

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2026-064**

**RESOLUTION APPROVING A VARIANCE TO THE FRONT YARD SETBACK FOR FIVE BELOW LOCATED AT
7352 GLORY ROAD (CITY FILE NUMBER 2026-026)**

WHEREAS, Agree Limited Partnership ("the applicant") has requested approval of a variance for property legally described as follows:

Lot 1, Block 1, Central Lakes Crossing Second Addition, subject to and together with an easement of record, Crow Wing County, Minnesota

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on August 12, 2026 and recommends approval, and;

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their August 18, 2026 meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does approve the request for a variance, subject to the following findings and conditions, and those findings in the staff report dated August 12, 2026:

1. The variance allow accessory structures to be within the front yard setback to Glory Road, in accordance with the application received by the City on July 28, 2026, revised application materials received July 30, 2026, except as amended by this resolution, based on the finding that all applicable variance standards have been met as identified in the staff report dated August 12, 2026.
2. A building permit is required prior to beginning any new construction.
3. **Prior to issuance of a building permit**, the applicant shall:
 - a. Enter into an Escrow Agreement.
 - b. Submit any required amendments to existing private joint access easements as required by the City Attorney.
 - c. Submit a landscape plan that complies with the requirements of the landscape ordinance.
 - d. Submit lighting plans as needed to show ordinance compliance. Specifically identify compliance with wall pack shielding, free-standing parking lot lighting height requirements, and site photometrics.
 - e. Provide compliance with zoning review items related to the development plan.
4. All new and replaced roof top units (RTUs) shall comply with the requirements of the ordinance. Specifically, no rooftop unit (RTU) shall be visible if viewed at a height of five feet (5') above finish floor level at a distance of one hundred feet (100') from the building; any visible portion of any

RTU beyond this point shall be painted to match the primary color of the exterior of the principal structure.

5. Any new mechanical equipment, gas meters, satellite dishes, and other utility hardware, whether located on the roof or exterior of the building or on the ground adjacent to it, shall be designed (including exterior color) and located to be aesthetically harmonious and compatible with the building. Screening may be required where the design, color and location of the equipment are found to be ineffective to buffer noise or provide aesthetic harmony.
6. All signage requires separate sign permits and shall comply with the zoning ordinance requirements.
7. All exterior lighting shall have a ninety-degree cutoff shield that conceals the light source with a non-sag, non-yellowing lens and shall fully comply with the lighting standards of the zoning ordinance.
8. Approval shall expire within one year of the date of approval unless the applicant commences the authorized use and improvements.

Whereupon, said Resolution is hereby declared adopted on this 18th day of August 2026.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal