

**MINUTES OF  
PLANNING AND ZONING COMMISSION  
June 3, 2014  
7:00 PM**

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

Commission Members present- Little, Kinney, and Szurek

Members absent: Fiorendino and Lee

Also present were Joseph Hogeboom (Community Development Director), Elizabeth Holmbeck (Planner), Shelley Hanson (Secretary), and Gary Peterson (Council Liaison).

*Motion by Kinney, seconded by Little, to approve the minutes from the meeting of May 6, 2014. All ayes. MOTION PASSED.*

**PUBLIC HEARINGS**

**CASE NUMBER: 2014-0603**  
**APPLICANT: Renaissance Fireworks**  
**LOCATION: 4300 Central Avenue NE**  
**REQUEST: Interim Use Permit**

Holmbeck explained that Renaissance Fireworks, Inc. has applied for an Interim Use Permit to allow the operation of a fireworks tent at 4300 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 10<sup>th</sup> 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 4300 Central Avenue is CBD, Central Business District. Fireworks tents are allowed as Interim Uses in this zoning district.

**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:

Kinney questioned where the tent would be placed on the site. Holmbeck indicated that it would be toward the middle of the site behind the drive isle.

Public Hearing Opened.

No one was present to speak on this matter.

Public Hearing Closed.

*Motion by Kinney, seconded by Little, to waive the reading of Resolution No. 2014-PZ01, there being ample copies available to the public. All ayes. MOTION PASSED.*

*Motion by Kinney, seconded by Little, to adopt Resolution No. 2014-PZ01, being a Resolution approving an Interim Use Permit for a fireworks tent at 4300 Central Avenue NE, from June 13 to July 10, 2014 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. 2014-PZ01  
RESOLUTION APPROVING AN INTERIM USE PERMIT FOR A FIREWORKS TENT AT 4300  
CENTRAL AVENUE NE. COLUMBIA HEIGHTS**

**WHEREAS**, a proposal (Case #2014-0603) 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: 4300 Central Avenue

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING PERMIT: Interim Use Permit for temporary outdoor fireworks sales from June 13 to July 10, 2014.

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on June 9, 2014;

**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 13 to July 10, 2014 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 3<sup>rd</sup> day of June 2014,

Offered by: Kinney  
Seconded by: Little  
Roll Call: all ayes.

*Attest:*

---

Marlaine Szurek  
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.

---

Date

**CASE NUMBER: 2014-0604**  
**APPLICANT: Renaissance Fireworks**  
**LOCATION: 4005 Central Avenue**  
**REQUEST: Interim Use Permit for Seasonal Sales**

Renaissance Fireworks, Inc. has also 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 10<sup>th</sup> 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.

#### **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/comments from members:

There were no questions on this matter.

Public Hearing Opened.

No one was present to speak on this matter.

Public Hearing Closed.

*Motion by Little, seconded by Kinney, to waive the reading of Resolution No. 2014-PZ02, there being ample copies available to the public. All ayes. MOTION PASSED.*

*Motion by Little, seconded by Kinney, to adopt Resolution No. 2014-PZ02, being a Resolution approving an Interim Use Permit for a fireworks tent at 4005 Central Avenue NE, from June 13 to July 10, 2014 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.*
  - b. 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. 2014-PZ02  
RESOLUTION APPROVING AN INTERIM USE PERMIT FOR A FIREWORKS TENT AT 4005  
CENTRAL AVENUE NE. COLUMBIA HEIGHTS**

**WHEREAS**, a proposal (Case #2014-0604) 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: 4005 Central Avenue

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING PERMIT: Interim Use Permit for temporary outdoor fireworks sales from June 13 to July 10, 2014.

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on June 3, 2014;

**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 13 to July 10, 2014 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 3<sup>rd</sup> day of June 2014,  
Offered by: Little  
Seconded by: Kinney  
Roll Call: All ayes

*Attest:*

---

Marlaine Szurek  
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.

---

Date

**CASE NUMBER: 2014-0605**  
**APPLICANT: Jesse Hartung, Modern Construction**  
**LOCATION: 3701 Buchanan Street NE.**  
**REQUEST: Minor Subdivision**

Holmbeck stated at this time, the applicant has requested a minor subdivision per Code Section 9.104 (K), for the property located at 3701 Buchanan Street NE. The applicant wishes to split the existing vacant lot into two single family residential lots. The Minor Subdivision would allow the current unused lot to become financially viable and open for the development of two single family homes. The applicant is also requesting a waiver to the minimum lot width requirement of 60 feet. The proposed lot split would result in two lots with a width of 54 feet. The lot split is proposed on Buchanan rather than 37<sup>th</sup> Avenue to avoid adding two access points onto 37<sup>th</sup> Avenue, which is a heavily traveled thoroughfare and a Municipal State Aid street.

#### **COMPREHENSIVE PLAN**

The Comprehensive Plan designates this area for low density residential, which is proposed for this site.

#### **ZONING ORDINANCE**

The property is located in the R-2A, one and two family residential zoning district, as are the properties to the west, and east. The property to the north is located in the R-2B, built as duplexes zoning district. The properties to the south are located in Minneapolis, Minnesota.

## **DESIGN GUIDELINES**

The subject property is not located within the Design Guideline Overlay District, and is not governed by the “Central Business District” standards within the Design Guidelines.

### **FINDINGS OF FACT (Minor Subdivision/Lot Split)**

Section 9.104 (K) (6) of the Zoning Ordinance outlines eight conditions that must be met in order for the City to grant a minor subdivision. They are as follows:

- (a) The proposed subdivision of land will not result in more than three lots.  
*The proposed subdivision will result in the creation of two parcels.*
- (b) The proposed subdivision of land does not involve the vacation of existing easements.  
*No existing easements will be vacated as a result of the proposed minor subdivision.*
- (c) All lots to be created by the proposed subdivision conform to lot area and width requirements established for the zoning district in which the property is located.  
*The proposed new lots would conform to the lot area requirement, however would not meet the lot width requirement established for the zoning district.*
- (d) The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.  
*This is correct.*
- (e) The property has not previously been divided through the minor subdivision provisions of this article.  
*This property has not been previously subdivided through the minor subdivision process.*
- (f) The proposed subdivision does not hinder the conveyance of land.  
*This is correct*
- (g) The proposed subdivision does not hinder the making of assessments or the keeping of records related to assessments.  
*This is correct.*
- (h) The proposed subdivision meets all of the design standards specified in Section 9.115.  
*This is correct.*

Staff recommends the Planning and Zoning Commission approve the proposed Minor Subdivision from Modern Construction for the property located at 3701 Buchanan Street NE. subject to conditions of approval outlined below in the motion.

Questions from members:

Kinney asked if there is an alley behind the property. Hogeboom told her there is not an alley adjacent to this property. The properties would exit onto Buchanan Street. Hogeboom explained that a variance wouldn't be necessary if the lots were split the other way and exited onto 37<sup>th</sup> Avenue, however staff (including Public Works) recommends that access be off Buchanan Street as 37<sup>th</sup> Avenue is such a busy street and it would create a hazardous traffic environment.

The members agreed this is the preferred way to split the lot.

Public Hearing Opened.

Willard Thorp owns the property to the east. He wanted to know what the dimensions of the new lots would be. He was told the lots would be 54 feet wide and 135 feet deep.

Members asked Jesse Hartung if he had a specific house plan in mind yet. He stated he hadn't decided for sure, but he is considering either a 2 story design or split entry design that will fit well with the neighboring properties.

Kinney asked if there would be any changes along 37<sup>th</sup> Avenue. Hartung said there isn't a sidewalk along 37<sup>th</sup> Avenue on this side of the street, so new owners could possibly install a fence or landscaping along the property if they so choose.

Public Hearing Closed.

*Motion by Kinney, seconded by Little, to waive the reading of Resolution No. 2014-44, there being ample copies available to the public. All ayes. MOTION PASSED.*

*Motion by Kinney, seconded by Little, that the Planning and Zoning Commission recommends the City Council approve the Minor Subdivision of the property located at 3701 Buchanan 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. All required state and local codes, permits, licenses and inspections will be met and in full compliance.*
- 2. The applicant shall provide required utility and drainage easements for all newly created lots and shall be responsible for the cost of filing and recording written easements with the Anoka County Recorder's Office.*
- 3. The applicant shall pay parkland dedication fees for each lot created beyond the original number of lots existing prior to subdivision, except when such fees have been applied to the property as part of a previous subdivision.*

4. *County Recorder's Office. The approved minor subdivision shall become invalid if the subdivision is not filed with the Anoka County Recorder's Office within one (1) year of the date of City Council action.  
All ayes. MOTION PASSED.*

*Motion by Kinney, seconded by Little, to grant a waiver to Code Section 9.109(C)-minimum lot width requirement of 60 feet. All Ayes. MOTION PASSED.*

*The following Resolution will go to the City Council at the June 9<sup>th</sup> meeting.*

**RESOLUTION NO. 2014-44**

RESOLUTION APPROVING A MINOR SUBDIVISION FOR 3701 BUCHANAN STREET NE.  
COLUMBIA HEIGHTS

**WHEREAS**, a proposal (Case #2014-0605) has been submitted by Modern Construction to the City Council requesting Minor Subdivision approval from the City of Columbia Heights at the following site:

ADDRESS: 3701 Buchanan Street NE.

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING: A Minor Subdivision for 3701 Buchanan Street NE.

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on June 3, 2014;

**WHEREAS**, the Planning and Zoning Commission has considered the advice and recommendations of the City staff regarding the effect of the proposed Minor Subdivision 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 City Council accepts and adopts the following findings:

1. The proposed subdivision of land will not result in more than three lots.
2. The proposed subdivision of land does not involve the vacation of existing easements.
3. All lots to be created by the proposed subdivision conform to lot area and width requirements established for the zoning district in which the property is located.
4. The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.
5. The property has not previously been divided through the minor subdivision provisions of this article.
6. The proposed subdivision does not hinder the conveyance of land.
7. The proposed subdivision does not hinder the making of assessments or the keeping of records related to assessments.
8. The proposed subdivision meets all of the design standards specified in Section 9.115.

**FURTHER, BE IT RESOLVED** that the attached conditions, survey, and other information shall become part of this Minor Subdivision and approval; and in granting this Minor Subdivision the city and the applicant agree that this Minor Subdivision shall become null and void if the subdivision has not been filed with the Anoka County Recorder's Office within one (1) calendar year after the approval date.

**CONDITIONS ATTACHED:**

The Planning Commission approves the Minor Subdivision for 3701 Buchanan 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. All required state and local codes, permits, licenses and inspections will be met and in full compliance.
2. The applicant shall provide required utility and drainage easements for all newly created lots and shall be responsible for the cost of filing and recording written easements with the Anoka County Recorder's Office.
3. The applicant shall pay parkland dedication fees for each lot created beyond the original number of lots existing prior to subdivision, except when such fees have been applied to the property as part of a previous subdivision.
4. The applicant shall be responsible for filing the approved subdivision survey with the Anoka County Recorder's Office. The approved minor subdivision shall become invalid if the subdivision is not filed with the Anoka County Recorder's Office within one (1) year of the date of City Council action.

**CASE NUMBER:** 2014-0606  
**APPLICANT:** David Siwek  
2536 Marshall St.  
Minneapolis, MN 55418  
**DEVELOPMENT:** Jeff's Bobby and Steve's Auto World  
**LOCATION:** 3827 Central Avenue NE.  
**REQUEST:** Site Plan Approval for Auto Sales Building

Hogeboom explained that David Siwek, representing Jeff's Bobby and Steve's Auto World, is requesting to construct an automotive sales building at 3827 Central Ave. NE. ("Subject Property"), adjacent to the existing Auto World facility. The approximately 949 square-foot building requires Site Plan approval as well as a Conditional Use Permit. Because both items require separate actions, this report will specifically address the request for Site Plan approval. According to Anoka County records, the Subject Property was acquired by the current landowner in August of 1999.

**ZONING ORDINANCE**

The Subject Property is located in the Central Business (CB) Zoning District. Minor automobile repair, as well as sales and display, are permitted in the CB Zoning District with a Conditional Use Permit. The proposed automotive building is consistent with the Zoning Ordinance, assuming that a Conditional Use Permit is granted.

The properties to the north, south and west of the Subject Property are also located in the CB Zoning District. The properties to the east are located in the R2-B and the R-3 Residential Zoning Districts.

### **COMPREHENSIVE PLAN**

The Comprehensive Plan guides this area as Commercial. Constructing a new automotive sales and service building is consistent with the City's Comprehensive Plan.

### **DESIGN GUIDELINES**

The subject property is located within the Design Guideline Overlay District, and is governed by the "Central Business District" standards within the Design Guidelines. The intent of the Design Guidelines is to make the City more aesthetically appealing, by requiring a set of minimum standards for new construction along Central Avenue and 40<sup>th</sup> Avenue. The minimum standards were created by a task force of City Officials, business owners and residents, and adopted into the City Code by the City Council.

The following standards are specific design requirements for the Central Business District:

#### **1. Building Placement**

Buildings in the Central Business District are to have well defined front facades with a primary entrance that faces the street. The proposal achieves this requirement by creating a prominent front façade along Central Ave.

Buildings in the Central Business District are also required to be closer to the front property line than at least 75% of the adjacent properties. In this case, the proposed building is approximately 20 feet from the east property line, which is closer than adjacent buildings.

#### **2. Primary Facades and Roof**

Buildings in the Central Business District should have a well-defined base, middle and top on the front facing façade. This can be achieved by change in building materials, window size, etc. Although the proposed building is only one floor, the building is broken up by two different colored siding materials, as well as prominent windows and doors which face Central Avenue.

Roofs in the Central Business District are to be flat, and articulated with detailed cornices or parapets. The proposed building has a pitched roof; however, the front-facing façade is designed in a way lends the appearance of a flat roof from the east-facing (front) façade. Staff recommends that the applicant enhance landscaping by adding trees on the north and south side of the building to help breakup the appearance of the roofline.

3. Building Width and Façade Articulation

If a building in the Central Business District exceeds 40 feet in width, it must be articulated into smaller increments. The proposed building achieves this requirement by interchanging building material types, and by the use of windows and doors.

4. Building Height

All buildings in the Central Business District must have a minimum cornice height of 22 feet. The cornice height of the proposed building is 22.333 feet, thereby achieving this requirement.

5. Window and Door Openings

In the Central Business District, window and door openings must comprise at least 30 percent of the area of the ground floor of the primary street façade. Approximately 50 percent of the proposed building's front facing façade is comprised of windows and doors, thereby achieving this requirement.

6. Building Materials and Colors

The building façade consists of stone-coated steel. While prefabricated steel and sheet metal panels are discouraged in the Central Business District, this building would have the appearance of stucco because of the stone that coats the steel product.

Buildings in the Central Business District are encouraged to have facades with neutral or muted colors. In this case, the proposed building would be sided with earth tone-colored materials, thereby achieving this requirement.

Signage will be addressed when the applicant applies for a Sign Permit. Signage must be consistent with Design Guidelines and with City Code.

## **SITE PLAN**

**1. Parking**

City Code requires 16 parking spaces for this proposed use. The applicant is proposing 27 parking spaces.

**2. Access**

Site access will be provided off of Central Avenue to the west and the alleyway to the east. The Minnesota Department of Transportation (MnDOT) has granted access off of Central Avenue (State Highway 65).

## **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 is generally consistent with Design Guidelines for the property. Staff suggests that the applicant consider adding landscaping enhancements to the north and south sides of the property to help break up the visual appearance of the side walls of the building.*

*The Zoning Code requirements, including building height, setbacks, and parking 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 automotive sales center 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.

*The proposed building meets all the minimum setback requirements. Therefore, the properties in the immediate vicinity of the proposed development should not be adversely impacted.*

### Questions/Comments from members:

Kinney asked what parts of the Design Guidelines aren't being fully met. Hogeboom stated that the building has a pitched roof, but that from the front it does have an appearance of being flat. The building façade is a stone coated steel product. Its appearance meets the guidelines, but the actual material does not. Staff has also asked for additional landscaping or trees along the north side of the building, which the owners have agreed to.

Kinney then asked if the windows proposed are actually clear, see through windows. The contractor stated they were. Kinney then noted that the signage colors seem to blend in with the building color and should possibly be more contrasting in color. The contractor said that is an example only on the renderings, not the actual colors. He said the signage would be the same as across the street so everything matches.

Public Hearing Opened.

Tony Watercott from 3820 Reservoir Blvd asked what kind of cars would be sold from this location. Jeff Bahe said it would be used cars. Watercott asked if the whole lot would be filled with used cars. Bahe responded that City Ordinance prohibits that and that the cars have to be in an enclosed building. Hours of operation were discussed. Bahe said state law prohibits sales on Sundays, so he anticipates operating 6 days a week from approximately 8 am to 6 pm. Watercott then asked if any auto repair would be done in this building. Bahe told him only minor auto detailing or bumper repair/touch up painting to make the cars look good for selling. All other auto repair would be done in the shops on the west side of Central Ave. Watercott was also concerned about additional lighting of this site. He said the current lighting is too bright now and doesn't want to see anymore. Hogeboom said there are lighting standards and that will be looked at during the building permit process. Watercott asked if there would be an intercom system adding to the noise in the area and Bahe told him no.

Jeff Brody of 3805 Reservoir Blvd said he is in favor of the project and thinks it will be a good use of the site and provide a buffer from traffic and noise along Central Avenue. He thinks it will be nice to have all the buildings match and look like a small campus. He has found the business to be a cooperative neighbor and doesn't foresee this causing any problems for the area.

Public Hearing Closed.

*Motion by Little, seconded by Kinney, to waive the reading of Resolution No. 2014-45, there being ample copies available to the public. All ayes. MOTION PASSED.*

*Motion by Little, seconded by Kinney, to adopt Resolution No. 2014-45, being a resolution approving a site plan, for the construction of Jeff's Bobby and Steve's Auto World located at 3827 Central Ave. NE., subject to the following condition:*

- 1. The applicant shall consider adding enhanced landscaping, such as canopy trees, to the north and south sides of the property to help meet the intent of Central Business District Design Guidelines.*
- 2. The building and site shall be meet all requirements found in the Fire Code and the Building Code.*
- 3. All City Stormwater Management requirements, as well as Watershed District requirements, shall be achieved for this property.*
- 4. All other applicable local, state and federal requirements shall be met at all times. All ayes. MOTION PASSED.*

*The following will go to the City Council at the June 23rd meeting.*

**RESOLUTION NO. 2014-45**  
**RESOLUTION OF THE PLANNING AND ZONING COMMISSION APPROVING A SITE PLAN**  
**FOR THE CONSTRUCTION OF A NEW RESTAURANT AT 4920 CENTRAL AVENUE WITHIN**  
**THE CITY OF COLUMBIA HEIGHTS, MINNESOTA**

**WHEREAS**, a proposal (Case #2014-0606) has been submitted by MAI Construction, to the Planning and Zoning Commission requesting a site plan approval from the City of Columbia Heights at the following site:

ADDRESS: 3827 Central Avenue NE

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING PERMIT:           Site Plan approval for the  
construction of a new automotive sales building.

**WHEREAS**, the Planning Commission has held a public hearing as required by the City Zoning Code on June 3, 2014;

**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 City Council of the City of Columbia Heights after reviewing the proposal and the recommendation of the Planning and Zoning Commission, that the City Council 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. The applicant shall consider adding enhanced landscaping, such as canopy trees, to the north and south sides of the property to help meet the intent of Central Business District Design Guidelines.
2. The building and site shall be meet all requirements found in the Fire Code and the Building Code.
3. All City Stormwater Management requirements, as well as Watershed District requirements, shall be achieved for this property.
4. All other applicable local, state and federal requirements shall be met at all times.

**CASE NUMBER:** 2014-0607  
**APPLICANT:** David Siwek  
2536 Marshall St.  
Minneapolis, MN 55418  
**DEVELOPMENT:** Jeff's Bobby and Steve's Auto World  
**LOCATION:** 3827 Central Avenue NE.  
**REQUEST:** Conditional Use Permit

Hogeboom explained that David Siwek, representing Jeff's Bobby and Steve's Auto World, is requesting to construct an automotive sales building at 3827 Central Ave. NE. ("Subject Property"), adjacent to the existing Auto World facility and that automotive uses require Conditional Use Permits (CUP's) in the Central Business District.

This request also requires Site Plan approval. Details of this proposal were outlined in the Site Plan approval material (Planning and Zoning Case #2014-0506).

#### **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.  
*Automobile sales and services are listed as a Conditional Use in the Limited Business (LB) Zoning District.*
- (b) The use is in harmony with the general purpose and intent of the Comprehensive Plan.  
*The Comprehensive Plan designates this area for Commercial use. The proposed use is commercial in nature.*
- (c) The use will not impose hazards or disturbing influences on neighboring properties.  
*The proposed use will not result in additional noise, odor or vibration and should not disrupt neighboring properties.*
- (d) The use will not substantially diminish the use of property in the immediate vicinity.  
*The use of property in the immediate vicinity will not be diminished by adding the proposed use.*
- (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 proposed building is compatible in design to surrounding businesses.*

- (f) The use and property upon which the use is located are adequately served by essential public facilities and services.

*This is correct.*

- (g) Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.

*The proposed use is not anticipated to create traffic issues.*

- (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.

*There is no anticipated negative cumulative effect associated with the addition of the proposed use.*

- (i) The use complies with all other applicable regulations for the district in which it is located.

*This is correct.*

#### Questions from Members:

Little said he understands that all sales at this site will be indoors. He asked if there were any provisions in the ordinance to allow outdoor sales. Hogeboom stated it is not an allowed use in this zoning area.

#### Public Hearing Opened.

Lisa Watercott from 3820 Reservoir Blvd. questioned what type of minor auto repair would happen on this site. She said they can hear the noise from the other shop now and is concerned there may be more and that it would be closer to their home. Again, Bahe stated it would relate to detailing the cars to get them ready for sale (shampooing, buffing, and general clean up). There wouldn't be any air guns or other mechanical tools used in this building. Moving the cars in and out of the building will be done during the daytime business hours. Bahe stated that any of the vehicles that the business tows will be going to his other facility off 37<sup>th</sup> Avenue.

Watercott asked if they would be holding auctions on site and if the employee parking lot would be screened since it is an eyesore. Bahe stated he hopes to clean up that area and re-pave the parking lot in conjunction with the construction of this building and that he doesn't plan to hold auctions on site.

*Motion by Kinney, seconded by Little, to waive the reading of Resolution No. 2014-46, there being ample copies available to the public. All ayes. MOTION PASSED.*

*Motion by Kinney, seconded by Little , to adopt Resolution No. 2014-46, being a resolution approving a Conditional Use Permit, for the property located at 3827 Central Ave. NE., subject to the following condition:*

- 1. The Site Plans and Building Elevations shall become part of this approval.*
  - 2. The nature of sales associated with this business shall be limited to automobiles and automotive products.*
  - 3. The building and site shall be meet all requirements found in the Fire Code and the Building Code.*
  - 4. All City Stormwater Management requirements, as well as Watershed District requirements, shall be achieved for this property.*
  - 5. All other applicable local, state and federal requirements shall be met at all times.*
- All ayes. MOTION PASSED.*

*The following Resolution will go to the City Council at the June 23rd meeting.*

**RESOLUTION NO. 2014-46  
RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR  
AUTOMOTIVE SALES AT 3827 CENTRAL AVENUE NE  
WITHIN THE CITY OF COLUMBIA HEIGHTS, MINNESOTA**

**WHEREAS**, a proposal (Case #2014-0606) has been submitted by City Staff to the City Council requesting a conditional use permit from the City of Columbia Heights at the following site:

ADDRESS: 3827 Central Avenue NE

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit per Code Section 9.110 (D), to allow automotive sales to operate in the Central Business (CB) Zoning District

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on June 3, 2014;

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

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

1. The use is one of the conditional uses listed for the zoning district in which the property is located, or is a substantially similar use as determined by the Zoning Administrator.
2. The use is in harmony with the general purpose and intent of the Comprehensive Plan.
3. The use will not impose hazards or distributing influences on neighboring properties.

4. The use will not substantially diminish the use of property in the immediate vicinity.
5. The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
6. The use and property upon which the use is located are adequately served by essential public facilities and services
7. Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.
8. The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
9. The use complies with all other applicable regulations for the district in which it is located.

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

**CONDITIONS ATTACHED:**

1. The Site Plans and Building Elevations shall become part of this approval.
2. The nature of sales associated with this business shall be limited to automobiles and automotive products.
3. The building and site shall be meet all requirements found in the Fire Code and the Building Code.
4. All City Stormwater Management requirements, as well as Watershed District requirements, shall be achieved for this property.
5. All other applicable local, state and federal requirements shall be met at all times.

**CASE NUMBER: 2014-0608**  
**APPLICANT: Ahed Hereimi, Done Right Food/Filfillah Restaurant**  
**LOCATION: 4301 Central Avenue NE.**  
**REQUEST: Site Plan Approval**

Holmbeck told members that Ahed Hereimi, representing Done Right Food and Filfillah Restaurant has requested Site Plan Approval for a proposal to enclose a portion of the outside walkway/sidewalk in front of the restaurant located at 4301 Central Ave. NE. The addition would add extra seating and additional office space for the restaurant and catering establishment.

**COMPREHENSIVE PLAN**

The Comprehensive Plan guides this area as Commercial. The proposed addition is consistent with the intent of the Comprehensive Plan.

**ZONING ORDINANCE**

The Subject Property is located in the GB, General Business Zoning District. The properties to the north, south, east and west of the Subject Property are also located in the General Business Zoning District.

## **DESIGN GUIDELINES**

The proposed addition to the existing commercial building will have no impact on the overall character of the surrounding area.

### **FINDINGS OF FACT (Site Plan Approval)**

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 the requirements of the Zoning Ordinance.*
- b. The site plan is consistent with the applicable provisions of the city's Comprehensive Plan.  
*This is correct.*
- 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.  
*This is correct.*

### Questions from members:

Szurek asked if parking problems caused by these businesses has been addressed since she receives many calls regarding residents, or their company, not being able to park in front of their homes. She stated that one evening she personally witnessed about 50 cars parked along 43<sup>rd</sup> Avenue.

Calvin Alpaco co-owner said that he has addressed the parking issues and has made arrangements for additional parking behind the Tobacco Store, in addition to parking behind the Laundromat site. He said most of the cars parked along 43<sup>rd</sup> Avenue were employees of the businesses and they have been told not to park there now.

Szurek suggested he put signs up to also inform customers not to park on the residential streets. Hogeboom pointed out that signage requirements have been made a condition of approval.

Calvin assured members he wants to follow the rules and be a good business neighbor. He stated that his catering business has grown as he now serves food to approximately 50 schools. He needs to expand his space to create office area to accommodate the increased business.

Kinney said she was confused as the plan submitted didn't give any detail as to what the proposed changes were that the Commission was supposed to approve. She noted that they need to know the square footage of the addition, how it is being constructed, what the exterior will look like, materials being used, etc. The other members agreed. Little stated he understands this is not a large project, but they need more detail before they can give approval. He said all other applicants who have come

before the Commission provide this information and it is standard information that any contractor should be familiar with.

*Motion by Kinney, seconded by Little to table case #2014-0608 Site plan Approval for 4301 Central Avenue until more formal information is supplied. All ayes. MOTION PASSED.*

Mike Henry from 947 43<sup>rd</sup> Avenue was there to complain about the parking situation also. He said it was so bad this winter that the snow plows couldn't even get the plows down the street. He also doesn't appreciate the business getting deliveries and garbage picked up between the hours of 2 am and 4 am. He offered to sell his residence to the business owners if they needed additional parking since he no longer wants to put up with the parking and noise issues associated with being next to them.

Calvin stated he wants to be a good business neighbor, but he admitted that he does get deliveries in the middle of the night since they start work between 4-5 am to make the food. He said he thinks he has the parking issues resolved and will bring back better plans for approval.

Peterson suggested that staff speak with Police or the Traffic Commission to have signage posted along that block that states "Residential Parking Only". This may help solve some of those issues.

### **Other New Business**

It was noted the next meeting would be July 1<sup>st</sup>.

The meeting was adjourned at 8:20 pm.

Respectfully submitted,

Shelley Hanson  
Secretary