



PLANNING AND ZONING COMMISSION MEETING MINUTES

Tuesday, February 10, 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, Cathy Clark and Council Liaison/Mayor Darrel Olson

MEMBERS ABSENT: Howie Oswald

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

OTHERS: Robert Fink, Matthew Gilbert and Jacob Lane

MINUTES

1. Approve Planning & Zoning Commission Meeting Minutes from January 13, 2026

MOTION by Commissioner Carelton, seconded by Commissioner Clark to approve the Planning and Zoning Minutes from the January 13, 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 February 17, 2026. ****Veterans First Addition plat, rezoning and PUD will move to Council at a later date.***

COMMENTS AND QUESTIONS

OLD BUSINESS

NEW BUSINESS

2. **PUBLIC HEARING.** Conditional use permits and variance to allow joint-access and a drive-through establishment with a principal structure smaller than ordinance allows for property located at 8464 Fairview Road (city file 2025-040)

Chair Hiltner asked for the staff report. Planner Gindele stated The applicant is requesting approval of the following items for the roughly 1.1-acre site:

- Conditional Use Permits (CUPs) to allow a restaurant drive through and joint access.
- Variance to allow a principal structure to be smaller than the minimum dimensions required by Code.

The applicant is proposing to develop the vacant site located on the north side of State Highway 210 with a 510- square foot 7 Brew coffee shop with a drive through and external walk-in freezer. Access to the site would be from Fairview Road.

Planner Gindele stated that there is commercial property adjacent on all sides of the proposed site, the site plan and aerial with the Commission. He reviewed the drive through, parking and size of the building, noting that there is no inside seating, strictly drive throughs, grading and landscaping requirements. He reviewed the building plans/elevations, canopy structure and architecture which is compliant with city code.

The Utility Commission reviewed the application on February 5, 2026 and recommended approval of the conditional use permits and variance subject to the following conditions:

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 reviewed the conditional uses and reasoning with the Commission that was included in the staff report.

He then reviewed the need for the variance. The applicant is requesting a variance to allow a principal structure that is 15 feet by 34 feet when the ordinance requires principal structures to be a minimum of 24 feet by 30 feet. The applicant is proposing a pre-fabricated building that is specifically designed for this particular use and to meet building codes in every state nation-wide. Additionally, the business operates purely as a drive-through without any seating in the building, or any access to the general public, effectively minimizing the building footprint.

Staff recommends approval of the conditional use permits for a drive through and joint access and the variance for principal structure size, subject to the findings and conditions in the draft resolution.

Commissioner Carleton asked if there was a traffic study completed with this project, with the amount of traffic that goes from Fairview onto Hwy 210, noting additional traffic counts could become a problem. Planner Gindele indicated that there was not a traffic study done with this proposed project, however, this area was developed to handle commercial traffic. Planner Gindele stated that staff had reached out to MnDOT to see if they had any concerns. He received a voice mail from MnDOT, as they were aware the Commission was going to be looking at this proposed development tonight. Planner Gindele called MnDOT back and he didn't receive a call back with any concerns, therefore, he felt there were no concerns. CD Director Doty stated that staff engineers reviewed the layout and did not have any concerns with the stacking of the vehicles for this location and use. Planner Gindele indicated there were roughly 30 spaces, if not more room for stacking vehicles in the drive through.

Chair Hiltner opened the public hearing.

Mr. Matthew Gilbert, Development Manager for 7 Brew approached the podium. He stated that regarding MnDOT they are aware of the CIP project and design and they have submitted their plans to MnDOT and received back a letter stating there was no reservations with the development tying into their DOT work.

Chair Hiltner stated that if he read the plan right, there is not a window, but doors that the employees bring items to the vehicle. Mr. Gilbert indicated that was correct, he explained that the

site plan shows a “safety” lane, where the employees go out with I-Pads, take the order, the customer pays on the I-Pad and then there is a pick-up area where an employee hands the customer their beverage. There is no outside speaker, everything is done with employee contact. Commissioner Kellerman asked if it was strictly drive through and not the ability to walk up to a window; Mr. Gilbert indicated that is correct. Mr. Gilbert added that 7 Brew is strictly beverage based, there is no food served, it helps speed up the process for the customer.

Chair Hiltner asked about getting product to the location, does the product come in via semi-trucks. Mr. Gilbert indicated that most of the products are mixes that mix with water or milk, a small delivery truck delivers roughly twice a week. He then reviewed how the trucks will circulate on the site plan with the Commission. Mr. Gilbert added that they have clocked the time it typically takes to unload a truck and they found that time to be roughly 15 minutes.

Chair Hiltner asked Mr. Gilbert if he had any concerns regarding the conditions that staff provided, he had no concerns.

Chair Hiltner asked staff about the screening of the headlights. Planner Gindele indicated that switching out a deciduous tree to a coniferous will assist with screening. Typically landscaping is the easiest way to meet screening requirements. Mr. Gilbert stated that they also prefer landscaping.

Council Liaison/Mayor Olson asked Mr. Gilbert if he and his team were aware of the Hwy. 371 proposed project. Mr. Gilbert indicated that his team is aware and the store is going to be built spring/summer of 2026, so they will be open before Hwy. 371 construction. He added that the location of the proposed construction should not hinder this location.

Council Liaison/Mayor Olson asked about the amount of fill being brought in, will it have any effect on the credit union. Planner Gindele indicated that would have been discussed and reviewed at the Utilities Commission and by staff engineering. It was noted that the stormwater pond will prevent the water from reaching the credit union. If anything did back-up it would go towards the right-of-way and not the credit union. The flow of water was indicated on the grading plan.

Mr. Gilbert responded to the questions earlier about the small room near the cooler, he stated it is a salt and shovel closet.

Chair Hiltner closed the public hearing.

MOTION by Commissioner Carleton, seconded by Commissioner Kellerman to approve the conditional use permits and variance to allow joint-access and a drive-through establishment with a principal structure smaller than ordinance allows for property located at 8464 Fairview Road, as presented by staff in the draft resolutions. Motion carried unanimously.

3. **PUBLIC HEARING. Preliminary and Final Plat** to allow “Veterans First Addition” to create one buildable lot and one outlot; **Rezoning** from C-2, Regional Commercial to PUD, Planned Unit Development, and a **PUD General and Final Plan** for an 80-unit Assisted Living and Memory Care Apartment for property located at the northeast corner of Novotny Road and Lake Forest Road (City File # 2026-002)

Chair Hiltner asked for the staff report. CD Director Doty stated the applicant is requesting approval of the following items for the 8.57-acre site:

- Preliminary and Final Plat to allow “Veterans First Addition” to create one buildable lot and one outlot;
- Rezoning from C-2, Regional Commercial to PUD, Planned Unit Development; and
- PUD General and Final Plan to allow an 80-unit senior living development.

The proposed development includes 64 units of Assisted Living in a two-story portion of the building; and 16 units of Memory Care Living in a one-story portion of the building. The development is proposed to have two-bed, one-bed, and studio units. The development would include a salon, fitness center, dining areas and indoor and outdoor lounge spaces. The building would be constructed along the north, east and south property lines, with the front of the building facing west towards a new roundabout intersection of Lake Forest Road and Novotny Road. Parking would be positioned in front of the building and would include 64 surface parking spaces and eight, first-floor/tuck-under garage parking stalls. The development would have trail access along Novotny Road and Lake Forest Road. The developer would provide private sidewalk connections from the public spaces of the development to both street trails.

CD Director Doty reviewed the site plan, aerial and adjacent commercial land surrounding the proposed location.

The building plans, location of the memory care and fence associated with the care portion and apartments floor plans were shared with the Commission.

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

1. Add Utility Easement over the sanitary sewer main and water main prior to recording the plat.
2. Enter into a Development Agreement prior to issuing a building permit for the Timber Ridge of Baxter Senior Living development.
3. Enter into a Stormwater Facilities Maintenance Agreement prior to issuing a building permit for the Timber Ridge of Baxter Senior Living development.
4. Enter into a Permanent Access Easement prior to issuing a building permit for the Timber Ridge of Baxter Senior Living development.
5. Enter into a Construction Repair and Maintenance Agreement prior to issuing a building permit for the Timber Ridge of Baxter Senior Living development.
6. Construction of sanitary sewer main, water main, storm sewer, and roadway improvements on Lake Forest Road from approximately 700 feet south of the Novotny Road roundabout south to Woida Road, and north from approximately 90 feet north of the Novotny Road roundabout to the north property line of Lot 1, Block 1, Veterans First Addition prior to issuance of occupancy of Timber Ridge of Baxter Senior Living.

CD Director Doty reviewed the preliminary and final plat, right-of-way, access/traffic, park dedication, landscaping and rezoning to PUD with the Commission. All items were within the staff report.

The requested PUD flexibility included the front yard fence height, parking, number of units exceeding the allowed number of units, trail connections, development amenities and architectural review that staff is in support of.

Staff finds that the PUD development plan provides efficient use of the land to establish 80 senior housing units for the community. The PUD offers flexibility to the developer as it relates to fence height, garage parking, and total units per building. In turn, the developer is proposing project upgrades such as sidewalk connectivity, landscaping, outdoor patio spaces and development related amenities in the building for residents. Except for the flexibility requested, the development meets the City's ordinance requirements. With the conditions in the approving resolutions, the design of the development and building would meet or exceed all the City's requirements.

Staff recommends approval of the Preliminary and Final Plat, the Rezoning, and PUD General and Final Plan subject to the Ordinance and conditions and findings in the attached resolutions.

Chair Hiltner asked about the fire hydrant in the middle of the parking lot, will there be additional fire hydrants. CD Director Doty indicated that there will be additional fire hydrants on the site to meet the fire code, there has to be availability to drag a fire hose around the building and is based on certain distances. He added that all fire codes will be met prior to the building permit being released.

Commissioner Kellerman asked about the east storm water pond regarding the exiting flow of water. CD Director Doty stated he would let the applicant answer that question, however typically the storm water ponding is where the water is treated and then moves into the wetland because it has been treated. Council Kellerman asked how the water flows, CD Director Doty thought it went north, Commissioner Kellerman stated it should go west. CD Director Doty stated it goes north then west, he pulled up the contour map and indicated the location is pretty flat. With it being flat, it will most likely be absorbed into the ground.

Chair Hiltner opened the public hearing.

Mr. Roger Fink, Trident Development-St. Cloud MN approached the podium and indicated that he is now a Baxter resident and is happy to be here tonight. He stated he had Mr. Jacob Lane also with Trident here with him. Mr. Fink thanked CD Director Doty for a great presentation of the proposed development and all of the assistance with guiding this project forward. Mr. Fink indicated that his team is very excited to bring Timber Ridge of Baxter, that is what they are calling this project. He indicated this is their 26-27 assisted living that they have built in Minnesota. He gave the history of only building in Minnesota and the multiple communities they have built in.

Mr. Fink explained how they have aligned with Lifespark Senior Care out of Golden Valley to maintain healthy resident care. Lifespark is an exceptional senior care company that manages all of their assisted living facilities. He indicated the residents of Baxter will be very happy with the care they receive from Lifespark.

Mr. Fink reiterated what they were applying for as indicated in the staff report. He noted that the need for fence flexibility is a safety feature for the memory care and dementia patients. He indicated it is not an opaque fence; it is a decorative rod iron type fence with emergency hardware on it should there be an emergency the residents can be moved outside or back into the building.

Mr. Fink spoke to the parking; he indicated that they have found 1-1 (1 car to 1 apartment) seems to be the ratio. He noted that some locations ask for less and some locations want more parking, that is the toughest challenge in building assisted livings.

Mr. Fink indicated that they are hoping to get through the City zoning approval within a month or so and then move on to the building permit process. His understanding is that the process may move a

little smoother, being our building official has delegation, as other communities don't and it takes longer to move forward.

Mr. Fink referred to the fire hydrants; he explained the location of the future hydrants that the developer (Derrick Taylor) was responsible for with the road portions of the project. His hope is to have approvals by summer and have the building open by spring/summer of 2027.

Regarding the conditions in the resolutions, Mr. Fink indicated that there is not a lot of concern, just a few minor items such as shrub size. He asked if the Commission had any questions of him.

Chair Hiltner asked if there was 24-hour care, Mr. Fink indicated that there is 24-hour care. Commissioner Carleton asked about the assisted living have care. Mr. Fink indicated that the assisted living apartments are a traditional apartment with regular amenities, the memory care units have a fridge, sink, microwave and are studio apartments. There is assistance with medications, food preparation and some cares.

Chair Hiltner closed the public hearing.

MOTION by Commissioner Kellerman, seconded by Commissioner Carleton to approve the preliminary and final plat to allow "Veterans First Addition" to create one buildable lot and one outlot; rezoning from C-2, Regional Commercial to PUD, Planned Unit Development, and a PUD general and final plan for an 80-unit Assisted Living and Memory Care Apartment for property located at the northeast corner of Novotny Road and Lake Forest Road as presents in the draft resolutions as presented by staff. Motion carried unanimously.

UPDATES

None

ADJOURN

MOTION by Commissioner Clark, seconded by Commissioner Kellerman to adjourn the meeting at 7:09 p.m. Motion unanimously approved.

Approved by:

Submitted By:

Chuck Hiltner
Chair

Shanna Newman
CD Administrative Assistant