



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
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## Legislation Details (With Text)

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**Title:** 10041 POLK STREET ZONING CODE ENFORCEMENT  
**Sponsors:** Erik Thorvig  
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**Attachments:** 1. 10041 Polk, 2. Air Photo

Date	Ver.	Action By	Action	Result
2/1/2021	1	City Council Workshop	Discussed	

**WORKSHOP ITEM** - *Erik Thorvig, Community Development Director*

### 10041 POLK STREET ZONING CODE ENFORCEMENT

The property at 10041 Polk St. has been the subject of multiple zoning code violation complaints since 2009. The five-acre property contains three industrial buildings that were built in the early 1970s and was part of an original farmstead that was built in 1915. The original home still exists on the five-acre property immediately south however the properties are not under the same ownership.

The property is currently zoned I-1, Light Industrial and has had this zoning classification since the 1970s. When the property was developed in the early 1970s, very few uses existed in the area. The adjacent residential development began in the early 1990s. The site is very non-conforming meaning it does not meet current I-1, Light Industrial zoning requirements. For example, the parking lot is not paved, setbacks are not met and proper screening has not been established. Non-conforming properties are allowed to continue and there may be a point in the future where improvements are required. In addition, the buildings are not sprinkled and it's likely the property owner will be required to do-so in the future depending on the use.

The I-1, Light Industrial zoning district generally permits manufacturing, warehousing and office uses. Outdoor storage is not permitted in this district. Historic air photos show outdoor storage occurring in the 1970s and 80s. The 1997 air photo shows no outdoor storage. Staff does not believe the property has any legal, non-conforming rights to outdoor storage due to the lack of outdoor storage that existed in the 1997 air photo.

Records indicate a complaint received in April 2009 related to outdoor storage. This compliant

was resolved by December 2009. Records do not indicate what business was associated with this complaint.

There are currently two businesses located at the property that have outstanding violations.

#### Camel Towing

This is a towing company that utilizes the site to store/drop-off vehicles and operate their office. Towing companies are not a permitted use in the I-1, Light Industrial district nor is the outdoor storage associated with them. Staff received a complaint in October 2019 regarding this use. Notice of the violation was sent to the business and property owner when this complaint was received. Staff has had communication with the property owner regarding this use stating the business needs to vacate the property because it is not permitted. The property owner has indicated their willingness to work with the City to remove the tenant from the property. Final notice was sent to the property owner and business in November 2020 stating the use had to cease by December 31, 2020. The business has not vacated the property. Due to the lack of action by the business, staff would prefer to move forward with a citation process.

#### KG Landscaping

According to the business owner, they have been located at this property for approximately eight years. The use is considered a contractor's yard. Contractor yards are not permitted in the I-1 district and therefore should not have been allowed to begin with. Staff is unaware of what, if any knowledge the City had when the business began occupying the property. Typically, a Certificate of Occupancy is required to be obtained by the property or business owner prior to a business occupying a property. This process allows the City to review a use prior to occupancy and would prevent a use that isn't permitted from going in, however that process did not occur in this instance.

KG Landscaping has various outside storage needs related to the nature of their business including vehicles, trucks and trailers along with landscaping material.

The City received a complaint in March 2016 related to this business for outdoor storage. Notice was sent to the business and property owner making them aware of the violation. Violations related to outdoor storage were again observed in September 2017. Notice again was sent to the business and property owner. Another complaint related to outdoor storage was received in September, 2020. Final notice was provided to the property owner and business stating that outdoor storage is not permitted and the "property is simply not conducive to either (Camel Towing and KG Landscaping) business's exterior storage needs". Compliance was required by December 31, 2020.

The owner of KG Landscaping reached out to staff in November 2020 to attempt to resolve the issue as they would like to remain at the property. Staff met to review the use and unfortunately there is no mechanism in the zoning code to permit the use in an I-1 zoning district. Therefore,

the business needs to vacate the property and find an alternative location. Staff would like to work with the business owner to find them a suitable location in Blaine and if that is not possible due to lack of availability, provide them sufficient time to find a location outside of Blaine. Staff is seeking direction from the City Council regarding how long of a period of time the City should allow the business to find an alternative location.

Typically, code enforcement matters are handled administratively however given the impact on existing businesses staff felt it was appropriate to inform the City Council of this unique circumstance and request direction as outlined below.

Staff is seeking the following direction:

1. Whether to proceed with a citation process for Camel Towing. If an immediate citation is not issued the business would need to relocate regardless however would be provided a period of time to do-so.
2. How long of a period of time to allow KG Landscaping to remain while they find an alternative location.