



PLANNING AND ZONING COMMISSION MEETING MINUTES

Tuesday, July 08, 2025 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 Tim Swanson, Howie Oswald, Larry Kellerman and Council Liaison/Mayor Darrel Olson

MEMBERS ABSENT: Commissioner Gwen Carleton

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

OTHERS: Mike Stoe

MINUTES

1. Approve Planning & Zoning Commission Meeting Minutes from June 10, 2025.

MOTION by Commissioner Kellerman, seconded by Commissioner Oswald to approve the Planning and Zoning Minutes from the June 10, 2025. 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 July 15, 2025.

COMMENTS AND QUESTIONS

None

OLD BUSINESS

None

NEW BUSINESS

2. **PUBLIC HEARING.** Variance to allow a deck within the required 100-foot setback to Perch Lake for property located at 6148 Highland Scenic Rd. (City file 2025-020)

Chair Hiltner asked for the staff report. Planner Gindele stated the applicant is proposing to construct a deck on the lakeside of an existing home and has requested a variance to allow it to be constructed within the 100-foot setback to the ordinary high-water mark (OHWM) of Perch Lake.

Planner Gindele gave the history of this variance coming forward a couple of years ago, however the variance expired due to the lack of use within one year. He indicated that the applicant came forward with a building permit this year and it was discovered that the variance had lapsed.

Planner Gindele reviewed the aerial and site plan with the Commission.

The subject property is lightly wooded with mature deciduous trees located along the side lot line and along the lake front. The property has frontage on Perch Lake which also acts as a wetland and FEMA floodplain. The property is mostly flat near the road with a mild slope toward the lake dropping approximately 12 feet in elevation. A modest sized home and attached garage are also located on property. The proposed development would not expand the impervious surface, which is currently approximately 15 percent, which complies with the maximum 25 percent impervious surface requirement of the shoreland overlay district.

The applicant is proposing to construct a 28' x 8' deck that would extend 8' out from the house toward the lake. The deck design also has a small catwalk that extends along the horizontal plane parallel with the home to a staircase that continues along the same parallel plane so as to not encroach any closer to the lake than the main part of the deck. The home is currently located with an approximate 50-foot setback from the ordinary highwater mark (OHWM) to the lake (1,190.4) when Perch Lake has a required setback of 100 feet. This means the deck cannot possibly be constructed without a variance. Due to the curvature of the OHWM, the proposed deck would have an approximate setback of 44 feet from the OHWM.

Additionally, the applicant has stated that he tore off a previously existing deck in the same location approximately five years ago. The city does not have official documentation of the size of that deck but aerial imagery from 2019 indicates that the previously existing deck extended 8 feet out from the home. The proposed deck would not extend any further into the lake setback than the previously existing deck, however, it would expand the area of the deck within the lake setback.

Planner Gindele reviewed the variance standards that were listed in the packet.

Planner Gindele stated staff recommends approval of the variance, subject to the findings and conditions in the draft resolution.

Commissioner Kellerman noted that several of the homes were just as close as the applicants and it appeared they were constructed to not block a person's view of the lake.

Chair Hiltner opened the public hearing.

Mr. Michael Stoe 6148 Highland Scenic Dr, applicant approached the podium. Chair Hiltner asked Mr. Stoe if he had any questions of the Commission or staff. Mr. Stoe indicated that he did not. He gave the history of redoing the siding and windows and that was when the deck was torn off. He wasn't aware of the setbacks at that time.

Chair Hiltner closed the public hearing

MOTION by Commissioner Oswald, seconded by Commissioner Swanson to approve the variance to allow a deck within the required 100-foot setback to Perch Lake for property located at 6148 Highland Scenic Rd., as presented in the draft resolution. Motion carried unanimously.

3. **PUBLIC HEARING.** Conditional Use Permit for a drive-through restaurant and joint access and Variances for the drive-through and trash enclosure for property located at 7609 Excelsior Road (legally described as Lot 1, Block 1, Kohls Addition, Crow Wing County, Minnesota) (City file 2025-012)

CD Director Doty stated that the applicant (Chick Fil A) thought they were going to be ready for this meeting, however some site issues have delayed the applicant.

Chair Hiltner opened the public hearing and requested to table to the August 12, 2025 Planning Commission meeting.

MOTION by Commissioner Kellerman, seconded by Commissioner Oswald to table the Conditional Use Permit for a drive-through restaurant and joint access and Variances for the drive-through and trash enclosure for property located at 7609 Excelsior Road to the August 12, 2025 meeting. Motion carried unanimously.

UPDATES

CD Director Doty indicated that an application for Les Schwab a tire center has been submitted and will be reviewed at the August 12, 2025 meeting. He noted that it is proposed to go in front of Hobby Lobby.

ADJOURN

MOTION by Commissioner Swanson, seconded by Commissioner Kellerman to adjourn the meeting at 6:11 p.m. Motion unanimously approved.

Approved by:

Submitted By:

Chuck Hiltner
Chair

Shanna Newman
CD Administrative Assistant