

**PLANNING AND ZONING COMMISSION
MINUTES OF THE REGULAR MEETING**

May 3, 2011

7:00 PM

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

Szurek introduced our new member Tracey Kinney.

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

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

Motion by Fiorendino, seconded by Peterson, to approve the minutes from the meeting of April 5, 2011. All ayes. MOTION PASSED.

PUBLIC HEARINGS

CASE NUMBER: 2011-0501
APPLICANT: Reprise Designs / McDonald's Restaurant
LOCATION: 4605 Central Avenue NE
REQUEST: Site Plan Approval for Remodel

INTRODUCTION

Sargent explained that Reprise Designs is requesting a site plan approval for the remodel of the existing McDonald's Restaurant located at 4605 Central Avenue NE. The remodel is consistent with the upgrading of multiple McDonald's buildings throughout the metropolitan area. The remodel will include a new façade as well as a new drive-thru area, and will not require the complete demolition of the building.

COMPREHENSIVE PLAN

The Comprehensive Plan guides this area for Commercial related activities. One of the goals of the Comprehensive Plan is to provide opportunities and mechanisms for successful redevelopment of targeted areas within the community, by enhancing the image and viability of the Central Avenue corridor. Upgrading the image of an existing commercial building is consistent with the Comprehensive Plan's overall goal of preserving the commercial sectors in the city.

ZONING ORDINANCE

The property is located in the GB, General Business District, as are the properties to the north and south. The properties to the west are zoned R-3, Multiple Family Residential, and the properties to the east are located in the City of Hilltop. The subject parcel is also located within the Design Overlay Highway District, and is subject the regulations for such properties.

SITE PLAN

As stated previously, the building will not be demolished as a part of the proposed remodeling. However, the proposal includes the installation of a dual drive thru facility in the same location as the existing single-lane drive thru. As a result, four parking stalls will be removed from the site.

PARKING. The Zoning Code requires 6 parking stalls, plus 1 parking stall for each 40 square feet of dining and service area. The proposed plan indicates that there is approximately 945 square feet of dining and service area, requiring 30 parking stalls. The site plan shows 42 parking stalls on site, meeting the city's minimum requirements.

DESIGN GUIDELINES

BUILDING MATERIALS. The Design Guidelines specify the types of building materials required for all buildings along Central Avenue. A list of accepted primary materials includes: brick, natural stone, stucco and precast concrete units and concrete block, provided that surfaces are molded, serrated or treated with a textured material in order to give the wall surface a three-dimensional character. A list of prohibited materials include: unadorned plain or painted concrete block, tilt-up concrete panels, pre-fabricated steel or sheet metal panels, aluminum, vinyl, fiberglass, asphalt or fiberboard (masonite) siding.

The proposed plans indicate that the new façade will comprise of a mixture of red facebrick and tan EFIS, both acceptable building materials.

SIGNAGE. The McDonald's Restaurant is located on the corner of 46th Avenue and Central Avenue. The Zoning Code allows for 2 square feet of signage of each foot of building adjacent to a public right-of-way, capped at 200 square feet. Because of the building's location on a corner, McDonald's would be allowed the maximum amount of signage (200 square feet). The proposed plans indicate that the building will incorporate 3 signs totaling approximately 60 square feet. All signage will be internally lit, but will comprise of channel letters, which is consistent with the Design Guidelines.

FRANCHISE ARCHITECTURE. The Design Guidelines prohibit franchise architecture. However, because this is an existing building and currently utilizes franchise architecture, it is considered legally non-conforming, or "grandfathered in". For this reason, any type of proposed architecture for this building will be acceptable.

FINDINGS OF FACT

Site Plan Approval

Section 9.104 (M) requires that the Planning and Zoning Commission shall make each of the following findings before approving a site plan:

1. The site plan conforms to all applicable requirements of this article
The proposed site plan meets all the Design Guidelines standards for building materials.
2. The site plan is consistent with the applicable provisions of the city's comprehensive plan.
The Comprehensive Plan guides this area for Commercial related activities. One of the goals of the Comprehensive Plan is to provide opportunities and mechanisms for successful redevelopment of targeted areas within the community, by enhancing the image and viability of the Central Avenue corridor. Upgrading the image of an existing commercial building is consistent with the Comprehensive Plan's overall goal of preserving the commercial sectors in the city.
3. The site plan is consistent with any applicable area plan.
There is no applicable area plan for this area.
4. The site plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.
The proposed site plan will upgrade the image of the surrounding area tremendously, and will help ease traffic circulation with the dual drive thru facility. For this reason, impacts on property in the immediate vicinity would be minimized.

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Sargent reviewed the drawings and plans with the members. He said staff recommends approval of the proposed site plan, as it is consistent with the Comprehensive Plan and will severely upgrade the appearance of the building, enhancing the image of the Central Avenue corridor with the following condition:

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

Questions by members:

Szurek asked if the pylon sign would remain. Sargent said the business has stated that will be determined later. She wondered if the remodeling project would trigger the need for a monument sign. Sargent stated that it does not, they would be allowed to keep the pylon sign they currently have. Szurek then asked if the play area would remain. The owner said that it would remain.

Peterson asked for clarification of the Design Guidelines prohibiting franchise architecture. Sargent explained to him what this meant. Peterson then asked if there would be additional landscaping along Tyler Street. Jeff Smith, the owner, said there is currently about 20 feet of grassy area along the east side of the property that has 12 trees and several bushes. He said that would remain, and they may add additional shrubs as part of this project. Sargent stated the emphasis tonight is a Site Plan approval due to changes planned for the exterior of the building and that a landscape plan is not a necessary requirement for project approval.

Kinney stated she noticed the Bus Shelter at that site needs work. She questioned whose responsibility that was and if we could require an update due to this remodeling project. Szurek told her that isn't located on McDonald's property, it is on State Highway property and that Met Transit is responsible for the upkeep on the shelters. MNDOT was not contacted for this remodel project since it didn't require their approval. Szurek agreed with Kinney that it was in need of repair or replacing, and suggested staff contact Met Transit and file a complaint on the condition of the shelter.

Fiorendino asked if they would be adding signage for the playland area. Smith responded that he didn't intend to. Szurek commented that other McDonalds in New Brighton and Spring Lake Park have recently been remodeled and the playlands were removed in those locations. Dale Shimek, Corporate Representative, said Corporate McDonalds has been evaluating the need for the playlands on a case by case basis, and decided to keep the one at this location.

Motion by Thompson, seconded by Peterson, to waive the reading of Resolution No. 2011-PZ03, there being ample copies available to the public. All ayes. MOTIOIN PASSED,

Motion by Thompson, seconded by Kinney, to adopt Resolution No. 2011-PZ03, being a resolution approving a site plan for a remodel of the McDonald's Restaurant located at 4605 Central Avenue NE. All ayes. MOTION PASSED.

RESOLUTION NO. 2011-PZ03

RESOLUTION OF THE PLANNING AND ZONING COMMISSION APPROVING A SITE PLAN FOR THE REMODEL OF THE EXISTING MCDONALD'S RESTAURANT LOCATED AT 4605 CENTRLA AVENUE NE WITHIN THE CITY OF COLUMBIA HEIGHTS, MINNESOTA

WHEREAS, a proposal (Case #2011-0501) has been submitted by Reprise Design, to the Planning and Zoning Commission requesting a site plan approval from the City of Columbia Heights at the following site:

ADDRESS: 4605 Central Avenue

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING PERMIT: Site Plan approval for the remodeling of the existing McDonald's Restaurant located at 4605 Central Avenue NE.

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on May 3, 2011;

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 3rd day of May, 2011,

Offered by: Thompson

Seconded by: Kinney

Roll Call: All ayes

Chair Marlane Szurek

Attest:

SECRETARY, Shelley Hanson

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.

Stacy Evazich

Date

CASE NUMBER: 2011-0502
APPLICANT: TNT Fireworks
LOCATION: 4300 Central Avenue
REQUEST: Interim Use Permit for Seasonal Sales

INTRODUCTION

TNT Fireworks has applied for an Interim Use Permit to allow the operation of a fireworks tent at 4300 Central Avenue. The City of Columbia Heights has recently amended the ordinance regarding outdoor seasonal sales in all zoning districts, and now requires an Interim Use Permit. The 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.

Sargent reviewed the site plan illustrating the configuration and orientation of the fireworks tent to Central Avenue. The Fire Chief will conduct a site inspection of the tent prior to the business opening for 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 10 parking stalls. After subtracting 30 parking spaces for the Linder's Greenhouses, the site still has 588 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, which are all zoned commercial.

Sargent stated this would be the first time for this Company at this location. They have operated out of Hilltop in the past. Staff recommends that the Planning Commission approve the Interim Use Permit for a fireworks tent subject to conditions of approval outlined below.

Questions from members:

Fiorendino asked if having two tents located at this site would adversely impact the amount of parking in the lot. Sargent said because they are temporary structures and it is such a large parking lot, he doesn't have any concerns.

Szurek noted that the Fireworks tent is not that large, and feels the parking lot is large enough to accommodate it.

Motion by Fiorendino, seconded by Thompson, that the Planning Commission approves the Interim Use Permit for a fireworks tent 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 on-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.*
9. *Fireworks tents may be allowed for a maximum of ninety (90) days per calendar year.*

All ayes. MOTION PASSED.

RESOLUTION NO. 2011-PZ04

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

WHEREAS, a proposal (Case #2011-0502) has been submitted by TNT 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 (F)(4)(a).

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on May 3, 2011;

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.

CONDITIONS ATTACHED:

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.
9. Fireworks tents may be allowed for a maximum of ninety (90) days per calendar year.

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Passed this 3rd day of May 2011,

Offered by: Fiorendino

Seconded by: Thompson

Roll Call: All ayes

CHAIR Marlaine Szurek

Attest:

SECRETARY, Shelley Hanson

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.

Judith Vaughn

Date

NEW BUSINESS

Sargent told members that he received a lot of calls and e-mails regarding last month's garbage enclosure issue. Staff feels they got the feedback they were looking for which was the purpose of the meeting. He stated staff has decided to be pro-active in enforcing the current ordinance to see what impact it has before creating a new Ordinance. Everyone agreed it is an issue that needs to be dealt with and this is the right way to start. It will help staff determine how many are in violation, and what the extenuating circumstances are, if any.

Peterson asked if there was any update on the turn lane for 50th and Central Ave. Sargent said the matter was discussed at the City Council meeting. Kevin Hansen, Public Works Director said a study will be done on the traffic situation at this intersection, which properties would benefit from any alteration, and how it would be assessed. Aldi's cannot be expected to foot the entire bill for an additional turn lane added to the street. Kevin Hansen said they cannot legally stripe three lanes on the pavement even though it appears to have enough room. There are legal requirements for the amount needed to do that. At this point, we need to wait for the study to come back before any decision is made.

The meeting was adjourned at 7:35 pm.

Respectfully submitted,

Shelley Hanson
Secretary