

To:	Spring Lake Park Planning Commission	From:	Phil Carlson, AICP, Stantec
	City of Spring Lake Park		
File:	7705-7707 Central Avenue NE Applicant: Yan Small Owner: MinnFoods Group LLC	Date:	April 22, 2024

**Re: Variances – Side and Rear Setbacks, Impervious Lot Coverage, 7705-7707 Central Avenue NE**

**INTRODUCTION**

Yan Small owns the MinnFoods industrial building at 7705 and 7707 Central Avenue NE, operating a food manufacturing business, and wants to expand it. The existing building is on a smaller, older lot which does not meet current setbacks. The addition would encroach into the side setback to the north, where there is a strip of vacant land connected to the larger industrial building and lot to the east. It would also encroach into the rear yard to the east, about the same as the existing building’s rear setback. Being an older building, the impervious lot coverage is also more than the City’s standard. The applicant is requesting variances to the side and rear setbacks and to the impervious surface coverage for the building addition project.

**PLANNING & ZONING CONTEXT**

The property is guided and zoned Industrial. The required setbacks are 35 ft to the rear (east) and 25 ft to the side (north). The existing building is about 14 ft from the rear lot line and 50 ft from the north side lot line. The proposed 38-ft-wide building addition would be setback 10 ft to the rear and 12 ft from the north lot lies, thus requiring variances. A feature of this property, however, is that the abutting property (Tint Pros, 1313 Osborne Road) is an L-shaped lot that includes a vacant 40-ft-wide strip of land on the north side of the MinnFoods lot which will likely never be developed with any kind of building, providing in essence an additional 40 ft of setback on the north side. The effective side setback will be 52 ft, not 12 ft. The building addition is proposed with a 10-ft rear setback, against the side parking lot of the 1313 Osborne building, not a sensitive edge needing a significant setback *[the City might consider revising the required setbacks between industrial uses]*. The existing and proposed site conditions are illustrated on the next page and the street view on the following page.

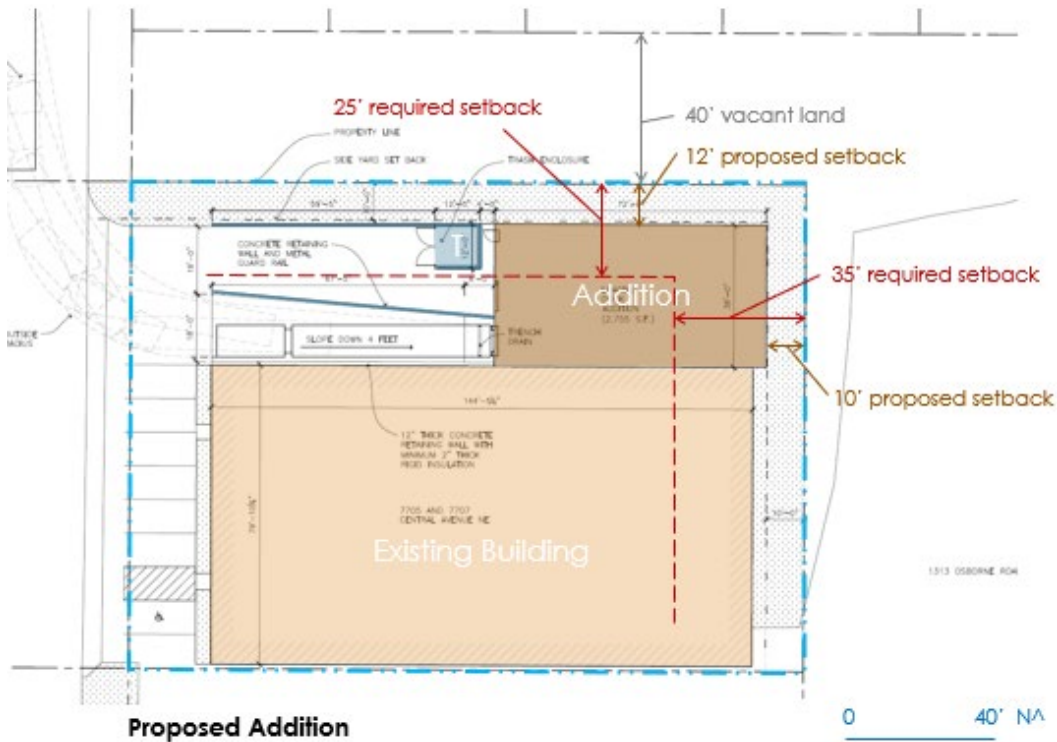
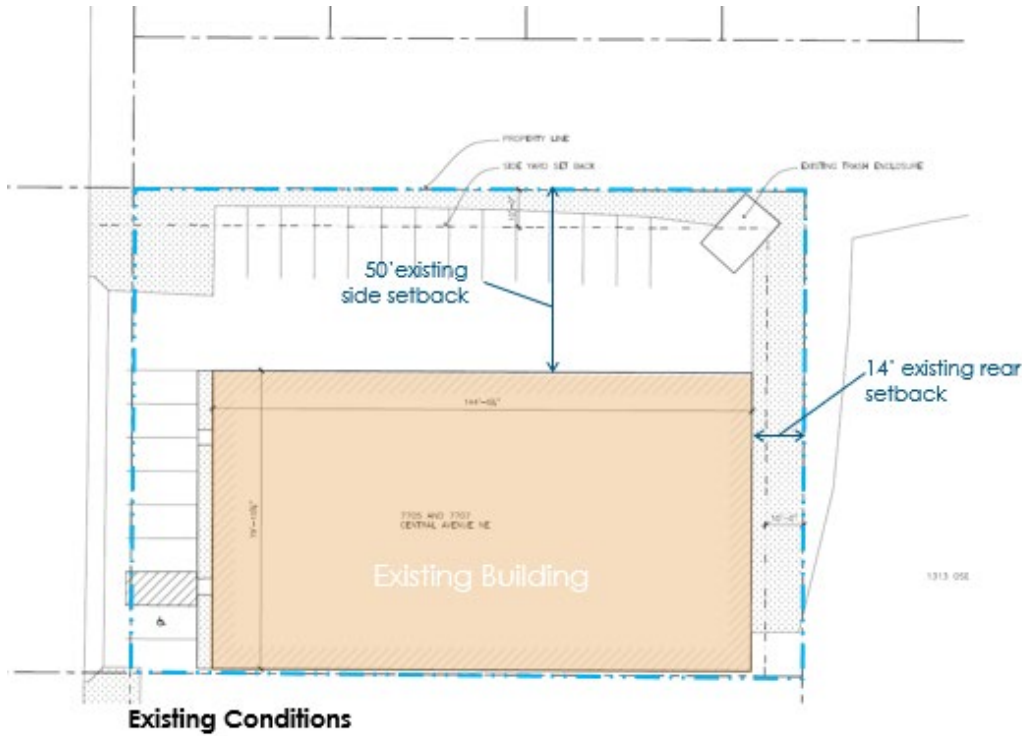


The existing site has about 85% impervious surface compared to the required 75% maximum. The new addition would increase that to about 92% coverage. The applicant will need to meet watershed district and county drainage requirements.

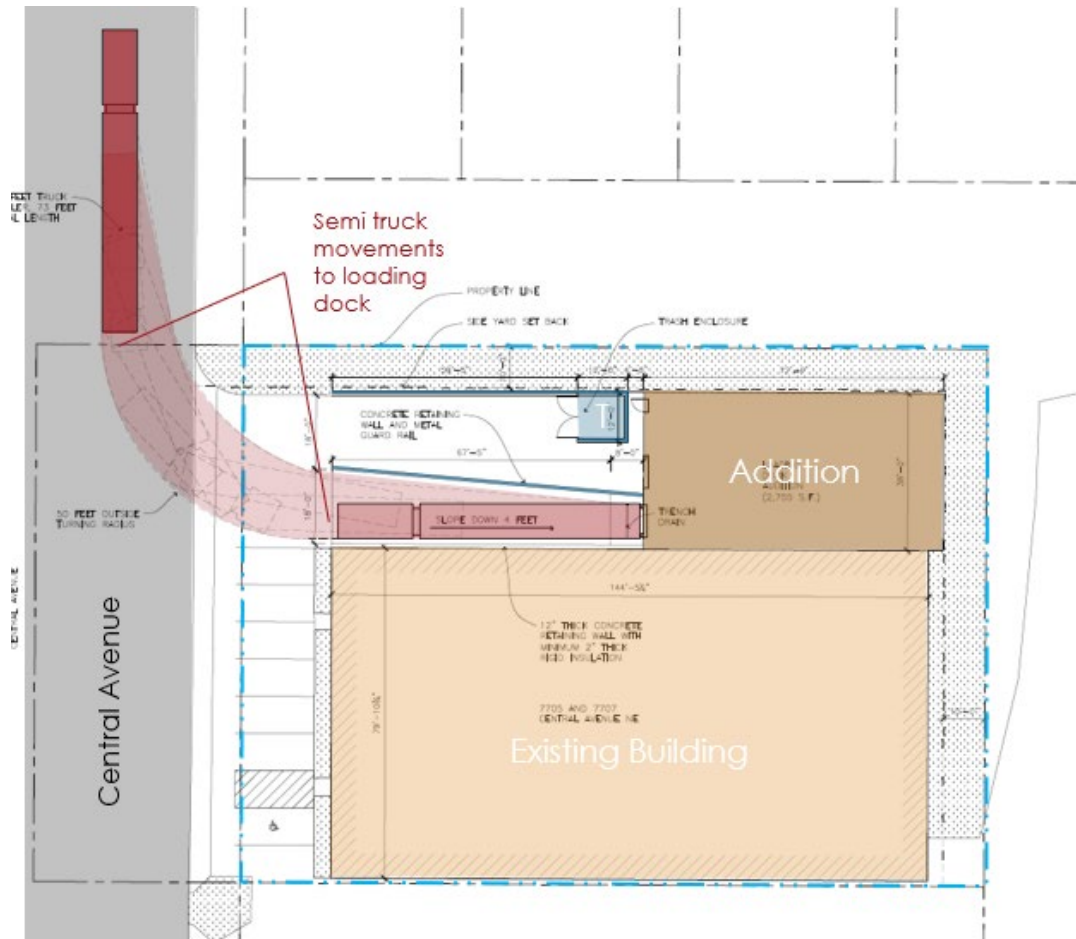
**Truck Movements**

The new addition would be for a loading dock to handle semi trucks. The site plan shows the necessary truck movements to the loading dock, which would involve trucks stopping and backing from Central Avenue into the site. This is illustrated on the page after next. Care must be taken with this kind of large truck movements on the street.

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Re: **Variations – Side and Rear Setbacks, Impervious Lot Coverage, 7705-7707 Central Avenue NE**





Re: **Variations – Side and Rear Setbacks, Impervious Lot Coverage, 7705-7707 Central Avenue NE**

## VARIANCE CRITERIA

The criteria for approving variances are in Section 16.60.040.A:

*Purpose.* The City Council may grant a variance from the strict application of this title and impose conditions and safeguards on the variance so granted only in instances where their strict enforcement would cause practical difficulties in complying with the official control because of circumstances unique to the individual property under consideration, and may grant a variance only when it is demonstrated that such actions will be in harmony with the general purposes and intent of this title and when the variances are consistent with the Comprehensive Plan. "Practical difficulties" as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties also includes, but is not limited to, direct sunlight for solar energy systems. A variance shall not be granted to allow a use that is not allowed in the zoning district involved.

In the case of the MinnFoods property and variance requests, the use is reasonable and the circumstances with this property are unique and not created by the landowner:

- The proposed building addition is by itself a reasonable request and use of the property, to provide a loading dock for an industrial building.
- The property abuts a vacant strip of land on the north side that provides more than enough buffer as required by the required side setback, but that strip is not part of the MinnFoods property, creating a situation where the intent is satisfied, but the letter of the ordinance cannot be met without a variance.
- The MinnFoods property abuts another industrial use to that business's side yard parking and circulation area – not a sensitive use requiring buffering or distancing. The proposed addition that encroaches into the rear setback would be at about the same setback as the existing MinnFoods building.
- The comprehensive plan has a land use goal that applies directly to the MinnFoods request:

*"Encourage the redevelopment of under-utilized properties in a manner that achieves the highest and best use, eliminates blight, and increases the community's tax base while mitigating impacts on surrounding land uses."*

This addition is an improvement to the property and will increase the tax base.

- The character of this locality is of an older industrial area with many buildings not meeting current zoning standards, but still providing a valuable part of the City's business and economic base. The proposed addition will not alter that character and is an improvement to the property.

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## RECOMMENDATION

I recommend that the Planning Commission recommend approval of the variances for a building addition at 7705 Central Avenue NE as depicted on application and attached materials from Yan Small dated 4-1-24, with the following conditions and findings of fact:

### *Conditions of Approval*

- 1) The applicant will meet all watershed district and county drainage requirements before issuance of a building permit.
- 2) Care will be taken in the maneuvering of trucks on the public street. The City reserves the right to review the situation and require additional measures if there are problems with truck movements at the site.

### *Finding of Fact for Approval*

- 1) The proposed building addition is a reasonable request and use of the property, to provide a loading dock for an industrial building.
- 2) The property abuts a vacant strip of land on the north side that provides more than enough buffer as required by the required side setback, but that strip is not part of the MinnFoods property, creating a situation where the intent is satisfied, but the letter of the ordinance cannot be met without a variance.
- 3) The MinnFoods property abuts another industrial use to its side yard parking circulation area – not a sensitive use requiring buffering or distancing. The proposed addition that encroaches in the rear setback would be at about the same setback as the existing MinnFoods building.
- 4) The comprehensive plan has a land use goal that applies directly to the Minnfoods request: *“Encourage the redevelopment of under-utilized properties in a manner that achieves the highest and best use, eliminates blight, and increases the community’s tax base while mitigating impacts on surrounding land uses.”* This addition is an improvement to the property and will increase the tax base.
- 5) The character of this locality is of an older industrial area with many buildings not meeting current zoning standards, but still providing a valuable part of the City’s business and economic base. The proposed addition will not alter that character and is an improvement to the property.
- 6) The requests meet the standards for approving a variance in in Section 16.60.040.A of the Spring Lake Park Zoning Code.

## OPTIONS

- 1) Recommend approval of the variances as presented with the recommended conditions and findings, or as modified by the Planning Commission.
- 2) Recommend denial of the CUP, with findings for denial.
- 3) Continue the item to a future meeting to gather more information or more discussion.

## 60-DAY RULE

The variance application was received on April 1, 2024. The deadline for final action by the City Council per State statute 15.99 is June 1, 2024.