



TO: Baxter Planning and Zoning Commission

FROM: Matthew Gindele, City Planner

DATE: October 13, 2020 Planning and Zoning Commission Meeting

REQUEST: **PUBLIC HEARING –Conditional Use Permit Amendment** for outside storage and an **Interim Use Permit Amendment** to allow multiple accessory buildings on a lot without a principal use for property located at 3915 Independence Rd. (City File # 20-28)

APPLICANT: Simonson Lumber Co.

ZONING: I, Industrial Office

1. Application Request

The applicant is requesting approval of an interim use permit (IUP) amendment to allow for the construction of a fifth accessory warehouse building approximately 12,000 sq. ft. in size and a small 264 sq. ft. temporary office building. The IUP amendment would also extend the expiration of the current IUP to 2025. The applicant is also requesting a conditional use permit (CUP) amendment to modify the current outdoor storage approval from the City to account for the new warehouse building. The amendment would allow a small amount of outdoor storage on a hard surface.

The new warehouse would be used to store merchandise that is currently stored outside on the lot. Only a small amount of merchandise would be left to be stored outside and would be stored on a hard surface such as concrete or asphalt.

2. Context

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Vacant Property	I, Industry Office
East	Vacant Property	I, Industry Office
South	Vacant Property	I, Industry Office
West	Industrial (Brock White)	I, Industry Office

Background

In 2006, the City of Baxter approved a CUP for open storage, fencing over 6-feet, and an accessory structure area over 1,800 square feet.

In 2012, the City of Baxter approved a CUP to allow Potlatch and Brock White Companies LLC to have outside display and storage of items relating to the Brock White Company.

In 2014, the City Council approved a Plat to subdivide the subject property into two lots and two outlots for a plat named "Potlatch Addition to Baxter". The approval also included conditional use permits for cross-access and outside storage for Brock White and Simonson Lumber and an interim use permit to allow a temporary lumber yard use without a principal building for Simonson Lumber. The City Council also approved a variance to allow a 1:12 roof pitch.

Architectural Review

Architectural review is completed at the time of building permit review. However, staff notes that a preliminary architectural review indicates compliance with the ordinance allowing the architectural design to be approved administratively.

Site Plan Review

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
Building Setbacks	35-foot front	35+ feet	Yes
	10-foot side	10+	Yes
	30-foot rear	30+ feet	Yes
Structural Coverage	50 percent	19.2 percent	Yes
Building Height	45 feet	26.5 feet	Yes
Impervious Surface	88 percent (non-shoreland)	56.1 percent	Yes
Landscaping*			
Number of Trees	1 tree/1,500 sq. ft.(8 more)	0	No*
Number of Shrubs	1 shrub/450 sq. ft. (27 more)	0	No*

*Conditioned in resolution

3. Analysis of Request

Conditional Use Permit Amendment

Outside Storage

The applicant is proposing a conditional use permit amendment to update the outside storage approval for the property. The applicant is proposing to continue the existing outside storage situation but would have less merchandise to store outside since much of it would be moved into the new warehouse building. The reduced amount of merchandise needed to be stored outside would allow it all to be

stored on a hard surface such as asphalt or concrete in compliance with the current standards of the Code.

Staff has reviewed the request for CUPs based on the general 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 use would not create an excessive burden on existing parks, schools, streets and other public facilities.

- 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 existing industrial uses are allowed uses in the I district and would not depreciate adjacent properties.

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

Industrial use is planned for this area of the city and will not have an adverse effect on adjacent properties.

- 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.*

Outside storage is consistent with other industrial businesses in the I district.

- 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.*

Industrial business is consistent with the purposes of the City and the I zoning district.

- 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 hazard or congestion. The existing industrial business would remain on the property.

- 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.

Interim Use Permit

In 2014 the City approved an interim use permit (IUP) to allow a temporary lumber yard use without a principal building. At that time, the IUP was set to expire seven years after approval in May of 2021 at which time the applicant would need to construct a permanent office on site as the principal use. The applicant is requesting an amendment to the IUP to allow an expansion of the temporary lumber yard use without a principal structure and to extend the expiration date until 2025. Staff notes that a lumber yard is a permitted use in the I, Industrial Office zoning district. Therefore, there is no need for a conditional use permit. Presently, there are four open warehouses and outside storage on the subject property with the intent to construct a fifth warehouse and a temporary office building. The principal lumber yard use/structure or office would remain for the time being, in the existing Brock White building on the adjacent property located at 3855 Independence Rd. The applicant states that the temporary office building is needed at this time to allow for more social distancing and more efficient flow of paper and people. The applicant has also indicated the IUP amendment is needed at this time to allow for the construction of the new warehouse and temporary office building to account for increased sales volume due to Covid-19. Being allowed to construct the new warehouse and temporary office building would allow the applicant time to evaluate what sort of principal structure would be most desirable for the business and where it would ultimately be located.

An interim use permit allows the temporary use of a property until a particular date. The time specified in the interim use permit should be considered reasonable depending on the interim use and the character of the area. The applicant is requesting the interim use permit for five years from the date of approval which would set the expiration date in October of 2025.

Staff finds that in terms of what is viewable on the site, the site would look much cleaner than it currently does since much of the product stored outside would be moved into the new accessory warehouse building. Therefore, there would be no increased visual impact on the surrounding area. However, staff finds that no additional signage should be allowed on the lot until a principal structure is added to the lot.

4. Recommendation

Staff recommends approval of the conditional use permit amendment and interim use permit amendment, subject to the findings and conditions in the attached resolutions.

Attachments

1. Draft Resolution Approving the CUP and IUP Amendments
2. Location Map
3. Applicant Narrative
4. Site Plan
5. Construction Drawings