



**ITEM REPORT
PLANNING AND ZONING COMMISSION**

Agenda Date: 3/10/2026
Agenda Section: New Business

TO: Baxter Planning and Zoning Commission

FROM: Matthew Gindele, City Planner

REQUEST: **PUBLIC HEARING.** Conditional use permit to amend joint-access and setback variances to allow for a building addition for property located at 7352 Glory Road. (city file 2026-006)

APPLICANT: Agree Limited Partnership, Royal Oak, MI 48073

ZONING: C-2, Regional Commercial

1. Application Request

The applicant is requesting approval of the following items for the roughly 1.1-acre site:

- **Conditional Use Permit Amendment (CUPA)** to amend joint access
- **Variances** to the principal and accessory structure front yard setback requirements

The applicant is proposing to construct an addition on the south side of the existing building to create a new tenant space for 5 Below. The applicant would remove the existing parking stalls on the south side of the building to make room for the addition. Access to the site is provided from Glory Road and Garrison Road.

2. Context

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Commercial	PUD, Planned Unit Development
East	Commercial	C-2, Regional Commercial
South	Commercial	C-2, Regional Commercial
West	Commercial	C-2, Regional Commercial

Natural Characteristics of the Site

The site is flat and is currently developed with an existing two-tenant retail building occupied by Home Goods and Hobby Lobby. There are no wetlands on the site, the site is not located in a shoreland overlay district, and there is no FEMA floodplain on the property.

Utility Commission Review

The Utility Commission reviewed the application on March 4, 2026 and recommended approval of the conditional use permit and variances subject to the following condition:

1. Enter into an Escrow Agreement prior to issuance of a building permit.

3. Analysis of Request

Conditional Use Permit Amendment for Joint Access

The applicant is requesting a conditional use permit amendment for joint/cross-access easement. The zoning ordinance permits the setback for drive aisles to be reduced to zero to allow joint driveway and parking across lot lines with approval of a conditional use permit, provided that:

- Driveways and parking areas are designed to accommodate a safe traffic pattern
- Design requirements are met.
- An access master plan is submitted
- A cross-access easement be submitted for approval by the city attorney and recorded.

Staff notes that the attached plans for development serve as the master plan for joint access. Additionally, the joint access connection points on the shared property lines are not changing. The CUP amendment is to update easements as needed to reflect the building addition and new traffic pattern. Staff finds that the joint access meets the city's design requirements for joint use and would include a safe traffic pattern. Staff has added a condition to the approving resolution that the applicant shall submit any required amendments to existing private joint access easements as required by the City Attorney. Said amended easement shall be reviewed and approved by the City Attorney and recorded with Crow Wing County.

CUP Standards

Staff has also reviewed the request against the general CUP standards. Section 10-7-4 of the Zoning Ordinance defines the criteria for reviewing and processing a conditional use permit (CUP). Specifically:

- A. Excessive Burden: The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

The City finds that the joint access would not create an excessive burden on existing parks, schools, streets, and other public facilities because the surrounding road network has been designed to support commercial development in the vicinity of the subject property and there are no schools in the vicinity.

- B. Compatibility: The use shall be compatible with adjacent land uses so that existing uses will not be depreciated in value and there will be no deterrence to development of vacant land.

The City finds that the adjacent properties are currently developed with commercial use and that joint access is an allowed conditional uses in the C-2 district and therefore, would not depreciate adjacent properties.

- C. Appearance: The use shall have an appearance that will not have an adverse affect (sic) upon adjacent properties.

The City finds that the joint access would not have an adverse effect on adjacent properties because the adjacent property is all commercial use. Additionally, staff finds that other nearby properties are developed with joint access.

- D. Overall Needs: The use, in the opinion of the planning and zoning commission shall be reasonably related to the overall needs of the city and to the existing land use.

The City finds that joint access is commonly a part of commercial development and serves to build out the needs of the commercial district.

- E. Consistent With Purpose: The use shall be consistent with the purposes of this title and purposes of the zoning district in which the applicant intends to locate the proposed use.

The City finds that the joint access is consistent with the purposes of the zoning ordinance and the C-2 zoning district. Conditions have been added to the resolution addressing ordinance requirements for the conditional uses.

- F. Comprehensive Plan: The use shall not be in conflict with the comprehensive plan of the city.

The joint access would not conflict with the comprehensive plan of the city.

- G. Traffic: The use will not cause traffic hazard or congestion.

With the conditions in the resolution, the proposed uses would not cause a traffic hazard or congestion.

- H. Facilities: The use shall have adequate utilities, access roads, drainage, and necessary facilities.

The site has adequate utilities, access roads, drainage, and necessary facilities.

Variance

The applicant is requesting a variance to allow a principal structure building addition with a 24.2-foot front yard setback and an accessory trash enclosure structure to have a 15-foot front yard setback; both the addition and the accessory trash enclosure require a minimum 35-foot front yard setback. The applicant is proposing a building addition on the south side of the existing building and a trash enclosure 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 existing building would be removed to make way for the building addition, and a few stalls would be used to located the trash enclosure. A total of 52 parking stalls are proposed to be removed for the proposed 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.

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.

There are practical difficulties in complying with the Zoning Ordinance because the site is currently developed with a commercial building which limits the available locations for an addition to meet the

setback standard. Additionally, the subject property has a parking lot that is well over-parked for the amount of parking that the current development needs leaving much of the site underutilized. The proposed addition would make good use of a parking area that is not used and would make the amount of parking provided commensurate with the parking ordinance and with the amount of parking needed for the site. Accessory trash enclosures are necessary aspect to most retail functions and are required by ordinance for exterior storage of trash; the proposed location of the trash enclosure is the most practical location on site given the location of the proposed addition.

- 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.

The conditions upon which a petition for a variation is based are unique to the parcel due and were not created by the landowner because the site is already developed with a commercial building and with a parking lot that is underutilized.

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

The variances would not alter the essential character of the locality because the proposed use for which the variances are sought is commercial retail and the subject property and surrounding area is currently zoned for and developed with commercial retail, to which trash enclosures are a permitted accessory use.

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

The variances would be in harmony with the general purposes and intent of the ordinance.

- e) The variance is consistent with the Comprehensive Plan.

The variances would be consistent with the Comprehensive Plan.

Site Plan Review

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

	Ordinance Requirement	Proposed	Meets/Exceed Requirements
Building Setbacks (principal structure)	35-foot front setback	>24.2 feet	No*
	10-foot side setback	>10 feet	Yes
	30-foot rear setback	>30 feet	Yes
Building Setbacks (accessory structure)	35-foot front yard	>15 feet	No*
	10-foot side yard	>10 feet	Yes

	10-foot rear yard	>10 feet	Yes
Parking & Drive Aisle Setbacks	10-foot setback	10+ feet	Yes
Parking	317 Spaces	308 spaces	Yes
Parking Stall Dimensions	10 feet by 18 or 20 feet	10 feet by 20 feet	Yes
Drive Aisle Dimensions	24 feet	24 feet	Yes
One Way Drive Aisle Dimensions	N/A	N/A	N/A
Parking Lot Sidewalks	ADA compliant	ADA compliant	Yes
Building Height	45 feet	<45 feet (match existing)	Yes
Structural Coverage	50 percent	<50 percent	Yes
Impervious Surface	88 percent (non-shoreland)	Reduced from current	Yes
Architectural	Materials from Ordinance List for C-2 Properties	EIFS, Brick, Engineered aluminum on canopy	Yes
	Earth Tone Colors	Earth Tone Colors	Yes
Landscaping			
Number of Trees	14 trees	Unknown	Unknown**
Size of Trees	2-inch and 6 foot	Unknown	Unknown**
Priority Placement of Trees	Front Yard & Perimeter	Unknown	Unknown**
Number of Shrubs	31 shrubs	Unknown	Unknown**
Size of Shrubs	3 gallon	Unknown	Unknown**
Tree Species	Approved Trees List	Unknown	Unknown**
Percentage of Coniferous	30 % of required trees	Unknown	Unknown**
Screening	N/A	N/A	N/A

*Variance discussion above **Condition of approval added to resolution

4. Recommendation

Staff recommends approval of the conditional use permit for joint access and the front yard setback variances, subject to the findings and conditions in the draft resolution.

Attachments

1. Site Location Map
2. Draft Resolution 2026-022 Approving the CUP and Variances
3. Development Plans
4. Floor Plan & Elevations