



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

## Legislation Text

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File #: RES 20-170, Version: 3

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### **DEVELOPMENT BUSINESS - *Lori Johnson, City Planner***

#### **A RESOLUTION DENYING A REZONING FROM I-2 (HEAVY INDUSTRIAL) TO I-2A (HEAVY INDUSTRIAL) AT 1801 RADISSON ROAD NE. ALLEN OFSTEHAGE (LARSON PROPERTIES LLC) (CASE FILE NO. 20-0035/LSJ)**

Planning Commission (Public Hearing)	10/13/20
City Council (1 <sup>st</sup> Reading)	11/02/20
City Council (2 <sup>nd</sup> Reading)	11/16/20
Action Deadline	11/24/20

#### ***Staff Report Prepared by Lori Johnson***

The Planning Commission voted 4-2 to deny the rezoning based on the rationale identified in the staff report. Discussion generally focused on the history of the subject and adjacent properties, business operations and the future of the property as identified in the 2040 Comprehensive Plan.

Paul Kangas, an architect representing the property owner, spoke at the public hearing and explained why he thought this rezoning should be granted. His main focus was arguing site was not visible from Highway 10 and the use of the site for truck and semitrailer storage did not differ from uses presently occurring on neighboring properties. Ryan Simatic, attorney for the property owner, questioned staff on the rationale for the denial of the rezoning based on information provided in the staff report.

1801 Radisson Road has been zoned I-2 (Heavy Industrial) since the 1980s. In 1998, the I-2A (Heavy Industrial) zoning district was created. At the time when the I-2A zoning district was established, properties deemed to be appropriate locations for trucking uses were rezoned to I-2A (Heavy Industrial). The properties within the 93<sup>rd</sup> Avenue Business Park, including 1801 Radisson Road, were not rezoned to I-2A as they were not deemed to be suitable locations for such heavy truck storage/use/traffic given their visibility from Highway 10 and adjacent properties.

When the I-2A ordinance change occurred in 1998, the following language was deleted from the conditional use permit section of the I-2 zoning district and added to the conditional use

permit section of the I-2A zoning district:

*Truck or transportation terminal or outside parking of trucks or semitrailers exceeding the number of docks and/or bay doors.*

In short, the outcome of this ordinance change prohibits any use involving the outside parking of trucks and trailers beyond the number of docks and/or bay doors in the I-2 district. Truck and trailer repair is still a conditional use in the I-2 district.

The current use of 1801 Radisson Road is considered a trucking operation with outside storage of trucks exceeding the number of dock and/or bay doors. Given that the site is zoned I-2, this operation is an illegal nonconforming use on this lot. The following is a brief history of the use of 1801 Radisson Road:

- Aerial photographs from 1985 show the existing building on the site and aggregate or soil storage. No truck or trailer storage is present.
- In 1997, aerial photographs depict significant trailer/container storage present on site.
- In 1998 Zappa and Son Excavating applies for a conditional use permit to operate a contractor's yard on the property. The staff report for this application indicates that applicant is already using the property for a contractor's yard but is seeking to expand the use. (This is not considered a trucking operation.)
- Additionally, the staff report written in May 1998 for the code amendment indicated only one property with a trucking use would be impacted by the removal of trucking uses from the I-2 zoning district. That property is 1741 Radisson Road, which has continuously operated a trucking use since 1991. For that reason, 1741 Radisson Road is a legal nonconforming use because it continuously operated as a truck storage facility prior to the 1998 ordinance amendment.
- Aerial photos in 2003 and 2004 show a small number of shipping containers, approximately 5, and piles of aggregate. In December 2005 a deed is filed with Anoka County conveying the property from Donald, Lydia, Anthony, and Joni Zappa to Larson Properties LLC. A 2005 aerial photo shows a large number of trailers on the site.

The property was used as a contractor's yard from 1998 through 2004, without excessive or unlawful truck, semi-trailer or container storage for that duration. As such, if 1801 Radisson Road had any legal nonconforming status due to the outdoor storage of trailers in 1997, that status was eliminated due to the operation of a contractor's yard at the site for over a year after the code was amended to eliminate the outdoor parking of trucks and semitrailers.

In 2006, code enforcement letters were sent to the property owner requesting compliance with the maximum number of trucks semitrailers on the property. The property owner requested to

be heard at a city council workshop. Staff responded that this could be scheduled for a workshop if the property owner acknowledged that without the rezoning the current use would not be allowed and would need to be removed from the property within 90 days of a denial of the rezoning if the city council denied the request. The item does not appear on any workshop agendas and no application for a rezoning or a conditional use permit was received.

Staff sent the property owner a request for compliance on April 30, 2020 due to a complaint received regarding the unsightly appearance of various sites in the area. The letter Staff sent to the property owner provided different routes to compliance for this site. The first route would be to vacate the property as the use of the property for truck and semi-trailer storage is unlawful. The second route would be to apply for a truck repair conditional use permit in the I-2 zoning district and limit the number of trucks on site to the number of docks and/or bay doors. The third route would be to apply for a rezoning to determine if the city council could reconsider adding this property to the I-2A zoning district.

When the compliance letter was sent in April, the site had approximately 150 semitrailers, 5-10 cabs, 10 pods/shipping containers, and a small building with three overhead doors. This indicates that the site is being used for more than a truck repair facility, which is what the applicant has previously stated it operates at this location.

The city's 2030 and 2040 comprehensive plans have identified this parcel, and several surrounding parcels, as a redevelopment area due to the heavy industrial/trucking uses on these parcels. Along with the current uses, the overall redevelopment area's visibility from Highway 10 and the good access from both the east and west make this a desirable redevelopment option. A copy of the section of the City's Comprehensive Plan referencing this parcel is included for your review. This parcel and the surrounding parcels are identified as Area 5 (an opportunity site) in the comprehensive plan, which means that that the city's strategy for this area is to look at land use options that increase the tax generation and job creation from this area.

The 2040 Comprehensive Plan also notes that the sites in the area are "extremely nonconforming." The 1801 Radisson Road site is a nonconforming site in that large-scale truck and semitrailer storage is presently occurring on site despite the fact that such storage is not allowed in the I-2 zoning district. Unlike other adjacent properties, the use of the 1801 Radisson Road site for outdoor storage of trucks and semitrailers is not a legal nonconforming use because that use had been abandoned for the site after the 1998 code amendment and prior to the present property owner's purchase of the site. Despite these facts, the property owner began using the site for outdoor storage of trucks and semitrailers, rendering the present use illegal nonconforming without a rezoning.

The applicant has chosen to pursue a rezoning for the site. Staff recommends denial of the rezoning application based on the findings outlined in the attached resolution.

If the rezoning is granted, the applicant would need to apply for a conditional use permit for the use.

By motion, adopt the resolution denying the rezoning. If the city council chooses to approve the rezoning, second reading of the ordinance should be adopted with findings.

Zoning and Location Map  
Applicant Submittal Package  
Area Zoning Map  
Historic Aerial Photos  
Comprehensive Plan Sections  
Recent Pictures of the Site

**WHEREAS**, application 20-0035 was submitted by Larson Properties, LLC requesting a rezoning of the property at 1801 Radisson Road from I-2 to I-2A; and

**WHEREAS**, the applicant is requesting a rezoning to *“allow the continued operation of a successful and essential business that has been operating continuously on the site since 2006”*; and

**WHEREAS**, the existing use is considered illegal non-conforming and the only mechanism for the use to continue is rezoning property; and

**WHEREAS**, staff reports presented to the Planning Commission and City Council provide a lengthy history and background of the subject property; and

**WHEREAS**, the Planning Commission held a public hearing on Tuesday, October 13, 2020 and recommended denial of the rezoning based on the following findings; and

1. When the 1998 code amendment removed truck and semi-trailer storage in excess of dock or bay doors from the I-2 zoning district, the city council elected not to rezone 1801 Radisson Road and the surrounding parcels to the I-2A district due to the visibility of the sites and the desire to keep trucking uses in a more suitable location and clustered in a different area within the city. To rezone the site at this time would be a reversal of what was historically and currently envisioned for the area and the site.
2. The rezoning of 1801 Radisson Road would create a situation in which the site would be the only site in the area on which large-scale truck and semitrailer storage would be allowed. While such storage currently occurs at other adjacent sites in the area, truck and semitrailer storage constitutes a legal nonconformity at those sites, which will be phased out over time as such uses change on the properties. Allowing a rezoning in the present

case would make 1801 Radisson Road the only parcel in the area in which large-scale truck and semitrailer storage is expressly allowed by city zoning code and permitted to continue into the future.

3. Rezoning this site to I-2A would set a precedent that would allow all other property owners in this area to seek a similar rezoning, which would directly be in conflict of the goals of the aforementioned redevelopment area within the comprehensive plan. If approved, a rezoning would give the city council little latitude to deny other rezoning applications with respect to other property owner requests.
4. The city's 2030 and 2040 comprehensive plan have identified this parcel, and several surrounding parcels, as a redevelopment area due to the heavy industrial/trucking uses on these parcels. Along with the current uses, the overall redevelopment area's visibility from Highway 10 and the good access from both the east and west make this a desirable redevelopment option. This parcel and the surrounding parcels are identified as Area 5 (an opportunity site) in the comprehensive plan, which means that that the city's strategy for this area is to look at land use options that increase the tax generation and job creation from this area. Rezoning this property would be in direct conflict with the city's comprehensive plan and the redevelopment goals of the city.
5. While the site is not as visible in the summer months due to leaves on the surrounding trees, the site can be seen from public roadways. Given the elevations of Highway 10, in the winter months, this site is visible to the traveling public.
6. There are two other I-2A zoned parcels available in the city that would be suitable for the outside parking of trucks in excess of dock and/or bay doors.
7. 1801 Radisson Road is not operating as a truck and semi-trailer storage facility as a legal nonconformity, and the property owner has been aware that its use of the property is contrary to the Blaine zoning code since at least 2006, and the owner's use of the site for truck and semitrailer storage has been unlawful since its inception. The city has a strong interest in the enforcement of its ordinances and codes, and the property owner's use of this parcel violates city ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine that application 20-0035 requesting a rezoning of property at 1801 Radisson Road from I-2 to I-2A is hereby denied based on the following findings:

1. When the 1998 code amendment removed truck and semi-trailer storage in excess of dock or bay doors from the I-2 zoning district, the city council elected not to rezone 1801 Radisson Road and the surrounding parcels to the I-2A district due to the visibility of the sites and the desire to keep trucking uses in a more suitable location and clustered in a different area within the city. To rezone the site at this time would be a reversal of what was historically and currently envisioned for the area and the site.
2. The rezoning of 1801 Radisson Road would create a situation in which the site would be

the only site in the area on which large-scale truck and semitrailer storage would be allowed. While such storage currently occurs at other adjacent sites in the area, truck and semitrailer storage constitutes a legal nonconformity at those sites, which will be phased out over time as such uses change on the properties. Allowing a rezoning in the present case would make 1801 Radisson Road the only parcel in the area in which large-scale truck and semitrailer storage is expressly allowed by city zoning code and permitted to continue into the future.

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5. While the site is not as visible in the summer months due to leaves on the surrounding trees, the site can be seen from public roadways. Given the elevations of Highway 10, in the winter months, this site is visible to the traveling public.
6. There are two other I-2A zoned parcels available in the city that would be suitable for the outside parking of trucks in excess of dock and/or bay doors.
7. 1801 Radisson Road is not operating as a truck and semi-trailer storage facility as a legal nonconformity, and the property owner has been aware that its use of the property is contrary to the Blaine zoning code since at least 2006, and the owner's use of the site for truck and semitrailer storage has been unlawful since its inception. The city has a strong interest in the enforcement of its ordinances and codes, and the property owner's use of this parcel violates city ordinance.

**PASSED** by the City Council of the City of Blaine this 16<sup>th</sup> day of November, 2020.