

**Special Planning Commission**

**5. 2.**

**Meeting Date:** 01/31/2013

Submitted For: Chris Anderson

By: Tina Goodroad, Community Development

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Information

Title:

FOR DISCUSSION ONLY: Discuss Acceptable Land Uses at 167th Avenue Commercial Node and Provide Feedback on Potential Shooting Range and Recycling Warehouse/Transfer at 6001 167th Ln NW

Background:

Over the past several years, the City has discussed various options to address permitted uses at the 167th Avenue/Saint Francis Boulevard retail node. The node currently experiences a high vacancy rate and concerns with property maintenance on some of the buildings have been expressed. The property is zoned B-1 General Business District, which is intended to provide a commercial area for goods and services for the surrounding neighborhoods and community on a smaller scale than the B-2 Business District.

The intent of this discussion is to introduce two proposed uses (preliminary discussion), both of which likely will necessitate an amendment to the Zoning Code, for the property located at 6001 167th Ave NW (former Bob's Supervalu) and the type of regulatory tools that would be necessary if either were to proceed. The proposed uses are:

1. Shooting range/fitness center with classroom space and a retail component.
2. Metal/Clothing Recycling Center/warehouse with a small retail component.

Notification:

As this case is for discussion purposes only, notification is not required. Notification will be provided in accordance with Minnesota Statute and Ramsey City Code for any Zoning Amendment. In addition, Staff has recommended some sort of public open house to meet with adjacent property owners if Staff is directed to begin an Ordinance Amendment Process. A public process will be important to identify potential concerns and has the benefit of open communication between user and neighbors, which may help answer questions or concerns early in the process.

Observations/Alternatives:

Proposal #1: Shooting range/fitness center:

Total Defense, a current local business in Ramsey, (14031 St. Francis Blvd) is proposing to relocate its current operation to the subject property. The current location has the same underlying zoning district as the proposed location. Total Defense currently operates a retail store, gunsmithing (repair) and provide self-defense training courses. Total Defense is proposing a similar operation with the addition of an indoor shooting range. The applicant has provided detailed information on their business, training courses and preliminary floor plan. The retail portion will serve as the primary space while the indoor shooting range and training areas will occupy about equal square footage.

The proposed use of retail and the professional self-defense courses are considered permitted uses in the B-1 General Business District. The proposed indoor shooting range is not listed as a permitted or conditional use within said district. When a use is not specifically identified within a zoning district, City Code states the use is considered prohibited and therefore, this proposed use would require an amendment to the zoning ordinance.

There are two general issues that would need to be addressed when considering a possible amendment. The first is whether to consider an indoor shooting range as 'indoor commercial recreation' or whether to identify it as a separate, specific use. The second is whether it should be considered a permitted or conditional use. If the uses in the B-1 Business District be amended, it will affect all properties zoned B-1, not just the property directly linked to

this request. The key nodes of the B-1 General Business District are Saint Francis Boulevard/Bunker Lake Boulevard, Saint Francis Boulevard/Alpine Drive, and Saint Francis Boulevard/167th Avenue. In reviewing a determination of permitted use or conditional use, Staff recommends that the Planning Commission determines if any concerns related to the use are physical, or exterior concerns or concerns with the actual operation of the business. If the concerns are in regards to the physical environment, and the Planning Commission desires additional review and reasonable standards, that a conditional use permit would be appropriate. If the Planning Commission has concerns with how the business is operated, or the quality of the user, then City licensing provisions may be more appropriate.

In review of the zoning ordinance, an indoor shooting range may fall under 'indoor commercial recreation', which is currently permitted in the B-2 Highway Business District and the E-1 and E-2 Employment Districts. Due to certain aspects associated with the use, such as transporting of firearms into and out of the facility, qualifications of owners/operators, etc, there may be some merit to identifying it specifically rather than grouping it in with 'indoor commercial recreation'.

Adding an indoor shooting range is a very specific use, while 'indoor commercial recreation' is a broader term that includes other uses such as bowling alleys, laser tag, indoor go-carts, indoor play fields, etc. As a permitted use, it would be allowed by right and could be added to the ordinance with standards. A conditional use (also with standards) is another option that allows additional review and opportunities to add reasonable conditions that would mitigate any potential issues or concerns. In addition, as a conditional use, the City has the ability to review and or revoke the permit if safety or other conditions are compromised. A final option is to add the use as an interim use, which is similar to a conditional use but with a limited term.

In reviewing these options, it is important to consider the issues and concerns that the City may want to mitigate through standards (either as a permitted or conditional use). During a recent Development Review Committee meeting, staff from several departments discussed this use and developed a short list of potential issues. Present at the meeting included representatives from the Fire and Police Departments. Broad categories of discussion topics include (but are not limited to):

- Safety/security
- Retail portion to protect against theft of guns
- Safety of employees- due to the gunsmithing portion of the operation, there are environmental and general air pollution concerns with the gun powder, etc.
- Safety of ammunition and gun powder stored on site (refilling purposes)
- Caliber limit for the range
- Controlled access to shooting range
- Requirement for use of gun case when leaving the premises

Additional information from the applicant regarding their security plan for both the retail and indoor shooting range would be necessary for review and development of appropriate standards/conditions.

- Noise-the applicant provided information on the installation of the shooting range bays and stated there is potential to hear a slight “popping” sound outside the building. Setting hours of operation can mitigate the effects on neighboring properties. Additional information related to decibel levels outside the building and at property lines would be beneficial in understanding potential noise nuisances for the adjoining residential properties.
- Parking- as this use is proposing three different functions (retail, training, range) it will be important to set parking standards to ensure adequate parking is provided for all uses.
- Outdoor storage- not permissible in the B-1 Business District, would want to continue prohibiting.
- Others may be developed with further input from staff and Commissioners.

There are several indoor shooting ranges in surrounding communities. Staff spoke with both staff from the cities of Robbinsdale and Blaine, where Bill’s Gun Shop has a similar store and indoor shooting range operation. The site in Robbinsdale is located in a shopping mall, but the shooting range component is with the basement/underground parking garage portion of the shopping center. The store has been in operation since the 1980’s with no CUP (currently zoned for commercial use). Robbinsdale staff stated that it’s a very well-run business and widely

embraced by the community with no known complaints. The business has a lot of control over accessing the range (no separate entry), has well trained staff and requires gun cases for all guns when leaving the store. The facility has bars on the retail portion of the business and you cannot see the range from the outside.

Blaine city staff reported that the use has been in Blaine since 1997 and is operating under a CUP in an I-1 district (industrial district) as an indoor commercial recreation use. The conditions do not really relate to the specific operation but to the site and building design. Blaine staff stated that there are no known issues or complaints.

Proposal #2: Metal/Clothing Recycling Center/warehouse with a small retail component:

Triangle Recycling has also expressed a desire to operate out of the same subject property. This is an existing business operating in the city of Nowthen. The business recycles clothing through a network of clothing collection boxes strategically placed throughout the state. Clothing is collected from the boxes by driver and truck and would be brought back to this site for baling and transport to end markets. The applicant has expressed an interest in expanding the recycling program to accept electronics, small metals, mattresses and plastics, which would be implemented as Phase II of its operation. This process may be subject to permitting by the Minnesota Pollution Control Agency (MPCA) and possibly a conditional use permit through the City. Additional information from the applicant would be needed along with review and coordination with the MPCA and Anoka County to determine if either or both may be applicable.

This proposed use most closely matches warehousing, which is an allowed use in both the E-1 and E-2 Employment Districts, but not allowed in the B-1 Business District, except as potentially accessory to a primary warehouse use. The applicant, upon understanding the current zoning, did state a small retail portion could be added, however, this would not be the primary use. For this use to be more closely related to a “thrift store” or “second hand store”, and therefore be allowed as a retail use, the retail aspect should be the primary component with the warehousing being accessory.

In order for this use to be considered as proposed, either the B-1 Business District would have to be amended to allow warehousing, either as a permitted, conditional or interim use, or the site would need to be rezoned to either E-1 or E-2 Employment District. Rezoning would also likely result in a need for a comprehensive plan amendment as the site is shown as Commercial on the Future Land Use map. The property is surrounded by other commercial and residential uses and thus, rezoning to an employment district may not be preferable. The City would need to be mindful of not violating 'spot-zoning' statutes and regulations.

In reviewing these options, it is important to consider the issues and concerns that the City may want to mitigate through standards (either as a permitted or conditional use). Again, during a recent Development Review Committee meeting, staff from several departments discussed this use and developed a short list of potential discussion topics including, but not limited to:

- The proposed warehouse use may be incompatible with surrounding uses.
- Vehicle traffic generated by trucks and customer drop offs.
- Outside storage - this is fairly common with warehousing and would not be desirable in this proximity to residential areas.
- Potential for recycling of solid waste - there are potential challenges with this type of use due to proximity to residentially zoned property and may be subject to permitting by MPCA and conditional use permit through the City.
- Drop-off - potential for items left outside when “drop-offs” occur after hours.

Staff is seeking input from the Planning Commission on these two proposed uses and options to consider for various amendments. Staff has provided these options as an attempt to approach potential users for this node under the context of short term goals and uses as well as long term goals and ultimate permitted uses. If these uses are considered unacceptable, then next steps could involve a broader strategic planning process to determine the highest and best use for this property.

Action Options and Alternatives to Consider:

*Alternative #1:* Identify which proposed use is believed to be more appropriate for this commercial node and direct Staff to proceed with developing applicable zoning amendments for consideration. This option creates an opportunity re-invigorate this commercial node by allowing a new use into the area. This also provides both Staff and the Planning Commission an opportunity to development any standards that are deemed needed to ensure the health, safety and welfare of the community prior to either use being implemented.

*Alternative #2:* Determine that neither use is appropriate for this commercial node and direct Staff not to pursue any zoning amendments. This commercial node has struggled for a number of years now and if the Planning Commission is not in favor of either these uses, it may wish to direct staff to explore a broader strategic planning exercise to determine the highest and best use(s) for this property.

**Funding Source:**

Preparation of the discussion topic is being handled as part of regular Staff duties and the Professional Services account of the Planning Division (Business Unit #191).

**Staff Recommendation:**

Provide direction to staff on proposed uses and if deemed acceptable, direction on preferred regulatory tool to permit said use. In addition, the City's Economic Development Authority (EDA) has discussed this topic on a number of occasions as recently as January, 2013. General feedback from the EDA included the following:

At their regular January meeting, the EDA discussed the commercial node located at 167<sup>th</sup>Ave and Trunk Highway 47 ("Subject Node") in relation to a number of inquiries that have recently been submitted to the City.

In summary, the EDA would like to provide the City Council with the following comments:

- The long term success of the Subject Node is a priority for the EDA. Taking a look at the Subject Node from a long-term approach is very important. The EDA is interested in any such effort supporting said notion. For example, a master planning and/or comprehensive planning effort; which would involve attaining public input from surrounding neighborhoods and from property owners located within the Subject Node.
- Rezoning and/or an overlay district (to expand the use of select properties within the Subject Node) will have an effect on the remaining properties located within the Subject Node. Specifically, the EDA does not want to diminish the value and/or hinder the success of one property located in the Subject Node for the economic gain of another. The EDA recommends the City engage all property owners and surrounding neighborhoods before approving any rezoning or zoning overlay district within the Subject Node.
- The EDA understands the history of the Subject Node and it's struggle to remain economically viable. Master Planning/Comprehensive Planning efforts take time and do not guarantee success and prosperity for the Subject Node. Getting users to occupy the Subject Node will drive increased traffic and improve ascetics; and subsequently, support the overall success of the Subject Node in the short-term. Therefore, the EDA is in support of the City considering options that would allow prospect users to occupy the Subject Node (which may require zoning code amendments, overlay district, CUP, etc.). Any short-term uses allowed in this area should not undermine the long-term vision for the area.
- When considering prospect users coming before the City (gun range, daycare center and metal/clothing recycling), the EDA has concerns regarding their compatibility. The EDA recommends the City not approve conflicting uses. For example, a daycare center and a gun range.

**Committee Action:**

Based on discussion.

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Attachments

Site Location Map

Indoor Shooting Range Proposal

Background Information on Total Defense (Indoor Shooting Range Proposer)

Warehousing/Recycling Center Proposal

Zoning Map

2030 Future Land Use Map

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Form Review

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Chris Anderson	Chris Anderson	01/24/2013 02:50 PM
Tim Gladhill	Tim Gladhill	01/25/2013 10:44 AM
Tim Gladhill	Tim Gladhill	01/25/2013 10:44 AM
Form Started By: Tina Goodroad		Started On: 01/18/2013 09:07 AM
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