

**CITY OF BAXTER, MINNESOTA  
RESOLUTION 2022-\_\_\_\_\_**

**A RESOLUTION DENYING VARIANCES FOR A LOADING DOCK AND EXTERIOR TRASH  
WITHOUT SCREENING, TO EXCEED THE CITY'S 30-FOOT CURB CUT REQUIREMENT,  
AND TO PROPOSE LOADING MANEUVERING IN A PUBLIC STREET FOR MENARDS  
LOCATED AT 15236 DELLWOOD DRIVE (CITY FILE NUMBER 2022-13)**

WHEREAS, Menard, Inc. ("the applicant") has requested approval of a variance for property legally described as follows:

Lot 1, Block 2, Menard Third Addition, Crow Wing County, Minnesota.

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on August 10, 2022, and recommends denial, and;

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their 16, 2022 meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does deny the request for variances based on the following findings:

1. Variance Standard: The variance, and its resulting construction or project, would be in harmony with the general purposes and intent of this chapter, and would be consistent with the comprehensive plan.

Findings: The variance, and its resulting construction would not be in harmony with the general purposes and intent of this chapter. The zoning ordinance has a 30-foot curb cut maximum and an off-street truck maneuvering requirement to create a safe and orderly traffic design for commercial developments. The proposed 460-foot curb cut at the public street is specifically needed to maneuver trucks in the public street right of way. The resulting 460-foot curb cut blends the on-street pavement and public traffic environment with the off-street loading environment without traffic organization. The applicant is proposing an unsafe traffic condition in public right of way.

2. Variance Standard: The variance applicant has satisfactorily established that there are practical difficulties in complying with this chapter. The applicant must demonstrate that the following criteria have been met:
  - (A) The applicant proposes to use the property in a reasonable manner not permitted by this chapter;
  - (B) The plight of the landowner is due to circumstances unique to the property that were not created by the landowner; and
  - (C) The variance, if granted, would not alter the essential character of the locality.

Findings: There is no practical difficulty to add an un-screened semi loading dock and exterior trash that is directly across the street from an existing single-family home. The applicant has reasonable use of the property without the need for subject variances. There are no unique circumstances to the property to create the need for the variances.

The proposed construction would alter the essential character of the public street and the adjacent residential property.

3. Variance Standard: The variance request is not based exclusively upon economic considerations.

Findings: The variances are exclusively based on economic considerations. The applicant has built out the 21-acre commercial property to the point where additional properties have been acquired for additional expansions to the commercial business.

4. Variance Standard: The variance, and its resulting construction or project, would not be detrimental to the public welfare, nor would it be injurious to other land or improvements in the neighborhood.

Findings: The variances would be detrimental to the public welfare by creating traffic safety hazard. Driveways from public streets with maximum curb cut widths are customary to create organized, predictable, and safe traffic movements. A 460-foot curb cut for loading access connected to the public street would be detrimental to the public welfare. Additionally, the closest single-family home would be less than 100 feet from the proposed loading pavement improvements; directly across from the loading dock and trash enclosure. The subject business/property owner has other options for loading and trash that would not be injurious to the neighborhood.

5. Variance Standard: The variance, and its resulting construction or project, would not impair an adequate supply of light and air to adjacent properties, nor would it substantially increase traffic congestion in public streets, increase the danger of fire, endanger the public safety, or substantially diminish property values within the neighborhood.

Findings: The loading dock would increase truck traffic to the city street with an un-safe design, which could endanger the public safety, and the lack of screening could substantially diminish property values of the adjacent property.

6. Variance Standard: The variance requested is the minimum action required to address or alleviate the practical difficulties.

Findings: The variances are not the minimum action to alleviate the practical difficulties. The applicant is proposing a plan that is in the best interest of the retail store.

**Whereupon, said Resolution is hereby declared adopted on this 16<sup>th</sup> day of August 2022.**

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**Darrel Olson, Mayor**

**ATTEST:**

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**Kelly Steele, City Clerk**

***City Seal***