

ROSEVILLE
REQUEST FOR CITY COUNCIL ACTION

Agenda Date: **9/12/2016**

Agenda Item: 14.a

Department Approval



City Manager Approval



ITEM DESCRIPTION: Consider request for an **INTERIM USE** to allow temporary outdoor storage of semi-trailers at 2470 Highcrest/2501 Walnut (**PF16-021**)

APPLICATION INFORMATION

Applicant: Meritex Enterprises

Property Owner: same

Open House Meeting: held on June 22, 2016

Application Submission: received July 7, 2016; considered complete on July 14, 2016

City Action Deadline: Extended to November 4, 2016, per Minn. Stat. §15.99

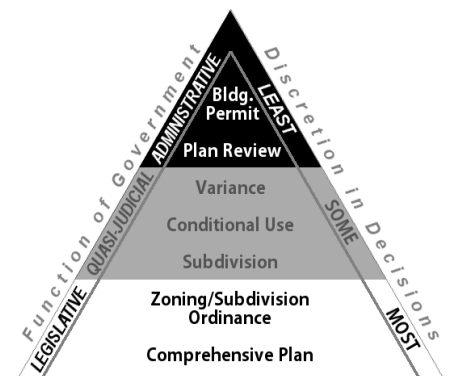
GENERAL SITE INFORMATION			
Land Use Context			
	Existing Land Use	Guiding	Zoning
Site	Unisys office building	I	I
North	Minnehaha Bus Line and Horton	I	I
West	Gross Golf Course		
East	Pentair and Triangle warehouse	I	I
South	Midtown Business Center (St. Jude)	I	I

LEVEL OF CITY DISCRETION IN DECISION-MAKING

Action taken on an interim use is **legislative** in nature; the City has broad discretion in making land use decisions based on advancing the health, safety, and general welfare of the community.

PROPOSAL OVERVIEW

- 1 The subject property is located in City Planning District 11, has
- 2 a Comprehensive Plan designation of Industrial (I), and has a
- 3 zoning classification of Industrial (I) District. The site is
- 4 occupied by a large office building and a large parking lot that surrounds the building.
- 5



The applicant seeks the temporary outdoor storage of semi-trailers for Blue Box in the rear of the parking lot. These trailers either contain goods from Goodwill Industries or are empty.

SUMMARY OF OPEN HOUSE

The June 22, 2016, open house was attended by three Planning Commissioners (Daire, Bull and Murphy). The questions asked and answers are provided on the open house summary (Attachment C).

REVIEW OF INTERIM USE APPLICATION

To arrive at its recommendation, Planning staff considers the City code regulations, input gathered at the open house, and comments from DRC members. In this case the relevant code section is 1009.03:

The purpose statement for this section indicates the following: Certain land uses might not be consistent with the land uses designated in the Comprehensive Land Use Plan, and they might also fail to meet all of the zoning standards established for the district within which they are proposed; some such land uses may, however, be acceptable or even beneficial if reviewed and provisionally approved for a limited period of time. The purpose of the interim use review process is to allow the approval of interim uses on a case-by-case basis; approved interim uses shall have a definite end date and may be subject to specific conditions considered reasonable and/or necessary for the protection of the public health, safety, and general welfare.

Additionally, Section 1009.03D.1-3 of the City Code specifies the three specific criteria that must be satisfied in order to approve a proposed INTERIM USE (IU).

Criteria #1: *The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future.*

Criteria #1 Staff Analysis: This is generally intended to ensure that an interim use will not make the site costly to clean up if the City had to take possession of the property in the future. In this case, the Planning Division understands that many of the semi-trailers are currently loaded with clothes, furniture, and other non-combustible items that are the property of Goodwill Industries. These trailers would pose limited environmental risk to the City if it were to acquire the site; therefore the Planning Division staff believes that the IU would not have significant negative effects on the land. That said, there is a financial burden tied to the removal of more than 100 semi-trailers should the City be required to remove them. Similarly, if the trailers contained other types of cargo, there could be additional environmental risks. Assuming the applicant abides by the proposal submitted, the Planning Division staff believes that the IU would not cause the City to incur additional costs if the City had to take possession of the property in the future.

Criteria #2: *The proposed use will not create an excessive burden on parks, streets, and other public facilities.*

Criteria #2 Staff Analysis: Planning Division believes that the proposed IU for the storage and staging of semi-trailers would not constitute an excessive burden on streets, parks, or other facilities. In fact, the site was previously used as an office building that housed hundreds of employees. So the burden will be less than what it had been with the previous use. It is understood from the other two similar operations – at County Road C2 and Partridge Road and 2720 Fairview Avenue – few trailers come and go on a regular basis. Most trailers would be stored for longer periods of time reducing impact from traffic travel. If there is a concern over

this area, the City Council could set a limitation on weekly or daily trips to minimize future traffic impact.

Criteria #3: *The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.*

Criteria #3 Staff Analysis: Planning Division staff believes that, in the short term, the proposed trailer storage would not be injurious to the surrounding neighborhood, especially since the proposed use would generate limited noise, does not deal with chemicals, and would have limited vehicle movements on Walnut Street. Similarly, staff has concluded that the short-term storage of trailers (up to 2 years) would not harm the public health, safety, or general welfare of the area.

Additional Staff Analysis: The proposal does have two issues that could potentially harm public health:

1) If the trailers contained items that could leak hazardous materials there could be an environmental concern

2) The Fire Marshal has previously indicated that the current trailer storage configurations provided limited or no separation and are a fire hazard. The Fire Marshal has also said that it would be very difficult for the fire department to extinguish if a fire were to occur in the interior. The Fire Marshal has indicated that in order to reduce the fire danger, the IU should include a trailer parking plan that allows for the stacking of no more than 2 trailers back-to-back, requires a minimum separation between trailers of 5 feet, and includes fire access lanes. It is also important that the trailers remain locked and secured so that they do not become a magnet for crime.

Based on staff discussion and input from the Fire Marshal, the Planning Division recommends that a storage/staging plan addressing the following items be submitted to the City for review and approval:

1. No trailers will be allowed to be stored in the front yard; all trailer storage shall be limited to the rear yard as proposed on the submitted concept site plan.
2. Access to the site for trailer drop-off or removal shall be from the south shared access road, which provides a direct link to Terminal Road and Walnut Street.
3. The parked/stored trailers shall have a minimum 10-foot setback from the west (rear) property line.
4. Trailers can be parked back-to-back and next to one another, however there shall be a 5-foot separation between (along the sides) the trailers.
5. Fire lanes shall be provided throughout the site so that emergency apparatus can access the property in case of fire or accident. These access lanes (final width and number) shall be approved the Fire Marshal.

PLANNING COMMISSION ACTION/RECOMMENDATION

At the duly noticed public hearing, the City Planner provided a brief review of the proposed semi-trailer storage IU and went through the recommended conditions. Commissioners did have questions of the Planning staff and the applicant regarding the proposed temporary trailer storage (Attachment D).

The Commission voted 7-0 to recommend approval of the IU for the Meritex site and added a condition to clarify the types of items allowed within the trailers (below).

Stored trailers and their contents shall be limited goods stored by Blue Box on behalf of Goodwill Industries and shall not contain any items requiring a hazardous material placard.

After the Planning Commission hearing, the City Planner further discussed the IU with Fire Chief O'Neil and received the following points of clarification regarding conditions for trailer storage:

1. Full compliance with the requirement distance from property lines of 10 feet. This will allow us access to the back side of the units.
2. Full compliance with the minimum distance between each trailer being 5 feet. This will allow us access for firefighting activities.
3. Fire lanes- we will need a minimum of 20 foot access rows, with full access to the property. The 20 feet cannot be reduced due to snow. Winter conditions still need to maintain 20 foot access.
4. Road surface must support the imposed load of fire apparatus.
5. Any access road/row more than 150 feet must provide an approved area for turning around fire apparatus, it cannot dead-end.
6. No storage of hazardous materials, flammable liquids, solids, chemicals, explosives, radioactive, etc. material.
7. There cannot be any storage beneath overhead projections from the building.

The City Planner has also created an illustration highlighting on an aerial photo the subject area recommended for trailer storage (Attachment E).

CITY COUNCIL CONSIDERATION/ACTION

Pass a resolution approving a two year Interim Use for 2470 Highcrest/2501 Walnut, based on the staff report dated September 12, 2016, the public hearing, findings and the recommendation/conditions of approval by the Planning Commission. Attachment F is the draft resolution for the City Council's consideration, which resolution contains the recommendations of the Planning Commission, the Fire Chief, and a two year limitation.

ALTERNATIVE ACTIONS

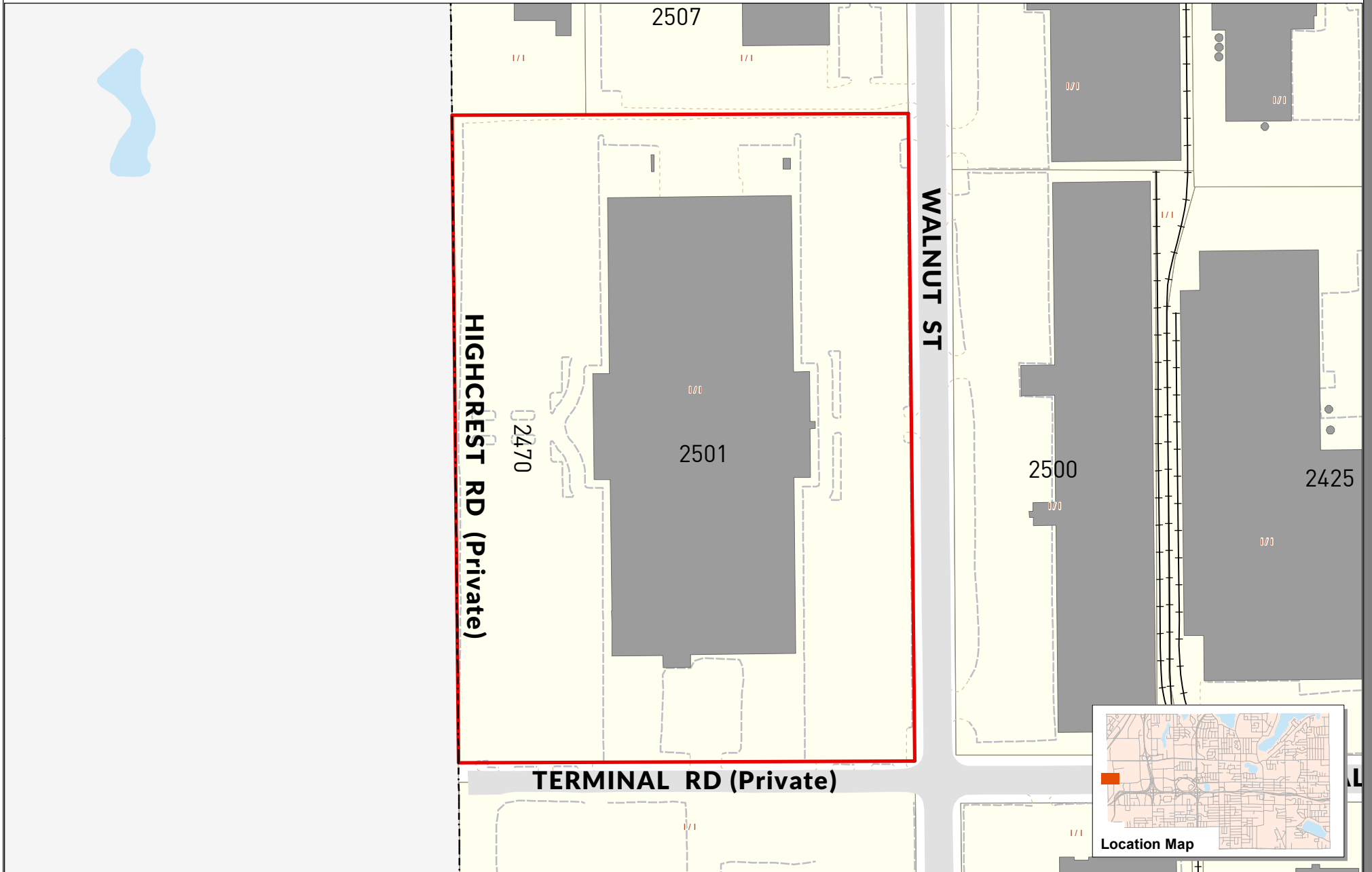
Pass a motion to table the application for future action. Tabling the IU may require extension of the 60-day action deadline established in Minn. Stat. 15.99.

By motion, recommend denial of the request. A recommendation to deny the application should be supported by specific findings of fact based on the City Council's review of the application, applicable City Code regulations, and the public record.

Prepared by City Planner Thomas Paschke, 651-792-7074 | thomas.paschke@cityofroseville.com

Attachments:	A: Area map	D: PC minutes
	B: Aerial photo	E: Aerial illustration
	C: Open House summary	F: Draft resolution

Attachment A for Planning File 16-021



Prepared by:
Community Development Department
Printed: July 27, 2016



Site Location

Data Sources

* Ramsey County GIS Base Map (7/5/2016)

For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

0 100 200 Feet



Attachment B for Planning File 16-021



Prepared by:

Community Development Department

Printed: July 27, 2016



Site Location

Data Sources

* Ramsey County GIS Base Map (7/5/2016)

* Aerial Data: Surdex (4/2015)

For further information regarding the contents of this map contact:

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0 100 200 Feet



C. Open House Summary:

An open house hosted by Steve Dorff of Meritex for the interim use permit at 2470 Highcrest was held on Wednesday June 22nd. In attendance were 3 Planning Commission Members: James A. Daire, Bob Murphy, Jim Bull

The roundtable discussion included:

What type of materials would be in the trailers?

Goodwill merchandise or empty.

What is the parking arrangement?

Trailers would be backed towards the fence separating the property from Hennepin County. We hope to accommodate 200 trailers.

Would the trailers be double parked?

Yes, but not initially due to the parking needs of Unisys.

Will the trailers be licensed?

Yes.

How long will the permit be needed?

Expectations are 2 years until re-development starts.

What are the redevelopment plans?

Undetermined at this point. It depends on the Real Estate market and economy.

With trailer parking at the north end, will there be a fire lane?

Yes. The trailers would be backed up to the building the same as if they were being unloaded.

**EXTRACT OF THE ROSEVILLE PLANNING COMMISSION MEETING MINUTES
OF AUGUST 3, 2016**

a. PLANNING FILE 16-021

Request by Meritex Enterprises for approval of a temporary outdoor storage of motor freight (semi) trailers as an INTERIM USE at 2470 Highcrest Road/2501 Walnut Street

Chair Boguszewski opened the public hearing for PLANNING FILE 16-021 at approximately 6:54 p.m.

City Planner Thomas Paschke reviewed the request and staff's analysis of the Interim Use (IU) application as detailed in the staff report and related attachments dated August 3, 2016. As outlined in the staff report, Mr. Paschke noted the storage of semi-trailers is requested for Blue Box in the rear of the parking lot, containing seasonal goods from Goodwill Industries or empty trailers stored on site.

Mr. Paschke reported that, as part of the process, the open house held for this request had incorporated the broader notification area as authorized as a pilot program recommended by the Zoning Notification Task Force, and included property owners as well as renters and tenants of that same 500', mostly involving industrial facilities. Mr. Paschke noted the attendance of three Planning Commissioners at that open house as well, and referenced a summary of the meeting provided in agenda packet materials.

Mr. Paschke reviewed the three criterion used in IU consideration, and displayed Attachment D as part of his presentation. While most IU requests of the recent past have been supported up to three years, Mr. Paschke noted this request was for two years, and would be virtually the same trailers holding similar products as those recently approved on other sites in the area awaiting development and/or redevelopment (e.g. Fairview Avenue and County Road C-2). Mr. Paschke noted each site was monitored by staff on a period basis to ensure they were in compliance with the provisions and conditions of those individual IU's. Mr. Paschke referenced the conditions applied to the IU, similar to other IU's and addressing storage/staging plans and alignment to meet Fire Marshal requirements (page 3, lines 69 – 82 of the staff report). Mr. Paschke advised that, from staff's perspective and analysis, there was nothing leading them to believe short-term storage of trailers was in conflict with the IU criteria; and therefore staff supported approval of the IU as conditioned.

At the request of Member Cunningham, Mr. Paschke clarified that the IU was applicant-specific for a limited duration and not recorded against the property as a permanent use unless rescinded by the city. At further request, Mr. Paschke advised that, while staff was unable to monitor the actual contents of the trailers even though no hazardous materials were indicated, without actually opening each trailer and inspecting the contents of them, the Planning Commission could apply another condition that no hazardous materials were allowed in the trailers. Member Cunningham stated her concern was if there should be a fire on site and later discovered hazardous materials were stored in the trailers, the applicant would lose their IU immediately.

Member Cunningham noted this is the third IU permit to come before the Commission in a short timeframe, and questioned where a proper area in the city would be for this type of use other than always requiring an IU.

Mr. Paschke responded that since these requests are not for a motor freight terminal use, which would be a permitted or conditional activity in this area, this particular use would always require an IU, since the request is for storing trailers on site, not moving them on and off site with regular frequency, and not permissible under city code for trailer storage and only available as an accessory use to the principal use on the property. Thus, Mr. Paschke advised it was appropriate for the Commission and/or City Council to place reasonable conditions on the IU to better guarantee or support the health, safety and general welfare of the broader community as it related to those concerns.

Regarding Condition 3 related to the minimum setback from the rear property line, Member Bull noted there was nothing about parking them up against the building on the north side of the parcel.

Member Murphy noted that during the open house, it was noted that there was a loading dock at the north, and the applicant suggested some trailers could also be stored there.

While that may be true, Mr. Paschke clarified that realistically the setback would have to be greater to provide clear vehicle access, resulting in a drive lane of from 24' to 30' from the north property line. As far as any staff concerns with trailers parking right up to the existing building, Mr. Paschke advised that there was no greater or lesser hazard if the products stored remain as stated by the applicant; but suggested that may be a good question for the Fire Marshal. However, Mr. Paschke noted that parking situation would be no different from other dock facilities in the community, where parking would be permissible.

At the request of Member Kimble, Mr. Paschke advised that the applicant can seek an extension of the IU after the two year expiration, but at that time they would have to indicate their reason for seeking an extension and for how many years they were requesting it. While the request would be taken under consideration at that point, Mr. Paschke noted there was no obligation for the city to support the request depending on circumstances and/or the reason for the extension.

In Condition 4 (page 3, lines 78-79), Member Murphy sought clarification, with Mr. Paschke noted this condition was the same as those applied to previous IU requests for semi trailer storage on vacant sites, and were intended for uniformity of these IU's, with that parking as recommended by the Fire Marshal. Of those two prior IU's, Mr. Paschke advised that the only remaining one was on Fairview Avenue, with the storage on the County Road C-2 site now gone.

At the request of Member Daire, Mr. Paschke advised, and confirmed by Member Murphy, that the typical semi trailer length was 40'; with the normal width of the fire lane, as required by the Fire Marshal between 24' and 30'. At the further request of Member Daire regarding whether or not the Hennepin County Golf Course adjacent to this site had been notified, Mr. Paschke stated he would need to check the zoning notification affidavit to confirm that notice.

If the trailers are not moved out by the two year IU expiration, Member Gitzen asked staff what the enforcement process involved.

Mr. Paschke reviewed the process, with the city sending out a letter to the applicant prior to the IU expiration for the applicant to advise if they intend to seek an extension or remove the trailers before the IU expiration. If the IU expires and the trailer storage remains, Mr.

Paschke noted city code provided a course of action to rectify that non-complying situation, including many steps, ultimately involving the court system.

Member Daire asked if a condition should be applied prohibiting hazardous or flammable material storage, expressing concern in preventing potential fires.

Chair Boguszewski suggested that be a consideration of the Commission, with the applicant stating their comments related to such a condition. However, Chair Boguszewski noted Goodwill Industries has eligibility criteria in place that they will not accept certain donated items, which would obviously apply to storage of those materials in these trailers as well.

Applicant Representative Steve Dorff with Meritex

Mr. Dorff agreed with staff's presentation; and noted these trailers typically involve nomadic storage and were previously stored on the Fairview Avenue site.

At the request of Chair Boguszewski, Mr. Dorff clarified the length of the trailers at 40' as longer trailers were too expensive for this use; and agreed to accept the additional condition related to hazardous materials, but clarified he also, similarly to staff, would not attempt to enforce that provision.

Member Murphy suggested, rather than mentioning a specific industry in the condition that its language simply stated that trailers labeled "hazardous materials" were not acceptable on the site.

Chair Boguszewski closed the public hearing at approximately 7:14 p.m., with no one appearing for or against.

MOTION

Member Murphy moved, seconded by Member Kimble to recommend to the City Council APPROVAL of the INTERIM USE of the property addressed as 2470 Highcrest/2501 Walnut, based on the comments and findings of this report and conditions as detailed in lines 72 – 82 (page 4); amended as follows:

- ***Add Condition 6: "Stored trailers shall and their contents shall be limited to goods stored by Blue Box/Goodwill Industries and shall not contain any items requiring a "hazardous materials" placard.***

Member Cunningham expressed her concern that Roseville not become known as a place for trailer storage; and at some point, these IU's should be cut off. While this is in an area with no nearby residential neighbors and not creating an eyesore, Member Cunningham stated that, personally, she is at the cut-off point for granting IU's now, and wanted to make the point clear that trailer storage should not become known as one of the city's main businesses.

Member Murphy asked Mr. Dorff to summarize his view of the property over the next 3 years to put those plans in context, as he had shared at the open house.

Chair Boguszewski clarified that there were no predictions on development or redevelopment of the site, depending on the economy and market.

124 Mr. Dorff advised that Meritex owns the entire parcel, involving many acres, and as the
125 existing buildings became obsolete, some were sold to an investment group in 2003,
126 including this building that previously held the exact same type of storage trailers. Mr. Dorff
127 clarified that his firm had sold those parcels adjacent to the Golf Course west of the parking
128 lot; and noted those developers had been successful after the economy improved, and built a
129 building, with one tenant being Fantasy Flight and Café Express. Mr. Dorff advised that the
130 building known as #3 was leased to Unisys, but they were soon downsizing. Since this
131 building is of older construction and now obsolete, making it unsuitable for office use as it
132 had no windows, Mr. Dorff stated the intent was to raze the building after it was completely
133 vacated and redevelop the site. However, Mr. Dorff noted this may take time, depending on
134 the economy and state of building leases and intent, but stated their firm was open to ideas,
135 clarifying that the Master Plan indicated industrial use, with some warehouse uses already
136 there in line with that. Mr. Dorff noted it could be as early as 2017, but could be as far as
137 2019; and anticipated an industrial building, depending on the market. Mr. Dorff noted the
138 rationale in seeking this IU for semi storage, it served to help pay taxes on the property until
139 that redevelopment is possible.

140
141 **Ayes: 7**

142 **Nays: 0**

143 **Motion carried**
144
145
146

Legend



-  City Halls
-  Schools
-  Hospitals
-  Fire Stations
-  Police Stations
-  Recreational Centers
-  Parcel Points
-  Parcel Boundaries
-  Airports

Notes

Enter Map Description



400.0 0 200.00 400.0 Feet

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**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was held on the 12th day of September at 6:00 p.m.

The following Members were present: _____;
and _____ were absent.

Council Member _____ introduced the following resolution and moved its adoption:

**RESOLUTION NO. ____
A RESOLUTION APPROVING AN INTERIM USE FOR OUTDOOR STORAGE OF
SEMI-TRAILERS AT 2470 HIGHCREST/2501 WALNUT.**

WHEREAS, the Roseville Planning Commission held the public hearing regarding the proposed INTERIM USE on August 3, 2016, voting 7-0 to recommend approval of the temporary use based on public testimony and the comments and findings of the staff report prepared for said public hearing, subject to six conditions; and

WHEREAS, the Roseville City Council has determined that approval of the proposed INTERIM USE will not result in adverse impacts to the surrounding properties based on the following findings:

- a. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
- b. The proposed use will not create an excessive burden on parks, streets, and other public facilities.
- c. The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.

NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to APPROVE the temporary outdoor storage of semi-trailers as an INTERIM USE at 2470 Highcrest/2501 Walnut in accordance with Roseville City Code, subject to the following conditions:

1. No trailers will be allowed to be stored in the front yard; all trailer storage shall be limited to the rear yard as proposed on the submitted concept site plan.
2. Access to the site for trailer drop-off or removal shall be from the south shared access road, which provides a direct link to Terminal Road and Walnut Street.
3. The parked/stored trailers shall have a minimum 10-foot setback from the west (rear) property line.
4. Trailers can be parked back-to-back and next to one another, however there shall be a 5-foot separation between (along the sides) the trailers.

5. Fire lanes a minimum of 20 feet in width shall be provided and maintained throughout the site so that emergency apparatus can access the property in case of fire or accident. These access lanes (final width and number) shall be approved the Fire Marshal.
6. Stored trailers and their contents shall be limited goods stored by Blue Box on behalf of Goodwill Industries and shall not contain any items requiring a hazardous material placard.
7. Road surface must support the imposed load of fire apparatus.
8. Any access road/ row more than 150 feet must provide an approved area for turning around fire apparatus, it cannot dead-end.
9. Final temporary semi-trailer storage plan shall be approved by the Fire Chief.
10. Temporary storage of semi-trailers shall be for a two-year period expiring on September 13, 2018.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member _____ and upon vote being taken thereon, the following voted in favor: _____;
and _____ voted against.

WHEREUPON said resolution was declared duly passed and adopted.

[illegible]

WITNESS MY HAND officially as such Manager this 12th day of September 2016.

(SEAL)