



ITEM REPORT PLANNING AND ZONING COMMISSION

Agenda Date: 7/9/2024
Agenda Section: New Business

TO: Baxter Planning and Zoning Commission

FROM: Joshua Doty, Community Development Director

REQUEST: **PUBLIC HEARING.** Preliminary and Final Plat of “Ryan Addition to Baxter” and a Conditional Use Permit for outside storage for property located 12692 Timberwood Drive (city file 2024-019)

APPLICANT: Ryan Companies

ZONING: I, Industrial Office

1. Application Request

The applicant is requesting approval of the following items for the roughly 16.4-acre site:

- **Preliminary and Final Plat** to allow “Ryan Addition to Baxter” to create one lot and one outlot from two lots; and
- **Conditional Use Permit (CUP)** to allow outdoor storage.

Ryan Companies is proposing to develop this 20-acre site with a +/- 50,000 SF building and associated site improvements. The end user is expected to operate under the ‘Industrial Office’ land use designation. The proposed use will be a last mile delivery facility.

2. Context

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Industrial Use	I, Industrial Office
East	Vacant City Owned Land	R-1, Low Density Residential
South	Vacant Industrial Property	I, Industrial Office
West	Vacant Industrial Property	I, Industrial Office

Natural Characteristics of the Site

The site has minimal topography with approximately three feet elevation change across the site for development. The site is mostly open and grassland with some clusters of natural forest. There are no wetlands on the site and 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 June 5, 2024, and recommended approval of the plat and conditional use permit subject to the following:

1. Enter into a Development Agreement prior to issuing a building permit.
2. Enter into a Construction Repair and Maintenance Agreement for Stormwater Utilities, Sanitary Sewer, and Water main for Project Timber Wolf prior to issuing a building permit.
3. Execute a Permanent Hydrant Access Easement prior to issuing a building permit.
4. Enter into a Stormwater Facilities Maintenance Agreement prior to issuing a building permit.

3. Analysis of Request

Preliminary and Final Plat

Staff has reviewed the application for consistency with City Code requirements, as well as City policies.

The City's discretion in approving or denying a preliminary and final plat is limited to whether or not the proposed plat meets the standards outlined in the City Code. If it meets these standards, the City must approve the plat.

Lot Area/Width

The I, Industrial Office zoning district requires a minimum lot area of 20,000 square feet and a minimum lot width of 120 feet for corner lots. The plat would include a corner lot that is approximately 718,304-square feet and approximately 609 feet wide along Timberwood Drive and approximately 1,078 feet wide along Janesville Road. The remaining tract of land to the south is being platted into an outlot, which is a non-buildable for future subdivision and development. Therefore, the lots meet the minimum requirements.

Traffic

A traffic impact study (attached) was conducted in 2024 for the project area assuming the proposed use and development. The study analyzed the impacts to the intersection of TH 210 and Timberwood Drive. As part of the development, Timberwood Drive will be extended to the southern property line of the proposed development. The proposed development is estimated to generate 760 daily trips to the site location. The study concluded that no intersection control or geometric changes are needed at the intersection of TH 210 and Timberwood Drive. Timberwood Drive and the public roadway access to the east will need to be constructed to provide access to the site.

Right-of-Way

Timberwood Drive serves as the primary road corridor providing access to the subject property. Timberwood Drive is being extended with a portion of the road being re-constructed to serve the development. No additional right-of-way is needed along Timberwood Drive. The applicant is proposing to dedicate 80-feet of right-of-way along the south side of the property to allow a new east/west public street named Janesville Road. Approximately half of the southerly frontage of the property would include the construction of a new street. The remainder of the street will be constructed at a later date as future land in the area develops. Staff finds that the 80-foot right-of-way dedication is in compliance with city requirements.

Access

The site plan shows three access locations for the business on Timberwood Drive and one access on Janesville Road. Each access is designed for the specific type of vehicle using the access. Specifically, the northerly access from Timberwood Drive is a Truck access for the loading dock. The middle access is for the parking lot for employees and any guest parking. The southerly access from Timberwood Drive is an exit only lane for vans leaving the facility. The south access from Janesville Road is for vans entering or leaving the site. Separating the access points for these three uses of the business provides optimal traffic organization for the site and surrounding streets. The City of Baxter's 2015 Comprehensive Plan provides access management guidelines for providing adequate access while maintaining traffic flow and safety along roadways. The access spacing guidelines depend on the type of roadway and type of access as well as other factors such as roadway speed, traffic volume, sight distance, etc. The Timberwood Drive road section is classified as a Major Collector Road in the City's Comprehensive Plan, which means that commercial driveway spacing should be at least 330 feet depending on speed, volume, and sight distance based on the City's access management guidelines. The site's access spacing is at least 142 feet. Staff notes that while the site plan does not meet the guidance in the Comprehensive Plan, the traffic study did identify any concerns with site access spacing or access locations for the proposed use. Staff finds that the proposed access locations are acceptable.

Park Dedication

Park dedication will be required to be paid prior to recording the plat, according to the most recent fee schedule at that time. This has been added as a condition of the draft resolution.

Conditional Use Permit

Section 10-3I-3 of the Zoning Ordinance allows "Open storage, accessory to a principal use" as a Conditional Use in the I, Industrial Office zoning district subject to the following conditions:

Open storage, accessory to a principal use.

- A. All applicable Federal, State and/or County permits are obtained.
- B. Storage area is blacktop or concrete surfaced unless specifically approved by the City Council.
- C. The storage area does not take up parking space or loading space as required for conformity to this chapter.
- D. The storage area is screened from public streets and surrounding properties.

Findings

The applicant is proposing to construct a last mile delivery facility, which includes a 150-stall parking lot to store vans for the facility, which will be parked overnight on the lot. The parking lot includes slightly oversized parking stalls and drive aisles to accommodate the vans. The vans travel from the parking/storage lot through a one-way drive aisle on site to the east and south sides of the building, where the vans are loaded for last mile delivery. Upon returning, vans would access the storage lot from Janesville Road on the southeast end of the development.

Staff finds that no separate Federal, State and/or County permits are required for the last mile delivery facility. The storage lot would be paved in compliance with ordinance requirements and the parking lot design complies with ordinance requirements. The applicant is proposing to screen the storage lot from the east, south, and west by a combination of fence, berms, and/or vegetation. The property to the north is Simonson Lumberyard and has existing outdoor storage along the northern property line. All other surrounding property is vacant land.

General CUP Standards

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.

Staff Finding: The open storage accessory use would not create an excessive burden on existing parks, schools, streets and other public facilities. With the public improvements proposed, which includes a reconstruction of existing streets and the extension of new streets and utilities, the public streets will be constructed to accommodate the facility.

- 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.

Staff Finding: The proposed outside storage accessory use is proposed in a planned industrial area. There is only one neighboring building to the north, which also has a CUP for outside storage. Additionally, the applicant is proposing to screen the van parking and van staging areas with a combination of 6-foot-high fencing and landscaping. Therefore, the use would not depreciate adjacent properties.

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

Staff Finding: The proposed use will be screened to meet the standards of the zoning ordinance and therefore, would 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.

Staff Finding: Open storage as an accessory use is a common conditional use in Baxter's industrial parks. The van parking lot is built in proportion to the needs of the business.

- 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.

Staff Finding: The proposed use is consistent with the purposes of the City and the I zoning district. Conditions have been added to the resolution addressing ordinance requirements to ensure that the use complies with all pertinent ordinance requirements.

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

Staff Finding: The subject property, and surrounding area, is guided as "Industrial" in the Future Land Use Map which plans this site for industrial use. Therefore, 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.

Staff Finding: A traffic impact study was completed to evaluate if the proposed use would cause the existing road network to fail due to the increased traffic from this use. The study concludes that proposed

use will not significantly lower the existing level of service on streets and intersections. The proposed use would not cause a traffic hazard or congestion.

H. Facilities: The use shall have adequate utilities, access roads, drainage and necessary facilities.

Staff Finding: The site would have adequate utilities, access roads, drainage and necessary facilities.

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 10-foot side setback/35' corner 30-foot rear setback	78 feet & 200 feet 224 feet 700+ feet	Yes Yes Yes
Parking & Drive Aisle Setbacks	10-foot setback (15 feet for motor fuel sales)	10+ feet	Yes
Parking	113 spaces (Company Vans are Open Storage and are separate from this calculation)	114 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
Parking Lot Sidewalks	Sidewalk Connections to front of the building	Sidewalk Connections	Yes
Building Height	45 feet	31 feet to parapet peak	Yes
Structural Coverage	50 percent	6.89 percent	Yes
Impervious Surface	88 percent (non-shoreland)	51 percent	Yes

Architectural	Articulation on Street Sides	Further Articulation Needed	No*
Landscaping			
Number of Trees	100 trees	105 trees	Yes
Size of Trees	2-inch and 6 foot	2.5-inch and 6 foot	Yes
Priority Placement of Trees	Front Yard & Perimeter Priority	Front Yard/Perimeter	Yes
Number of Shrubs	110 shrubs	225 shrubs	Yes
Size of Shrubs	3 gallon	Sizes in Container	Unknown*
Tree Species	Approved Trees List	Approved Tree List	Yes
Percentage of Coniferous	30 % of required trees	33 % coniferous	Yes
Parking Lot Islands	One island per 10 stalls	One island per 10 stalls	Yes
	One Overstory Tree Per Island	Missing just one island tree	No*

*Condition added to resolution

4. Recommendation

Staff recommends approval of the preliminary and final plat of “Ryan Addition to Baxter” and a Conditional Use Permit for outside storage, subject to the findings and conditions in the draft resolutions.

Attachments

1. Applicant Narrative
2. Site Location Map
3. Draft Resolution Approving Preliminary and Final Plat
4. Draft Resolution Approving the CUP
5. Preliminary Plat
6. Final Plat
7. 2024 Traffic Impact Study
8. Development Plans