resolutions. Motion carried unanimously.

UPDATES

Commissioner Kellerman asked why the land where Timberline 2 is going was previously held for a fire department when Baxter has no fire department. Mayor/Council Liaison Olson gave the history of why that land was purchased for a sub station and it was decided by the former fire chief that it wasn't needed and Brainerd does a great job responding.

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