

**PLANNING AND ZONING COMMISSION  
MINUTES OF THE REGULAR MEETING  
JULY 10, 2012  
7:00 PM**

The meeting was called to order at 7:00 pm by member Rob Fiorendino.

Commission Members present- Fiorendino, Kinney, and Little.  
Members Absent: Peterson and Szurek.

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

Fiorendino introduced Chris Little as the new appointee to the Planning & Zoning Commission. The members all welcomed him to the Board.

*Motion by Kinney, seconded by Little, approve the minutes from the meeting of June 5, 2012. All ayes. MOTION PASSED.*

**PUBLIC HEARINGS**

**CASE NUMBER: 2012-0701**  
**APPLICANT: Total Health Square-David Lu**  
**LOCATION: 5150 Central Avenue**  
**REQUEST: Variance & Site Plan Review**

Sargent stated that at this time, the applicant is requesting a 150-square foot area variance for wall signage per Code Section 9.106 (P)(13)(a)1. The City's Zoning Code requires that businesses in the GB, General Business District are permitted any number of wall signs on any side of a building not to exceed 200 square feet of total surface area for all wall sign surfaces. The applicant owns a multi-tenant building with each tenant needing wall signage to promote their business. The applicant would also like to add a larger wall sign denoting the name of the building/business center. For this reason, the applicant is requesting a total of 350 square feet of wall signage, requiring a 150-square foot area variance for signage.

The property is also located within the Design Guideline Highway District, and is subject to a Site Plan Review to ensure compliance with the Design Guidelines. At this time, the applicant is also seeking approval of the proposed Site Plan.

**ZONING ORDINANCE**

The property located at 5150 Central Avenue is zoned GB, General Business District, as are the properties to the north, south and east. The properties to the west are zoned R-3, Multiple Family Residential.

**SIGNAGE.**

As stated previously, the Zoning Code requires that businesses in the GB, General Business District are permitted any number of wall signs on any side of a building not to exceed 200 square feet of total surface area for all wall sign surfaces. Staff feels that this ordinance is limiting for multi-tenant buildings. Larger buildings would have a more difficult time supplying adequate signage for its tenants than smaller buildings with fewer tenants would. This ordinance is being reviewed for a possible amendment to appease this discrepancy.

The applicant is proposing an additional 150 square feet of signage in order to adequately promote the building as a health center. Office signs will be added above the individual tenant spaces to help direct customers to the correct part of the building. In addition, an overall building sign will be incorporated, which names the building as the “Total Health Square”.

**SITE PLAN.**

The applicant is proposing a completely new design for the front of the building. He would like to get rid of the existing façade and incorporate a new building face that supplies more surface area for signage. The proposed façade is not a solid wall; it incorporates a welded wire mesh within a tube steel frame, which will be see-through. The overall height of the building increases from approximately 16 feet in height to approximately 23 feet above the main floor line. The same architecture will wrap around the sides of the building, completing the design.



**Existing Building**

The proposal is consistent with the Design Guidelines in terms of architecture and the types of signage being used. Sargent displayed some examples of the type of architectural design they are proposing for the new façade.

### **COMPREHENSIVE PLAN**

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

### **FINDINGS OF FACT (Variance)**

Section 9.104 (G) of the Zoning Ordinance outlines five findings of fact that must be met in order for the City Council to grant a variance. They are as follows:

- a) Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.

*In this case, the need for the variance is a function of the debilitating nature of the ordinance. The applicant feels that the ordinance is geared more for single or fewer-tenant buildings, and generally not suitable for larger-tenant buildings. The property will still be used in a reasonable manner with the proposed variance.*

- b) The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.

*The conditions upon which the variance is based are a function of the size of the building. The building has 8 tenant spaces, each with their own sign. The applicant would like to incorporate additional signage on the building to promote the building as a "Total Health Square". There are other multi-tenant buildings that have at least 8 tenant spaces, so this situation is not unique to this particular parcel. However, it is anticipated that those other buildings most likely have greater than 200 square feet of signage on the building.*

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

*As stated previously, staff feels that the Zoning Code is limiting to larger, multi-tenant buildings in regards to the total amount of wall signage allowed. The provisions of the ordinance, therefore, are the driving force behind the variance request, and have not been created by any person currently having a legal interest in the property.*

- d) The granting of the variance is in harmony with the general purpose and intent of the comprehensive plan.

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

- e) The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

*After reviewing the proposed elevations, the amount of signage on the building is proportional to the overall building and does not have the appearance of being over indulgent. For this reason, the granting of the variance will not be materially detrimental to the public welfare or value of property in the vicinity.*

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

Section 9.104 (N) of the Zoning Ordinance outlines four findings of fact that must be met in order for the City to approve a site plan. They are as follows:

- a) The site plan conforms to all applicable requirements of this article.  
*The site plan meets all applicable Design Guidelines for the property. The proposed signage requires a variance, which has been applied for.*
- b) The site plan is consistent with the applicable provisions of the city's Comprehensive Plan.  
*The Comprehensive Plan guides this area as Commercial. A variance to allow more signage to accommodate an existing use 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 site plan does not incorporate the expansion of the building, and this will have no impact on property in the immediate vicinity and the public right-of-way.*

Staff recommends approval of the 150-square foot area variance for new wall signage, as it is a reasonable use of the property. Staff also recommends approval of the Site Plan as it meets all applicable requirements of the Design Guidelines.

Questions from members:

Little confirmed with Sargent that the Zoning Code only allows for 200 sf of signage, no matter how large the building is, or how many tenants may be located there. He then asked if any other buildings in the City exceeded the 200 sf maximum allowed for signage. Sargent said he knows of a couple, that are similar in the fact that they have multiple tenants. Little asked what the average size of the tenant spaces were in this building. Sargent did not have those figures, but told members that the new owners plan on remodeling the old racquetball club space into additional office space so they will be adding 5-6 tenants, which will further reduce the square footage for signage for each tenant if the variance is not granted. He explained that when the new owners purchased the building, they also purchased additional land to accommodate parking space needs. Staff feels the variance is necessary in order for each business to have adequate signage to identify their individual businesses. Little agreed and supports the request. He thinks the remodeling of the interior and exterior will be an improvement to the site and wants to see the businesses succeed.

Fiorendino also liked the plans to update the façade of the building. However, he did question how it meets the first Finding of Fact for the variance request. He didn't think we should ignore the code in place as it opens up the possibility that other businesses may also request a variance for larger signage. Sargent explained that it meets the first Finding of Fact in that a hardship is created. A single, stand-alone business may have 200 sf of signage, but under the current code a building with 8-15 tenants must share that same square footage of signage. In a building with multiple tenants, and smaller signs, it is hard for those businesses to draw attention to their location. Fiorendino said he felt the Zoning Code should be changed rather than granting variances on individual requests. He said there are a lot of multi-tenant buildings up and down Central Avenue. Sargent said he agreed, and this deficiency in the code is something that is being looked at by the Steering Committee. Amending the code will take some time, however, and in the meantime the tenants at this building would suffer. Plus, they are undertaking the façade

remodeling now and don't want to expend further resources to re-do the signs in a year or two. Sargent didn't think the granting of this request would prompt a lot of requests for additional signage variances.

Little asked how other cities handle signage issues for single business sites versus those who have multiple tenants. Sargent said some go by percentage of sf of the building itself and others use a percentage of wall area of each tenant space. Little agreed with Fiorendino that it potentially opens the door for other requests, but doesn't feel this will be a huge problem. He stated that if the code is amended in the future it would hopefully address different sized buildings and different applications to make it more equitable.

Public Hearing Opened:

Reed Robinson, Architect, who designed the façade change and remodeling, explained that a mezzanine level will be added in the back of the building that formally was used as racquetball courts, thus creating the 5-6 additional tenant spaces. He said without the variance being granted, the addition of more office/business spaces would further reduce the sf of each sign.

Public Hearing Closed.

*Motion by Kinney, seconded by Little, that the Planning Commission recommends the City Council approve the 150-square foot area variance for signage per Code Section 9.106 (P)(13)(a)1 of the City Code, subject to certain conditions of approval that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:*

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

*Ayes-Kinney and Little  
Nays- Fiorendino  
MOTION PASSED.*

*Motion by Kinney, seconded by Little, that the Planning Commission recommends the City Council approve the Site Plan for the construction of a new building façade, as it is consistent with the Design Guidelines. All ayes. MOTION PASSED.*

The following Resolutions will go to the City Council at the July 23, 2012 meeting.

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

**WHEREAS**, a proposal (Case # 2012-0701) has been submitted by David Lu to the City Council requesting a variance from the City of Columbia Heights Zoning Code at the following site:

ADDRESS: 5150 Central Avenue NE

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING RELIEF: 150-square foot area variance for wall signage per Code Section 9.106 (P)(13)(a)1.

**WHEREAS**, the Planning Commission has held a public hearing as required by the City Zoning Code on December July 10, 2012;

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

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

1. Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.
2. The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.

3. The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.
4. The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.
5. The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

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

CONDITIONS ATTACHED:

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

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**RESOLUTION NO. 2012-XXX**  
**RESOLUTION OF THE PLANNING AND ZONING COMMISSION APPROVING A**  
**SITE PLAN FOR THE CONSTRUCTION OF A NEW FAÇADE FOR THE BUILDING**  
**LOCATED AT 5150 CENTRAL AVENUE WITHIN THE CITY OF COLUMBIA**  
**HEIGHTS, MINNESOTA**

**WHEREAS**, a proposal (Case #2012-0701) has been submitted by David Lu, to the City Council requesting a site plan approval from the City of Columbia Heights at the following site:

ADDRESS: 5150 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 building façade for the property located at 5150 Central Avenue NE.

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on July 10, 2012;

**WHEREAS** the City Council has considered the advice and recommendations of the Planning Commission 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, that the Planning and Zoning Commission accepts and adopts the following findings:

1. The site plan conforms to all applicable requirements of this article.
2. The site plan is consistent with the applicable provisions of the city's comprehensive plan.
3. The site plan is consistent with any applicable area plan.
4. The site plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.

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

**CONDITIONS ATTACHED:**

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

Passed this 23<sup>rd</sup> day of July, 2012,

**CASE NUMBER:** 2012-0702  
**APPLICANT:** Yousef Abuhekal  
**LOCATION:** 4347 Central Avenue NE  
**REQUEST:** Drive Aisle Width Variance, Parking Setback Variance,  
Parking Stall Requirement Variance

At this time, the applicant is requesting three variances in association with locating a tire sales and repair business located at 4347 Central Avenue NE. The three variance requests are as follows:

1. A 6-foot drive aisle width variance per Code Section 9.106 (L)(7)(b)
2. A 5-foot side yard setback variance for parking per Code Section 9.110 (C)
3. A variance to allow two (2) less parking stalls than the minimum requirement per Code Section 9.106 (L)(10).

The applicant wishes to locate his business in the former *Anderson's Heating and AC* building located at 4347 Central Avenue. Currently, there is no striped parking on the premises. Because the change of use requires more parking than the type of business previously at that location, the new business would have to comply with all the minimum requirements of the City Code pertaining to off-street parking.

### **ZONING ORDINANCE**

The property located at 4347 Central Avenue is zoned GB, General Business District, as are the properties to the north, south east and west. The City's Code requirements pertaining to parking and drive aisle widths are as follows:

1. Code Section 9.106 (L)(7)(b) requires that each off-street parking space shall have direct access to an aisle no less than 24 feet in width. Due to the placement of the building on the property, the access width for the parking area is only 18 feet wide. For this reason, a 6-foot drive aisle width variance is needed.
2. Code Section 9.110 (C) requires that the side yard setback for parking in the GB, General Business District is 5 feet. The drive aisle abuts directly to the south (side) property line. For this reason, a 5-foot parking lot setback variance is needed.
3. Section 9.106 (L)(10) requires one (1) parking stall for each 300 square feet of gross floor area, plus two (2) parking stalls per service bay for any type of automobile repair facility. The existing building is 2,578 square feet and the business will incorporate one (1) service bay, requiring a total of 11 parking stalls. The site plan indicates that there will be nine (9) parking on-site parking stalls, requiring a 2-parking stall variance.

### **CONSIDERATIONS**

The preexisting placement of the building on the undersized parcel demonstrates an undue hardship on the property, justifying the parking setback and drive aisle width variances. The need for the 2-parking stall variance is strictly a function of the type of business that wishes to locate on the premises. The previous use of the building as an office/retail facility only needed to supply 1 parking stall for each 300 square feet of office/retail area. Given the dimensions of the building, the previous use would have needed 9 parking stalls. The accompanying site plan indicates that 9 parking stalls could be placed on the parcel with the parking and drive aisle width variances.

Because the proposed business is an automobile repair facility, the City Code requires 2 extra parking stall for each service bay that the business will utilize. The building itself would be able to accommodate up to 3 service bays, however Staff advised the applicant to keep the variance requests as limited as possible. With that said, the applicant indicated that he would only use 1 service bay in order to keep the parking stall variance as small as possible.

### **COMPREHENSIVE PLAN**

The Comprehensive Plan guides this area as Commercial. The proposed variances would enable a business to locate in a vacant commercial space. For this reason, the proposals are consistent with the Comprehensive Plan.

### **FINDINGS OF FACT (Variance)**

Section 9.104 (G) of the Zoning Ordinance outlines five findings of fact that must be met in order for the City Council to grant a variance. They are as follows:

- a) Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.  
*The physical surroundings and the configuration of the property cause the necessary undue hardship to justify the parking setback variance and the drive aisle with variance. Again, the 2-parking stall variance cannot be avoided with the type of business that is willing to operate from this location because there is not physically enough room on the property to place 2 more parking stalls.*
- b) The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.  
*There are many undersized commercial properties along Central Avenue in The GB, General Business District. The uniqueness of this particular parcel is the placement of the building on the property in relation to the existing driveway openings and property lines. Physically, there is no way to accommodate the minimum requirements of the Zoning Code for parking setbacks and drive aisle widths without the need of a variance.*
- c) The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.  
*The provisions of the article require certain setbacks, drive aisle widths and number of parking stalls. The property at 4347 Central Avenue is too small to accommodate these requirements. The hardships have not been created by persons having a legal interest in the property.*

- d) The granting of the variance is in harmony with the general purpose and intent of the comprehensive plan.

*The Comprehensive Plan guides this area as Commercial. The proposed variances would enable a business to locate in a vacant commercial space. For this reason, the proposals are consistent with the Comprehensive Plan.*

- e) The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

*The granting of the variances should not be materially detrimental to the public welfare or the use of the properties in the vicinity. The variance requests will have conditions imposed on them to help ensure this.*

### **RECOMMENDATION**

Staff recommends approval of the 6-foot drive aisle width variance and the 5-foot side yard setback parking variance. Staff feels that the applicant has done a sufficient job in attempting to limit the degree of the parking stall variance in that he has agreed to limit his business to 1 service bay. Although a different use of the property would not require a parking stall variance, the conditions of approval should ensure that the property is being used properly. For this reason, staff would also recommend approval of the variance for 2 fewer parking stalls than required by code. Sargent reviewed the conditions with members.

#### Questions by members:

Little said he is not a stranger to developing small parcels in this City. He doesn't necessarily feel this is the best use of this site and questioned how many bays they would have to service vehicles. Sargent said in order to closely meet the parking space requirement they have limited the business to one service bay. The other space in the building may be used to store vehicles or tires. Little asked what differentiates a service bay from a storage area. What prohibits them from working on multiple vehicles inside the building, and he asked if they would be doing engine repair or just tire repair/replacement.

Fiorendino asked how we define a service bay. Sargent explained that we don't. Fiorendino then asked if we could prohibit the business from expanding to doing auto repair. Sargent said we couldn't because it is properly zoned for that type of business. Whatever variance is approved stays with the building, even if it is later sold. Sargent said that as long as the conditions are met, it should not be a problem. A condition of working on one car at a time could be added to the conditions if the members choose. Sargent reminded them that the conditions are a tool for enforcement.

Kinney questioned how the site would accommodate 9 parking spaces and still be able to maneuver vehicles around the lot. She thought it would be very difficult with the proposed layout.

Little said any business coming into this site would have a difficult time meeting parking requirements.

Fiorendino said we want to fill vacant business sites in the City and the goal of the conditions is to minimize the impact the business will have on its neighbors. He thinks the conditions noted will do just that.

Public Hearing Opened.

Mike Medina, the Project Architect for the business/applicant was present. Little asked him if the business owner had plans to expand the business to other types of vehicle maintenance/repair, other than replacing tires. He stated that he did not have plans to do so. Medina stated he knows it is a difficult site to work with, but feels this business would work on the site based on one operating service bay which will limit the need for additional parking spaces.

Public Hearing Closed.

*Motion by Little, seconded by Kinney, that the Planning Commission recommends the City Council approve the A 6-foot drive aisle width variance per Code Section 9.106 (L)(7)(b), a 5-foot side yard setback variance for parking per Code Section 9.110 (C) and a variance to allow two (2) less parking stalls than the minimum requirement per Code Section 9.106 (L)(10) of the City Code, subject to certain conditions of approval that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:*

- 1. All application materials, maps, drawings, and descriptive information submitted with the application shall become part of the permit.*
- 2. All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces.*
- 3. At no time shall there be more vehicles waiting for repair or pick-up in designated off-street parking spaces than the number of off-street parking spaces provided.*

4. *All work shall be performed within a completely enclosed building.*
5. *All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile parts, including tires, or storage of inoperable vehicles or salvage vehicles shall be prohibited.*
6. *The sale of vehicles shall be prohibited, unless permitted by conditional use.*
7. *The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential use. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.*

*All ayes. MOTION PASSED.*

The following Resolution will go to the City Council at the July 23<sup>rd</sup> meeting.

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

**WHEREAS**, a proposal (Case # 2012-0702) has been submitted by Yousef Abuhekal to the City Council requesting a variance from the City of Columbia Heights Zoning Code at the following site:

ADDRESS: 4347 Central Avenue NE

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING RELIEF: A 6-foot drive aisle width variance per Code Section 9.106 (L)(7)(b); a 5-foot side yard setback variance for parking per Code Section 9.110 (C); and a variance to allow two (2) less parking stalls than the minimum requirement per Code Section 9.106 (L)(10).

**WHEREAS**, the Planning Commission has held a public hearing as required by the City Zoning Code on December July 10, 2012;

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

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

1. Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.
2. The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.
3. The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.
4. The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.
5. The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

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

CONDITIONS ATTACHED:

1. All application materials, maps, drawings, and descriptive information submitted with the application shall become part of the permit.
2. All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces.
3. At no time shall there be more vehicles waiting for repair or pick-up in designated off-street parking spaces than the number of off-street parking spaces provided.
4. All work shall be performed within a completely enclosed building.
5. All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile parts, including tires, or storage of inoperable vehicles or salvage vehicles shall be prohibited.
6. The sale of vehicles shall be prohibited, unless permitted by conditional use.
7. The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential use. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.

Passed this 23<sup>rd</sup> day of July, 2012

**NEW BUSINESS**

No other new business.

**OTHER BUSINESS**

Sargent told members they will be serving as a Board of Appeals and Adjustment at a Hearing that was to be scheduled for August 8, 2012. He reviewed the process with the members. The Board will need to render a decision in regards to action taken by Staff in interpreting City Codes. Staff will present the facts to the Board but will not be making any recommendation on the matter since the Board will be judging whether the correct action was taken. The applicant is requesting a Special Meeting for this hearing, as he is unavailable for the hearing on August 8<sup>th</sup>. After checking their schedules, Tuesday, August 14<sup>th</sup> was selected as the alternative date. Fiorendino noted that he will not be available that week.

The meeting was adjourned at 8:05 pm.

Respectfully submitted,

Shelley Hanson  
Secretary