



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 6906 Colony Drive

**Application Type:** Conditional Use and Certified Survey Map Referral

**Legistar File ID #** [44175](#) and [44186](#)

**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

**Requested Actions:** Approval of a Certified Survey Map (CSM) to create one lot for an existing place of worship at 6906 Colony Drive and one lot for a proposed daycare center, and approval of conditional uses to allow construction of the daycare center.

## Addendum

On September 19, 2016, the Plan Commission referred consideration of the proposed Certified Survey Map to divide 6906 Colony Drive into two lots and approval of a conditional use for a daycare center on Lot 2 of the CSM to the October 17 meeting at the request of the applicant, John Scott of LSCOTT Enterprises, LLC.

In its September 19 staff report, Planning Division and Traffic Engineering Division staff determined that the proposed daycare center could not meet the standards for conditional use approval and are recommended that it not be approved, citing concerns that the proposed daycare does not provide adequate onsite circulation, and that the addition of the daycare would cause excessive congestion on Colony Drive at N. Gammon Road in contradiction to conditional use standards 5 and 6. Staff also recommended that the proposed CSM to create the lot for the daycare also be placed on file, since the proposed lot configuration was suited only to the daycare, and staff felt that it would be better to consider the division of the existing lot at such time in the future as there is another use proposed for the property to ensure that the design of Lot 2 comported to the uses allowed in SR-C1 (Suburban Residential–Consistent 1 District) zoning. The September 19 report and public comments received on the projects are included in the Plan Commission materials for this meeting.

Since the September 19 referral, the applicant met with Planning, Traffic Engineering and City Engineering staff and submitted a revised Traffic Impact Analysis to address technical issues raised with an earlier version, which were referenced in the previous staff report. As noted in the previous report, the intersection already experiences a severe delay for certain movements at peak periods. However, the amount of delay at the intersection as a result of the addition of the proposed daycare would increase about 400%, which the Traffic Engineering Division has determined is unacceptable.

As a result, staff has concluded that the daycare center may only be approved if the intersection of N. Gammon Road and Colony Drive is fully signalized due to the negative traffic impacts and poor level of service at the intersection that will result from the approval of this development without the signal. The traffic signal can be financed either by the applicant or through the creation of an assessment district, and must to be approved by the Pedestrian, Bicycle and Motor Vehicle Commission (PBMVC), the Board of Public Works, and the Common Council. If signalization is not approved by the PBMVC, and either the assessment district is not approved or the applicant is unwilling or unable to pay the full cost of signalization, than the daycare center should not be approved for construction.

If the Plan Commission can find that the standards for approval are met and the subject requests are approved with conditions related to signalization of the intersection, the applicant is aware that final approval of the conditional use plans and issuance of permits for the new daycare will not be issued until all of the approvals for the traffic signal at Colony Drive and N. Gammon Road have also been granted.

During the meeting with applicant subsequent to the September 19 referral, the issues raised by Planning staff related to the site plan and onsite circulation were also discussed. As a result of that discussion, staff believes that concern has been adequately addressed subject to conditions 1–5 as recommended in the earlier staff report.

## Revised Conclusion

In closing, staff believes that the proposed conditional use for a 22,800 square-foot daycare center on Lot 2 of the related CSM dividing 6906 Colony Drive can meet the standards for approval only if the intersection of Colony Drive and N. Gammon Road is fully signalized. Approval of the signalization rests with the Pedestrian, Bicycle and Motor Vehicle Commission, with additional approvals also required if the signal will be funded through a special assessment. In the event that signalization of the intersection is not approved, the daycare shall not proceed to construction. If the daycare is not approved, or if the signalization of the intersection required to allow the daycare center to proceed is not approved, the proposed two-lot CSM shall not be recorded, as the proposed lot configuration only appears to comport to the use of Lot 2 as a daycare per the applicant’s plans.

## Recommendation

### Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division and Traffic Engineering Division recommend that the Plan Commission find that the proposed daycare center to be constructed on a lot to be created from 6906 Colony Drive meets the conditional use standards for **approval** subject to input at the public hearing and the revised conditions from the Traffic Engineering Division that follow, which shall be satisfied in full prior to final approval of the CSM for recording and issuance of permit for the daycare center.

→ All of the other conditions recommended in the September 19 staff report and Zoning Administrator memo *except* the Traffic Engineering conditions shall be made part of any approval granted in accordance with this addendum.

Major/Non-Standard Conditions are Shaded

### Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

1. Prior to recording of the Certified Survey Map dividing 6906 Colony Drive into two lots and approval of the final plans and building permits for the daycare center on Lot 2 of the CSM, plans for a full traffic signal at the intersection of N. Gammon Road and Colony Drive, and any intersection improvements (turn lanes, signage, etc.) related to the signalization shall be approved by the Pedestrian, Bicycle and Motor Vehicle Commission, Board of Public Works and Common Council. This condition shall be satisfied in one of two ways:
  - a.) The applicant shall enter into a City/ Developer agreement for the full cost of designing and constructing the required traffic signal and related infrastructure improvements, as determined by the City Engineer and City Traffic Engineer; or
  - b.) The applicant shall not object to the establishment of an assessment district for the costs of the intersection signalization and infrastructure improvements and shall agree to pay his proportionate share of those costs, as determined by the PBMVC, the Board of Public Works and Common Council.

2. The applicant shall dedicate right of way for turn lanes on N. Gammon Road and Colony Drive as required by the Traffic Engineering Division. This is to help mitigate the negative traffic impacts this development will have on the intersection of Colony Road and N. Gammon Road.
3. The applicant shall submit one contiguous plan for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
4. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City-owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
5. The City Traffic Engineer may require public signing and marking related to the development; the developer shall be financially responsible for such signing and marking.
6. All parking facility design shall conform to the standards in MGO Section 10.08(6).