



ITEM REPORT PLANNING AND ZONING COMMISSION

Agenda Date: 8/12/2025
Agenda Section: New Business

TO: Baxter Planning and Zoning Commission

FROM: Matthew Gindele, City Planner

REQUEST: PUBLIC HEARING. Conditional Use Permit to allow motor vehicle repair and joint access for vacant property located north of 7399 Garrison Road (City file 2025-021)

APPLICANT: Les Schwab Tire Center, 20900 NE Cooley Rd, Bend, OR 97701
C-2, Regional Commercial

ZONING:

1. Application Request

The applicant is requesting approval of conditional use permits to allow a motor vehicle repair business and joint access for property adjacent to the north of 7399 Garrison Road. The application would allow a new tire center that would provide minor vehicle repairs consisting primarily of tire repair/replacement and oil and filter changes to be constructed on the 2.1-acre vacant property.

2. Context

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Commercial Property	C-2, Regional Commercial
East (Across State Hwy. 371)	Industrial Property	I, Industrial Office
South	Commercial Property	C-2, Regional Commercial
West (Elmwood Drive)	Commercial Property	C-2, Regional Commercial

Natural Characteristics of the Site

The site's topography includes gradual slope of approximately six feet across the property sloping down in elevation from west to east. The site is nearly completely open with only a few trees present. The property is not located in a shoreland overlay district and there are no wetlands or floodplain on the property.

Utility Commission Review

The Utility Commission reviewed the application on August 7, 2025 and recommends approval of the request with the following conditions which have been added to the draft resolution:

1. Provide a Watermain Easement around the water improvements prior to issuing a building permit.
2. Enter into an Escrow Agreement prior to issuing a building permit.
3. Enter into a Stormwater Facilities Maintenance Agreement prior to issuing a building permit.

Minnesota Department of Transportation Review

The application and plans have been sent to MnDOT for review, however, the City has not received any comments at the time of writing this report. A condition has been added to the draft resolution requiring compliance with any conditions MnDOT may have.

Architectural Review

The applicant has submitted an architectural review application showing compliance with the architectural review requirements (exterior materials, colors, building articulation, etc). Staff notes that architectural plans that meet the standards of the architectural ordinance are approved administratively. A condition has been added to the draft resolution requiring verification of the proposed colors.

3. Analysis of Request

Conditional Use Permit for Motor Vehicle Repair

The applicant is requesting a conditional use permit (CUP) to allow a motor vehicle repair business. The C-2 zoning district allows motor vehicle repair and drive through uses with a conditional use permit, subject to the following standards:

Motor vehicle, boat or equipment repair standards

1. All servicing of vehicles and equipment shall occur entirely within the principal structure.
2. To the extent required by state law and regulations, painting shall be conducted in an approved paint booth, which thoroughly controls the emission of fumes, dust, or other particulated matter.
3. Storage and use of all flammable materials, including liquid and rags, shall conform with applicable provisions of the Minnesota uniform fire code.
4. Parking, driveway, and circulation standards and requirements shall be subject to the review and approval of the city and shall be based upon the specific needs of the operation and shall accommodate large vehicle equipment and semitrailer/tractor trucks.
5. The storage of damaged vehicles and vehicle parts and accessory equipment must be completely inside a principal or accessory building.
6. The sale of products other than those specifically mentioned in this section shall be subject to a separate conditional use permit.

Staff findings of repair use/standards

Staff has added a condition to the attached resolution stating that no outside storage of damaged vehicles, parts or accessory equipment is allowed. Staff has reviewed the site plan and finds that the City's circulation standards have been met. Staff finds that the application complies with the City's motor vehicle repair standards.

Conditional Use Permit Amendment for Joint Access

The applicant is requesting a conditional use permit amendment to amend an existing joint/cross-access between the subject property and the lots to the south and to the west. The zoning ordinance permits the setback for

parking and 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. The plans clearly identify the existing west access road extending south from Garrison Road, across the west end of the subject property serving existing development, as the access into the subject property. The applicant is also proposing minor alterations at the access point into the parking lot and along the south property line. The access road 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 a joint-access easement for review and approval by the City Attorney and that the easement is recorded with Crow Wing County.

CUP Standards/Findings

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 neither the motor repair use nor the joint-access would create an excessive burden on existing parks, schools, streets, and other public facilities because the surrounding road and utility network has been designed to support commercial development of the subject property and was previously planned for joint-access.

- 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 proposed commercial use is compatible with adjacent commercial land uses because they are all allowed uses within the C-2 Regional Commercial district and the applicant has coordinated the development plan with the adjacent uses. Additionally, staff finds that the proposed uses would not depreciate adjacent properties or prevent future development as the proposed use follows the development pattern for the subject property that was laid out when the property was originally platted.

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

The City finds that the use would not have an adverse effect on adjacent properties because the applicant has worked with staff to revise the building layout, site plan, and architectural design to meet City ordinances and to provide a finished product that is cohesive with the surrounding development pattern.

- 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 use is commonly a part of commercial development and generally provides a needed service in the community.

- 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 use 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 motor vehicle repair and joint-access.

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

The use would not conflict with the comprehensive plan of the city because the property is guided as commercial, zoned C-2, regional Commercial and the use is a named allowed use within the C-2 district.

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

The proposed use would not cause a traffic hazard or congestion because staff has reviewed an access master plan for the site and has required submittal of a joint-access easement to ensure that traffic can flow freely across shared property lines where pavement extends over said property lines.

- 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.

Site Plan Context

Site plan review for the items listed in the table below, are not part of the review for this application. 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/Exceeds Requirements
Building Setbacks	35-foot front setback 10-foot side setback 30-foot rear setback	80 feet/36 feet 11 inches >10 feet >30 feet	Yes Yes Yes
Parking & Drive Aisle Setbacks	10-foot setback	10 feet	Yes*
Parking	40 spaces	44 spaces	Yes
Parking Stall Dimensions	10 feet by 18 or 20 feet	10 feet by 20 feet	Yes
Drive Aisle Dimensions	24 feet	25/35 feet	Yes
Impervious Surface	88 percent (non-shoreland)	60.6 percent	Yes
Landscaping Number of Trees Priority Placement of Trees Number of Shrubs Size of Shrubs Size of Trees	16 trees (3 islands Front Yard Priority 24 shrubs 3 gallon 2 inch deciduous & 6 foot coniferous	15 (+10 shrubs) Front Yard 35 shrubs (10 for a tree) 3 gallon 2 inch deciduous & 6 foot coniferous	Yes No** Yes Yes Yes

(*) indicates CUP discussion (**) indicates discussion below

Landscaping

Although the landscaping plan does comply with the requirements of the landscape ordinance in terms of number of trees, there is a noticeable lack of trees on the 371 frontage which is a requirement of the ordinance. Additionally, the landscape plan includes at least one Ginko tree which is on the prohibited list of trees. Staff has requested additional trees to be placed on the 371 frontage. A condition has been added to the draft resolution requiring a presence of trees on Highway 371 and to swap out the Ginko tree(s) with an approved species.

4. Recommendation

Staff recommends approval of the conditional use permits to allow a motor vehicle repair business and joint access to allow the development of a new Les Schwab tire center for property located north of 7399 Garrison Road.

Attachments

1. Resolution 2025-068 approving conditional use permits
2. Location Map
3. Site Plan
4. Civil Drawings
5. Landscape Plan
6. Building Elevations
7. Pylon Sign
8. Wall Sign Master Plan