

**PLANNING AND ZONING COMMISSION
MINUTES OF THE REGULAR MEETING
DECEMBER 4, 2012
7:00 PM**

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

Commission Members present- Kinney, Little, and Szurek
Absent member: Fiorendino

Also present were Council Liaison (Gary Peterson), Sheila Cartney (Asst. Community Development Director), and Shelley Hanson (Secretary).

Motion by Little, seconded by Kinney, to approve the minutes from the meeting of October 2, 2012. All ayes. MOTION PASSED.

PUBLIC HEARINGS

CASE NUMBER: 2012-1201
APPLICANT: Barr-Nelson Inc.
LOCATION: 4001 University Ave NE
REQUEST: Site Plan Review for New Gas Station

INTRODUCTION

Cartney explained that the applicant is requesting Site Plan Approval for the construction of a new gas station at 4001 University Avenue NE replacing the gas station that burned down on the original building pad. This property is located within the Design Guidelines 40th Avenue District and requires a Site Plan Review in order to ensure compliance with the Design Guidelines.

ZONING ORDINANCE

The property located at 4001 University Avenue is zoned GB, General Business District. The properties to the north and east are zoned R-3, Multiple Family Residential. The properties to the south are zoned GB, General Business and the properties to the west across University Avenue are zoned R-3, Multiple Family Residential.

COMPREHENSIVE PLAN

The Comprehensive Plan guides this area as Commercial. Constructing a new gas station is consistent with the intent of the Comprehensive Plan.

Design Guidelines

The subject site is located in the 40th Avenue District. The building should have a well-defined front façade with primary entrances facing the street. The building should be designed with pitched or flat roofs; the proposed building has a flat roof. The base floor of the building should include elements that relate to human scale including texture, projections, doors, windows, awnings, canopies or ornamentation. Both entrances on the proposed building have awnings above and there are a variety of windows on both store fronts. Building height shall be a minimum of 22 feet; the proposed building meets this requirement. Window and door openings should comprise at least 30% of the area of the ground floor of the primary street façade. A minimum of 20% of any two sides or rear facades

at ground level shall consist of window and door openings and a minimum of 15% of all upper story facades shall consist of window or balcony door openings. As proposed the building meets the window guidelines.

MATERIALS: The objective is to ensure that high-quality, durable and authentic building materials are used in residential and nonresidential construction. Primary materials can consist of brick, natural stone, precast concrete, and stucco. The proposed building does not resemble the typical gas station. The architectural features are in-line with the design guidelines by providing character to the site. The two finishes on the building are precast veneer (“Mammoth stone series”) and prefinished metal siding (“Una-clad” Delta Concealed). The precast veneer meets the design guideline requirement, the metal siding is a slight deviation from approved materials, but compliments the stonework in this building design and provides a more modern feel to the site.

Overall the proposed gas station meets the design guidelines with one slight deviation of building materials. Signage will be addressed at the time of the sign permit and must be consistent with design guidelines and city code.

Site Plan

As stated above the proposed gas station is using the existing foundation which is 2,400 square feet. The General Business Zoning setbacks are met. The existing gas pumps and canopy are to remain and be utilized with this business. A new trash enclosure is proposed with a finish to match the building.

PARKING: The city code requires 13 parking spaces for the proposed use, according to the site plan all parking can be accommodated onsite. Any parking that is 6 spaces or more is required to be screened from any adjacent residential use with 80% opacity year round. The site plan indicates the parking to the north will be screened with a fence and landscaping and will achieve this requirement. It is unclear if the parking spaces on the southeast portion of site will be 80% opaque year-round, the applicant should address this and this will be a condition of approval.

ACCESS: Currently the site has three curb cuts with two accesses on 40th Avenue and one on University Avenue frontage road. In the future Anoka County plans to create a right-turn-lane from 40th Avenue to University Avenue, the city would be in support of this turn lane. As part of the site plan review the City Engineer has reviewed the plan and is requesting at this time that the southwestern entrance on 40th Avenue be closed and curbed and only one entrance remain on 40th Avenue in preparation for the future turn lane. The applicant can either widen the existing entrance to the southeast or close a portion of that entrance as well and meet in the middle of 40th Avenue with a new entrance, a combined entrance, but still resulting in one entrance on 40th Avenue. Before a building permit will be issued the revised access shall be approved by the Engineering Department.

FINDINGS OF FACT (Site Plan)

Section 9.104 (N) of the Zoning Ordinance outlines four findings of fact that must be met in order for the City to approve a site plan. They are as follows:

- a) The site plan conforms to all applicable requirements of this article.
The site plan meets all applicable Design Guidelines for the property with a slight deviation in the building materials. The zoning code requirements are achieved.

- b) The site plan is consistent with the applicable provisions of the city's Comprehensive Plan.
The Comprehensive Plan guides this area as Commercial. Constructing a new gas station is consistent with the intent of the Comprehensive Plan.

- c) The site plan is consistent with any applicable area plan.
There is no area plan for this portion of the city.

- d) The site plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.
With consolidating the entrances off 40th Avenue to one entrance any adverse impacts are lessened on the public right-of-way.

Staff recommends approval of the proposed site plan, as it is consistent with the Comprehensive Plan and will greatly upgrade the appearance of the site, enhancing the image of the 40th and University Avenue corner with the following conditions (as presented to the members):

- 1. All application materials, maps, drawings and descriptive information submitted with this application shall become part of the permit.
- 2. Any new signage incorporated into the building shall be approved through the Sign Permit process.
- 3. The southwestern access off 40th Avenue shall be closed and curbed, resulting in one access off 40th Avenue for this property. The City Engineer shall approve the access before a building permit is issued
- 4. The building shall be sprinkled.
- 5. Parking areas shall be screened with fencing and/or landscaping that is 80% opaque year round.
- 6. The trash enclosure shall match the building.
- 7. An old sewer service into the property that is connected to the sanitary manhole shall be disconnected if not in use.

Cartney told members she had received a comment from a neighbor to the east that indicated he would like to see the fencing between the residential properties on the east behind the building replaced or rebuilt. This resident was also apprehensive about having this business rebuilt as he didn't think it was very well run before and was a detriment to the area.

Questions from members:

Little asked if the drive isles and the overall parking lot would be repaved. He said the old blacktop surface was in need of repair. Little also stated he thought the building was an improvement over the last building, however he would like to see efface on the exterior surface rather than the metal siding as depicted on the plans submitted. Szurek also had concerns regarding the use of metal on the exterior of the building. She thought it looked too industrial. She also asked what condition the fencing was in along the east property line. Little then asked if their sign would be replaced. Cartney said the applicant has not submitted any plans for signage at this time. These questions were then directed to the applicant.

Public Hearing Opened.

The owner, Loay Abarir, 9200 Brunswick Ave, Brooklyn Park, MN responded to the commissioners questions. He said the fence will remain in place along the east property line and does extend to the south property line. He also said he is in the process of getting estimates for re-paving the parking lot. He has had problems in the past with drainage and realizes he needs to re-surface the lot.

The owner said he is flexible about the siding. He likes the design of the new building, but is open to using stucco or efface siding in lieu of the metal siding if that's what the City would like to see. He then said he would like to move the existing sign slightly to improve the visibility of it. Cartney said he can keep the existing pylon sign if he chooses and he is allowed 75 sf of signage that is two sided. If he moves it or changes the sign itself, a permit would be required. There was a discussion regarding the entrance locations and the owner stated he would work with the City Engineer regarding the exact location and width to ensure it meets all the requirements.

Nick Dobbs-4024 4th St said he is concerned about the general lack of upkeep of the business that was previously there under the same ownership. He said it attracted a rough crowd and there were always noise and loitering issues. He would like to see it better maintained and would like to see a higher fence separating this business from the residential properties.

Szurek agreed the previous building was run down and expressed her hopes that since the building would be new that the owners would manage the site better than they had in the past.

Joan Dobbs-4024 4th St said the kids loitering behind the building and on the north side created a lot of trash issues and kept neighborhood residents away from the business. The owner said that is one reason they put in the two doorways so employees can keep a better handle on these matters.

Steve Benck-4025 4th St expressed the same concerns over kids loitering around the area. He said since the old building was demolished this problem went away.

There was a discussion about whether trash receptacles should be listed as a condition. Cartney stated that language is already in our Ordinance that requires the property owner to keep their business site clean of trash. She said this is not a site plan issue.

The Commission then discussed whether to add a higher fence height as a condition. Cartney explained that as a commercial property they are allowed to construct a fence up to 7 feet in height if they obtain a building permit. If the Commission decides to require an 8 foot high fence the applicants would then need to get a Conditional Use Permit to do so.

Little asked if the Commission could require the parking lot resurfacing and the use of efface instead of metal as a condition also. Cartney told them they could be added to the list of conditions. She also stated that this Site Plan will be going to the City Council and they can make a final determination regarding the height of the fence that the members wanted added to the list of conditions.

Public Hearing closed.

Motion by Little, seconded by Kinney, to waive the reading of Resolution No. 2012-PZ07, there being ample copies available to the public. All ayes. MOTION PASSED.

Motion by Little, seconded by Kinney, to adopt Resolution No. 2012-PZ07, being a resolution approving a site plan for a new gas station located at 4001 University Avenue NE with the following conditions:

1. All application materials, maps, drawings and descriptive information submitted with this application shall become part of the permit.
2. Any new signage incorporated into the building shall be approved through the Sign Permit process.
3. The southwestern access off 40th Avenue shall be closed and curbed, resulting in one access off 40th Avenue for this property. The City Engineer shall approve the access before a building permit is issued
4. The building shall be sprinkled.
5. Parking areas shall be screened with fencing and/or landscaping that is 80% opaque year round. The applicant shall maintain fencing along the East side of the property and they shall apply for a CUP for that fence to be 8 feet in height.
6. The trash enclosure shall match the building.
7. An old sewer service into the property that is connected to the sanitary manhole shall be disconnected if not in use.
8. The applicant shall replace all paving of the entrances and parking lot areas.
9. The siding used on the exterior of the building shall be consistent with the Design Guidelines.

All ayes. MOTION PASSED.

RESOLUTION NO. 2012-PZ07

RESOLUTION OF THE PLANNING AND ZONING COMMISSION APPROVING A SITE PLAN FOR THE CONSTRUCTION OF A NEW GAS STATION AT 4001 UNIVERSITY AVENUE WITHIN THE CITY OF COLUMBIA HEIGHTS, MINNESOTA

WHEREAS, a proposal (Case #2012-1201) has been submitted by Barr-Nelson Inc., to the Planning and Zoning Commission requesting a site plan approval from the City of Columbia Heights at the following site:

ADDRESS: 4001 University Avenue NE

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING PERMIT: Site Plan approval for the construction of a new gas station building located at 4001 University Avenue NE.

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on December 4, 2012;

WHEREAS, the Planning and Zoning Commission has considered the advice and recommendations of the City staff regarding the effect of the proposed site plan 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 Planning and Zoning Commission of the City of Columbia Heights after reviewing the proposal, that the Planning and Zoning Commission accepts and adopts the following findings:

1. The site plan conforms to all applicable requirements of this article.
2. The site plan is consistent with the applicable provisions of the city's comprehensive plan.
3. The site plan is consistent with any applicable area plan.
4. The site plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.

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. All application materials, maps, drawings and descriptive information shall become part of the permit.
2. Any new signage incorporated into the building shall be approved through the Sign Permit process.
3. The southwestern access off 40th Avenue shall be closed and curbed, resulting in one access off 40th Avenue for this property. The City Engineer shall approve the access before a building permit is issued.
4. The building shall be sprinkled.

5. Parking areas shall be screened with fencing and/or landscaping that is 80% opaque year round. The applicant shall maintain fencing along the East side of the property and they shall apply for a CUP for that fence to be 8 feet.
6. The trash enclosure shall match the building.
7. An old sewer service into the property that is connected to the sanitary manhole shall be disconnected if not in use.
8. The applicant shall replace all paving of the entrances and parking lot areas.
9. The siding used on the exterior of the building shall be consistent with the Design Guidelines.

Passed this 4th day of December, 2012,

Offered by: Little
Seconded by: Kinney
Roll Call: All Ayes

Chair

Shelley Hanson, Secretary

Approval is contingent upon execution and return of this document to the City Planning Office.

I have read and agree to the conditions of this resolution as outlined above.

Barr-Nelson Inc. Date

OTHER BUSINESS

There was no other business. Cartney noted they are still looking for applicants who would like to serve on the Planning & Zoning Commission so the City Council can appoint someone to the vacant spot.

The meeting was adjourned at 7:45 pm.

Respectfully submitted,

Shelley Hanson
Secretary