



ITEM REPORT
PLANNING AND ZONING COMMISSION

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

TO: Baxter Planning and Zoning Commission

FROM: Matthew Gindele, City Planner

REQUEST: **PUBLIC HEARING.** Preliminary and Final Plat of “Heritage Church” to consolidate two lots together for property located at 13242 Berrywood Drive and the vacant lot to the south (City file 24-26)

APPLICANT: Chad Sundberg (Heritage Assembly of God Representative), 13242 Berrywood Drive, Baxter, MN 56425

ZONING: R-3, High Density Residential

1. Application Request

The applicant is requesting approval of a preliminary and final plat to allow two lots to be consolidated into a single lot. The purpose of the plat is to allow for the existing parking lot to be expanded to the south.

2. Context

Adjacent Land Use and Zoning

| | Adjacent Land Use | Zoning |
|-------|-------------------------------------|---|
| North | Single Family Homes | R-1, Low Density Residential |
| East | Vacant | OS, Office Service & R-1, Low Density Residential |
| South | Twin Homes and Single Family Home | R-3, High Density Residential & R-1, Low Density Residential |
| West | Apartments, City Park, & Twin Homes | R-3, High Density Residential & PB, Public Benefit |

Characteristics of the Site

The subject properties total approximately 13.47 acres in size and are zoned R-3, High Density Residential. The site has little topography, and the site is mostly open, except for a tree stand on the south side of the property. The site is not located in a shoreland overlay district and does not contain any wetlands or FEMA floodplain.

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 the proposed plat meets the standards outlined in the City Code. If it meets these standards, the city must approve the plat.

Lots

The R-3, High Density Residential zoning district requires a minimum lot area of 25,000 sq. ft., a minimum lot width of 100 feet for interior lots and 120 feet for corner lots, and that all lots abut on a public street. The proposed plat would plat a 351,965 sq. ft. lot and a 234,788 sq. ft. lot into one 586,753 sq. ft. lot; both of the existing lots are currently legally described in metes-and-bounds. The resulting platted lot would meet the minimum lot width requirement and have frontage on a public street.

Streets/ROW

The subject property is currently, and would continue to be, served by Berrywood Drive to the west and College Road to the north. Berrywood Drive has a 66-foot-wide right-of-way and College Road has an 80-foot-wide right-of-way. The Utilities Commission recommends that no additional right-of-way is needed for the public streets.

Easements and Conveyances

The proposed plat identifies an existing 10-foot-wide bike and pedestrian path easement on the north property line along College Road. The proposed plat also includes the standard drainage and utility easement inset which identifies 10-foot-wide easements on exterior lot lines shared with right-of-way and 5-foot-wide easements on interior lot line shared with adjacent properties.

Park Dedication

Section 10-4-7 "Park Dedication" of the City Code states that park dedication requirements "*shall not apply to lot combination/redivisions which do not increase the number of single-family residential or commercial lots or units, conversion of apartments to condominiums, or internal leasehold improvements. In other words, if a plat is presented with an existing house or business, the new lot or lots containing the existing house or business shall be exempted from the park dedication requirements but a fee shall be due if there is an increase in the number of homes, units or businesses within the platted area*". The expansion of a parking lot doesn't increase commercial use and, therefore, doesn't trigger the requirement for park dedication.

Nonconformities

There are two existing nonconforming accessory structures on the subject property(s) due to their size and placement on a lot with no principal structure. If the plat is approved, both structures will remain as nonconforming due to size but will be made more conforming since they would both be on a lot with a principal structure if the proposed plat is approved.

Parking Lot Expansion

Staff notes that the applicant has designed a parking lot expansion; a site plan for the expansion is attached to this report. The parking lot is reviewed at the time of a grading permit application. However, staff has completed a preliminary review of the parking lot expansion and notes that the design, including stall dimensions, drive aisle dimensions, setbacks, and landscaping are in compliance with zoning regulations.

Utility Commission Review

The Utility Commission reviewed the preliminary and final plat of “Heritage Church” at its regular meeting on July 3, 2024 and recommends approval of the application, subject to the following conditions:

- 1) Obtain a grading permit from the City prior to beginning construction of the parking lot expansion.
- 2) Enter into an escrow agreement with the City prior to issuance of a grading permit.
- 3) Enter into a Stormwater Facilities Maintenance Agreement with the City prior to issuance of a grading permit.
- 4) Waive the additional 7-feet of right-of-way dedication pursuant to section 11-4-2 of the City Code.

4. Recommendation

Staff recommends approval of the preliminary and final plat of “Heritage Church”, subject to the findings and conditions in the attached resolution.

Attachments

1. Resolution 2024-064 Approving Preliminary and Final Plat
2. Site Location Map
3. Preliminary Plat
4. Final Plat