



**ITEM REPORT  
PLANNING AND ZONING COMMISSION**

Agenda Date: 11/12/2025  
Agenda Section: New Business

**TO:** Baxter Planning and Zoning Commission

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**FROM:** Matthew Gindele, City Planner

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**REQUEST:** **PUBLIC HEARING.** Variance to the parking and drive aisle standards for property located at 7837 Excelsior Road (City file 2025-033)

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**APPLICANT:** Lakes Area Food Shelf  
C-2, Regional Commercial

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**ZONING:**

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**1. Application Request**

The applicant is proposing to operate a food shelf grocery store, which is a permitted use in the C-2 zoning district, at the subject property and has requested a variance to the parking setback to allow them to gain four additional parking stalls to meet the City’s minimum parking requirements.

**2. Context**

Adjacent Land Use and Zoning

	<b>Adjacent Land Use</b>	<b>Zoning</b>
<b>North</b>	Office	OS, Office Service
<b>East</b>	Commercial business	C-2, Regional Commercial
<b>South</b>	Commercial business	C-2, Regional Commercial
<b>West</b>	Commercial business	C-2, Regional Commercial

Characteristics of the Site

The subject property is developed with a commercial building and parking lot and is flat. There are no wetlands, floodplains, or shoreland overlay districts on the property. The proposed site plan would expand the impervious surface by 323 feet to 77% of the total lot area, which complies with the maximum 88 percent impervious surface requirement of the Office Service district.

### 3. Analysis of Request

#### Variance

A site plan was previously approved for this site that included angled parking stalls behind the building with a paved drive aisle on the west side of the building connecting the back parking lot with the front parking lot providing convenient egress from the parking area behind the building. However, the approved site plan was never fully constructed since the westerly drive aisle was never paved which effectively rendered the rear parking area ineffective and the site nonconforming. Since the original site plan was approved, zoning ordinances pertaining to setbacks, drive aisle dimensions, parking stall dimensions, and amount of required parking have changed, further exacerbating the nonconformities. Assuming the current site layout without any parking behind the building, the site is under-parked by four stalls pursuant to the current Zoning Code. The proposed plan makes the best of a less-than-desirable situation while allowing the structure to be utilized for commercial purposes as it is intended for. The proposed site plan provides the required amount of parking stalls all meeting minimum dimensional requirements while providing convenient ingress/egress to the four stalls being added. The applicant is requesting a variance to the parking setback to allow the four new code compliant stalls.

The variance standards are established by Minnesota Statute §462.357, Subd. 6.2. The burden of proof is on the applicant to show that the variance standards have been met. Staff has reviewed the application for consistency with the variance standards, as follows:

- a) *That there are practical difficulties in complying with the Zoning Ordinance.*

There are practical difficulties in complying with the Zoning Ordinance because the existing site layout was approved under a previous zoning ordinance and is now nonconforming to current ordinances. Additionally, the previously approved site layout was never fully constructed, further exacerbating the nonconforming status of the property. There is no way to use the subject property while fully conforming to all current zoning standards without the need for a variance.

- b) *That the conditions upon which a petition for a variation is based are unique to the parcel of land for which the variance is sought and were not created by the landowner.*

The conditions are unique to the parcel of the land and were not created by the landowner because it was developed under a previous version of the zoning code by a previous owner who did not follow the approved site plan.

- c) *That the granting of the variation will not alter the essential character of the locality.*

The granting of this variance will not alter the essential character of the locality because the site is currently developed for commercial use in a commercial zone and adjacent properties have pavement into the setback to the shared lot line with the subject property; the issuance of this variance will have minimal to no visual impact on the surrounding area. Additionally, the variance would allow for four parking stalls to be added to an area that was originally planned to have parking.

- d) *The proposed variance would be in harmony with the general purposes and intent of the Ordinance.*

The variance would be in harmony with the general purposes and intent of the ordinance. Staff finds that, given the development pattern of the lot and adjacent properties, the variance would meet the intent of the ordinance by allowing improvements to the property that would bring it closer to code-compliant than it currently is.

e) *The variance is consistent with the Comprehensive Plan.*

The comprehensive plan and zoning ordinance identify this property as a commercial use where parking is not only a permitted use, but is also required.

#### Utility Commission Review

The Utility Commission reviewed the application at their regular meeting on November 5, 2025 and recommends that the Planning Commission recommends approval of the variance with the condition that the four additional parking stalls be signed as Employee Parking; this has been added as a condition to the draft resolution.

#### **4. Recommendation**

Staff recommends approval of the variance, subject to the findings and conditions in the draft resolution.

#### **Attachments**

1. Draft Resolution 2025-090
2. Site Location Map
3. Applicant Narrative
4. Site Plan