

**PLANNING AND ZONING COMMISSION  
MINUTES OF THE REGULAR MEETING  
MAY 1, 2012  
7:00 PM**

The meeting was called to order at 7:15 pm by member Tracey Kinney.

Commission Members present- Fiorendino, Peterson, and Kinney.

Members Absent: Szurek and Thompson (Thompson's term has expired).

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

*Motion by Fiorendino, seconded by Peterson, to approve the minutes from the meeting of April 3, 2012. All ayes. MOTION PASSED.*

**PUBLIC HEARINGS**

**CASE NUMBER: 2012-0501**  
**APPLICANT: Renaissance Fireworks**  
**LOCATION: 4300 Central Avenue**  
**REQUEST: Interim Use Permit-Fireworks Tent**

Sargent explained that Renaissance Fireworks, Inc. has applied for an Interim Use Permit to allow the operation of a fireworks tent at 4300 Central Avenue. Specific development standards for an outdoor sales/display establishment are found at Section 9.107 (C)(20), and will be added as conditions of approval for this permit. This will be the Renaissance's 8<sup>th</sup> year operating a fireworks tent in Columbia Heights and the first at this location.

The attached site plan illustrates the configuration and orientation of the fireworks tent to Central Avenue. The plans will have to meet all applicable Fire Code regulations prior to operation.

**COMPREHENSIVE PLAN**

The Comprehensive Plan designates the property for commercial use, including retail sales, offices and service businesses. The proposal is consistent with the intent of the City's Comprehensive Plan.

**ZONING ORDINANCE**

The zoning classification for this property located at 4300 Central Avenue is GB, General Business District. Fireworks tents are allowed as Interim Uses in this zoning district.

Existing parking exceeds zoning requirements. Section 9.106 (L)(10) of the Zoning Ordinance requires that commercial uses provide 1 parking space for each 300 square feet of use. Therefore, the existing 144,900-square foot commercial building is required to have 483 parking spaces. The proposed fireworks tent will occupy 15 parking stalls. After subtracting 30 parking spaces for the Linder's Greenhouses, the site still has 583 parking spaces. Furthermore, with the

location of the display area on the opposite side of the parking lot as the store entrances, the operation should not have any effect on vehicular access for the site.

### **FINDINGS OF FACT**

Section 9.104 (H) of the Zoning Ordinance outlines seven findings of fact that must be met in order for the City to grant an interim use permit. They are as follows:

1. The use is one of the interim uses listed for the zoning district in which the property is located, or is a substantially similar use, as determined by the Zoning Administrator.  
*Fireworks tents are an Interim Use in the GB, General Business District, and are considered retail sales, which are permitted.*
2. The use is in harmony with the general purpose and intent of the Comprehensive Plan.  
*The Comprehensive Plan designates the property for commercial use, including retail sales, offices and service businesses. The proposal is consistent with the intent of the City's Comprehensive Plan.*
3. The use will not impose hazards or disturbing influences on neighboring properties.  
*The proposed temporary use should not have any detrimental impact on neighboring properties because of its proximity to Central Avenue and because it is shielded from adjacent residential uses.*
4. The use will not substantially diminish the use of property in the immediate vicinity.  
*The fireworks tent as proposed will have no impact on the use of adjacent properties.*
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.  
*The fire department will conduct an on-site survey prior to the business opening. All state requirements regarding fireworks sales will be complied with before the fire department will allow the operation of the business.*
6. 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 traffic generated by the fireworks tent will not significantly increase the traffic on the public streets, and the site is large enough to handle additional interior traffic.*
7. The use will not cause a negative cumulative effect on other uses in the immediate vicinity.  
*As indicated by prior descriptions, the fireworks tent should not have a negative impact on other uses in the immediate vicinity.*

Staff recommends that the Planning Commission approve the Interim Use Permit for a fireworks tent subject to conditions of approval outlined in the motion which Sargent reviewed with members.

Questions from Members:

Fiorendino asked if traffic along 44<sup>th</sup> Avenue or Central Avenue would have any impact on the tent structure. Sargent said the tent structure would be pretty secluded in the corner and due to the topography of the site would not be impacted by walking or vehicular traffic. Fiorendino then asked if the City has ever had any problems with this company in prior years. Sargent explained the only complaint he has previously received has been too many banners/signs used to advertise their goods. He said this has been addressed in the conditions attached to the approval of the Interim Use Permit.

Kinney asked when the sales tent would be installed. Sargent said they are allowed to operate for 90 days, but generally they are only located there from early June through mid July.

Public Hearing Opened.

No one was present on this issue.

Public Hearing Closed.

*Motion by Peterson, seconded by Fiorendino, to waive the reading of Resolution No. 2012-PZ02, there being ample copies available to the public. All ayes. MOTION PASSED.*

*Motion by Peterson, seconded by Fiorendino, to adopt Resolution No. 2012-PZ02, being a resolution approving an Interim Use Permit to allow Renaissance Fireworks to operate a fireworks tent located at 4300 Central Avenue NE, 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 fireworks tent, display area, access aisles, and surrounding area shall be reviewed by the Community Development Department and the Fire Department.*
- 2. The sale of fireworks shall meet all requirements of Chapter 24 of the Fire Code and NFPA Chapter 1124.*
- 3. Fireworks tents located within the public right-of-way are prohibited.*
- 4. All goods shall be displayed on a designated impervious surface area.*
- 5. All goods shall be displayed in an orderly fashion, with access aisles provided as needed.*
- 6. Music or amplified sounds shall not be audible from adjacent residential properties.*
- 7. The fireworks tent shall not reduce the amount of off-street parking provided one-site below the level required for the principal use.*
- 8. Signage shall be limited to two (2) professionally made signs, with a combined square footage not exceeding thirty-two (32) square feet.*

*All Ayes. MOTION PASSED.*

**RESOLUTION NO. 2012-PZ02**

**RESOLUTION OF THE PLANNING AND ZONING COMMISSION APPROVING AN INTERIM USE PERMIT FOR RENAISSANCE FIREWORKS WITHIN THE CITY OF COLUMBIA HEIGHTS, MINNESOTA**

**WHEREAS**, a proposal (Case #2012-0501) has been submitted by Renaissance Fireworks to the Planning and Zoning Commission requesting an Interim Use Permit approval from the City of Columbia Heights at the following site:

ADDRESS: 4300 Central Avenue

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING PERMIT: Interim Use Permit for a fireworks tent and sale, per Code Section 9.110 (E)(4)(a).

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on May 1, 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 use is one of the interim 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 disturbing 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. 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.*
- 7. The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.*

**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.



At this time, the applicant is requesting a Conditional Use Permit for outdoor storage per Code Section 9.111 (D)(3)(c).

### **COMPREHENSIVE PLAN**

The property is guided for Industrial use. The outdoor storage of materials in conjunction with the use of the property is consistent with the intent of the Comprehensive Plan.

### **ZONING ORDINANCE**

The property is zoned I-1, Light Industrial, as are the properties to the south. The properties to the north are zoned GB, General Business, the properties to the west are zoned R-3, Multiple Family Residential, and the properties to the east are zoned MXD, Mixed Use Development.

Outdoor storage of materials is specifically listed as a Conditional Use in the I-1, Light Industrial District. However, upon inspection of the property, it was determined that some upgrades would be needed in order for the property to comply with the minimum development standards for properties utilizing outdoor storage, including:

1. The perimeter fence appeared to be six feet in height, but was not a minimum of 80% opaque in all areas, especially along the south property line.
2. The area used for the outdoor storage of materials was not hard surfaced.

Sargent shared pictures of the site with the members.

The applicant stated that he would store all the palettes of shingles in the two on-site buildings but would need to store some materials outdoors when sorting through the inventory or accepting new inventory on a daily basis. A subsequent inspection of the property revealed that all shingles previously stored outdoors had been placed in the buildings. Aside from the shingles, there were other materials stored outdoors that would require the CUP.

### **FINDINGS OF FACT**

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.  
*Outdoor storage is specifically listed as an acceptable Conditional Use in the I-1, Light Industrial District.*

- (b) The use is in harmony with the general purpose and intent of the Comprehensive Plan.  
*The property is guided for Industrial use. The outdoor storage of materials in conjunction with the use of the property is consistent with the intent of the Comprehensive Plan.*
- (c) The use will not impose hazards or disturbing influences on neighboring properties.  
*If properly screened from neighboring properties, the proposed use should not cause any hazards or disturbing influences on neighboring properties.*
- (d) The use will not substantially diminish the use of property in the immediate vicinity.  
*The use of neighboring properties would not be diminished in any way with the proposed use of the subject property.*
- (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 use will be subject to the Specific Development Standards as outlined in the Zoning Code for outdoor storage.*
- (f) The use and property upon which the use is located are adequately served by essential public facilities and services.  
*This is a correct statement.*
- (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 on-site circulation of traffic will remain unchanged.*
- (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.  
*This is a correct statement.*
- (i) The use complies with all other applicable regulations for the district in which it is located.  
*This is a correct statement.*

Staff recommends that the Planning Commission approve the proposed Conditional Use Permit for outdoor storage for the property located at 3841 – 3<sup>rd</sup> Street NE with the conditions noted in the motion which Sargent reviewed with members.

Questions from Members:

Fiorendino asked whether the applicant will need to have a Site Plan approval for hard surfacing the grassy area on the south side of the property. Sargent told him that would not be necessary since the approval of the CUP basically does the same thing by making sure requirements are met.

Peterson said there is a different mix of businesses, property uses, and lot shapes along that street. He wondered if other properties could be required to come into compliance with these same guidelines. Sargent said we can't proactively make them comply with new requirements if they have been operating a business there for a number of years. If there is a change of use in the property then we can bring new businesses into compliance on issues such as this.

Peterson noted that he saw many issues on the residential side of the street that should be checked for possible violations of our property maintenance code. Sargent explained the code enforcement process and that the Fire Department usually handles these matters. He said he would pass this information along to them.

Kinney asked if a fence had to go around the whole property. Sargent told her it has to go around any storage areas, and that a 6 foot high fence that is at least 80% opaque would be required. He also explained that trailers or any equipment needing a license are considered to be vehicles and can be parked on the hard surfaced parking lot. Other equipment and pallets must be stored in the fenced in area.

Public Hearing Opened.

Sean O'Brien from Bridge Machining located at 3825 3<sup>rd</sup> Street has been operating in Columbia Heights since 1999. As a neighboring business, he stated that Mr. Vazquez has cleaned up the property since taking it over and he is in favor of him being granted the CUP.

Public Hearing Closed.

*Motion by Fiorendino, seconded by Peterson, that the Planning Commission recommends that the City Council approve the Conditional Use Permit for outdoor storage for the property located at 3841 – 3<sup>rd</sup> Street NE, 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 outdoor storage area shall be accessory to a commercial or industrial use.*
2. *Outdoor storage within the public right of way is prohibited.*
3. *All outdoor storage areas shall meet the setback requirements for a principal structure in the zoning district in which the use is located.*
4. *Outdoor storage areas shall be located in rear yards or in the side yard behind the front building line of the principal structure.*
5. *The storage area shall be fenced and screened from adjacent uses and the public right-of-way. Required screening shall consist of a fence, wall, earth berming and/or vegetation no less than six feet in height and no less than 80% opaque on a year-round basis.*
6. *All goods, materials and equipment shall be stored on an impervious surface.*
7. *All goods, materials and equipment shall be stored in an orderly fashion, with access aisles of sufficient width to accommodate emergency vehicles as needed.*
8. *The height of materials stored, excluding operable vehicles and equipment, shall not exceed the height of the screening provided.*
9. *The applicant shall stripe the parking area in front of the business in accordance with the minimum requirements of the Zoning Code. The applicant shall store no more vehicles or trailers in the parking lot area than the number of parking spaces provided.*

*All ayes. MOTION PASSED. The following Resolution will go to the City Council May 14, 2012.*

**RESOLUTION NO. XXXX**  
**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR**  
**CASTO VAZQUEZ C. TO ALLOW OUTDOOR STORAGE AT 3841 – 3<sup>RD</sup> ST NE IN THE CITY**  
**OF COLUMBIA HEIGHTS, MINNESOTA**

**WHEREAS**, a proposal (Case #2012-0502) has been submitted by Casto Vazquez C. to the City Council requesting a conditional use permit from the City of Columbia Heights at the following site:

ADDRESS: 3841 – 3<sup>rd</sup> Street NE University Avenue

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit per Code Section 9.111 (D)(3)(c), to allow outdoor storage of materials in the I-1, Light Industrial District at the property located at 3841 – 3<sup>rd</sup> Street NE.

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on May 1, 2012;

**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. All vehicles for sale on the property must be kept indoors at all times.
2. Outdoor vehicle display areas within the public right-of-way are prohibited.
3. The outdoor storage of inoperable, junk vehicles and/or vehicles with expired tabs is prohibited.
4. The property must adhere to all other applicable regulations pertaining to used car sales as outlined in Code Section 9.107 (C)(7).

**CASE NUMBER:** 2012-0503  
**APPLICANT:** Millie's Dream / Millie Kewatt  
**LOCATION:** 81 – 38<sup>th</sup> Avenue NE  
**REQUEST:** 4.5-foot Side Yard Setback Variance for Parking

Sargent told members that at this time, the applicant is requesting a 4.5-foot side yard setback variance for a parking lot, per Code Section 9.111 (C). The City's Zoning Code requires that all parking lots in the I-1, Light Industrial District be no closer than 5 feet from the side property line. Due to dimensional constraints on the property, the applicant is placing the proposed parking lot 0.5 feet from the side property line, thus requiring a 4.5-foot side yard setback variance.

It should be noted that a vacation of the existing California Street right-of-way was conducted in the 1990s. The result of the vacation gave an additional 30 feet of land to the subject property. Upon review of the area, it was discovered that there are some city utilities along the right-of-way, but they are buried deep enough to accommodate the construction of a parking lot.

### **ZONING ORDINANCE**

The property at 81 – 38<sup>th</sup> Avenue is zoned I-1, Light Industrial, as are the properties to the west and south. The properties to the east are zoned R-3, Multiple Family Residential, and the property to the north is zoned PO, Public and Open Space (Lomianki Park).

The applicant will be utilizing the building for office and warehousing. The City Code requires 1 parking stall for each 300 square feet of office space and 1 parking stall for each 3,000 square feet of warehousing. The building has 1,500 square feet of office and 4,500 square feet of warehouse, requiring 7 parking stalls. Currently, the property utilizes approximately 11 parking stalls along the south side of the building, all of which are legally non-conforming for setbacks. The applicant would like to accommodate more parking on the property by constructing a 6-stall parking lot along the west side of the building.

City Code requires parking areas to be no closer than 20 feet from the front property line, and 5 feet from the side and rear property lines. The parking stalls need to be a minimum of 9 feet wide and 18 feet deep when abutting a curb, and the drive aisle width to access the parking stalls can be no less than 24 feet in width.

The applicant originally wanted to have a 7-car parking lot, but was told that additional setback variances would be needed because of the space constraint on the property. When the plans were revised, it was noted that the drive aisle width would push the parking lot area to within 0.5 feet from the side property line. Sargent reviewed pictures of the site with members during his presentation. He said neighboring properties (RR and City Park land) are not affected by this request.

### **COMPREHENSIVE PLAN**

The Comprehensive Plan guides this area as industrial. A variance to allow more parking to accommodate an existing use is consistent with the intent of the Comprehensive Plan.

### **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 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.

*More parking is needed on the property in order to suffice the business. The only location where a parking lot may be located is not large enough to support the dimensional criteria for parking stalls and a drive aisle. The applicant is proposing to use the property in a reasonable manner, but is required to first receive a variance to do so.*

- 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.

*The conditions upon which the variance is based are a function of the placement of the building on the property in relation to the property lines. While this might not be a specifically unique situation in the City, this is not an occurrence that happens often on industrially zoned parcels.*

- c) The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.

*The provisions of the Code require a certain dimensional criteria for parking spaces and drive aisle widths. In order to comply with these requirements, the parking lot had to be shifted towards the side property line. For this reason, the provisions of the Code caused the practical difficulties in this matter.*

- 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 as industrial. A variance to allow more parking to accommodate an existing use is consistent with the intent of 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 proposed placement of the parking lot is next to a City park and unused property. In no way would the use of the parking lot be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property in the vicinity.*

Staff recommends approval of the 4.5-foot side yard setback variance for the construction of a parking lot because the practical difficulties surrounding the property justify the proposed location of the parking area.

Questions by members:

Fiorendino questioned whether the walking path along the west property line is maintained by the City or part of the Park. Sargent said it is not.

Peterson said the building to the south of this property has a paved area on the west side of their building also, so he doesn't see any problem with allowing the same for this property.

Kinney asked whether the garage on the east side of the building would be impacted with this request, or if the character of the Park property would change at all. Sargent said it would not.

Fiorendino asked if there is a requirement to install fencing or screening between Parkland and Industrial sites. Sargent said there is no requirement in our Ordinances for that.

Public Hearing Opened.

Terry O'Brien from 3810 Main Street asked if Challenge Machining would continue on in this building in conjunction with Kewatt's new business. Kewatt told him that Challenge would be vacating the site and that she would be using the building for her accounting business. She said she needs approximately 20 spaces to allow for adequate parking for her preparers, clerical staff, and customers. Mr. O'Brien had no problem with the addition of parking on the west side of the building. Fiorendino asked if she would still be allowed to use the non-conforming parking spaces along the south side of the building. Sargent said she will be allowed to continue using the existing parking area as well as the new area, bringing her close to the number she needs.

Public Hearing Closed.

*Motion by Peterson, seconded by Fiorendino, that the Planning Commission recommends that the City Council approve the 4.5-foot side yard setback variance for a parking lot, per Code Section 9.111 (C) of the City Code, 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.*
- 2. The applicant shall agree to remove any portion of the driveway at the owner's expense in the event that the City would need to gain access to the utility and drainage easement on which the driveway is located.*

*All ayes. MOTION PASSED.*

**RESOLUTION NO. 2012-XXX**  
**RESOLUTION APPROVING A VARIANCE**  
**FROM CERTAIN CONDITIONS**  
**OF THE CITY OF COLUMBIA HEIGHTS ZONING CODE**  
**FOR MILLIE KEWATT**

**WHEREAS**, a proposal (Case # 2012-0503) has been submitted by Millie Kewatt to the City Council requesting a variance from the City of Columbia Heights Zoning Code at the following site:

ADDRESS: 81 – 38<sup>th</sup> Avenue NE

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING RELIEF: A 4.5-foot side yard setback variance for parking per Code Section 9.111 (C).

**WHEREAS**, the Planning Commission has held a public hearing as required by the City Zoning Code on December May 1, 2012;

**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, strict adherence to the provisions of this article would cause 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.
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 practical difficulties are caused by the provisions of this article and have not been created by any person currently having a 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.
2. The applicant shall agree to remove any portion of the driveway at the owner's expense in the event that the City would need to gain access to the utility and drainage easement on which the driveway is located.

**CASE NUMBER:** 2012-0504  
**APPLICANT:** Highland Elementary School / MLA Architects  
**LOCATION:** 1500 – 49<sup>th</sup> Avenue NE  
**REQUEST:** Site Plan Approval

At this time, MLA Architects is applying for a Site Plan Review for the construction of a 9,200 square foot addition onto the Highland Elementary School located at 1500 – 49<sup>th</sup> Avenue NE. The proposed addition will accommodate five new kindergarten classrooms and one new pre-K classroom, each with its own bathroom facilities. The existing kindergarten rooms will be remodeled into Art and Science rooms in a future remodel, perhaps as soon as next year.

**COMPREHENSIVE PLAN**

The Comprehensive Plan guides the property as Institutional. Schools are the types of uses consistent with institutional uses, and for that reason, the proposed addition is consistent with the Comprehensive Plan.

**ZONING ORDINANCE**

The property located at 1500 – 49<sup>th</sup> Avenue is zoned R-1, Single Family Residential, as are the properties to the north and east. The properties to the west are zoned R-2A and R-2B, One and Two Family Residential. The properties to the south are zoned R-3, Multiple Family Residential.

PARKING. Elementary schools are required to have 10 parking stalls plus 1 parking stall for each classroom. Including the proposed addition, the school will have 29 classrooms, requiring a total of 39 on-site parking stalls. The submitted site plan indicates that there are currently 77 parking stalls on site. For this reason, there are no plans for additional parking, as the property meets the minimum requirements.

BUILDING MATERIALS. MLA Architects expressed the importance of maintaining the architecture of the existing building through the construction of the proposed addition. With that said, the building materials used on the addition will include brick, metal coping and aluminum frames and sills, all matching existing colors and styles.

**STORMWATER MANAGEMENT.** The proposed 9,200 square foot addition will not trigger the need for additional stormwater management on the property. As part of the proposal, approximately 50,000 square feet of bituminous will be removed from the property. When the addition is completed, the remaining 40,800 square feet of removed bituminous will be converted to green space. This will help with rainwater runoff and stormwater management on the property.

### **FINDINGS OF FACT**

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 setbacks, parking criteria and building material requirements pertaining to the Zoning Code.*
- b) The site plan is consistent with the applicable provisions of the city's Comprehensive Plan.  
*The Comprehensive Plan guides the property as Institutional. Schools are the types of uses consistent with institutional uses, and for that reason, the proposed addition is consistent with 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.  
*The proposed site plan meets all applicable setback requirements and zoning provisions. Also, the proposed addition will be located on the rear of the existing structure, away from neighboring residential properties. For this reason, there will be no adverse impacts on property in the immediate vicinity or the public right-of-way.*

Staff recommends approval of the proposed site plan, as it is consistent with the Comprehensive Plan and the Zoning.

### **Questions by members:**

Fiorendino asked if removal of the existing pavement area will require any special clean up or permits. Sargent said it will be disposed of properly as part of the construction process. Bituminous materials are not generally considered hazardous, and are often times recycled.

Peterson thought it was a great plan and appreciated the fact that the Kindergarten rooms, family center, and playground would all be located near each other. Sargent commented that the layout of the new space included bathrooms facilities in each room which is advantageous for younger children.

Public Hearing Opened.

No one was present to speak on this issue.

Public Hearing Closed.

*Motion by Fiorendino, seconded by Peterson, to waive the reading of Resolution No. 2012-PZ03, there being ample copies available to the public. All ayes. MOTION PASSED.*

*Motion by Fiorendino, seconded by Peterson, to adopt Resolution No. 2012-PZ03, being a resolution approving a site plan for the construction of an addition to the Highland Elementary School located at 1500 – 49<sup>th</sup> Avenue NE, 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 this application shall become part of the permit.*

*All ayes. MOTION PASSED.*

**RESOLUTION NO. 2012-PZ03**

**RESOLUTION OF THE PLANNING AND ZONING COMMISSION APPROVING A SITE PLAN FOR THE CONSTRUCTION OF AN ADDITION TO HIGHLAND ELEMENTARY SCHOOL WITHIN THE CITY OF COLUMBIA HEIGHTS, MINNESOTA**

**WHEREAS**, a proposal (Case #2012-0504) has been submitted by MLA Architects, to the Planning and Zoning Commission requesting a site plan approval from the City of Columbia Heights at the following site:

ADDRESS: 1500 – 49<sup>th</sup> Avenue NE

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING PERMIT: Site Plan approval for the construction of a 9,200 square foot addition to Highland Elementary School located at 1500 – 49<sup>th</sup> Avenue NE.

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on May 1, 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.

Passed this 1<sup>st</sup> day of May, 2012,

Offered by: Fiorendino  
Seconded by: Peterson  
Roll Call: All ayes

\_\_\_\_\_  
Vice Chair

*Attest:*

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SECRETARY, Shelley Hanson

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**NEW BUSINESS**

None

**OTHER BUSINESS**

Sargent told members that the first meeting for the Community Development Steering Committee was scheduled for May 2, 2012. They will begin by looking at the Sign Code and Design Guidelines to see if they should be updated/changed due to the number of deviations that have been requested during the last couple of years. The Committee comprised of business owners, residents, a Planning & Zoning commission member and a Council member will serve as a sounding board to make sure any policies and Ordinances make sense.

The meeting was adjourned at 8:23 pm.

Respectfully submitted,

Shelley Hanson  
Secretary