



# 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 14-037, Version: 2

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**ITEM: 11.1 DEVELOPMENT BUSINESS** - *Bryan K. Schafer, Planning and Community Development Director*

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A MAINTENANCE FACILITY AND CONTRACTOR YARD FOR STORAGE OF TRUCKS, TRAILERS AND DUMPSTERS SCREENED BY 8-FOOT FENCING IN AN I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT AT 12351 CLOUD DRIVE NE. NITTI ROLL-OFF SERVICES. (CASE FILE NO. 14-0003/LSJ)**

Planning Commission (Public Hearing) 02/11/14  
City Council (Conditional Use Permit) 03/06/14  
Action Deadline 03/29/14

### Planning Commission

The Planning Commission voted unanimously to approve the conditional use permit. Don Kveton, Village Bank, was present to advise the Planning Commission that he was against the approval of this conditional use permit. One written comment was received with concerns about the proposed use.

The applicant, Nitti Roll-Off Services, is purchasing the former Petersen Stucco building at 12351 Cloud Drive. The property is zoned I-2 (Heavy Industrial). This use is considered a contractor yard with outside storage, which requires a conditional use permit in the I-2 Heavy Industrial zoning district.

*As you may recall, in June 2103, a different applicant applied for a conditional use permit and a rezoning of this property. He wanted to have an indoor auto show room at this location and he requested a rezoning of the property to I-1 (Light Industrial). At the same time that this request was made, staff approached the City Council with a rezoning request for the properties around entire cul-de-sac of 123<sup>rd</sup> Court to I-1(Light Industrial). The rationale for that rezoning was that I-1 uses would be better suited next to the residential than the existing I-2 zoning on these parcels. The former applicant never actually purchased the site and the application for the conditional use permit and rezoning never went forward for this site, at the request of the current property owner. The City Council, did however, approve the rezoning of the remaining lots around the cul-de-sac to I-1.*

A narrative has been provided by the applicant that discusses how he intends to use the site and what types of equipment will be stored outside on site. There are trucks, material handling equipment and rolloff containers that could be stored in the rear of the site. A standard condition placed on all I-2 outside storage conditional use permit requests is that outside storage must be limited to 12-feet in height and that there is no stacking of the rolloff dumpsters allowed.

The building was previously used for a stucco business and is approximately 11,820 square feet in size. The previous owner had several small storage structures in the rear yard of the property. The applicant intends to remove all of the small storage structures that currently exist on site, leaving nothing but pavement in the rear of the site. The rear yard is also partially screened with a block wall on the south side of the site and with a chain link fence with slats on the rear and north sides of the site. Because the chain link fence and slats are in disrepair and this use needs to be screened from adjacent sites, one of the conditions of approval is to replace the chain link fence with an eight-foot high board on board fence to provide adequate screening.

The building does not currently contain a fire suppression system and a condition has been added that requires the applicant to install the system as part of the certificate of occupancy conditions. This is standard practice with businesses requesting conditional use permits so as to proactively protect the City's volunteer fire department. Because the building may require a number of modifications once the applicant begins to use the building they have requested allowing one (1) year to complete the design and installation of a system. Staff concurs and has written that into the recommended conditions.

The parking required for this use is 29 stalls. The applicant is required to stripe 29 stalls on site as there is currently no striping on site at this time.

On the north side of the paved area in the rear yard it appears that there is no setback established between the property line and the paving of the lot. A 10-foot side yard setback will need to be reestablished in this area that is sodded and either delineated with by moving the fence to the edge of the pavement on the north side or by placing bollards in this area so no parking or storage is allowed in the fenced in area.

A landscape plan for the existing site must be submitted that includes the following landscaping requirements:

- Overstory: 13 trees (2 ½ inch caliper)
- Conifer: 6 trees (6 feet)
- Ornamental: 6 trees (2 inch caliper)

It is difficult to tell if the landscape plan that has been provided meets these requirements as there are no species listed on the plan and there are trees incorrectly marked as spruce trees on the plan. As part of the site plan approval process, an accurate landscape plan will need to be provided that meets these requirements. The applicant should note that the boulevard trees were installed by others and are not counted towards the landscaping required for this lot.

The new landscaping (10 trees) proposed on the south and east side of the site must be installed and should either be conifer or overstory trees. These trees are in addition to the base required landscaping for the site as they are required as part of the screening plan. The lawn area on the south side of the block wall must be properly maintained and mowed. Underground irrigation is required along both front yard areas.

All lighting on site must meet the requirements of the zoning ordinance and must be downlit and shielded.

The applicant is required to obtain a certificate of occupancy for the building prior to occupying the site. Prior to obtaining the certificate of occupancy the applicant will need to submit a new landscaping and site plan to address all comments associated with the conditional use permit. A site improvement performance agreement and a financial guarantee to cover the cost of improvements will also be required prior to issuance of a certificate of occupancy.

By motion, approve the Resolution.

#### Attachments

Zoning and Location Map

Site Plan

Floor Plan

Narrative

Public Comment Received

**WHEREAS**, an application has been filed by Anthony Nitti as conditional use permit Case File No. 14-0003; and

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on February 11, 2014; and

**WHEREAS**, the Blaine Planning Commission recommends said conditional use permit be approved; and

**WHEREAS**, the Blaine City Council has reviewed said case on March 6, 2014.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine that a conditional use permit is hereby approved per Section 31.14(e)(h) of the Zoning Ordinance to allow for a maintenance facility and contractor yard for storage of trucks, trailers and dumpsters screened by 8-foot fencing in an I-2 (Heavy Industrial) zoning district based on the following conditions:

1. The applicant must obtain a certificate of occupancy from the City prior to occupying the building.
2. Outside storage must be limited to 12-feet in height and that there is no stacking of the roll-off dumpsters allowed.
3. All vehicle and roll-off maintenance or repair work to be done inside of the building.
4. The chain link fence on the east side of the outside storage area must be replaced with an eight-foot high board on board fence to provide adequate screening.
5. All small storage buildings in the rear yard of the site to be removed.
6. Change of use will require a SAC (Sewer Access Charge) determination from Metropolitan Council Environmental Services. Payment of any SAC is the responsibility of the applicant.
7. The applicant is required to stripe 29 stalls on site as there is currently no striping on site at this time.
8. A 10-foot side yard setback will need to be reestablished on the north side of the paved area in the rear of the building. This can be done by moving the fence to delineate the setback or by placing bollards at the edge of the pavement in this area. The pavement will also need to be cutback to the 10-foot setback.
9. A landscape plan for the existing site must be submitted that includes the following landscaping requirements:
  - Overstory: 13 trees (2 ½ inch caliper)
  - Conifer: 6 trees (6 feet)
  - Ornamental: 6 trees (2 inch caliper)
10. The new landscaping (10 trees) proposed on the south and east side of the site must be installed and should either be conifer or overstory trees. These trees are in addition to the base required landscaping for the site.
11. Both front yard areas require underground irrigation.
12. The applicant to submit a site plan application, a site improvement performance agreement and a financial guarantee for any work to be done on this site at this time prior to issuance of a certificate of occupancy. This will include the landscaping and restriping work.
13. The lawn area on the south side of the block wall must be properly maintained and

mowed.

14. All lighting on site must meet the requirements of the zoning ordinance and must be downlit and shielded.
15. There shall be no outside storage of anything that is not listed in the narrative attached to this item.
16. All signage (permanent and temporary) is issued under a separate permit.
17. The applicant must install a fire suppression system for the entire building and must design and complete the installation within one (1) year of issuance of a certificate of occupancy.

**PASSED** by the City Council of the City of Blaine this 6<sup>th</sup> day of March 2014.