

**PLANNING AND ZONING COMMISSION
MINUTES OF THE REGULAR MEETING
August 3, 2011
7:00 PM**

The meeting was called to order at 7:00 pm by Acting Chair-Rob Fiorendino.

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

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

Motion by Kinney, seconded by Peterson, to approve the minutes from the meeting of June 7, 2011. All ayes. MOTION PASSED.

PUBLIC HEARINGS

CASE NUMBER: 2011-0801
APPLICANT: David Lu and Gerry Herringer
LOCATION: 5150 Central Avenue
REQUEST: Conditional Use Permit and Minor Subdivision

Sargent told members that David Lu is requesting a Conditional Use Permit (CUP) per Code Section 9.110 (E)(3)(l) in order to operate a business that entails the assembly, manufacturing and/or processing of goods. Currently, the property at 5150 Central Avenue is owned by Gerry Herringer, and the sale of the property to David Lu is contingent on the approval of the CUP. As part of the sale of the property, Mr. Herringer would like to split off a portion of the property at 5150 Central Avenue and add it to the property located at 5220 Central Avenue (Blockbuster Video), which he also owns.

The building at 5150 Central Avenue currently houses retail space on the top level and several racquetball courts on the lower level. If the CUP is approved, Mr. Lu will purchase the property and move his business into the building. His initial plan is to retain the retail component of the building and continue to lease out space to retail establishments. The racquetball courts will be removed to make room for his business. Mr. Lu is requesting a Conditional Use Permit to allow for the assembly, manufacturing and/or processing of goods. As described in his letter to the Planning Commission, his business involves the repackaging/processing of food and nutrition products, such as repackaging powdered milk into cans and bulk nutrition supplements (like vitamins, calcium, and energy drinks) into individual pouches and bottles. This is considered value-added manufacturing, as no products are actually being made, rather just being repackaged into sellable units.

There is currently a mezzanine level in the building, above the racquetball courts and below the retail space. Mr. Lu will extend the mezzanine level across the entire floor, creating a third floor to the building. The created space will serve as office space for his business. The Building Code requires Mr. Lu to add an elevator to the building, which he is willing to do. Mr. Lu has indicated that the building has sufficient room to add the elevator without expanding the building.

COMPREHENSIVE PLAN

The Comprehensive Plan guides this area for commercial use. Being that the business will add office space and a repackaging operation that is consistent with the types of uses allowed in the zoning district, the proposed use is also consistent with the Comprehensive Plan.

ZONING ORDINANCE

The property is zoned GB, General Business, as are the properties to the north, south and east. The properties to the west are zoned R-3, multiple family residential. Some of the properties to the east are located within the City of Fridley.

PARKING. The proposed minor subdivision will result in the removal of some of the parking spaces located at 5150 Central Avenue. Mr. Lu is also proposing to add additional office space to the building, which increases the number of required parking spaces on the property.

When the minor subdivision is complete, the plan indicates that there will be 87 parking spaces remaining on the property at 5150 Central Avenue. The City Code requires 1 parking stall for each 300 square feet of office and retail space, and 1 parking stall for each 1,000 square feet of assembly, manufacturing and/or processing space. The plans show that there is a total of 9,338 square feet of retail space on the first level, a total of 5,084 square feet of office space on the second level, and a total of 5,600 square feet of manufacturing space on the lower level. Given the city's parking requirements, the property will need a minimum of 54 on-site parking stalls. As indicated previously, the property will have 87 parking stalls on site, meeting the minimum requirements.

MINOR SUBDIVISION. The proposed minor subdivision will transfer 55 feet from the property at 5150 Central Avenue and add it to the property located at 5220 Central Avenue. Given that this is a transfer of land and that no new buildable lots will be created, there will be no Park Dedication Fee associated with the proposed request. Staff will require a new driveway easement for joint use of the land in question.

FINDINGS OF FACT (Conditional Use Permit)

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.
Assembly, manufacturing and/or processing is specifically listed as a Conditional Use in the GB, General Business District.
- (b) The use is in harmony with the general purpose and intent of the Comprehensive Plan.
The Comprehensive Plan guides this area for commercial use. Being that the business will add office space and a repackaging operation that is consistent with the types of uses allowed in the zoning district, the proposed use is also consistent with the Comprehensive Plan.
- (c) The use will not impose hazards or disturbing influences on neighboring properties.
The proposed use of the building for manufacturing/assembly/processing will be located on the lower level on the back side of the building. No outward expansion of the building will be required for the business either. The business does not require heavy machinery or equipment that generates excessive noise when operating. For these reasons, the proposed use of the building should have no disturbing influences on 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 impacted by the new business.
- (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.
All activity will remain indoors with no change to the existing building located on the property.
- (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 use will not generate any excess traffic than what would normally occur for businesses located in the GB, General Business District. The applicant stated that once every two months a delivery truck will drop off supplies for the business. All outgoing shipments of goods are handled through normal postal service deliveries, which would not disrupt normal traffic activities.
- (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.
The use is a listed Conditional Use for the district and will abide by the Specific Development Standards as listed as conditions for its approval. This should ensure that the proposed use will not cause a negative cumulative effect.
- (i) The use complies with all other applicable regulations for the district in which it is located.
This is correct.

FINDINGS OF FACT (Minor Subdivision)

Section 9.104 (K) of the Zoning Code outlines specific conditions in order for the City Council to approve a minor subdivision. They are as follows:

1. The proposed subdivision of land will not result in more than three lots.
The proposed minor subdivision will not be creating a new lot. The action is needed in order to split off a portion of the property at 5150 Central Avenue in order to add it to the property located at 5220 Central Avenue.
2. The proposed subdivision of land does not involve the vacation of existing easements.
No vacation of existing easements will occur as a result of the minor subdivision.
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.
No new lots will be created.

4. The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.
No new dedications of public rights-of-way will be needed 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.
This is a true statement.
6. The proposed subdivision does not hinder the conveyance of land.
This is a true statement.
7. The proposed subdivision does not hinder the making of assessments or the keeping of records related to assessments.
This is a true statement.
8. The proposed subdivision meets all of the design standards specified in Section 9.114.
This is a true statement.

Staff recommends approval of the proposed Conditional Use Permit to allow for a manufacturing/assembly/processing operation to locate at 5150 Central Avenue. Staff also recommends approval of the minor subdivision of land at 5150 Central Avenue for the purpose of adding to the property located at 5220 Central Avenue.

Questions from members:

Sargent reviewed the survey of the lot split with members.

Peterson questioned why it was necessary to split this piece off, since Mr. Herringer now owns both pieces. He wondered if it was required for some reason he wasn't aware of. Sargent explained that the lot split approval is a contingency of the sale of 5150 Central Avenue going through. He said it is Mr. Herringer's legal right to ask for the lot split.

Gerry Herringer, 1731 Innsbruck Pkwy- is the current owner of both 5150 Central Ave and 5220 Central Ave. He told members that the reason he is requesting the lot split is actually two fold. The first is to reduce the size of the parcel being purchased, so the price point could be met to make it affordable to the purchaser. The second is to add some land to the parcel at 5220 Central Avenue so that it leaves that site more marketable in the future. Herringer stated it would provide more space for parking at 5220 Central Avenue if the use of that building ever changes.

Fiorendino stated he understands the reason to keep the 5220 Central Avenue site viable for future business use. Fiorendino then asked Sargent if the Conditional Use of 5150 Central Ave could continue if Mr. Lu ever decides to sell it to someone else. Sargent explained that it could continue to be used in a similar fashion as the Conditional Use does stay with the property.

Public Hearing Opened:

No one was present to speak regarding this issue.

Public Hearing Closed.

Motion by Kinney, seconded by Peterson, that the Planning Commission recommends the City Council approve the Conditional Use Permit to allow for a manufacturing/assembly/processing operation to locate at 5150 Central Avenue, 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 applicant will apply for all necessary building permits prior to any construction to the building.*

All ayes. MOTION PASSED.

Motion by Kinney, seconded by Peterson, that the Planning Commission recommends the City Council approve the minor subdivision of the property located at 5150 Central Avenue, 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 applicant will reestablish any necessary driving or parking easements in relation to the minor subdivision and shall record them with Anoka County.*

All ayes. MOTION PASSED.

The following Resolutions will go to the City Council at the August 8th Council Meeting.

RESOLUTION NO. 2011-XX

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR DAVID LU TO ALLOW AN ASSEMBLY/ MANUFACTURING / PROCESSING BUSINESS IN THE GENERAL BUSINESS DISTRICT IN THE CITY OF COLUMBIA HEIGHTS, MINNESOTA

WHEREAS, a proposal (Case #2011-0801) has been submitted by David Lu to the City Council requesting a conditional use permit from the City of Columbia Heights at the following site:

ADDRESS: 5150 Central Avenue

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit per Code Section 9.110 (E)(3)(I), to allow an assembly/manufacturing/processing business in the GB, General Business District at 5150 Central Avenue NE.

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

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 applicant will apply for all necessary building permits prior to any construction to the building.

DRAFT RESOLUTION NO. 2010-XXX

RESOLUTION APPROVING A MINOR SUBDIVISION AT 5150 CENTRAL AVENUE NE WITH CERTAIN CONDITIONS FOR THE CITY OF COLUMBIA HEIGHTS

WHEREAS, a proposal (Case No. 2011-0801) has been submitted by Gerry Herringer requesting a subdivision from the City of Columbia Heights Subdivision Code at the following site:

ADDRESS: 5150 Central Avenue NE
EXISTING LEGAL DESCRIPTION: On File at City Hall
PROPOSED LEGAL DESCRIPTION: On File at City Hall

THE APPLICANT SEEKS APPROVAL OF A MINOR SUBDIVISION.

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed subdivision upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to traffic, property values, light, air, danger of fire, and risk to public safety, in the surrounding area; and has held the required public hearing on this proposal on August 3, 2011.

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 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 the §9.114.

FURTHER, BE IT RESOLVED, that the attached condition, plans, maps, and other information shall become part of this subdivision approval.

CONDITIONS:

1. The applicant will reestablish any necessary driving or parking easements in relation to the minor subdivision and shall record them with Anoka County.

NEW BUSINESS

Sargent gave an update on the progress on Aldi's construction-they should be open by November.

There was no other New Business.

The meeting was adjourned at 7:21 pm.

Respectfully submitted,

Shelley Hanson
Secretary