



MEMORANDUM

TO: Phil Kern

FROM: Alan Brixius

DATE: September 9, 2009

RE: Delano – Westedge Properties: 318 Railroad Avenue Rezoning

FILE NO: 432.07 – 09.15

BACKGROUND

Westedge Properties is requesting that their property at 318 Railroad Avenue be rezoned from B-4, Central Business District to B-W, Business Warehouse to allow them to consolidate their window contracting business at this location.

318 Railroad Avenue was previously the home of Stock Lumber prior to its relocation to Montrose. The site currently is occupied by Love Inc., who relocated to this site from Highway 12 and the warehouse that is used by J and J Glass for storage of window stock and materials. Westedge would like to locate the entire J and J Windows operation to this site. It will include office, warehousing, product assembly, and equipment storage. Most of the work is off site with window installations.

Currently, the business is split between the site in question and a site in the Township. With the update of the Comprehensive Plan in 2002, the City guided this area to a commercial land use to complement the balance of the Central Business District. Following the update of the City zoning regulations in 2006, the City amended its zoning map, changing the zoning for this site from I-2, General Industrial to B-4, Central Business District.

The B-4, Central Business District does not allow the range of industrial uses requested (i.e., warehousing, product assembly). The on site warehousing associated with Stock Lumber preceded the 2006 zoning change to B-4 and is a legal grandfathered non-conforming use.

Upon meeting with the applicant to discuss their business plans, City staff identified that the production components of their business went beyond the limits of the B-4 zoning.

The applicant has indicated that the old Stock Lumber building is designed and equipped for this type of business. Their business provides opportunity to have a new business occupy an otherwise vacant building. Their business requires some metal cutting and on-site window assembly. In this regard, they are not a very intense industrial activity.

City staff indicated that the City would not be favorable to a rezoning of the site back to an industrial zoning district that would allow for more intense industrial activities. Rather, to accommodate the introduction of a new business into Delano, while preserving the City's ambition for a compatible commercial use within the CBD, staff has recommended that the applicant pursue a change in zoning from B-4, Central Business District to B-W, Business Warehousing.

ISSUES ANALYSIS

Section 51.02, Subd. A outlines the review criteria for a zoning map amendment as follows:

- 1) *The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.*

The 2002 Delano Comprehensive Plan guides the site for commercial land use. The B-W, Business Warehousing District is a commercial zoning district. Its purpose is described as follows:

Subd. A. Purpose. The purpose of the B-W, Business/Warehousing District is to provide for the establishment of wholesale and retail trade of large volume or bulk commercial items storage and warehousing. The overall character of the B-W District is intended to be transitional in nature, thus industrial uses allowed within this District shall be limited to those which can compatibly exist adjacent to commercial and lower intensity activities.

The permitted uses for the B-W District include: building materials sales, offices, service businesses off-sale, and warehousing. Retail sales are also permitted by conditional use permit. This district would accommodate both Love Inc. and the window contractor business. The building's original design as a lumber yard fits the design needs of the window contractor with regard to design and size.

The City's Comprehensive Plan promotes the attraction of new businesses into the City. The CBD strategies recognize that it may need to change its focus from general retail to other businesses including, but not limited to, specialty retail, restaurants, professional offices, and service oriented businesses. The proposed use is a window contractor that is an off-site service provider.

- 2) *The proposed use is or will be compatible with present and future land uses of the area.*

The historical use of the site was as a lumber yard. The proposed use is similar in character with this past use. The surrounding land uses are as follows:

| | Land Use | Zoning |
|-------|-----------------------------|---------------|
| North | Parking Lot and Residential | R-5 |
| South | Railroad | N/A |
| East | Marina/Storage | I-2 |
| West | Delano Eagle Building | B-4 |

The B-W Zoning District would be a transition between the B-5 zoning to the west and the I-2 zoning to the east, allowing the use of an existing building. The applicant owns the parking lot to the north of the 318 Railroad Avenue building. This parking lot was historically used by Mount Olive Church and the lumber yard for parking. The applicant will continue to use this for parking of employee and company vehicles. Staff recommends that the R-5 zoning on the parking lot be retained to prevent building and use expansion close to the residential properties to the north. The parking may continue as a grandfathered use.

Staff is recommending all operations associated with the business to be conducted inside the building. No outdoor storage is allowed for the site. The applicant shall provide a landscape plan for screening the parking lot from residential areas to the north.

- 3) *The proposed development use conforms with all performance standards.*

The building fills the site and does not meet the performance standards of the B-W or the current B-4 Zoning Districts with regard to required setbacks. The rezoning is being requested to accommodate the range of uses that are inherent in the J and J Glass company operations including some metal cutting and window assembly. The change in zoning will not correct the legal non-conforming conditions of the existing building.

The business provides for required off-street parking through the existing parking lot north of the existing warehouse. The City will require that the parking lot be cleaned up and a landscape plan be prepared to landscape along the northern edge of the parking lot to screen the adjoining residential neighborhood.

The parking area shall be used exclusively for parking of employees and company owned vehicles. No storage of product, materials or refuse shall be allowed.

- 4) *The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.*

This is an existing building that is served by City sewer and water. With the conclusion of the rezoning, the property owner will pursue changes in the building's electrical service to accommodate the new use. The change in zoning will not overburden the City's existing utilities or services.

- 5) *Traffic generation by the proposed use is within the capabilities serving the properties.*

The site is served by 4th Street and Railroad Avenue. The proposed use will be similar to the other industrial land uses along Railroad Avenue to the east. Traffic will be comprised of employee traffic and heavier company owned truck and trailers. The traffic volumes are not anticipated to overwhelm the capacity of the available streets.

CONCLUSION

A zoning map change is a policy decision of the Planning Commission and City Council. The requested zoning change from B-4, Central Business District to B-W, Business Warehousing will allow J and J Glass to consolidate their operation within this existing building. In support of the requested rezoning, we offer the following findings:

- F1. The Comprehensive Plan guides this site for commercial land use. The B-W District is a business zoning district.
- F2. The Central Business District strategies recognize that it must change its focus from strictly retail to other types of commercial use such as specialty retail, office, entertainment, and service businesses. The window contractor, by zoning definition, is an off-site service business.
- F3. The change in zoning would bring a new business into Delano. The new business is similar to the previous lumber supply in activity and intensity.
- F4. The existing warehouse building is sized and design to accommodate this type of business.

The aforementioned findings support the change of zoning and the proposed use, however, staff also has concerns over its compatibility with residential properties to the north. In this respect, the City will impose the following conditions on the proposed business:

1. The change of zoning shall only be applied to the buildings along Railroad Avenue. The existing parking lot to the north shall retain its residential zoning.

This parking lot may be used in conjunction with business, employee, and company vehicle parking as a grandfather use. No outdoor storage or business expansion shall be allowed within the parking area.

2. All business operations shall be within the building. No outdoor storage shall be allowed.
3. The applicant shall provide a landscape plan for the screening of the parking lot for the residential properties to the north for City approval.

pc: Marlene Kittock
Paula Bauman
Wendy Biel
Mark Johnson
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Date Created: 9/3/2009
Map Scale: 1 in = 85 ft



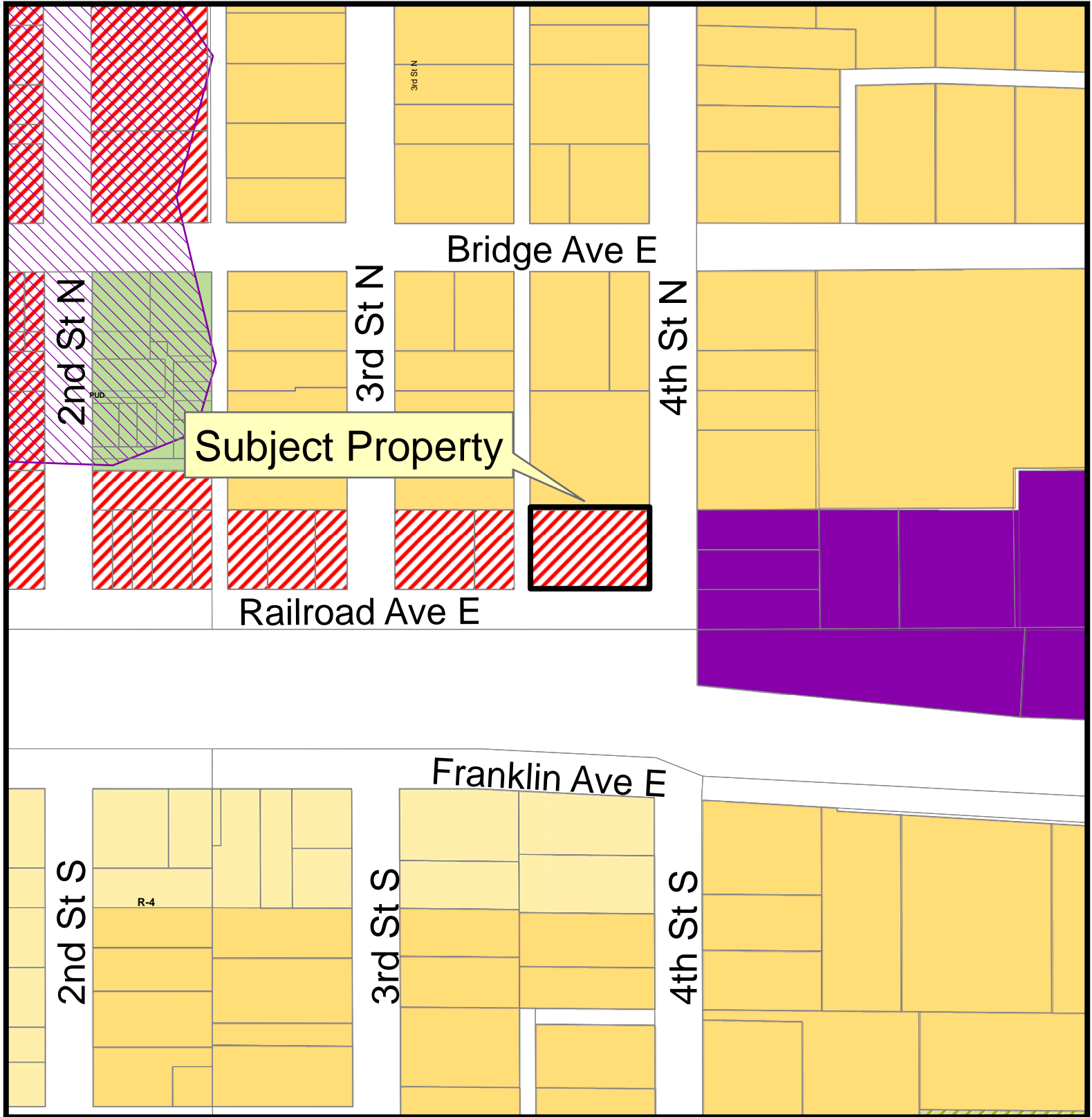
Legend

- Parcels
- City/Township Limits
- Roads
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- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCCL
- Interstate
- State Hwy
- US Hwy

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|------------------|----------------------------|--------------|-------------------------|---------------|--|
| Parcel ID | 107022001110 | Alternate ID | N/A | Owner Name | WEST EDGE PROPERTIES LLC |
| Sec/Twp/Rng | 12-118-25 | Class | 233 - COMM LAND & BLDGS | Owner Address | WEST EDGE PROPERTIES LLC |
| Property Address | 318 RAILROAD AVE DELANO | Acreage | 0.00 | | 4615 ECKERT AVE SE DELANO, MN 55328 |

District
Brief Tax Description Sect-12 Twp-118 Range-025 LITCHFIELDS ADDN Block-001 LOTS 11-18 BLK 1
(Note: Not to be used on legal documents)

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|--|---------------------------|--|--------------------------------------|--|--|
| | City Limits | | B-3 Highway Business | | R-2 Single Family Residential |
| | Crow River | | B-4 Central Business | | R-3 Single Family Residential |
| | Flood Fringe District 1 | | B-W Business/Warehousing | | R-4 Single and Two-Family Residential |
| | Flood Fringe District 2 | | I-1 Limited Industrial | | R-5 Single and Two-Family Residential |
| | Floodway | | I-2 General Industrial | | R-6 Medium Density Residential |
| | Planned Unit Development | | R-A Rural/Agricultural | | R-7 Medium to High Density Residential |
| | B-1 Neighborhood Business | | R-E Single Family Estate Residential | | R-8 High Density Residential |
| | B-2 General Business | | R-1 Single Family Residential | | R-B Residential/Business |

0 50 100 200 300 400 Feet

Adopted: Sept. 19, 2006
 Updated: May 15, 2007
 Updated: Sept. 18, 2007
 Updated: Nov. 20, 2007
 Updated: Feb. 19, 2008
 Updated:

This map is for planning purposes only.
 Source: Wright Co., MnDNR, & Northwest Associated Consultants.