



ITEM REPORT PLANNING AND ZONING COMMISSION

Agenda Date: 8/12/2026
Agenda Section: New Business

TO: Baxter Planning and Zoning Commission

FROM: Joshua Doty, Community Development Director

REQUEST: **PUBLIC HEARING.** Variance for reduced trash enclosure setback to Glory Road for property located at 7352 Glory Road. (city file 2026-026)

APPLICANT: Agree Limited Partnership

ZONING: C-2, Regional Commercial

1. Application Request

The applicant on behalf of Five Below is requesting approval of a variance for reduced trash enclosure setback to the front property line along Glory Road located at 7352 Glory Road. Specifically, the applicant is requesting a 15-foot front-yard setback to a trash enclosure area to allow the development of a building addition to allow Five Below the roughly 1.1-acre site. The applicant would remove existing parking stalls on the south side of the building and parking lot to make room for the building addition and trash enclosure addition. Access to the site is provided from Glory Road and Garrison Road.

Background

On April 7, 2026, the City Council approved a Conditional Use Permit Amendment to amend joint access on the site for Five Below. On April 7, 2026, the City Council denied variances for building and trash enclosure setback on the site for Five Below. The applicant is currently proposing a different variance application, which no longer includes a building setback variance.

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 August 5, 2026 and recommended approval of the variance.

3. Analysis of Request

Variance

The applicant is requesting a variance to allow a 15-foot front yard setback to a trash enclosure area, where 35 feet is required by the zoning ordinance. The applicant is proposing a building addition on the south side of the existing building for Five Below. To support the building addition, the applicant is proposing a trash enclosure area 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 building and parking lot would be removed to allow the building addition and trash enclosure area. Three parking spaces and some green space would be removed for the trash enclosure area. A total of 55 parking stalls are proposed to be removed for the trash enclosure, building addition, and other site 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 designed without a typical yard area beyond the setbacks designed for a trash enclosure area. By requesting the variance, the applicant is afforded a better opportunity to screen the area than if the trash enclosure was placed beyond the setback. 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 that was not developed by the current owner. The parcel of land is unique because it was developed with a commercial building that was not designed with side or rear yard space where a trash enclosure area would typically be located, which limits opportunities. Additionally, the property is surrounded by street frontage on three of four sides and the fourth side is the front parking area. These two existing site factors provide a unique situation to this parcel of land.

- 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 variance is 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. The zoning ordinance has screening requirements and the location proposed offers a practical opportunity to provide screening in addition to the fenced in trash enclosures.

- 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	>35 feet	Yes
	10-foot side setback	>10 feet	Yes
	30-foot rear setback	>30 feet	Yes
Building Setbacks (Accessory Structures)	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	313 Spaces	301 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 variance, subject to the findings and conditions in the draft resolution.

Attachments

1. Draft Resolution 2026-064 Approving Variance
2. Applicant's Narrative
3. Site Location Map
4. Development Plans