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MEMO

Date: June 13, 2017
Re: Planning Commission/Board of Adjustment Report
From: Ben Oleson, Zoning Administrator

Dear Mayor and City Council,

The Planning Commission/Board of Adjustment held its regular meeting on June 12, 2017. The Commission held one public hearing regarding a conditional use request. The Planning Commission/Board of Adjustment has made a recommendation to the Council regarding the conditional use request.

AGENDA ITEM #1

Application: Conditional use permit for the construction of a commercial building with a 10 foot rear yard setback (40 feet required unless a conditional use is granted).

Applicant: ALDI, Inc. (Andrew Shaw)

Property Owner: Edward J Gottwalt Revoc Trust

Background Information:

- Proposal:** The applicant is proposing to construct a commercial retail (grocery store) building that would be 10 feet from the north (rear) property line, where a 40 foot setback is required to avoid the need for a conditional use permit.
- Location:**
 - o XXXX 18th Street NE
 - o Legal Description: Lots 2 and 3, Block One, Hidden Oaks
 - o Parcel number(s): 48.2945.000 and 48.2946.000
- Zoning:** B-3 Noncentral Business District

Planning Commission Recommendation: The Planning Commission is recommending approval of the requested conditional use on a unanimous vote.

There were approximately 15-20 persons in attendance, with many of them making comments during the public hearing. The great majority of the comments had to do with concerns regarding increased traffic on both 18th Street and Woodland Drive as well as concerns regarding increased difficulty in exiting Woodland Drive on to 18th Street. Most comments expressed that they were not opposed to the proposed store on the property – just that something be done regarding the traffic concerns. The Planning Commission noted that these concerns were not directly related to the application to have the building closer to the north lot line and that the concerns regarding traffic would be present regardless of whether the conditional use permit were granted or not.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the City Council based on the discussion at the public hearing:

1) Current Zoning:

- Subject Property: B-3 Noncentral Business District
- Surrounding Properties:
 - West: B-3 Noncentral Business District
 - South: Not zoned by city (outside of city boundaries)
 - North: B-3 Noncentral Business District
 - East: R-1 One- and Two-Family Residential District/Planned Unit Development

2) Current Land Use:

- Subject Property: Vacant property
- Surrounding Properties:
 - West: “Big-Box” retail commercial (Wal-Mart) and vacant commercial land
 - South: Vacant land/scrap yard
 - North: Retail commercial (Dollar Store)
 - East: Single-family residential/vacant residential

3) Lot size: Approximately 100,001 sq ft (2.3 acres)

- Existing impervious surface: 0 sq. ft. (0%)
- Proposed net impervious surface: Approx. 1.7 acres (74%)

4) Sewer/Water: The property has City sewer/water available.

5) Natural Features:

Floodplain: The property is not within an identified floodplain

Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes. The site is relatively flat.

Wetlands: There are not any wetlands on the property that would impact the proposed use.

6) **Will the granting of the conditional use be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?**

Yes. The intent of a 40 ft rear yard setback is generally to provide some space between the rear of a commercial building, which generally contains the less attractive parts of a commercial building (trash dumpsters, utility connections, etc.) as well as allowing for adequate space for loading and unloading of delivery vehicles, which are sometimes located to the rear of a building. In some cases, the rear of a building faces properties zoned for residential uses which is another reason for a larger setback. The ordinance anticipates however, that a lesser setback may be warranted in some situations by allowing these via a conditional use permit.

In this case, the portion of the building that would be located within 10 feet of the rear lot line is to the north of the property on a lot that was originally platted as an "interior" lot - meaning that if this application did not involve the development of two originally platted lots, the setback required to the north property line would be only 10 feet, as is proposed. Because both lots are being developed and the south lot was a corner lot, the north lot line becomes a rear lot line by definition instead of a side lot line as originally platted. The setback to the other rear property line (the east line) will be the required 40 feet and does not require a conditional use permit.

Further, the lot that abuts this property to the north is also a lot currently being used for retail commercial purposes and the issue of having an increased setback to residential properties does not apply. The loading dock for this building would be located on the east side of the property, negating the need for a loading area on the north side of the property.

7) **Will the granting of the conditional use be consistent with the City of Little Falls' Comprehensive Plan?**

The Comprehensive Plan does not directly address setback requirements from rear property lines. The proposed use of the property (retail commercial) is anticipated and supported by the Comprehensive Plan, which identifies this areas for "Highway Commercial" uses:

Highway Commercial - This designation is for retail sales and services outside the downtown and typically located on major highways especially where the highways intersect. (pg. 1-5 - Vision and Plan)

If you have any questions, please feel free to contact me. I can be reached by phone at (888) 439-9793 or by email at oleson@hometownplanning.com.