



AGENDA REPORT

To: Honorable Mayor and City Council Members
From: Steve Kohn, Planning Manager, February 20, 2020
Meeting Date: February 24, 2020

Agenda Item: 10.E.



Title

Proposal to Amend the Zoning Ordinance by Allowing “Self Service Storage Facility (Incidental to Primary Use)” as a Conditional Use in the B-3 Zoning District

Purpose

To Review and Take Action on the Proposed Zoning Text Amendment

Recommended Action

Motion to Introduce * Ordinance No. 146, Fourth Series* Amending Divisions 10-040; 30-040; and 30-050 of the Red Wing Zoning Ordinance

Attachments

- Ordinance No. 146, Fourth Series (Draft)
- B-3 Zoning Map

Background/Analysis

On January 21, 2020, the Planning Commission unanimously adopted a motion to recommend approval of proposed zoning text amendments that would allow the “Self Service Storage Facility” use as a Conditional Use in the B-3 Central Business District. This recommendation was forwarded to the City Council for consideration at their January 27, 2020 meeting.

Several City Council members had concerns with the proposal and directed staff to take the proposal back to the Planning Commission for further discussion. The major concern of the City Council was related to controlling where this type of use could be located within the B-3 District and individual buildings. Specific comments indicated that this type of use should not occupy main storefront spaces in the core downtown. This same concern was discussed by the Planning Commission and staff prior to the Planning Commission’s original recommendation; it was felt that requiring a Conditional

Use Permit for this use in the B-3 District would control location and access on a case by case basis for any proposed self-service storage facility.

The Planning Commission reviewed the City Council's comments and the proposal at its February 18, 2020 meeting. The Planning Commission and staff agreed that more can be done to make sure there are no unintended consequences from allowing this use in the B-3 District. Below are some alternatives considered that would further limit potential Self-Service Storage Facility use locations in the B-3.

Alternative #1 – Several years ago a text amendment was approved by the Planning Commission and City Council to clarify how multi-family and small residential accessory apartments (Accessory Commercial Apartment) are allowed in the B-3 District. Although the Comprehensive Plan and Downtown Action Plan encouraged the creation of more residential units in the downtown, the Zoning Ordinance didn't really address permitting (with the exception of "Multiple Family Residential" as a CUP) and where these units could be located within downtown buildings. The idea was to promote upper story residential units and possibly rear or lower level residential units, while preserving main level storefront space for retail, restaurants, and other commercial uses that would contribute to a vibrant downtown. The result of the text amendment(s) was to create several new use definitions: "Accessory Commercial Apartment (Upper Level)" – allowed as a permitted use; "Accessory Commercial Apartment (Main Level or Lower Level)" – allowed with a CUP; "Multiple Family Residential (non-ground floor units)" – allowed with a Certificate of Compliance; and "Multiple Family Residential (ground floor units)" – still allowed with a CUP.

Alternative #1 (Recommended) would create language in a similar fashion for the Self-Service Storage Facility use and is the alternative staff recommended to the Planning Commission. The Self-Service Storage Facility use is allowed in several zoning districts and the definition appears to be adequate for those districts. Due to this, staff recommends that a new use be defined that differentiates this use in the B-3 District from the other districts. This could be done by stating the use is incidental to the primary use of the building and that the use cannot occupy a main level storefront space. Below is a possible new definition to consider.

Self-Service Storage Facility (Incidental to Primary Use) - An establishment designed and utilized for the purpose of renting or leasing individual storage spaces to tenants whom have sole private access to such space for storing personal property. This use must be incidental to a primary use of the property and may not be located within a primary, main level storefront location. Access to the incidental use may not be provided from the primary, main storefront location.

By further defining the use, and thus limiting its location, the question arises whether or not a CUP should be required for the use. Could this use now be allowed with a Certificate of Compliance? The Planning Commission discussed this topic and found that requiring a Conditional Use Permit would be the most appropriate process.

Alternative #2 - This alternative would still allow the proposed use with a CUP in the B-3 District, but would prohibit the use from being located in a ground floor storefront space. This could actually be done without creating a new definition, but could possibly leave a

few doors open for interpretation. Below is how this alternative might look in the list of CUP uses in the B-3 District.

Self-Service Storage Facility (not allowed in ground floor storefront space)

This would still allow a case by case public review of any proposed use.

Alternative # 3 – A third alternative would be to not pursue allowing the use in the B-3 District. However, several Council members, Planning Commission members, and a resident at the public hearing in January indicated support for this type of use in the B-3 District and stated it could be a beneficial use for downtown residents and businesses.

It appears that the proposed use and amendment is in the public interest and not solely for the interest of a single property owner. Two different projects have arisen in the past six months that would benefit from the proposed amendment. It appears that the proposed use could benefit both downtown residents and downtown businesses that need additional storage space, while using underutilized spaces within existing buildings or in new buildings. The Comprehensive Plan encourages additional housing options in downtown and a healthy mix of uses in the City's activity areas.

Allowing the proposed use as a Conditional Use Permit in the B-3 Zoning District would allow a new use in the district while maintaining control over location, impacts, and other logistics. By requiring a CUP for the use in the B-3 district, each individual proposal would be reviewed publicly to ensure compliance with the Comprehensive Plan and to ensure the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Access, loading, traffic and impact on surrounding properties would be reviewed on a case by case basis.

Staff envisions that most Self Service Storage Facility proposals for the B-3 District would involve existing buildings, using space currently underutilized. Any new buildings proposed for the use would need to be in compliance with Division 45 of the Zoning Ordinance (Design Standards) or with Chapter 16 of City Code (Heritage Preservation).

The Planning Commission and City Council must make findings with respect to the following before taking action on the proposal (Planning Commission recommended findings are in **bold**):

- 1) Whether the amendment is consistent with the Comprehensive Plan. **The Comprehensive Plan encourages additional housing options in downtown and a healthy mix of uses in the City's activity areas. This proposal appears to be supported by these policies by providing an additional service for downtown residents and businesses.**
- 2) Whether the amendment is in the public interest and is not solely for the interest of a single property owner. **It appears that the proposal would benefit downtown residents and businesses and could result in the use of vacant or underutilized spaces within the B-3 District.**

Planning Commission and Staff Recommendation

Based on the analysis above, the Planning Commission unanimously adopted a motion to recommend approval of the proposed zoning text amendments, as revised below.

Division 10-040 - Definitions of Use Types and Classifications: Is proposed to be amended by adding the following definition.

Self-Service Storage Facility (Incidental to Primary Use) - An establishment designed and utilized for the purpose of renting or leasing individual storage spaces to tenants whom have sole private access to such space for storing personal property. This use must be incidental to a primary use of the property and may not be located within a primary, main level storefront location. Access to the incidental use may not be provided from the primary, main storefront location.

Division 30-040 - Central Business (B-3) District; D) Conditional Uses: Is proposed to be amended to allow Self Service Storage Facility (Incidental to Primary Use) as a Conditional Use.

Division 30-050 - Business Use Classification Chart; Commercial Uses: The chart in Division 30-050 is proposed to be amended to show that Self Service Storage Facility (Incidental to Primary Use) uses require a Conditional Use Permit in the B-3 Zoning District.

Based on the Planning Commission's recommendation, staff recommends a motion to introduce Ordinance No. 146, Fourth Series.

Ordinance No. 146, Fourth Series

AN ORDINANCE AMENDING CHAPTER 11 OF THE RED WING CITY CODE

THE CITY COUNCIL OF THE CITY OF RED WING DOES ORDAIN:

SECTION 1: Chapter 11 of the City Code is hereby amended by deleting the ~~over struck~~ language and inserting the underlined language as shown below:

DIVISION 10: DEFINITIONS

10-040 – **Definitions of Use Types and Classifications**

87. Self-Service Storage Facility (Incidental to Primary Use) - An establishment designed and utilized for the purpose of renting or leasing individual storage spaces to tenants whom have sole private access to such space for storing personal property. This use must be incidental to a primary use of the property and may not be located within a primary, main level storefront location. Access to the incidental use may not be provided from the primary, main storefront location.

87. 88. Semi-Transient Accommodations. Semi-transient accommodations include boarding houses, rooming houses, retreat centers/vacation homes, fraternity and sorority houses, or lodging rooms, as defined by this Chapter. ***

98. 99. Wholesaling. Establishments engaged primarily in selling merchandise to retailers, or to industrial, commercial, institutional, or professional business customers, or to other wholesalers, or on a mail order basis to individuals or firms, or which serve as agents or brokers buying merchandise for, or selling merchandise to, individuals and companies. ***

DIVISION 30: BUSINESS DISTRICT REGULATIONS

30-040 – **Central Business (B-3) District.**

D) **Conditional Uses.**

17) Self Service Storage Facility (Incidental to Primary Use)

- 17) 18) Semi-Transient Accommodations
- 18) 19) Single Family Attached
- 19) 20) Single Family Detached (on lots historically used for residential purposes)

30-050 - Business Zoning Districts Use Classification Chart.

Use	Zoning District			
Commercial Uses	B-1	B-2	B-2a	B-3
<u>Self Service Storage Facility (Incidental to Primary Use)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>C</u>

SECTION 2. Effective Date: This Ordinance is effective 14 days following the publication of the ordinance in accordance with the City Charter.

Introduced the 24th day of February 2020

Adopted this _____ day of March 2020

Dean Hove, Council President

ATTEST:

Teri L. Swanson, City Clerk

(seal)

Presented to the Mayor at _____ pm on this _____ day of _____ 2020.

Approved this _____ day of _____ 2020.

Sean M. Dowse, Mayor

ArcGIS Web Map



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Zoning

- B2a-General Business (adj. to B3)
- B3-Central Business
- AC-Agriculture Conservation
- AR-Agriculture Residential
- B1-Local Business
- B2-General Business
- I1-Light Industrial
- I2-General Industrial
- MC-Mixed Use/Industrial/Office Commercial
- CI-Civic
- RF-Riverfront

- MCT-Mixed Use Commercial Tourism
- PUD-Planned Unit Development
- Prairie Island Indian Community
- R1-Residential one (3.5-5 units/acre)
- R2-Residential Two (5-8 units/acre)
- RM1-Residential Multi-Family One (8-16 units/acre)
- RM2-Residential Multi-Family Two (+16 units/acre)
- Split Zoning

Streets
Imagery Mask

1:2,856

