

**OFFICIAL PROCEEDINGS
CITY OF COLUMBIA HEIGHTS
CITY COUNCIL MEETING
MARCH 13, 2017**

The following are the minutes for the regular meeting of the City Council held at 7:00 PM on Monday March 13, 2017 in the City Council Chambers, City Hall, 590 40th Avenue N.E., Columbia Heights, Minnesota

1. CALL TO ORDER

Mayor Schmitt called the meeting to order at 7:04 p.m.

2. ROLL CALL

Present: Mayor Schmitt, Councilmember Williams, Councilmember Murzyn, Jr. and Councilmember Buesgens

Also Present: Walt Fehst; City Manager, Jim Hoeft; City Attorney, Elizabeth Holmbeck; City Planner, Larry Pepin, Building Official and Katie Bruno; City Clerk/Council Secretary

3. INVOCATION

Invocation provided by Dan Thompson, Heights Church

4. PLEDGE OF ALLEGIANCE

5. ADDITIONS/DELETIONS TO MEETING AGENDA

(The Council, upon majority vote of its members, may make additions and deletions to the agenda. These may be items brought to the attention of the Council under the Citizen Forum or items submitted after the agenda preparation deadline.)

6. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

7. CONSENT AGENDA

(These items are considered to be routine by the City Council and will be enacted as part of the Consent Agenda by one motion. Items removed from consent agenda approval will be taken up as the next order of business.)

A. Approve Minutes of the City Council

MOTION: Move to approve the minutes of the City Council meeting of February 27, 2017

MOTION: Move to approve the minutes from the City Council Vacancy Interviews March 2 and 3, 2017.

MOTION: Move to approve the Work Session minutes of March 6, 2017.

B. Accept Board and Commission Meeting Minutes

MOTION: Move to accept the Library Board Minutes from February 8, 2017

MOTION: Move to accept the EDA Minutes from February 6, 2017 (TABLED)

MOTION: Move to accept the Planning & Zoning Commission Minutes from February 7, 2017

C. Approve Business License Applications

MOTION: Move to approve the items as listed on the business license agenda for March 13, 2017.

D. Payment of Bills

MOTION: Move that in accordance with Minnesota Statute 412.271, subd. 8, the City Council has received the list of claims paid covering check number 164933 through 165083 in the amount of \$299,387.20.

Mayor Schmitt requested the EDA Minutes from February 6, 2017 be tabled while she waits for clarification.

Motion by Councilmember Williams, seconded by Councilmember Murzyn, Jr. to approve the Consent Agenda as amended. All Ayes, Motion Carried.

8. PUBLIC HEARINGS

A. Consideration of Resolution 2017-19, approving a Final Plat for Venture Pass Partners, LLC.

Elizabeth Holmbeck, City Planner reported that Venture Pass Partners, LLC has applied for Final Plat Approval for the parcel located at 4707 Central Avenue NE. The site is currently one lot of record and the applicant is requesting to re-plat the property to create two separate lots. The plat would allow for two separate developments to occur on the property; a convenience store and a fast casual restaurant on the north end. The Planning and Zoning Commission unanimously recommended approval of the Final Plat at the March 7th meeting.

Motion by Councilmember Williams, seconded by Councilmember Buesgens to waive the reading of Resolution 2017-19, there being ample copies available to the public. All Ayes, Motion Carried.

Motion by Councilmember Williams, seconded by Councilmember Murzyn, Jr. to adopt Resolution 2017-19, approving a Final Plat for Venture Pass Partners, LLC. All Ayes, Motion Carried.

B. Consideration of an Appeal to the City Council regarding a ruling made by the Board of Appeals (Planning and Zoning Commission)-a waiver to allow an adult daycare at 4048 Central Ave NE.

Elizabeth Holmbeck, City Planner explained the property owner submitted a written appeal in response to a written order sent to the property owner on January 27, 2017. A building permit was submitted to the Community Development Department to remodel the existing commercial building located at 4048 Central Avenue NE. to allow for an adult daycare to operate in the building. Staff reviewed the application and found that, while an Adult Daycare

facility is a permitted use, the proposal does not meet certain development standards for such a use outlined in the Zoning Code. The Board of Appeals denied the appeal at the March 7th Planning & Zoning Commission meeting, because the proposal did not meet the Zoning Code requirements regarding the amount of outdoor space that must be provided. The property owner has submitted a letter detailing the Appeal, and a number of pictures of the building and surrounding outdoor area. Upon review staff found that the proposed use does not meet the following specific development standards:

1. For adult daycare facilities, at least 150 square feet of outdoor area for seating or exercise will be provided for each adult under care.
2. The use shall provide a designated area for the short-term parking of vehicles engaged in loading and unloading of children or adults under care. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.

The property owner has proposed to designate a drop-off and pick-up location at the rear of the building. There is currently an entrance at the rear of the building which the owner will be renovating to make it accessible.

Councilmember Buesgens shared concerns regarding the space in the rear, noting a delivery truck or Metro Mobility bus would have a difficult time maneuvering.

Ella Selyukou representing The Millennium Center for Performing Arts explained the food will be delivered in standard size vans. Selyukou indicated Metro Mobility will likely not be used at this location, as they have vehicles which can be equipped with wheelchair lifts.

Selyukou indicated the patrons of the Center will not require a lot of outdoor space, and requested the 150' requirement be waived. Councilmember Buesgens stated the building owner failed to check with the City on zoning ordinances. Mike Merissa, the Attorney representing ASA LLC said the Planning & Zoning Commission referred them to the City Council for further discussion.

Councilmember Murzyn, Jr. indicated the denial by the Planning & Zoning Commission was because the request failed to meet the requirements of the zoning code. Mr. Merissa explained his client spoke to City Staff, and was under the impression that this was a permitted use.

City Attorney Jim Hoeft explained the Planning & Zoning Commission cannot alter or change the Zoning Code, and that is why the applicant was sent to the City Council. Hoeft indicated the ordinance does not prohibit permitting an alternative; however he would recommend the change be done as a process of changing the Zoning Code, not on a case-by-case basis.

Councilmember Buesgens suggested staff take time to thoroughly go through the Zoning Code and make changes to bring it up-to-date.

Mr. Meressa requested a provisional use permit. Hoeft indicated that has not been a past practice and he would not recommend it.

Larry Pepin, Building Official reported he told the property owner that if he chose to put in an "I" occupancy that the entire building will be required to have sprinkler. Pepin indicated this comment caused the owner to bring water and sewer into the building; a permit was issued. Sprinkler drawings were submitted without a floorplan of the space, Pepin instructed the applicant to bring their plans to the Planning & Zoning Commission for consideration. Mayor Schmitt suggested there may have been a misunderstanding by the applicant, that the approval of the water and sewer permit, included approval of the project.

City Planner Elizabeth Holmbeck stated the Planning & Zoning Commission has also requested council consider passing an emergency moratorium, for all licensed day care facilities in the Central Business District.

City Attorney Jim Hoeft recommended the council discuss approving an interim ordinance at their next worksession to allow staff an opportunity to research the zoning requirements. Mayor Schmitt agreed.

Motion by Mayor Schmitt, seconded by Councilmember Buesgens to make a motion to deny the appeal made by ASA, LLC., for the property located at 4048 Central Ave. NE. All Ayes, Motion Carried.

9. ITEMS FOR CONSIDERATION

A. Other Ordinances and Resolutions

B. Bid Considerations

C. New Business and Reports

10. ADMINISTRATIVE REPORTS

City Manager Walt Fehst reported there will be an Anoka County Local Government Officials Meeting on March 29th at the Coon Rapids Civic Center.

Councilmember Buesgens reported she attended the Heights Next movie night, the Ambassadors' waffle breakfast and Chili with a cop, all were well attended.

Councilmember Williams reported he has enjoyed the interview process for the vacant council seat.

Mayor Schmitt reported she was impressed with the number of people who attended the Chamber of Commerce meeting she recently spoke at.

The Mayor spoke at the recent Rotary meeting, and indicated she would like to see Columbia Heights staff attend regularly.

The Mayor attended public talk by His Emience Jhado Rinpoche -one of the world's most renowned Tibetan Buddhist masters at Murzyn Hall on March 3rd.

11. CITIZENS FORUM

12. ADJOURNMENT

Motion by Councilmember Murzyn Jr., seconded by Councilmember Williams to adjourn. All Ayes, Motion Carried.

Meeting adjourned at 7:57 p.m.



Respectively Submitted,
Katie Bruno, Council Secretary/City Clerk

2017-19

A resolution of the City Council for the City of Columbia Heights, Minnesota, approving a Final Plat for Venture Pass Partners, LLC.

Whereas, a proposal (Case # 2017-0301) has been submitted by Venture Pass Partners, LLC on behalf of Hy-Vee, Inc. to the City Council requesting Final Plat Approval from the City of Columbia Heights at the following site:

ADDRESS: 4707 Central Avenue NE, Columbia Heights, MN 55421.

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING: Final Plat Approval per Code Section 9.104 (M).

Whereas, the Planning and Zoning Commission held a public hearing as required by the City Zoning Code on March 7th, 2017;

Whereas, the City Council has considered the advice and recommendations of the Planning and Zoning Commission regarding the effect of the proposed Final Plat 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;

Now, therefore, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia Heights, the City Council of the City of Columbia Heights makes the following:

FINDINGS OF FACT

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

- (a) The Final Plat substantially conforms to the approved Preliminary plat
- (b) The Final Plat conforms to the requirements of 9.115.

Further, be it resolved, that the attached plans, maps, and other information shall become part of this Final Plat; and in granting approval the City and the applicant agree that the Plat shall become null and void if a Final Plat is not recorded with the Anoka County Recorder's Office within one (1) calendar year after the approval date.

CONDITIONS

1. All required state and local codes, permits, licenses and inspections will be met and in full compliance.
2. Any requirements outlined by the Minnesota Department of Transportation must be met (MNDOT review pending). Any comments from MNDOT will be forwarded over to the applicant and will become part of this approval.
3. Easements will need to be placed over the storm water BMP's to be installed, and the easements will need to be on a recordable document, accepted by Anoka County Recorder's Office.
4. The applicant shall be responsible for the cost of filing and recording written easements with the Anoka County Recorder's Office.
5. Upon approval of the Final Plat, the applicant shall be responsible for filing and recording the Final Plat with the Anoka County Recorder's Office within one year of the date of City Council action. In the event that a Final Plat is not recorded within this time period, the Final Plat will become void.