ITEM REPORT
PLANNING AND ZONING COMMISSION

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

TO:	Baxter Planning and Zoning Commission
FROM:	Matthew Gindele, Planner
REQUEST:	**PUBLIC HEARING. Conditional Use Permit** to allow a second driveway access on a corner lot to a public street for property located at 5980 Wedgewood Rd (city file 2026-035)
APPLICANT:	David Sundeen (home owner)
ZONING:	R1, Low Density Residential

1. Application Request

The applicant has requested a conditional use permit (CUP) to allow a second driveway access on a corner lot. Specifically, the applicant currently has driveway access from an attached garage to Wedgewood Road. The applicant has submitted a building permit application for a new detached garage that would be oriented toward Parkwood Drive with a second driveway from the detached garage to Parkwood Drive.

2. Context

Adjacent Land Use and Zoning

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

Characteristics of the Site

The subject property is zoned R-1, Low Density Residential and is 26,572 square feet in size. The property is sparsely wooded and is developed with a home and attached garage. There are no wetlands or FEMA floodplains present on the property and it is not in a shoreland overlay district.

3. Analysis of Request

Conditional Use Permit

The ordinance states that “in the case of lots with multiple street frontages, multiple curb cuts shall only be allowed by conditional use permit. Such requests shall be evaluated to ensure that the curb cut spacing requirements are met, that safe access is provided and adequate visibility is provided and that all general conditional use permit standards in chapter 7 of this title are met."

Findings for multiple curb cuts (second driveway)

The applicant has provided a plan that places the second driveway approximately 55 feet from the nearest driveway access and approximately 70 feet from the intersection of Parkwood Drive and Wedgewood Road meeting both the driveway and the intersection separation requirements. Additionally, the ordinance requires a minimum of 30 feet of separation from the intersection of two streets to a driveway access, and a minimum of 25 feet of separation between two driveway accesses. Due to the setbacks between driveways, the setback from the street intersection, and the fact that both Parkwood Drive and Wedgewood Road are local streets, staff finds that safe access and adequate visibility are provided.

Staff has also reviewed the request on 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 second driveway access would not create a burden on existing parks, schools, streets and other public facilities because it does not add any additional residences that would use these resources and the existing street network was designed for residential use. The garage that the second driveway would provide access to will be used for residential purposes. A condition has been added to the draft resolution stating that no business operations shall be performed in the garage that the second driveway provides access to.

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 driveway access is compatible with adjacent land uses and will not depreciate adjacent land values because it would provide access to a residential garage in a residential neighborhood with many other driveways providing access to garages. Additionally, the second driveway will not deter development of vacant land because all the land around the subject property is already developed with homes.

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

   The proposed driveway will not adversely effect adjacent properties due to appearance (or otherwise) because it will be hard surfaced with pavement or concrete like all other driveways. A condition has been added to the draft resolution requiring the driveway to be hard surfaced.

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 second driveway would provide street access to a detached garage and is reasonably related to the overall needs of the city and to the existing land use because it helps buildout a residential neighborhood which is vital to the prosperity of the city.

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.*

Driveway providing access to garages on in single-family districts are an acceptable use that is consistent with the purpose of the R-1 zoning district and meets the requirements of the zoning ordinance.

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 because the design meets the standards of the zoning ordinance.

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.

Utilities Commission review

The Utilities Commission reviewed the application at its regular meeting on September 8, 2026 and recommended approval of the conditional use permit with the condition that the property owner (applicant) pay for the additional storm sewer improvements required to accommodate the driveway; this has been added as a condition of approval in the draft resolution.

4. Recommendation

Staff recommends approval of the Conditional Use Permit, subject to the findings and conditions in the attached resolution.

Attachments

1. Resolution 2026-072 approving the CUP
2. Site Location Map
3. Site Plan