

AGENDA

1. ROLL CALL: Harris, Ralston Aoki, Allen, Montemayor, Carlson Weinberg
2. CONSIDERATION OF MINUTES
 - A. Approve May 16th, 2024 Planning Commission Minutes
3. PUBLIC HEARINGS
 - A. Public Hearing to Discuss City Code Violation Appeal
4. OLD BUSINESS
 - A. None
5. NEW BUSINESS
6. OTHER BUSINESS
7. INFORMATION ONLY
8. ADJOURNMENT

MINUTES

ROLL CALL

Present: Montemayor, Weinberg, Chair Harris
Absent: Ralston Aoki, Allen
Staff: Rick Pearson, Community Development Director; Will Bucheger, Assistant Planner

CONSIDERATION OF MINUTES

Commissioner Weinberg commented that her name was misspelled on the minutes.

Pearson commented that staff would correct that mistake.

Commissioner Weinberg MOVED, seconded by Commissioner Allen to approve the March 21, 2024 Planning Commission Meeting Minutes. The vote was unanimous and the motion carried.

PUBLIC HEARINGS

- A. 3A. Zoning Text Amendment to Section 510.11 Requiring Increasing Setback Requirements for New Metal Roofed Structures

Commissioner Montemayor MOVED, seconded by Commissioner Weinberg to open the public hearing at 7:02 PM. The vote was unanimous and the motion carried.

Pearson said that this proposed zoning code amendment is in response to a snow issue encountered by Public Works personnel while clearing snow in an alley. He said that this amendment arose after a detached garage was re-roofed with standing seam metal that sloped towards the alley. A heavy snow accumulation slid off the roof all at once, depositing a huge pile which blocked the alley and creating a difficult situation for Public Works to clean. This amendment would create a 5-foot setback for accessory structures with standing seam metal roofs from rear yard property lines adjacent to alleys to solve the issue of snow falling.

Commissioner Weinberg asked if the pitch on the roof line would impact the situation.

Commissioner Montemayor asked if this setback would also include the overhang on accessory structures as well.

Pearson stated that there is an exception to setbacks to allow a one-foot overhang for structures, so this new change to the code would allow a 4-foot setback measured from the overhang on a accessory structure. He then said that it is very rare to see a steep pitch on a garage roof within the city, shingle roofs also hold snow better than a standing seam metal roof.

Commissioner Harris asked how the city would handle solar panels being placed on garages and if we would treat them similarly to metal roofs.

Pearson stated the angle of the sun for these accessory structures shouldn't cause a large issue. Though he did agree that solar panels could cause the same situation as standing seam metal with snow melting.

Commissioner Montemayor MOVED, seconded by Commissioner Weinberg to close the public hearing at 7:16 PM. The vote was unanimous and the motion carried.

Commissioner Montemayor MOVED, seconded by Commissioner Weinberg to recommend approval for the Zoning Text Amendment To Section 510.11 Requiring A 5-Foot Setback For Accessory Structures With Standing Seam Metal Roofs To Alleys. The vote was unanimous and the motion carried.

OLD BUSINESS

A. None

NEW BUSINESS

OTHER BUSINESS

INFORMATION ONLY

ADJOURNMENT

Commissioner Weinberg MOVED, seconded by Commissioner Montemayor to adjourn at 7:26 PM. The vote was unanimous and the motion carried.

TO: Planning Commission
PREPARED BY: Will Bucheger, Assistant Planner
DATE: September 19, 2024
RE: Public Hearing to Discuss City Code Violation Appeal

Background:

On July 29th, 2024, city staff noticed a large banner sign being displayed at 4227 40th Ave N on the side of a wooden fence facing County Road 81. City staff in response prepared a violation letter and sent it out to the property owner on August 2nd, 2024, asking for its removal stating that city code language does not allow banner signs in Residential Zoning Districts. The violation letter is shown in **Attachment C**.

On August 9th, 2024, property owner Aaron McMenamy appeared at City Hall and inquired on the appeal process of the city code violation he received. Mr. McMenamy wished to appeal his violation on the grounds that the code language is vague and does not outright state that Residential Zoning Districts cannot have banner signs, but instead he views the language, as only affecting Business Zoning Districts in their requirement to receive a temporary permit for a banner sign. He was given the city appeal application and formally submitted it back to staff with his written narrative and required payment. The application was seen as fully complete on August 14th, 2024.

Per code section **410.09 Zoning District provisions** Residential Zoning Districts are not allowed to erect signs except those provided in subsection **410.11 Special Provisions**, which banners are a part of. You can view the banner sign in **Attachment C** within the violation letter.

Public Hearing

A public hearing notice was published in the City's official paper and posted to residents within 350 feet of the subject property. At the time of writing this report, the City has received no public comments in response to the notice.

Analysis:

410.11. Special provisions.

Subd. 12. Banners. Banners may be displayed in any B, R-B or DD district or public right-of-way subject to the following conditions:

1. Banner(s) may be displayed on up to 30 different days annually by administrative permit provided the banner is maintained in good repair, not faded or torn. The permit and permit application must include banner locations. Permitted banners shall be attached to building walls, canopies or parapets. In no case may banners extend above a roof line. Permitted banners shall be no larger than 50 square feet.
2. Banners may be authorized by the City Council for a time period exceeding 30 days.
3. A banner may be displayed at an off-site location or right-of-way with approval by the City Council for a period not exceeding ten days provided:

1. The banners must be securely fastened to buildings, structures or fences in conformance with subdivision 13(a) of this code.
2. The banners must be individually approved for specific locations.
3. There may be no more than one banner per location.
4. Banners shall be no larger than 50 square feet.
5. Off-premises advertising signs are not permitted.

Staff interprets the code language above as a means of regulating banner signs within Business Districts, to allow them the opportunity to advertise themselves for temporary occasions. Staff does not interpret this code language as a means for citizens within Residential Zoning Districts the ability to have banner signs. City staff feel that since language is not stated allowing banner signs in Residential Districts, this appeal should be denied allowing the code enforcement process to continue.

Recommendation:

1. Hold the public hearing.
2. Motion to recommend that the City Council disapprove the appeal request to City Zoning Code Section 410.11 Subd. 12 and to allow the code enforcement violation to continue against the property owner of 4227 40th Ave N so that the banner sign may be removed.

Attachments:

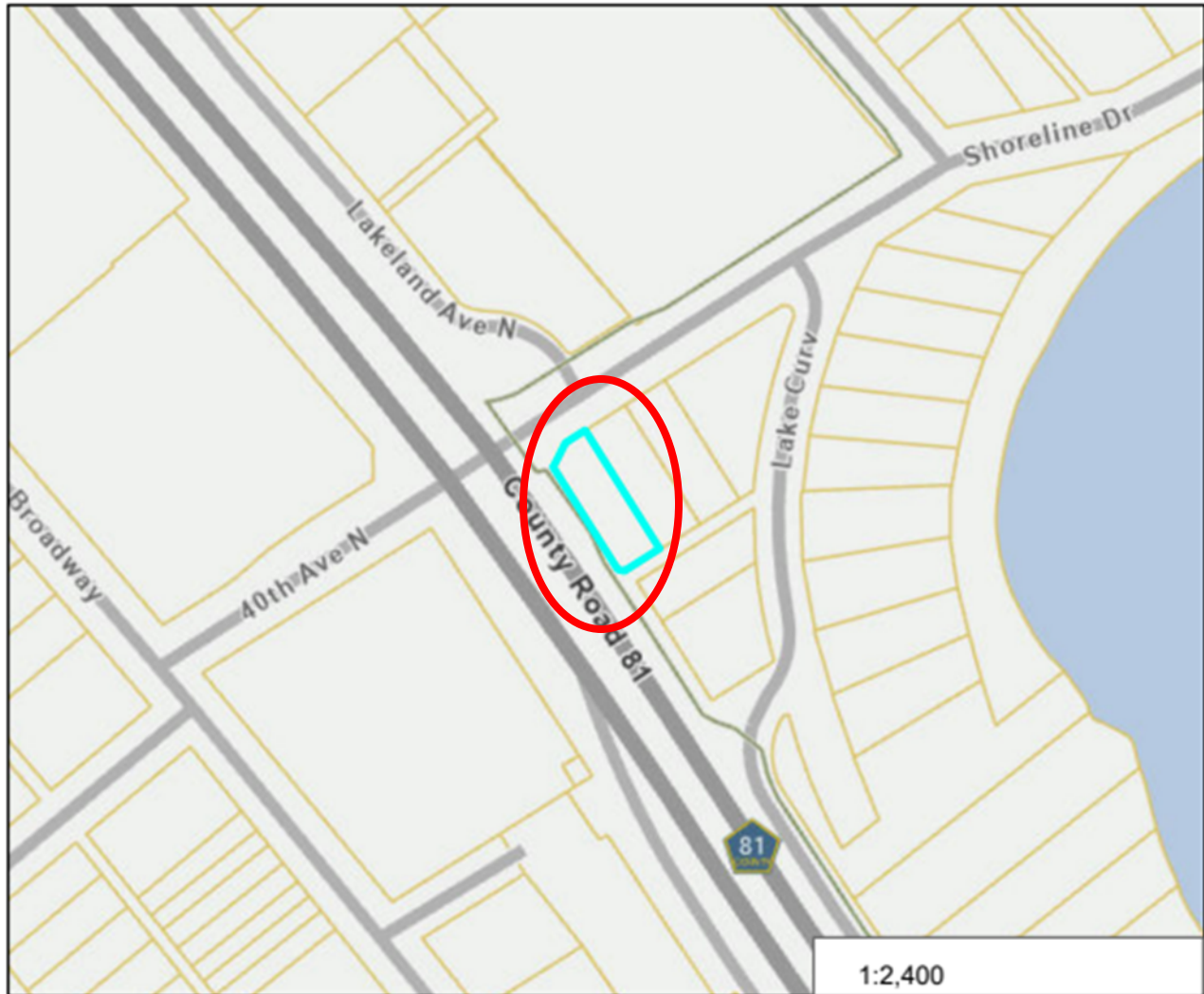
1. Hennepin County Aerial Map
2. Robbinsdale Zoning Aerial Map
3. City Code Violation Letter

Attachment A



Hennepin County Property Map

Date: 9/10/2024



PARCEL ID: 0602924140096

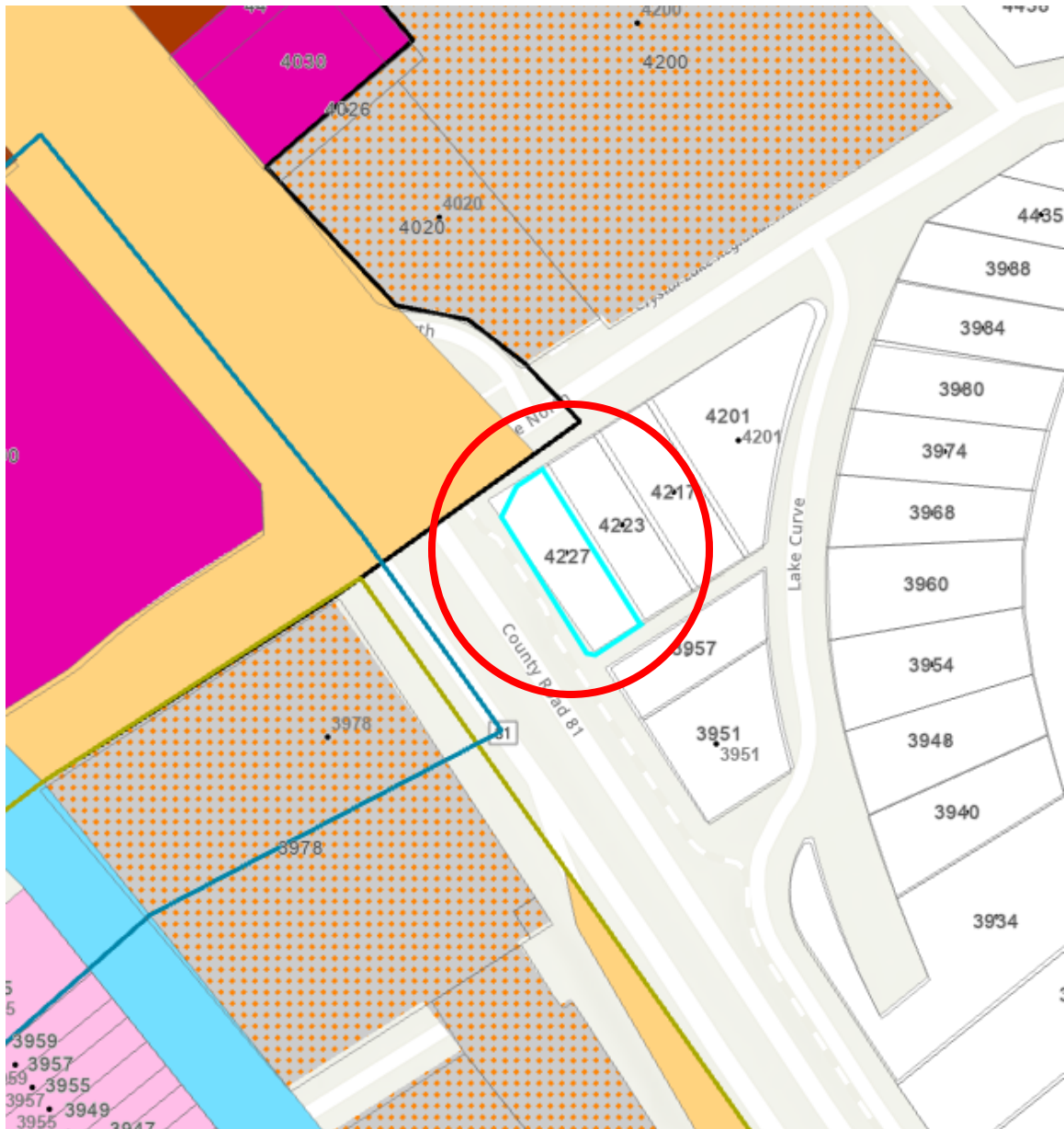
OWNER NAME: Aaron Mcmenamy

PARCEL ADDRESS: 4227 40th Ave N, Robbinsdale MN 55422

PARCEL AREA: 0.17 acres, 7,304 sq ft

Comments:

Attachment B



- R1 - Single Family Residential
- R2 - Single and Two Family Residential
- R3 - Medium Density Residential
- RB - Residential/Business
- PF - Public Facilities
- B1 - Neighborhood Business
- B2 - Limited Community Business
- B3 - Highway Commercial
- B4 - Community Business
- BW - Business Warehousing
- DD1 - Downtown District
- DD2 - Downtown District

Attachment C

City of Robbinsdale



Complaint # EN24-0395

Community Development Department – Code Enforcement Division

4100 Lakeview Ave N, Robbinsdale, MN 55422 ♦ Phone 763-531-1269 ♦ Fax 763-531-1200 ♦ roce@ci.robbinsdale.mn.us

FIRST NOTICE OF CITY CODE VIOLATION

Date: August 02, 2024

Premises in Violation: 4227 40TH AVE N

Responsible Party: AARON MCMENAMY

Name(s): AARON MCMENAMY

Address: 4227 40TH AVE N

ROBBINSDALE, MN 55422

**An inspection of the above premises revealed violation(s) of the following Robbinsdale City Code:
See attached photo (if applicable)**

Uncorrected

410.11 SPECIAL PROVISIONS SUBD. 12. BANNERS MAY BE DISPLAYED IN ANY B, R-B OR DD DISTRICT OR PUBLIC RIGHT-OF-WAY SUBJECT TO THE FOLLOWING CONDITIONS: (ADDED, ORD. NO. 09-10)

Comment: You have a banner displayed on your fence toward the highway. Banners are not allowed within R-1 Zoning Districts which your property is a part of. Banners are only allowed within Business, Residential-Business or Downtown Zoning Districts. Please remove the banner from your fence to be code compliant.

The above violation(s) must be correct no later than: 8/16/2024

Failure to correct the violation or to make arrangements satisfactory to the city to achieve compliance with the ordinance *may result* in a Citation Level I-V ranging from \$50 - \$400 and doubling with each citation.

If you have questions concerning these violations, or you believe there is an error regarding this violation, contact the Housing/Code Enforcement Inspector at 763-531-1269 or at ROCE@CI.ROBBINSDALE.MN.US.

Robbinsdale City Code 425.35. Appeals. Subdivision 1. Right of appeal: Any person aggrieved by a compliance order may appeal the compliance order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee in cash or cashier's check, and must be filed with the City Clerk within ten (10) business days after service of the compliance order.

City of Robbinsdale
Housing/Code Enforcement
ROCE@CI.ROBBINSDALE.MN.US

