

**PLANNING AND ZONING COMMISSION
MINUTES OF THE REGULAR MEETING
JUNE 5, 2012
7:00 PM**

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

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

Also present were Jeff Sargent (City Planner), and Shelley Hanson (Secretary).

Motion by Fiorendino, seconded by Kinney, to approve the minutes from the meeting of May 1, 2012. All ayes. MOTION PASSED.

PUBLIC HEARINGS

CASE NUMBER: 2012-0601
APPLICANT: Renaissance Fireworks
LOCATION: 4005 Central Avenue
REQUEST: Interim Use Permit-Fireworks Tent

Renaissance Fireworks, Inc. has applied for an Interim Use Permit to allow the operation of a fireworks tent at 4005 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. This will be the Renaissance's 8th 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 as reviewed.

Questions from members:

Fiorendino asked if there would be two tents at this location. Sargent said there would only be one tent (either Option 1 or Option 2). He said there would also be a portable storage unit on site that is used to lock up some of the merchandise over night.

Peterson asked if this was the same company that will have a display at 44th and Central. Sargent said it was and that it will have similar merchandise.

No one was present to speak under the Public Hearing.

Motion by Fiorendino, seconded by Kinney, that the Planning Commission approves Resolution 2012-PZ04 for the Interim Use Permit for a fireworks tent at 4005 Central Avenue NE, subject to certain conditions of approval that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:

- 1. The fireworks tent, display area, access aisles, and surrounding area shall be reviewed by the Community Development Department and the Fire Department.*
- 2. The sale of fireworks shall meet all requirements of Chapter 24 of the Fire Code and NFPA Chapter 1124.*
- 3. Fireworks tents located within the public right-of-way are prohibited.*
- 4. All goods shall be displayed on a designated impervious surface area.*
- 5. All goods shall be displayed in an orderly fashion, with access aisles provided as needed.*
- 6. Music or amplified sounds shall not be audible from adjacent residential properties.*
- 7. The fireworks tent shall not reduce the amount of off-street parking provided one-site below the level required for the principal use.*
- 8. Signage shall be limited to two (2) professionally made signs, with a combined square footage not exceeding thirty-two (32) square feet.*

All ayes. MOTION PASSED.

RESOLUTION NO. 2012-PZ04
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 #2012-0601) 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 5, 2012;

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

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

1. The use is one of the interim uses listed for the zoning district in which the property is located, or is a substantially similar use, as determined by the Zoning Administrator.
2. The use is in harmony with the general purpose and intent of the Comprehensive Plan.
3. The use will not impose hazards or disturbing influences on neighboring properties.
4. The use will not substantially diminish the use of property in the immediate vicinity.
5. The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
6. Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.
7. The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.

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

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.

Passed this 5th day of June 2012,

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

CASE NUMBER: 2012-0602
APPLICANT: City of Columbia Heights
LOCATION: City Wide
REQUEST: Zoning Amendment for Secondhand Stores

Staff recently received a request to place a secondhand store in the City. The current ordinance allows these types of uses as Conditional Uses as long as they are not located within 3,000 feet from another secondhand/consignment store, pawnshop, currency exchange or precious metal dealership. Because of this regulation, staff had to inform the business that they would not be able to locate in the building that they desired.

Being that there already exists enough uses along Central Avenue that trigger the 3,000-foot distance requirement, no more of these similar-type uses would be able to locate along Central Avenue. The initial inquiry regarding the proposed secondhand store enabled staff to further study the Zoning Code to determine the types of stores that would no longer be allowed along Central Avenue. Stores such as Half Price Books, Play it Again Sports, Plato's Closet, Second Swing and Once Upon a Child would not be allowed along Central Avenue unless an existing use triggering the 3,000-foot requirement were to leave. The study of the Zoning Code also revealed that antique stores would be classified as secondhand stores, and would fall into the 3,000 distance requirement as well.

At this time, Staff proposes an ordinance amendment that would allow for secondhand stores along Central Avenue that would not have to comply with the 3,000-foot requirement. Staff noticed that the major difference between the above-listed secondhand stores that would no longer be allowed on Central Avenue, and the current secondhand stores in Columbia Heights

(namely, Unique Thrift and Savers), is that the above-listed stores do not rely on donations to supply the majority of their merchandise. Most often, these types of stores will purchase the used merchandise from someone, and only if the merchandise is in good repair. Taking this into consideration, staff proposes to differentiate between “secondhand store” and “thrift store”, with the difference being the percentage of donations generally accepted by each type of business.

The proposed changes to the Zoning Code include the addition of definitions for antique store, consignment store, currency exchange, secondhand store and thrift store:

ANTIQUE. Work of art, furniture, decorative objects made at an earlier period at least 30+ years old.

ANTIQUE STORE. A retail establishment with more than fifty percent (50%) of its merchandise being sold as antiques.

CONSIGNMENT STORE. A retail establishment where more than fifty percent (50%) of the goods are placed on consignment. Consignment is the art of placing goods in the hands of another, while still retaining ownership, until the goods are sold.

CURRENCY EXCHANGE. Any business or person except a bank, trust company, savings bank, savings and loans association or credit union that is engaged in the business of cashing checks, drafts, money orders, or traveler’s checks for a fee.

SECONDHAND STORE. A retail establishment that sells previously used merchandise, more than thirty percent (30%) of which is not donated, such as clothing, furniture, appliances, household goods, sporting goods, books, recreational equipment, toys or other merchandise not considered to be antique, that is in good repair or has been restored or reconditioned to a clean and useable condition. This definition excludes antique stores, pawnshops, thrift stores, consignment stores and precious metal dealerships.

THRIFT STORE. A retail establishment that derives more than thirty percent (30%) of its sales from donated, previously used merchandise such as clothing, furniture, appliances, household goods, sporting goods, books, recreational equipment, toys or other merchandise not considered to be antique.

Other changes include allowing antique stores as permitted uses in the GB, General Business District and the CBD, Central Business District, and allowing secondhand stores, without the 3,000-foot separation requirement, as a Conditional Use in the GB, General Business District and the CBD, Central Business District.

COMPREHENSIVE PLAN

One of the goals of the Comprehensive Plan is to preserve and enhance the existing viable commercial areas within the community, and to promote reinvestment in properties by the commercial and industrial sectors. Allowing secondhand stores without the 3,000-foot separation requirement would strengthen the viable commercial areas in the City.

FINDINGS OF FACT

Section 9.104 (F) of the Columbia Heights zoning code requires that the City Council make each of the following four findings before approving a zoning amendment:

1. The amendment is consistent with the Comprehensive Plan.
One of the goals of the Comprehensive Plan is to preserve and enhance the existing viable commercial areas within the community, and to promote reinvestment in properties by the commercial and industrial sectors. Allowing secondhand stores without the 3,000-foot separation requirement would strengthen the viable commercial areas in the City.
2. The amendment is in the public interest and is not solely for the benefit of a single property owner.
The proposed amendment would apply to all commercial districts throughout the City.
3. Where the amendment is to change the zoning classification of a particular property, the existing use of the property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification.
The amendment would not change the zoning classification of a particular property.
4. Where the amendment is to change the zoning classification of a particular property, there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in the current zoning classification.
The amendment would not change the zoning classification of a particular property.

Questions from members:

Fiorendino asked if there were problems with these types of businesses that staff was trying to address. Sargent explained that someone wanted to open an occasional shop whereby they would buy things, refurbish them, and then hold a sale one week a month. Staff feels that is a good use of some of the small business locations we have throughout the city, but under the

present Ordinance, it isn't allowed. Therefore, staff took a closer look at the various businesses and thought they should each be better defined. Staff believes the amendment proposed still meets the intent of the original Ordinance.

Peterson asked if Pawn Shops would be considered the same as a consignment shop. Sargent stated that there is a separate definition for Pawn Shops and would have different requirements from a consignment shop. Peterson then asked how the 30% criteria would be monitored. Sargent said that would be handled through the CUP. He told members that it was meant more to define the type of store it is, than to actually monitor the inventory. He stated that if there is an obvious abuse of the type of store it actually is, then the CUP could always be revoked.

Kinney clarified that Antique stores wouldn't have the requirement to obtain a CUP. Sargent said that is correct, it would be a permitted use and would not require a CUP. Kinney then asked why staff recommended keeping a 3,000 foot distance requirement on consignment stores. Both Kinney and Fiorendino thought a consignment store should be treated similar to a secondhand store, and be allowed with a CUP, and not be subject to the 3,000 foot distance requirement. They felt that distance requirement should still be applied to thrift stores, precious metal dealers, pawn shops, and currency exchange businesses.

Public Hearing

No one was present to speak on this.

Motion by Fiorendino, seconded by Peterson, that the Planning Commission recommends the City Council approve the proposed zoning amendment, with the corrections as discussed with consignment shops being treated the same as secondhand stores. All ayes. MOTION PASSED.

The following ordinance will go to the City Council June 11, 2012.

**DRAFT ORDINANCE NO. 1608
BEING AN ORDINANCE AMENDING ORDINANCE NO. 1490, CITY CODE OF 2005
RELATING TO SECONDHAND STORES WITHIN THE CITY OF COLUMBIA HEIGHTS**

The City of Columbia Heights does ordain:

Chapter 9, Article I, Section 9.103 of the Columbia Heights City Code, is proposed to include the following additions and deletions:

§ 9.103 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANTIQUE. Work of art, furniture, decorative objects made at an earlier period at least 30+ years old.

ANTIQUE STORE. A retail establishment with more than fifty percent (50%) of its merchandise being sold as antiques.

CONSIGNMENT STORE. A retail establishment where more than fifty percent (50%) of the goods are placed on consignment. Consignment is the art of placing goods in the hands of another, while still retaining ownership, until the goods are sold.

CURRENCY EXCHANGE. Any business or person except a bank, trust company, savings bank, savings and loans association or credit union that is engaged in the business of cashing checks, drafts, money orders, or traveler's checks for a fee.

SECONDHAND STORE. A retail establishment that sells previously used merchandise, more than thirty percent (30%) of which is not donated, such as clothing, furniture, appliances, household goods, sporting goods, books, recreational equipment, toys or other merchandise not considered to be antique, that is in good repair or has been restored or reconditioned to a clean and useable condition. This definition excludes antique stores, pawnshops, thrift stores, consignment stores and precious metal dealerships.

THRIFT STORE. A retail establishment that derives more than thirty percent (30%) of its sales from donated, previously used merchandise such as clothing, furniture, appliances, household goods, sporting goods, books, recreational equipment, toys or other merchandise not considered to be antique.

Chapter 9, Article I, Section 9.107 (C)(14)(a) of the Columbia Heights City Code, is proposed to include the following additions and deletions:

§ 9.107 SPECIFIC DEVELOPMENT STANDARDS

(C) Specific development standards. The following uses are subject to specific development standards:

(14) Consignment/~~secondhand~~ store.

(a) ~~Consignment/secondhand stores shall be identified as stores whose primary existence is derived from more than 50% used, consigned, or secondhand merchandise. The use shall be located at least 3,000 feet from all existing consignment/secondhand stores, currency exchanges, pawnshops and precious metal dealerships.~~

[(b) – (h) shall be renumbered accordingly.]

Chapter 9, Article I, Section 9.107 (C)(15)(a) of the Columbia Heights City Code, is proposed to include the following additions and deletions:

§ 9.107 SPECIFIC DEVELOPMENT STANDARDS

(C) Specific development standards. The following uses are subject to specific development standards:

(15) Currency exchange.

*(a) The use shall be located at least 3,000 feet from all existing currency exchanges, ~~consignment/secondhand stores, pawnshops,~~ **thrift stores**, and precious metal dealerships.*

[(b) – (e) shall remain unchanged.]

Chapter 9, Article I, Section 9.107 (C)(37)(a) of the Columbia Heights City Code, is proposed to include the following additions and deletions:

§ 9.107 SPECIFIC DEVELOPMENT STANDARDS

(C) Specific development standards. The following uses are subject to specific development standards:

(37) Pawnshop.

*(a) The use shall be located at least 3,000 feet from all existing pawnshops, currency exchanges, ~~consignment/secondhand stores~~ **thrift stores** and precious metal dealerships.*

[(b) – (f) shall remain unchanged.]

Chapter 9, Article I, Section 9.107 (C)(38) of the Columbia Heights City Code, is proposed to include the following additions and deletions:

§ 9.107 SPECIFIC DEVELOPMENT STANDARDS

(C) Specific development standards. The following uses are subject to specific development standards:

(38) Precious Metal Dealership

*(a) The use shall be located at least 3,000 feet from all existing precious metal dealerships, pawnshops, currency exchanges ~~and consignment/secondhand stores~~ **and thrift stores.***

[(b) – (f) shall remain unchanged.]

§ 9.107 SPECIFIC DEVELOPMENT STANDARDS

(C) Specific development standards. *The following uses are subject to specific development standards:*

(48) Secondhand Store

(a) No more than thirty percent (30%) of the total amount of merchandise sold in the store may come from public or private donations to the store.

(b) Outdoor sales of merchandise may only occur as conditions of approval for the Conditional Use Permit.

(c) All outdoor sales must comply with the regulations set forth in this article.

[Current Sections 9.107 (48) and (49) shall be renumbered accordingly]

§ 9.107 SPECIFIC DEVELOPMENT STANDARDS

(C) Specific development standards. *The following uses are subject to specific development standards:*

(50) Thrift Store

(a) Thrift stores shall be located at least 3,000 feet from all existing thrift stores, precious metal dealerships, pawnshops, currency exchanges, consignment stores.

(b) The window and door area of any existing first floor façade along a public street or sidewalk shall not be reduced, nor shall changes be made to such windows and doors that block views into and out of the building at eye level.

(c) For new construction, at least 30% of the first floor façade along a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level.

(d) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.

(e) An appointment or set hours shall be required for the acceptance of donated merchandise.

(f) All receipt, sorting and processing of goods shall occur within a completely enclosed building.

(g) **The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.**

[Current Sections 9.107 (50) and (51) shall be renumbered accordingly]

Chapter 9, Article I, Section 9.110 (E)(2) of the Columbia Heights City Code, is proposed to include the following additions and deletions:

§ 9.110 COMMERCIAL DISTRICTS

(E) *GB, General Business District*

(2) *Permitted uses.* Except as specifically limited herein, the following uses are permitted within the GB, General Business District:

(II) Antique shops

Chapter 9, Article I, Section 9.110 (E)(2) of the Columbia Heights City Code, is proposed to include the following additions and deletions:

§ 9.110 COMMERCIAL DISTRICTS

(E) *GB, General Business District*

(3) *Conditional uses.* Except as specifically limited herein, the following uses may be allowed in the GB, General Business District, subject to the regulations set forth for conditional uses in § 9.104, Administration and Enforcement, and the regulations for specific uses set forth in § 9.107. Specific Development Standards:

(n) ~~Consignment/secondhand~~ store.

[Current Sections 9.110 (3)(o) – 9.110 (3)(t) shall remain the same]

(v) Secondhand store

(w) Thrift store

Chapter 9, Article I, Section 9.110 (F)(2) of the Columbia Heights City Code, is proposed to include the following additions and deletions:

§ 9.110 COMMERCIAL DISTRICTS

(F) *CBD, Central Business District*

(2) *Permitted uses.* Except as specifically limited herein, the following uses are permitted within the CBD, Central Business District:

(gg) Antique store

Chapter 9, Article I, Section 9.110 (F)(3) of the Columbia Heights City Code, is proposed to include the following additions and deletions:

§ 9.110 COMMERCIAL DISTRICTS

(F) *CBD, Central Business District*

(3) *Conditional uses.* Except as specifically limited herein, the following uses may be allowed in the CBD, Central Business District, subject to the regulations set forth for conditional uses in § 9.104, Administration and Enforcement, and the regulations for specific uses set forth in § 9.107. Specific Development Standards:

(g) Secondhand store

(h) Consignment store

Section 2:

This ordinance shall be in full force and effect from and after 30 days after its passage.

First Reading: June 11, 2012

Second Reading: June 25, 2012

NEW BUSINESS

Sargent told members that we should have a new member at the next meeting. The City Council will be making appointments to open commission positions at the meeting of June 11, 2012.

OTHER BUSINESS

Sargent asked the Commission to reschedule the July meeting to July 10th, instead of July 3rd, to better accommodate the 4th of July Holiday. He explained we presently have two applications and that the applicants have been told about the possible change of dates for the meeting.

*Motion by Fiorendino, seconded by Kinney to change the July meeting to July 10th. All ayes.
MOTION PASSED.*

The meeting was adjourned at 7:35 pm.

Respectfully submitted,

Shelley Hanson
Secretary