



# PLANNING AND ZONING COMMISSION MEETING MINUTES

Tuesday, April 14, 2026 at 6:00 PM

Baxter City Hall, 13190 Memorywood Drive, Baxter, MN

*"A Growing Community"*

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## CALL TO ORDER

The regular meeting of the Baxter Planning and Zoning Commission was called to order at 6:00 pm by Chair Hiltner.

## ROLL CALL

**MEMBERS PRESENT:** Chair Chuck Hiltner, Commissioners 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:** Paul and Melinda Ashner

## MINUTES

1. Approve Planning & Zoning Commission Meeting Minutes from March 10, 2026

**MOTION** by Commissioner Carelton, seconded by Commissioner Oswald to approve the Planning and Zoning Minutes from the March 10, 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 April 21, 2026.

## COMMENTS AND QUESTIONS

None

## OLD BUSINESS

None

## NEW BUSINESS

2. **PUBLIC HEARING. Variances** to allow a deck within the required setback from a bluff, the OHWM of the Mississippi River, and a side lot line for property located at 10130 Timber Ridge Drive. (City file 2026-011)

Chair Hiltner asked for the staff report. Planner Gindele indicated the applicant is requesting variances to allow a deck with a gazebo on it to be located within the required 150-foot setback from the ordinary high water mark (OHWM) of the Mississippi River, within the required 30-foot setback from a bluff on the Mississippi River, and within a required 10-foot setback from a lot line.

Specifically, the applicant is proposing to demolish an existing deck with a gazebo on it and construct a new deck with a gazebo on it in the same location as the existing deck. The new deck would be slightly larger than the existing one, expanding the area within the river and bluff setback, but not getting any closer to the river than the existing deck. The new deck would extend over a shared lot line that runs through the home creating a 0-foot setback over the shared lot line. Both lots are owned by the applicant.

Regarding the variance, the applicant is proposing to build a new deck in place of an existing deck. Both the existing deck and the proposed deck are within the setback to the OHWM of the river and the bluff. Both the existing and the proposed decks are approximately 124 feet from the OHWM when 150 feet is required, and both are slightly over the top of the bluff providing a 0-foot setback when 30 feet is required. The new deck is proposed to expand the area of the deck within both the bluff and river setbacks but would not be any closer to the river. Additionally, the new deck is proposed to have a 0-foot setback from the shared lot line that runs through the existing home.

Planner Gindele stated the variance findings are included in the staff report and noted that they are predicated on the fact that the existing house and deck are within the setback to the river and bluff and the new deck is not extending any closer to the river than the existing one.

Planner Gindele reviewed the site location and site plan showing the existing conditions and proposed deck/gazebo with the Commission. He noted that the proposed deck/gazebo are decreasing the variance request. In reviewing how this house was built in 2002, and built on the bluff and in the setbacks, it was clear that the complete site plan and setbacks were not checked off by whomever reviewed the house plans.

It was noted that the DNR was provided a copy of the application but has not provided any comments to date.

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

Commissioner Clark asked if the DNR has, or is aware, of a timeframe. Planner Gindele indicated that they are aware of the time frame. Chair Hiltner asked if staff ever hears from the DNR, Planner Gindele indicated not often, however, within the past couple of years a new hydrologist was hired, and more comments/suggestions have been received. CD Director Doty added that the DNR cares a lot about bluffs and slopes receive a lot of attention due to potential run off into water ways. Chair Hiltner asked if there any mention of the bluff during staff's review of the 2003 building permit file from when the home was constructed. Planner Gindele indicated there was no mention of the bluff at in all the file.

Chair Hiltner opened the public hearing.

Paull & Melinda Ashner 13130 Timer Ridge, applicant approached the podium. Chair Hiltner asked if the bluff was walkable, Mrs. Ashner indicated only with stairs, it's pretty steep. Chair Hiltner asked if there were any questions/concerns about the conditions, she indicated there were no concerns.

Chair Hiltner closed the public hearing.

**MOTION** by Commissioner Carleton, seconded by Commissioner Kellerman to approve the variances to allow a deck within the required setback from a bluff, the OHWM of the Mississippi River, and a side lot line for property located at 10130 Timber Ridge Drive, as presented by staff in the draft resolutions. Motion carried unanimously.

3. **PUBLIC HEARING. Zoning Ordinance Text Amendment** to update the Zoning regulations of the City Code. (City file no. 2026-012)

Chair Hiltner asked for the staff report. CD Director Doty stated this is a City application to consider a comprehensive ordinance amendment to address several issues within Title 10 Zoning Regulations of the City Code. These updates resulted in revisions to "General Definitions" in section 10-2-2, "Permitted Uses" in section 10-3-4, "R-3 High Density Residential" in section 10-3E-1, "Fencing Requirements" in section 10-4-8, and "Accessory Structure Requirements" in section 10-5-9, of the Zoning Ordinance.

The primary purpose of the changes is to provide greater flexibility in some areas of the city code, add substantive requirements in other areas and to provide increased clarity of the intent of existing areas of the zoning code.

CD Director Doty reviewed each proposed chapter amendments with the Commission and indicated that he was going to come back to Chapter 3 Section 10-3-4 later in his presentation.

CD Director Doty then explained the reasoning behind Chapter 3 Section 10-3-4. There are many residents that own multiple lots, one with a house on it and one is empty. Staff receives requests for a shed or fence to be placed on the vacant lot, currently this is not allowed since the code does not allow accessory uses without having a principal use first. This change will allow residents to place small shed and a fence on a vacant lot that is adjacent to a lot under the same ownership with a principal use. Staff did think about the possibility of a person selling one lot and not the other after a shed or fence had been placed on the vacant lot, it is possible, however the shed and fence are minimal investment items that can easily be moved or removed should that happen.

Staff recommends approval of the draft zoning ordinance amendments and the finding of fact resolution.

CD Director Doty asked if there were any questions.

Chair Hiltner asked if the shed has to match the home, CD Director Doty stated it has to be harmonious.

Commissioner Swanson asked what happens when people start putting things along the shed. CD Director Doty stated that it goes to code enforcement. He stated that the Council has approved a Code Enforcement Position and the position has been advertised a few times. He stated that the codes have also been revised to include "clutter" that was not in the codes before.

Chair Hiltner opened and closed the public hearing as there was no one in the audience.

**MOTION** by Commissioner Kellerman, seconded by Commissioner Oswald to approve the Zoning Ordinance Text Amendment to update the Zoning regulations of the City Code, as presented by staff in the draft resolutions. Motion carried unanimously.

**UPDATES**

Chair Hiltner asked staff if there were any updates. CD Director Doty updated the Commission on the number of single-family homes that have been coming in, as the Commission doesn't see that type of projects. He stated that the average staff usually sees is 20 new homes, a couple of years ago it was 30, last year was 45, today we are at 19 new homes, which is more than normal.

CD Director Doty reviewed the list of active and start up projects with the Commission.

Commissioner Kellerman asked about the 5 Below project that the Commission approved and the Council denied. CD Director Doty stated the Council denied the setback variance for 5 Below a few meetings ago but approved the CUP amendment. He stated that 5 Below had different options and they made the building narrower and deeper so that they can meet the setbacks and still move forward with the project without the variances. The trash enclosure variance was also removed. Council Liaison/Mayor Olson noted that it was a split vote.

Council Liaison/Mayor Olson stated that there is a Mexican restaurant going into the Fit Quest building. Commissioner Kellerman noted that the restaurant name was also in Willmar, he wondered if they were owned by the same people.

Chair Hiltner informed the Commission that Crow Wing Power Credit Union is moving into Baxter on Golf Course Dr., that project will be coming in soon. He knew this from being on the board of directors.

Commissioner Carleton noted that the houses that went on Cedar Scenic (former Baxter owned land) look very nice.

**ADJOURN**

**MOTION** by Commissioner Oswald, seconded by Commissioner Clark to adjourn the meeting at 6:42 p.m. Motion unanimously approved.

Approved by:

Submitted By:

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Chuck Hiltner  
Chair

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Shanna Newman  
CD Administrative Assistant