



ITEM REPORT PLANNING AND ZONING COMMISSION

Agenda Date: 6/14/2022
Agenda Section: New Business

TO: Baxter Planning and Zoning Commission

FROM: Matthew Gindele, City Planner

REQUEST: PUBLIC HEARING. Conditional Use Permit to allow a school use for property located at 13242 Berrywood Drive (City file 22-23)

APPLICANT: Tom Hice (for Heritage Church), 3670 Sleepy Hallow Road, Fort Ripley, MN 56449

ZONING: R-3, High Density Residential

1. Application Request

The applicant has requested approval of a conditional use permit (CUP) to allow a school use in an existing church on property that is zoned R-3, High Density Residential and is located at 13242 Berrywood Drive.

2. Context

Adjacent Land Use and Zoning

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

Natural Characteristics of the Site

The lot is developed with an existing church and parking lot. The property is landscaped with trees throughout the parking lot and on the north side of the building. A fenced in playground is situated off the northeast corner of the building. There are no significant natural features on the subject property.

3. Analysis of Request

Conditional Use Permit

The applicant is requesting a conditional use permit (CUP) to allow a school use in an existing church building for property that is zoned R-3 High Density Residential. The school use and the church use

would occupy the building at separate times of the day/week so that parking needs of the school should not affect parking needs of the church. The school would serve kids in the age range of pre-K through 8th grade and would add a grade to its service each year so that by the 2026/2027 school year the school would serve kids in the age range of pre-K through 12th grade. The applicant has stated that a maximum of 100 to 150 kids would be served by the proposed school.

The R-3 district allows school uses with a conditional use permit subject to the following conditions:

1. No building shall be located within fifty feet (50') of any lot line.
2. The site shall be served by a minor arterial or higher classification of roadway.
3. A master plan shall be submitted that describes proposed physical development for the next five (5) years and for the following five (5) years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

The existing building is located approximately 120 feet from the ROW College Road ROW and 167 feet from the Berrywood Drive ROW. The property is served by Berrywood Drive and HWY 210; HWY 210 is classified as a minor arterial street in Baxter's Long Range Transportation and Functional Classification Street Map. The applicant has submitted a narrative describing their intended use of the property that includes both a 5-year and 10-year master plan for development of the property which includes expanding service from pre-K through grade 8 to pre-K through grade 12 during the first five years (the full narrative is attached).

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. Specifically:

Section 10-7-4 of the Zoning Ordinance defines the criteria for reviewing and processing a conditional use permit (CUP), including amendments. 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 proposed use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities because the public facilities were designed to, and have the capacity to, accommodate this type of use.

- 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 use is compatible with adjacent land uses and will neither depreciate their values nor deter development because adjacent land uses are primarily residential which the school will serve.

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

The proposed use will have an appearance that will not have an adverse effect on adjacent properties because the existing building was designed to acceptable City architectural standards.

- 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 use is related to the overall needs of the city because it performs an education service for children within the community.

- 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.*

The use is consistent with the purposes of the Zoning Title and with the R-3 High Density Residential zoning district as long as all conditions are met.

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

The proposed use is not in conflict with the Comprehensive Plan.

- G. Traffic: The use will not cause traffic hazard or congestion.*

The use will not cause a traffic hazard or congestion because the existing parking lot is set up properly to accommodate parent drop off/pick up of students and for busing. The access plan for the site, and the existing parking, is sufficient to accommodate the buses, the staff and potential visitors.

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

The use will have adequate utilities, access, drainage, and necessary facilities with the existing site improvements.

Site Analysis

Access

The subject property has access to the parking lot from two separate points on Berrywood Drive and from one point on College Road. The applicant has indicated that the school will rely on parents to pick up and drop off students rather than utilize a busing service but that busing may be used in the future. The student pick up/drop off would utilize the north access to the property from Berrywood Drive to enter the property and drop off the students at or near the front entrance and would then loop around and use the south access point on Berrywood Drive to exit. There is also a turn-around area at the entrance to the building that provides a secondary exit point to Berrywood Drive. If/when buses are utilized, the bus entrance would utilize the access to College Road keeping the busing area and the parent pick up/drop off area separate from each other. A condition has been added to the draft resolution requiring submittal of a bus circulation plan identifying turn radiuses for review and approval by staff prior to using buses for transportation of students, if and when buses are to be used. An access site plan is attached to this report.

Parking

The proposed school use requires a total of 71 parking stalls and the church use requires a total of 205 parking stalls. There are currently 300 parking stalls provided on the property. The existing parking lot meets the City's minimum parking requirements for the school use and the church use. It should be noted that there is a possibility for overlapping uses during special events, but the applicant intends on

coordinating events to avoid such a scenario. A condition has been added to the draft resolution indicating that if a parking issue is documented the applicant shall be required address the issue through expanded parking or through other means acceptable to the City.

Utility Commission Review

The Utilities Commission reviewed the applicant's request and recommended that the Planning & Zoning Commission recommend approval of the Conditional Use Permit for Stare Academy with the condition that Sewer and Water Availability Charges are paid at the time of a building permit and/or change of use of the facility.

4. Recommendation

Staff recommends that the Planning and Zoning Commission recommend approval of the Conditional Use Permit to allow a school use on property zoned R-3 High Density Residential located at 13242 Berrywood Drive, subject to the finding and conditions in the draft resolution as may be amended by the Commission.

Attachments

1. Draft Resolution Approving CUP
2. Site Location Map
3. Applicant's Narrative
4. Student Pick-up/Drop-off Site Plan
5. Use Area Floor Plan
6. School Calendar