

**PLANNING AND ZONING COMMISSION  
MINUTES OF THE REGULAR MEETING  
October 4, 2011  
7:00 PM**

The meeting was called to order at 7:00 pm by Chair-Marlaine Szurek.

Commission Members present- Thompson, Fiorendino, Kinney, Peterson and Szurek.

Also present were Jeff Sargent (City Planner), and Shelley Hanson (Secretary) and Gary Peterson (Council Liaison).

*Motion by Kinney, seconded by Peterson, to approve the minutes from the meeting of August 3, 2011. All ayes. MOTION PASSED.*

**PUBLIC HEARINGS**

**CASE NUMBER:** 2011-0901  
**APPLICANT:** City of Columbia Heights  
**LOCATION:** 590 – 40<sup>th</sup> Avenue NE  
**REQUEST:** Conditional Use Permit, Variance for LED Monument Sign

Sargent explained that at this time the City of Columbia Heights is requesting a Conditional Use Permit (CUP) for the installation of an LED sign for City Hall, located at 590 – 40<sup>th</sup> Avenue NE, per Code Section 9.106 (P)(13)(c). In conjunction with the CUP, the City is also seeking a variance to allow an LED sign to occupy more than 60% of the sign area per Code Section 9.106 (P)(8)(a) 1.

**COMPREHENSIVE PLAN**

The Comprehensive Plan guides this area for Institutional uses. Enabling City Hall to more efficiently promote events and information pertaining to the City welfare through the use of an electronic display sign is consistent with the goals outlined in the Comprehensive Plan.

**ZONING ORDINANCE**

The property located at 590 – 40<sup>th</sup> Avenue NE is located in the PO, Public and Open Space District. The properties to the east are zoned LB, Limited Business, the properties to the north are zoned LB and GB, General Business, the properties to the west are zoned GB and R-3, Multiple Family Residential, and the property to the south is Huset Park, zoned PO, Public and Open Space. Digital LED signs are permitted as a Conditional Use in the PO, Public and Open Space District.

The proposed LED sign will replace the existing reader board sign adjacent to City Hall along 40<sup>th</sup> Avenue. The current location for this sign offers the best viewing of the sign and would more easily promote upcoming events that the city would like to advertise for. The previous reader board sign offered a large area for the placement of letters needed to promote event. City staff would like to be able to retain as much of that signage space as possible with the new LED sign. The proposed LED portion of the sign will be 9' x 4', with some space above for the words "City of Columbia Heights". For this reason, a variance to the requirement that the LED sign could occupy no more than 60% of the total sign area is needed. The City Hall LED sign will also be required to meet all other regulations governing LED signs, which have been attached as conditions of approval.

City Code allows for LED signs to be placed on pylon signs in the PO, Public and Open Space District.

### FINDINGS OF FACT (Conditional Use Permit)

Section 9.104 (H) of the Zoning Ordinance outlines nine conditions that must be met in order for the City Council to grant a Conditional Use Permit. They are as follows:

- (a) The use is one of the conditional uses listed for the zoning district in which the property is located, or is a substantially similar use as determined by the Zoning Administrator.  
*Digital LED signs are specifically listed as a Conditional Use in the PO, Public and Open Space District.*
- (b) The use is in harmony with the general purpose and intent of the Comprehensive Plan.  
*The Comprehensive Plan guides this area for Institutional uses. Enabling City Hall to more efficiently promote events and information pertaining to the City welfare through the use of an electronic display sign is consistent with the goals outlined in the Comprehensive Plan.*
- (c) The use will not impose hazards or disturbing influences on neighboring properties.  
*The City will have to abide by specific development standards as they relate to LED signs. These standards were adopted to help ensure a limiting disturbing influence on neighboring properties. Given the location of the proposed sign and its orientation to 40<sup>th</sup> Avenue, staff feels that the use will not impose hazards on the neighboring properties.*
- (d) The use will not substantially diminish the use of property in the immediate vicinity.  
*The use of property in the immediate vicinity will not be diminished by the placement of a digital LED sign at 590 – 40<sup>th</sup> Avenue.*
- (e) The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.  
*The City will have to abide by specific development standards as they relate to LED signs. These standards will help ensure compatibility with the appearance of the existing surrounding area.*
- (f) The use and property upon which the use is located are adequately served by essential public facilities and services.  
*This is correct.*
- (g) Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.  
*The use of a digital LED sign at this location will influence traffic congestion.*
- (h) The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.  
*By subjecting the use of a digital LED sign to specific development standards, it is intended that the use will not cause a negative cumulative effect.*
- (i) The use complies with all other applicable regulations for the district in which it is located.  
*This is correct.*

### FINDINGS OF FACT (Variance)

Section 9.104 (G) of the Zoning Ordinance outlines five findings of fact that must be met in order for the City Council to grant a variance. They are as follows:

- a) Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause undue hardship.

*The property on which the proposed sign will be located is oddly shaped. Staff initially proposed the idea of placing the LED sign on a monument near the intersection of 40<sup>th</sup> Avenue and Mill Street. Upon further insight, it was determined that the public would best be able to view the new sign if it was located in the same spot as the existing reader board. Because of the construction of such signs, and because the proposed LED sign will utilize the same pylon supports, it becomes very difficult to construct an LED sign that occupies no more than 60% of the sign area.*

- b) The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.

*City Hall is placed on a very narrow and oddly shaped piece of land. Replacing the current reader board sign with a new LED sign would offer the best viewing of the sign by the general public. This is also the only piece of Public and Open Space land that would incorporate an LED sign on an existing pylon sign. The circumstances surrounding this piece of property are unique in the City for these reasons.*

- c) The difficulty or hardship is caused by the provisions of this article and has not been created by any person currently having a legal interest in the property.

*The provisions of the Zoning Code related to LED signs apply mostly to monument signs. The PO District allows for LED signs to be placed on pylons, but does not take into consideration the hardship involved in constructing an LED sign meeting the 60% criteria. No action by the City has caused the hardship for the need of the variance.*

- d) The granting of the variance is in harmony with the general purpose and intent of the comprehensive plan.

*The Comprehensive Plan guides this area for Institutional uses. Enabling City Hall to more efficiently promote events and information pertaining to the City welfare through the use of an electronic display sign is consistent with the goals outlined in the Comprehensive Plan.*

- e) The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

*The use of property in the immediate vicinity will not be diminished by the placement of a digital LED directly on the north property line adjacent to 40<sup>th</sup> Avenue.*

Staff recommends approval of the proposed CUP and variance to allow an LED sign to occupy more than 60% of the sign area for City Hall located at 590 – 40<sup>th</sup> Avenue NE.

Questions from members:

Mike Peterson asked if the existing pylons would be reused. Sargent said they would be painted and the new sign would be mounted on them. He said the visibility of the existing pylon location, and the expense of a monument style base, were the deciding factors. Peterson then asked if any consideration had been given to replacing the sign at Murzyn Hall at the same time, as there may be a cost savings to do two at the same time.

Gary Peterson said the City Council did discuss that possibility. However, the sign itself costs about \$25,000-\$30,000 for a refurbished one, and there was no cost savings to do two, rather than one. He said the Council decided to do one at a time and chose to do the most visible one first. He said the safety of employees having to manually change the old message board was the primary reason to update the sign. He said that messages can now be changed easily and more often with the new design.

Kinney asked if the new sign would be digital. Sargent explained the top portion would have the static "City of Columbia Heights" display, and that the bottom part of the sign would be an LED lit sign. She asked if any consideration had been given to surrounding the pylon posts with brick to better match the building and hide the posts to make it more aesthetically appealing. Sargent said it hasn't been discussed to his knowledge and that the Council was trying to keep the cost down as much as possible.

Fiorendino asked why the signage had to be more than 60% of the total size. Sargent explained that once the decision was made to re-use the pylon posts, that re-furbished LED signs come in pre-determined sizes, and this also dictates the area of signage would exceed the 60% figure.

Thompson agreed that the existing location of the sign was best due to shape of the lot and that it granted the best visibility. He suggested that a "not to exceed" limit on the percentage of LED signage for the sign be established between 60% and 80%. Sargent said that isn't necessary since Condition #1 already states the approval is based on what has already been submitted. Gary Peterson said it clearly states that each side of the sign is  $9 \times 4 = 36$  sf for a total of 72 sf for both sides, which falls within the parameters he suggested.

Public Hearing Opened:

There was no one present to speak on this matter.

Public Hearing Closed.

*Motion by Peterson, seconded by Thompson, that the Planning Commission recommends the City Council approve the Conditional Use Permit for a for a digital LED sign for City Hall located at 590 – 40<sup>th</sup> Avenue, subject to certain conditions of approval that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:*

1. *The dynamic LED signs may occupy no more than sixty percent (60%) of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic LED signs, even if not used. Only one, contiguous dynamic display area is allowed on a sign face.*
2. *The dynamic LED sign may not change or move more often than once every ten (10) seconds, except one for which changes are necessary to correct hour-and-minute, date, or temperature information.*
3. *A display of time, date or temperature information may change as frequently as once every five (5) seconds, however information displayed not relating to the date, time or temperature must not change or move more often than once every ten (10) seconds.*
4. *The images and messages displayed must be static, and the transition from one state display to another must be instantaneous without any special effects. Motion, animation and video images are prohibited on dynamic LED sign displays.*
5. *The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.*
6. *The dynamic LED signs must be designed and equipped to freeze the device in one position if a malfunction shall occur. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance.*
7. *The dynamic LED signs may not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. The dynamic LED signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half hour before sunset and one half-hour after sunrise.*

All ayes. MOTION PASSED.

*Motion by Peterson, seconded by Kinney, that the Planning Commission recommends the City Council approve the variance to allow an LED sign to occupy more than 60% of the sign area, subject to certain conditions of approval that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:*

1. *All application materials, maps, drawings, and descriptive information submitted with the application shall become part of the permit.*

All ayes. MOTION PASSED.

The following Resolutions will go to the City Council October 10, 2011.

**RESOLUTION NO. 2011-114**  
**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR**  
**COLUMBIA HEIGHTS CITY HALL**  
**WITHIN THE CITY OF COLUMBIA HEIGHTS, MINNESOTA**

**WHEREAS**, a proposal (Case #2011-0901) has been submitted by City Staff to the City Council requesting a conditional use permit from the City of Columbia Heights at the following site:

ADDRESS: 950 – 40<sup>th</sup> Avenue NE

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit per Code Section 9.106 (P)(13)(c), to allow a dynamic LED sign in the PO, Public and Open Space District

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on October 4, 2011;

**WHEREAS**, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed conditional use permit upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Columbia Heights after reviewing the proposal, that the City Council accepts and adopts the following findings of the Planning Commission:

1. The use is one of the conditional uses listed for the zoning district in which the property is located, or is a substantially similar use as determined by the Zoning Administrator.
2. The use is in harmony with the general purpose and intent of the Comprehensive Plan.
3. The use will not impose hazards or distributing influences on neighboring properties.
4. The use will not substantially diminish the use of property in the immediate vicinity.
5. The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
6. The use and property upon which the use is located are adequately served by essential public facilities and services.
7. Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.
8. The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
9. The use complies with all other applicable regulations for the district in which it is located.

**FURTHER, BE IT RESOLVED**, that the attached conditions, maps, and other information shall become part of this permit and approval; and in granting this permit the city and the applicant agree that this permit shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal of the permit.

CONDITIONS ATTACHED:

1. The dynamic LED sign may not change or move more often than once every ten (10) seconds, except one for which changes are necessary to correct hour-and-minute, date, or temperature information.
2. A display of time, date or temperature information may change as frequently as once every five (5) seconds, however information displayed not relating to the date, time or temperature must not change or move more often than once every ten (10) seconds.
3. The images and messages displayed must be static, and the transition from one state display to another must be instantaneous without any special effects. Motion, animation and video images are prohibited on dynamic LED sign displays.
4. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
5. The dynamic LED signs must be designed and equipped to freeze the device in one position if a malfunction shall occur. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance.
6. The dynamic LED signs may not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. The dynamic LED signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half hour before sunset and one half-hour after sunrise.

**RESOLUTION NO. 2011-115**

**RESOLUTION APPROVING A VARIANCE  
FROM CERTAIN CONDITIONS OF THE CITY OF COLUMBIA  
HEIGHTS ZONING CODE FOR COLUMBIA HEIGHTS CITY HALL**

**WHEREAS**, a proposal (Case # 2011-0901) has been submitted by City Staff to the City Council requesting a variance from the City of Columbia Heights Zoning Code at the following site:

ADDRESS: 590 – 40<sup>th</sup> Central Avenue

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING RELIEF: A variance to allow an LED sign to occupy greater than 60% of the sign area per Code Section 9.106 (P)(8)(a)1.

**WHEREAS**, the Planning Commission has held a special public hearing as required by the City Zoning Code on October 4, 2011;

**WHEREAS**, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concern related to traffic, property values, light, air, danger of fire, and risk to public safety, in the surrounding area;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Columbia Heights that the City Council accepts and adopts the following findings of the Planning Commission:

1. Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, where strict adherence to the provisions of this Ordinance would cause undue hardship.
2. The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.
3. The difficulty or hardship is caused by the provisions of this Ordinance and has not been created by any person currently having legal interest in the property.
4. The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.
5. The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

**FURTHER, BE IT RESOLVED**, that the attached plans, maps, and other information shall become part of this variance and approval; and in granting this variance the city and the applicant agree that this variance shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal of the permit.

CONDITIONS ATTACHED:

1. All application materials, maps, drawings, and descriptive information submitted with the application shall become part of the permit.

**CASE NUMBER:** 2011-0902  
**APPLICANT:** City of Columbia Heights  
**LOCATION:** City Wide  
**REQUEST:** Zoning Amendment for Variances

Sargent told members that in 2010, the Minnesota Supreme Court issued a decision that changed the longstanding interpretation of the statutory standard for granting variances. In the case of *Krummenacher v. City of Minnetonka*, the Supreme Court narrowly interpreted the definition of “undue hardship” and held that the “reasonable use” prong of the “undue hardship” test was not whether the proposed use is reasonable, but rather whether there was reasonable use in the absence of the variance. This was a much stricter standard, which considerably limited variance opportunities.

On May 5, 2011, Governor Dayton signed 2011 Minnesota Laws, Chapter 19, amending Minnesota Statutes, section 462.357, subdivision 6 to restore municipal variance authority in response to *Krummenacher v. City of Minnetonka*. The new law now allows for variances to be granted based on whether the proposed use is a reasonable one, but happens to not conform to underlying zoning regulations.

The new law renames the municipal variance standard from “undue hardship” to “practical difficulties,” but otherwise retains the familiar three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character. This means that the proposed use has to be a reasonable one for the property, conditions of the property have to be unique enough to warrant the variance, and the granting of the variance would not alter the essential character of the neighborhood in which the variance is granted.

Code Section 9.104 (G) relates to the variance procedure for the City of Columbia Heights. The language currently used to describe the instances in which the City Council may grant a variance uses the term “undue hardship.” Even so, the current language would still suffice and would be applicable for the City Council to grant a variance. However, to be more consistent with the recent legislation regarding variances, City Staff recommends a text amendment to the ordinance that substitutes the term “undue hardship” with the term “practical difficulties.”

### **COMPREHENSIVE PLAN**

The purpose of a variance is to provide a means of departure from the literal provisions of the Zoning Code, given that a set of criteria is adhered to. Since this is a procedure allowed for any zoning district throughout the city, it is consistent with the intent of the Comprehensive Plan.

### **FINDINGS OF FACT**

Section 9.104 (F) of the Columbia Heights zoning code requires that the City Council make each of the following four findings before approving a zoning amendment:

1. The amendment is consistent with the Comprehensive Plan.  
*The purpose of a variance is to provide a means of departure from the literal provisions of the Zoning Code, given that a set of criteria is adhered to. Since this is a procedure allowed for any zoning district throughout the city, it is consistent with the intent of the Comprehensive Plan.*
2. The amendment is in the public interest and is not solely for the benefit of a single property owner.  
*The proposed amendment deals with the regulations for obtaining a variance from the Zoning Code. The proposed amendment was triggered by a state legislative change and not by a single property owner. For this reason, the proposed amendment will benefit all residents and business owners in the city.*
3. Where the amendment is to change the zoning classification of a particular property, the existing use of the property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification.  
*The amendment would not change the zoning classification of a particular property.*
4. Where the amendment is to change the zoning classification of a particular property, there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in the current zoning classification.  
*The amendment would not change the zoning classification of a particular property.*

### **Questions by members:**

Fiorendino asked why the wording “unique to property” was being deleted from G (1). Sargent said it is addressed later in the Ordinance under Findings, so it is still included in the overall interpretation.

Public Hearing Opened:

No one was present to speak on this matter.

Public Hearing Closed.

*Motion by Fiorendino, seconded by Peterson to approve the proposed Zoning Amendment regarding variances. All ayes. MOTION PASSED.*

This will go to the City Council October 10, 2011.

**DRAFT ORDINANCE NO. XXXX  
BEING AN ORDINANCE AMENDING ORDINANCE NO. 1490, CITY CODE OF 2005  
RELATING THE VARIANCE PROCEDURE AND REQUIREMENTS WITHIN THE CITY OF  
COLUMBIA HEIGHTS**

The City of Columbia Heights does ordain:

Chapter 9, Article I, Section 9.104(G) of the Columbia Heights City Code, is proposed to include the following additions and deletions:

**§ 9.104 ADMINISTRATION AND ENFORCEMENT.**

*(G) Variances.*

(1) *Purpose.* The purpose of a variance is to provide a means of departure from the literal provisions of this article. ~~where strict adherence would cause undue hardship because of circumstances unique to the property.~~ **Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.** It is not the intent of this section to allow a variance for a use that is not permitted within a particular zoning district.

(2) *Right of Application.* Any person with a legal interest in the property may file an application for one or more variances.

(3) *Application for variance.* An application for a variance shall be filed with the Zoning Administrator on the approved form and shall be accompanied by a site plan and any other information determined by the Zoning Administrator to be necessary.

(4) *Public hearing.* The Planning Commission, sitting as the Board of Appeals and Adjustments, shall hold a public hearing on the complete application for a variance in accordance with the requirements of this section. After the close of the hearing, the Planning Commission shall make findings and submit its recommendation to the City Council.

(5) *City Council action.* The City Council shall make the final decision regarding an application for a variance from the provisions of this article. Approval of a variance shall require a simple majority vote of the City Council.

(6) *Required findings.* The City Council shall make each of the following findings before granting a variance from the provisions of this article:

(a) Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause ~~undue hardship~~ **practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.**

(b) The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.

(c) The ~~difficulty or hardship is~~ **practical difficulties are** caused by the provisions of this article and has not been created by any person currently having a legal interest in the property.

(d) The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.

(e) The granting of the variance will not be materially detrimental or the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

(7) *Conditions of approval.* The City Council may establish any reasonable conditions of approval that are deemed necessary to mitigate adverse impacts directly associated with granting of the variance and to protect neighboring properties.

Section 2:

*This ordinance shall be in full force and effect from and after 30 days after its passage.*

First Reading:

Second Reading:

Date of Passage:

**CASE NUMBER: 2011-0903**  
**APPLICANT: City of Columbia Heights**  
**LOCATION: Scattered Site Housing TIF District**  
**REQUEST: Approval of Conformity with the Comprehensive Plan**

In 2009, the City Council approved the modification of some of the language of the University Heights (C8) TIF district. The purpose of the modification to the district was to utilize the unlimited pooling allowance to generate fund balances from the District.

The money generated from the University Heights TIF District allowed the City to purchase 17 houses that were severely blighted and/or functionally obsolete. City Staff is now proposing to create a Scattered Site Housing TIF District in order to reimburse the funds taken from the C8 TIF District so that future housing programs could be implemented.

The Public Hearing to approve the Scattered Site Housing TIF District is set for October 10, 2011. Prior to this Public Hearing, Minnesota State Statutes and TIF law requires an approved Resolution from the Planning Commission ensuring that the land use resulting from the TIF district conforms with the City's Comprehensive Plan.

**COMPREHENSIVE PLAN**

The City has purchased single-family homes in areas throughout the City in which the Comprehensive Plan guides for Residential use. For this reason, the teardown and reconstruction of new single-family homes would be consistent with the City's Comprehensive Plan.

Questions by members:

Kinney asked if all the lots would be used for Residential purposes. Sargent stated that is the current plan. There is one lot on 3<sup>rd</sup> Street not currently zoned residential that would have to be rezoned.

There were no further questions.

Public Hearing Opened:

There was no one present to speak on this matter.-

Public Hearing Closed.

*Motion by Kinney, seconded by Peterson, that the Planning Commission approves Resolution 2011-PZ06, finding that a modification to the Downtown Central Business District (CBD) Revitalization Plan for the CBD Redevelopment Project and the creation of the Scattered Site Housing Tax Increment Financing District conforms to the general plans for the development and redevelopment of the City. All ayes. MOTION PASSED.*

**RESOLUTION NO. 2011-PZ06**

**RESOLUTION OF THE CITY OF COLUMBIA HEIGHTS PLANNING COMMISSION FINDING THAT A MODIFICATION TO THE DOWNTOWN CENTRAL BUSINESS DISTRICT (CBD) REVITALIZATION PLAN FOR THE CBD REDEVELOPMENT PROJECT AND A MODIFICATION TO THE TAX INCREMENT FINANCING PLAN FOR THE CREATION OF THE SCATTERED SITE HOUSING TAX INCREMENT FINANCING DISTRICT CONFORMS TO THE GENERAL PLANS FOR THE DEVELOPMENT AND REDEVELOPMENT OF THE CITY.**

WHEREAS, the City Council for the City of Columbia Heights, Minnesota, (the "City") has proposed to adopt a Modification to the Downtown CBD Revitalization Plan for the CBD Redevelopment Project (the "Revitalization Plan Modification") and the creation of the scattered site housing tax increment financing district (the "TIF Plan Creation") therefore (the Revitalization Plan Modification and the TIF Plan Creation are referred to collectively herein as the "Modification and Creation Plans") and has submitted the Modification and Creation Plans to the City Planning Commission (the "Commission") pursuant to Minnesota Statutes, Section 469.175, Subd. 3, and

WHEREAS, the Commission has reviewed the Modification and Creation Plans to determine their conformity with the general plans for the development and redevelopment of the City as described in the comprehensive plan for the City.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the Modification and Creation Plans conform to the general plans for the development and redevelopment of the City as a whole.

Dated: October 4, 2011

Motion by: Kinney  
Second by: Peterson  
Roll Call: All ayes

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CHAIR, Marlaine Szurek

ATTEST:

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SECRETARY, Shelley Hanson

### **NEW BUSINESS**

■ Sargent told members he has been attending meetings for a Bus Rapid Transit (BRT) feasibility study being considered by the Met Council. He said open houses are scheduled to gather input on the following dates:

October 11, 2011 from 6-8 pm at Metro State University in St Paul

October 12, 2011 from 6-8 pm at Midtown Exchange

October 13, 2011 from 11 am-1 pm at Minneapolis Central Library in Downtown Mpls.

He told members there are 11 corridors being considered and that Central Avenue is one of them. If they decide to establish such a service they won't all be added at the same time. He said this service probably wouldn't be implemented for 5-10 years. Sargent said the Met Council is looking at issues such as separate branding for the buses, special stops, new shelters, up to date time information, pre pay abilities to make the service as fast as possible.

■ Sargent also told members he is taking part in training for the City's new website. He said it should be very beneficial to users. It is user friendly, and provides for interactive communication with City Staff and will also provide notifications to those who want to be alerted to certain issues or meetings. He said the goal is to have it operational before the end of the year.

The meeting was adjourned at 7:45 pm.

Respectfully submitted,

Shelley Hanson  
Secretary