



ITEM REPORT PLANNING AND ZONING COMMISSION

Agenda Date: 9/8/2026
Agenda Section: New Business

TO: Baxter Planning and Zoning Commission

FROM: Josh Doty, Community Development Department

REQUEST: **PUBLIC HEARING.** Interim Use Permit Amendment allow a two-year extension of the Interim Use Permit for temporary approval of a lumber yard use with multiple accessory structures without a principal structure for QXO, formerly Simonson Lumber at 3915 Independence Road (City file 2026-030)

APPLICANT: QXO (Simonson Lumber)

ZONING: I, Industrial Office

1. Application Request

The applicant is requesting approval Resolution 2026-075 approving an interim use permit amendment of Resolutions 2025-076 and 2020-060 to allow a two-year extension of the interim use permit to allow temporary approval of a lumber yard use with multiple accessory structure without a principal structure. The original interim use permit, approved under Resolution 2020-060 provided a five-year temporary approval for the site. The city also approved an IUP amendment, approved under Resolution 2025-076 to allow one additional year. The applicant is requesting two additional years due to a second company acquisition. Simonson Lumber was sold to Kodiak Building Partners, who sold to QXO on April 1, 2026. The applicant states that QXO is a large organization that added 120 locations throughout the U.S. The request is to allow additional time for the new owner to address the terms of the IUP.

Utilities Commission

The City's Utilities Commission reviewed the application at their meeting on September 2, 2026, and recommended approval subject to the following conditions:

- 1) Stormwater is brought up to code
- 2) Parking lot must be brought up to code
- 3) Signage be brought up to code
- 4) No parking in Independence Road right-of-way
- 5) No permanent sign allowed on the street

Staff notes that the original interim use permit approved on October 20, 2020, was to allow the lumber yard use without a principal structure. The non-conformities/conditions listed above from the Utilities Commission were established on the property after the IUP was approved. Specifically, parking started occurring along Independence Road without the construction of a formal paved parking lot, which is a violation of the zoning ordinance and stormwater requirements. In addition, the subject property was not allowed to have signage, but a non-conforming sign was added on wheels in the City cul-de-sac. Lastly, from time to time, the right-of-way has been used for truck trailer storage.

City staff notes that if the Planning Commission accepts the added conditions from the Utilities Commission, that the Planning Commission clarify how much time is allowed to address each of the above listed the non-conformities/conditions.

Staff notes that with approval of the two-year extension, all other conditions in Resolution 2020-060 remain valid.

2. Recommendation

Staff recommends approval of the Interim Use Permit Amendment, subject to the findings and conditions in Resolution 2026-075.

Attachments

1. Resolution 2026-075 approving Interim Use Permit Amendment
2. Location Map
3. IUP Amendment to allow one-year extension - Resolution 2025-076
4. Original IUP Resolution 2020-060