

**DRAFT COPY OF
PLANNING AND ZONING COMMISSION
MINUTES OF THE SPECIAL MEETING
JUNE 18, 2013
7:00 PM**

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

Commission Members present- Little, Fiorendino, Kinney, and Szurek
Absent- Lee

Also present were Sheila Cartney (Asst. Community Development Director).

*Motion by Fiorendino, seconded by Kinney, to approve the minutes from the meeting of June 4, 2013.
All ayes. MOTION PASSED.*

PUBLIC HEARINGS

CASE NUMBER: 2013-0603
APPLICANT: Renaissance Fireworks
LOCATION: 4005 Central Avenue NE
REQUEST: Interim Use Permit

Renaissance Fireworks, Inc. has applied for an Interim Use Permit to allow the operation of a fireworks tent at 4005 Central Avenue. 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. This will be the Renaissance's 9th year operating a fireworks tent at this location in Columbia Heights.

The attached site plan illustrates the configuration and orientation of the fireworks tent to Central Avenue. The Fire Chief has inspected the plans and 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 4005 Central Avenue is CBD, Central 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 87,500-square foot commercial building is required to have 263 parking spaces. After using

the 13 parking spaces for the tent, the site will still have 282 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 CBD, Central 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.

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:

Little and Szurek commented on how they were not happy that the applicant did not show up to the meeting especially since they requested the special meeting.

Public Hearing Opened.

No one present

Public Hearing Closed.

Motion by Szurek, seconded by Fiorendino, to waive the reading of Resolution No. 2013 PZ03, there being ample copies available to the public. All ayes. MOTION PASSED.

Motion by Fiorendino, seconded by Kinney, to adopt Resolution No. 2013-PZ03, being a Resolution approving an Interim Use Permit for a fireworks tent at 4005 Central Avenue NE, from June 19 to July 5, 2013 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.
 - a. The Fire Department must inspect the above mentioned areas before any sales can take place and a fireworks sales fee must be paid to 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. 2013-PZ03
RESOLUTION OF THE PLANNING AND ZONING COMMISSION APPROVING AN INTERIM
USE PERMIT FOR RENAISSANCE FIREWORKS, INC WITHIN THE CITY OF COLUMBIA
HEIGHTS, MINNESOTA

WHEREAS, a proposal (Case #2013-0603) 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: 4005 Central Avenue

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING PERMIT: Interim Use Permit for a fireworks tent and sale for a period of no more than 90 days, 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 June 18, 2013;

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:

The Planning Commission approves the Interim Use Permit for a fireworks tent at 4005 Central Avenue NE, from June 19 to July 5, 2013 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:

permit. This will be the Renaissance's 9th 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 below.

Questions from members:

none

Public Hearing Opened.

No comments

Public Hearing Closed.

Motion by Szurek, seconded by Fiorendino, to waive the reading of Resolution No. 2012-PZ04, there being ample copies available to the public. All ayes. MOTION PASSED.

Motion by Fiorendino, seconded by Kinney, adopt Resolution No. 2012-PZ04, being a resolution approving an Interim Use Permit to allow Renaissance Fireworks to operate a fireworks tent located at 4300 Central Avenue NE, from June 19 to July 5, 2013 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.*
 - A. *The Fire Department must inspect the above mentioned areas before any sales can take place and a fireworks sales fee must be paid to 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.*

RESOLUTION NO. 2013-PZ04

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 #2013-0604) 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 June 18, 2013;

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:

The Planning Commission approves the Interim Use Permit for a fireworks tent at 4005 Central Avenue NE, from June 19 to July 5, 2013 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.
 - a) The Fire Department must inspect the above mentioned areas before any sales can take place and a fireworks sales fee must be paid to 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.

Passed this 18th day of June 2013,

Offered by:
Seconded by:
Roll Call:

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.

Mark Lazarchic

Date

OTHER BUSINESS

Little questioned if we could expand the Interim Use Permit timeframes rather than approving them yearly. Cartney explained that the current ordinance allows for a maximum of 90 days per calendar year. Szurek mentioned she would like to speak to the City Council about alternatives so we aren't doing the same permits every year, that they could be done administratively or for longer periods of time.

Cartney told members there will not be a meeting in July since no cases were received prior to the deadline.

The meeting was adjourned at 7:15pm.

Respectfully submitted,

Shelley Hanson/Sheila Cartney
Secretary