



## MEMORANDUM

To: Mayor Stille and St. Anthony Village City Council  
From: Stephen Grittman, City Planner  
Date: City Council Meeting – March 14, 2023  
NAC Project No. 323.01 – 23.01  
Request: Request for a Conditional Use Permit for Catering Facility in the Light Industrial District  
  
Property Address: 3601 29<sup>th</sup> Avenue NE  
  
Property PID: 06-029-23-44-0036

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## PROJECT DESCRIPTION

The Applicants are seeking approval of a Conditional Use Permit to remodel and occupy an existing building at the above address. The site is zoned Light Industrial, and is surrounded by other Industrial parcels. The proposed use would be as a commercial catering and food preparation business, listed as a Conditional Use in the L-I District. The applicants note that the business supports its existing restaurant (The Tea House) at 2425 University Avenue SE in Minneapolis. The application notes that the activity at the site may eventually expand to include fresh and frozen food preparation for sale in groceries and restaurants.

The building is a 14,447 square foot structure that occupies the extent of the site, with its attendant parking and circulation spaces. The building exterior would be modified only slightly through the refitting of an existing doorway with a frost stoop to meet building code exiting requirements. The applicant further notes that no exterior signage would be provided, with the exception of directional/identification signage over existing entrances.

The plans show parking along the east wall of the main building, and along the north wall of the “warehouse” portion of the building. A single at-grade dock door serves the warehouse portion of the building along that north wall as well. No additional docks are proposed. The applicants indicate the potential for 2 semi- or box-trucks serving the site, with no overnight parking, along with 2 vans for deliveries, which would be parked in existing parking spaces.

## PLANNING COMMISSION AND STAFF RECOMMENDATION

The Planning Commission considered the item at a public hearing on February 21, 2023. Representatives of the project were in attendance, but no other members of the public offered comment. The Commission’s discussion primarily focused on the compatibility of the use with

the industrial neighborhood and zoning. Questions related exclusively to clarifying the nature of the use and the site.

Staff has reviewed the project for land use compliance with the intent and policies of the City's Comprehensive Plan, and for zoning consistency with the L-I, Light Industrial District as a baseline. In summary, the Comprehensive Plan promotes use of the subject properties that reflect the proposed industrial uses in the area. The proposed Conditional Use Permit meets the requirements of the Zoning Ordinance for the baseline district zoning standards.

As such, the Planning Commission unanimously recommends approval of the Conditional Use Permit to allow the proposed catering facility in the subject location.

### GENERAL INFORMATION

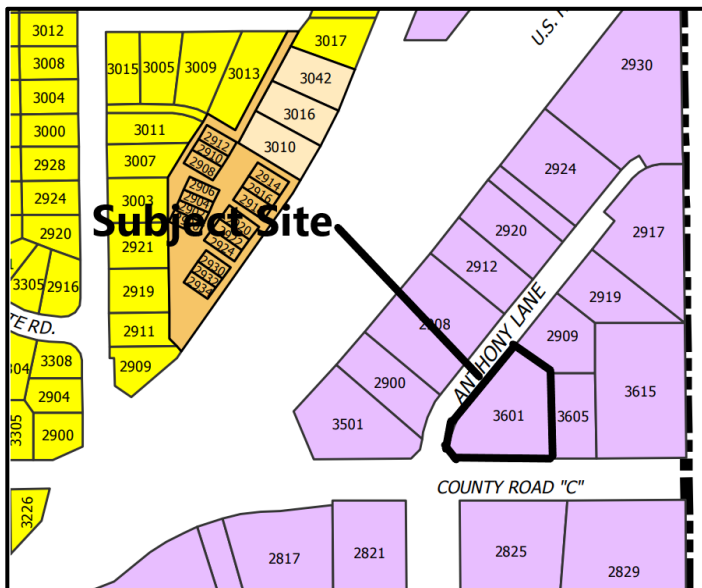
Applicant: Daniel Wang  
 Owner: Dio Investments (Daniel Wang)  
 Location: 3601 29<sup>th</sup> Avenue NE  
 Existing Land Uses Existing Industrial Building  
 Zoning: L-I, Industrial

Deadline for Agency Application Complete Date: January 17, 2023

Action: 60 Days: March 18, 2023  
 Letter Sent: NA  
 120 Days: May 19, 2023

### 1. Background

Project Description. The applicants are seeking a Conditional Use Permit to establish an a



catering facility as described above in an existing industrial building. The site location is at the northeast corner of 29<sup>th</sup> Avenue NE (County Road C to the east), and Anthony Lane. The site is just under one acre in area, and is occupied by a 14,447 square foot building.

The use is consistent with both the Comprehensive Plan's land use direction, as well as with the intent of the relevant zoning, which would be "L-I, Light Industrial for the site and the surrounding area.

As noted in the Project Description and the applicant's narrative, only insignificant changes are proposed for the building, which do not alter the existing site conditions.

The zoning ordinance lists the following required findings for consideration of a Conditional Use Permit:

*(C) City Council action. A conditional use permit may be granted only by a majority vote of all members of the City Council after determining that:*

*(1) The use is one of the conditional uses specifically listed for the district in which the property is located;*

*(2) The City Council has specified all conditions which the City Council deems necessary to make the use compatible with other uses in the area;*

*(3) The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or to the values of property in the vicinity; and*

*(4) The use will provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare.*

The use is specifically listed in the district, and the site has been developed for industrial uses. As noted by the applicants, only limited employee counts are likely, and even with growth, there appears to be ample room for both the trucking and automobile parking on the site.

For Conditional Use Permits, the common consideration is whether the use can compatibly coexist with others in the immediate area. As no changes are contemplated for the site, there are no apparent concerns related to safety or negative impacts on the site or neighborhood. The site has access to both 29<sup>th</sup> Avenue NE and Anthony Lane, and the low levels of traffic generation are unlikely to raise any issues for street use or other factors.

Because the site will operate as a food processing/preparation site, staff will be requesting comment from public works and engineering to ensure that there are no anticipated impacts to sanitary sewer capacities or pre-treatment requirements as a function of building permit review.

**2. Criteria for and Consistency with Criteria for CUP Approval.** Title XV Land Usage, Chapter 152 Zoning Code, Section §152.243.

## **SUMMARY AND STAFF/PLANNING COMMISSION RECOMMENDATIONS**

***Conditional Use Permit for an Amendment to the Silver Lake PUD*** - Staff and Planning Commission recommend approval with the following conditions:

1. Issues related to utilities shall be subject to comment and recommendation by the City Engineer.
2. Consideration of comments of other City Staff.

This recommendation is based on a finding that the proposal, with the conditions cited, is consistent with the requirements for Conditional Use Permit consideration, with the long-term objectives of the recommendations and policies of the St. Anthony Comprehensive Plan.

## **ATTACHMENTS**

- Exhibit A: Location map
- Exhibit B: Application and Supporting Material
- Exhibit C: Resolution 23-020