



**ITEM REPORT
PLANNING AND ZONING COMMISSION**

Agenda Date: 11/12/2025
Agenda Section: New Business

TO: Baxter Planning and Zoning Commission

FROM: Joshua Doty, Community Development

REQUEST: **PUBLIC HEARING.** Conditional Use Permit to allow an apartment accessory to a single-family dwelling at 5257 Cedardale Lane (City file 2025-035)

APPLICANT: Kevin and Mary Finnegan

ZONING: R-1, Low Density Residential

1. Application Request

The applicant is requesting approval of a conditional use permit to allow an apartment accessory to a single-family dwelling for property located at 5257 Cedardale Lane. The applicant is proposing an accessory apartment home addition to allow separate kitchen, bathroom, bedroom within the design of the home.

2. Context

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Single-family Residential	R-1, Low Density Residential
South	Single-family Residential	R-1, Low Density Residential
East	Single-family Residential	R-1, Low Density Residential
West	Single-family Residential	R-1, Low Density Residential

Natural Characteristics of the Site

The project area is flat with no trees and is currently grass area. The site is not located in a shoreland overlay district and there are no wetlands or floodplain on the property.

3. Analysis of Request

Conditional Use Permit Amendment

The applicant has requested a conditional use permit to allow accessory apartment in a single-family home. The R-1, Low Density Residential District lists “apartments accessory to a one-family detached dwelling” as a conditional use subject to the following provisions:

- A. The one-family detached dwelling is owner occupied.
- B. The accessory apartment is in the principal building.
- C. The apartment accessory use shall be clearly incidental and subordinate.
- D. There shall be no separate ownership of the apartment accessory use.

E. Only one such apartment shall be permitted in a one-family dwelling.

The applicant has submitted a plan that meets the above requirements if all conditions of the approving resolution are met. Staff has added several of the above requirements to the approving resolution. Staff has 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 proposed use will not create a burden on existing parks, schools, streets and other public facilities because the existing lot and existing home are pre-existing and are already served public facilities and utilities.

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 proposed use is compatible with adjacent land uses which are all also single-family homes. The use will not depreciate their values because the accessory apartment will be constructed to be part of the existing home.

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

The proposed use will have an appearance that will not have an adverse effect on adjacent properties. Specifically, the home addition is designed to connect to/with the existing home.

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 use is consistent with the city's land use plan for the property and meets its overall needs by providing an additional housing option within a one-family home.

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.

Single family homes are a permitted use in the R-1 zoning district and accessory apartments are a permitted conditional use, and therefore, the use consistent with the purpose of the R-1 zoning district. Staff finds that the applicant has submitted a plan that meets the city's zoning requirements with the granting of this CUP if all conditions are met.

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

The use would not be in conflict with the comprehensive plan of the city.

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

The use would not cause traffic hazards 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.

4. Recommendation

Staff recommends approval of the conditional use permit, subject to the findings and conditions in Resolution 2025-095.

Attachments

1. Resolution 2025-095 approving conditional use permit
2. Location Map
3. Site Graphics