



## PLANNING COMMISSION

City Hall—Council Chambers, 3989 Central Ave NE

Tuesday, October 24, 2023

6:00 PM

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### MINUTES

The meeting was called to order at 6:01 pm by Chair Sahnou.

#### CALL TO ORDER/ROLL CALL

Commissioners present: Eric Sahnou, Tom Kaiser, Laurel Deneen, Clara Wolfe, and John Gianoulis

Absent: Mike Novisky, Mark Vargas

Also present: Aaron Chirpich, Community Development Director; Andrew Boucher, City Planner; Ben Sandell, Communications Coordinator; Connie Buesgens, Council Liaison.

#### APPROVE MINUTES

**1. Approve July 5, 2023 Planning Commission Meeting Minutes.**

*Motion by Deneen, seconded by Kaiser, to approve the minutes from the meeting of July 5, 2023. All Ayes. MOTION PASSED.*

**Approve October 3, 2023 Planning Commission Meeting Minutes.**

*Motion by Deneen, seconded by Gianoulis, to approve the minutes from the meeting of October 3, 2023. All Ayes. MOTION PASSED.*

#### PUBLIC HEARINGS

**2. Zoning Ordinance Amendment to Allow Limited Retail Sales in the Light Industrial (I-1) and General Industrial (I-2) Districts**

Introduction: Boucher stated Timothy M. LaCroix of LaCroix Law, PLLC representing Southern Anoka Community Assistance, Inc. has made an application for a zoning text amendment and is proposing limited retail sales as permitted uses in the Light (I-1) and General Industrial (I-2) Zoning districts. It is subject to required findings for zoning amendments per 9.104(F).

Boucher noted that Timothy M. LaCroix of LaCroix Law, PLLC representing Southern Anoka Community Assistance, Inc. (SACA), has requested approval of a Zoning Ordinance Amendment to accommodate the establishment of retail sales in the Light Industrial (I-1) and General Industrial (I-2) Districts. The applicant currently operates a food shelf (warehousing/distribution) upon a 6,825 square foot site located at 627 38th Avenue NE (at the intersection of 38th Avenue NE and Jefferson Street NE) and intends to relocate to a new site at 3905 California Street NE (west of Main Street NE and north of 39th Avenue NE), both of which are zoned for Light Industrial (I-1).

Boucher stated retail sales have been limited, in the Industrial Districts, to motor vehicle part stores, pawnshops, and retail services where appointments are required (tattoos, body piercing, automobile repair). SACA previously operated a thrift store/retail component which was not a permitted use and has been discontinued. The applicant plans to relocate and repurpose an existing 24,500 square foot industrial building located on the site (previously occupied by “Lamott Properties LLC”) into a food shelf and thrift store. The proposed retail sales would be limited to products manufactured, processed, or delivered in bulk and repackaged for sale on the site, so long as the sales area does not exceed 20% of the gross floor area of the principal building and shall adhere to the performance standards set forth in Section 9.106.

Boucher added that the subject site (3905 California Street NE) is bordered on the north and west by industrial uses, Lomanki Park on the south, and on the east by single family dwellings. The other subject site (627 38th Avenue NE) has industrial property to the north, park and open space to the east, and the remainder of the property is surrounded by residential.

Boucher stated both sites are zoned I-1, Light Industrial which currently does not make an allowance for general retail sales; as a result, the approval of a Zoning Ordinance Amendment to allow “limited retail sales” in the I-1 and I-2 Districts (as a permitted use) is required for the operation of the thrift store component. To be noted is that the requested Zoning Ordinance change would apply to all properties located within I-1, Light Industrial and I2, General Industrial Zoning Districts.

Boucher mentioned minor exterior modifications to the existing site and building entrance are proposed with the building entrance reconfigured for accessibility purposes from California Street to the northern end of the property through the parking lot. New signage should also be anticipated as part of the site redevelopment.

Boucher reviewed the required findings as follows:

- (a) The amendment is consistent with the comprehensive plan. With general development standards imposed to endure compatibility, the amendment will be in harmony with the purpose of the Comprehensive Plan.
  - a. Saca’s existing and future facilities are identified, the properties are zoned for Light (I-1) and General Industrial (I-2).
- (b) The amendment is in the public interest and is not solely for the benefit of a single property owner. The addition of limited retail sales as a use is applicable to multiple industrially zoned properties and is not solely for the benefit of a single property owner.
  - a. The Industrial Districts include businesses such as Zuccaro’s Product (retail) Minneapolis Mark (manufacturing/retail service component), Ruff Love Dogs (kennel), Total Export Inc. (professional services), Columbia Heights Recycling (City service).

- (c) 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. Retail services and sales are currently allowed in the Light and General Industrial Districts by way of pawnshops, motor vehicles parts stores, and brewer taprooms all of which are more intense uses generating more business activity and traffic than the proposed addition of limited retail sales. Additionally, the retail uses allowed in these districts are typically complimentary of the other uses allowed.
- (d) 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 its current zoning classification. The amendment is not to change the zoning classification of a particular property, but to accommodate a use that is already allowed in different forms but for the same purpose of providing

Boucher explained that the applicant is not proposing a zoning re-classification but an expansion to the uses allowed in the Industrial Districts and reflecting the uses that allow for retail sales or services in greater intensities than what is purposed.

Boucher explained to accommodate the proposed use, the applicant has requested the processing of a Zoning Ordinance amendment which would allow “limited retail sales” as a permitted use in the I-1, Limited Industrial District, and I-2, General Industrial District.

Boucher stated to be noted is that “retail sales” are presently allowed in all the City’s Commercial zoning districts as permitted uses in the General Business (GB) and Central Business District. “Limited retail sales” are also allowed in the Limited Business as a conditional use (but does not have specific development standards besides limiting the retail area square footage to 2,500 sq. ft.).

Boucher stated it is the opinion of Staff that limited retail sales can compatibly exist within I-1 and I-2 Districts provided various precautions are taken to address potential adverse impacts. While the Zoning Ordinance presently includes performance standards, Staff recommends that such standards be expanded to address potential adverse impacts to the residential uses in a more comprehensive manner. In this regard, the following Zoning Ordinance modifications are recommended by Staff:

1. A new definition defining “limited retail sales” and to provide clarity regarding the scope and intensity of retail sales which read as follows (new/additional conditions recommended by Staff are in bold):

***RETAIL SALES, LIMITED (LIMITED RETAIL SALES). Retail sales of products manufactured, process, or delivered in bulk and repackaged for sale on the site, provided that the sales area does not exceed 20% of the gross floor area of the***

***principal building and must adhere to the performance standards set forth in section 9.106.***

2. A new use, Retail Sales, Limited added to the list of Permitted uses described in Section 9.111(D) I-1, Light Industrial District (2) and (E) I-2, General Industrial District (2):

***(z) RETAIL SALES, LIMITED***

Recommendation: Approval of the Zoning Ordinance Amendment which makes an allowance for limited retail sales as defined as a permitted use in the City's I-1, Light Industrial District, and I-2, General Industrial District.

Questions/Comments from Members:

Sahnaw asked how the 20% the gross floor area of the building was determined. He also asked how rezoning compared to other neighboring cities on how they zone.

Boucher replied that Staff have not looked to see what other cities are doing and instead looked at what retail uses were allowed and what densities they were allowed. Chirpich added that Staff looked at the City of New Hope and found that they applied a 20% threshold in their industrial district.

Deneen asked about the parking situation for the existing SACA facility and whether the new site would be able to accommodate the increased traffic.

Chirpich replied that there have been complaints on lack of parking on the site. The site will expand the parking considerably and do not plan to expand the thrift store operation. He added that it will work in a parking demand perspective.

Boucher stated that the gross floor area is some of the gross horizontal areas of several floors measured to the outside of the exterior walls. The building footprint is how the gross floor area is determined.

Boucher explained that the Planning Commission was not approving a development request but that it was a zoning text amendment. The applicant would still need to apply for building permits.

Applicant Timothy LaCroix introduced Dave Rudolph. Mr. Rudolph stated most of the people coming to the thrift store are coming to the food shelf.

Public Hearing Opened.

Larene St. Gabriel-Dargay, City resident, stated surrounding neighbors do not use SACA. Many neighbors have expressed concerns to her about not wanting SACA moving into their neighborhood. She added that neighbors do not understand why SACA needs to move locations if it is working in the current location. She asked why the location needs to be

moved. She added that many neighbors believe that more crime is going to move into the area.

Mr. LaCroix explained that the primary reason for moving is due to the increased need in the community. There is also an increased need for parking and space. He noted that the majority of people who use SACA services are working people who need supplemental help to make ends meet. There has not been a history of increased crime due to SACA. SACA is already planning on moving and that the zoning fits the current location.

Boucher explained that Staff had a development review committee which included public works, community development, the fire department and the police department. Captain Markham reviewed the crime issues that are already present and believes there is more crime due to it not being a busy area and there is more cover for crime. Increasing activity in the area could actually lower the potential of crime.

Chirpich added that they discussed ways they could activate the nearby park.

Ms. St. Gabriel-Dargay expressed her concerns that neighbors were not being heard and that surrounding neighbors have voiced their concerns about crime.

Polly Philblad, City resident, stated that SACA has influenced her life and she had an opportunity to volunteer there. She explained she also used the services at SACA and they helped her during a difficult time in life.

Public Hearing Closed.

*Motion by Wolfe, seconded by Deneen, to waive the reading of the draft Ordinance amendment No. 1690, there being ample copies available to the public. All ayes. MOTION PASSED.*

*Motion by Deneen, seconded by Wolfe, to recommend that the City Council approve draft Zoning Ordinance Amendment No. 1690 as presented. All ayes. MOTION PASSED.*

**DRAFT**

**ORDINANCE NO. 1690**

**AN ORDINANCE AMENDING CHAPTER 9.111 OF THE CITY CODE OF 2005 TO ESTABLISH LIMITED RETAIL SALES AS A PERMITTED USE IN THE CITY'S I-1, LIGHT INDUSTRIAL ZONING DISTRICT, AND I-2, GENERAL INDUSTRIAL ZONING DISTRICT**

The City of Columbia Heights does ordain:

**Section 1**

The definition of the term “Retail Sales, Limited,” as provided in Section 9.103 of the City Code of 2005, is hereby established to read as follows:

RETAIL SALES, LIMITED (LIMITED RETAIL SALES). Retail sales of products manufactured, process, or delivered in bulk and repackaged for sale on the site, provided that the sales area does not exceed 20% of the gross floor area of the principal building and must adhere to the performance standards set forth in section 9.106.

## Section 2

9.111 (D)(3) of the City Code of 2005 (I-1 District Permitted Uses) is hereby amended to read as follows, to wit:

(2) *Permitted uses.* Except as specifically limited herein, the following uses are permitted within the I1, Light Industrial District:

- a) Community center.
- b) Government office.
- c) Government maintenance facility.
- d) Government protective service facility.
- e) Public park and/or playground.
- f) Recreational facility, indoor.
- g) Recreational facility, outdoor.
- h) Automobile and motorcycle repair, major.
- i) Automobile and motorcycle repair, minor.
- j) Laboratory, medical.
- k) Office
- l) Studio, radio or television.
- m) Assembly, manufacturing and/or processing.
- n) Freight terminal.
- o) Maintenance facility.
- p) Office/showroom.
- q) Office/warehouse.
- r) Printing and/or publishing.
- s) Self-service storage facility.
- t) Warehousing and/or distribution.
- u) Pawnshops.
- v) Tattoo shops.
- w) Body piercing shops.
- x) Motor vehicle parts store.
- y) Brewer taproom.
- z) *Retail sales, limited*

## Section 3

**9.111 (E)(3) of the City Code of 2005 (I-2 District Permitted Uses) is hereby amended to read as follows, to wit:**

- (2) *Permitted uses.* Except as specifically limited herein, the following uses are permitted within the I2, General Industrial District:
- a) Community center.
  - b) Government office.
  - c) Government maintenance facility.
  - d) Government protective service facility.
  - e) Public park and/or playground.
  - f) Recreational facility, indoor.
  - g) Recreational facility, outdoor.
  - h) Automobile and motorcycle repair, major.
  - i) Automobile and motorcycle repair, minor.
  - j) Laboratory, medical.
  - k) Office
  - l) Studio, radio or television.
  - m) Assembly, manufacturing and/or processing.
  - n) Freight terminal.
  - o) Maintenance facility.
  - p) Office/showroom.
  - q) Office/warehouse.
  - r) Printing and/or publishing.
  - s) Self-service storage facility.
  - t) Warehousing and/or distribution.
  - u) Pawnshops.
  - v) Tattoo shops.
  - w) Body piercing shops.
  - x) Motor vehicle parts store.
  - y) Brewer taproom.
  - z) *Retail sales, limited*

**Section 4**

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

*(insert signature box)*

**OTHER BUSINESS**

**3. Review Purchase of 3851 Central Avenue NE.**

Chirpich stated it is required that when the EDA acquires property, to address the acquisitions with the Planning Commission to ensure compliance with the Comprehensive Plan. The property is located in the Central Business District. The goal is to provide

mechanisms for successful redevelopment of vacant lands and targeted areas within the community. This is done through enhancing the image and visibility of the Central Avenue corridor which protecting and enhancing adjacent residential areas. It will encourage infill development that demonstrates compatibility with existing neighborhood characteristics in terms of quality, design, building height, placement, scale and architectural quality. The EDA's intent is demolition for redevelopment. There are no immediate plans for the corner but it will likely be a larger land assembly over a period of years to acquire additional adjacent properties. It is currently zoned commercial.

Questions/Comments from Members:

Sahnaw asked if the fire department would be burning down the building. Chirpich replied that the fire department would be using the buildings for training.

Kaiser asked if the previous uses of the buildings were out of use since the EDA has already completed the purchases. Chirpich replied that the homes are vacant.

*Motion by Kaiser, seconded by Deneen, to waive the reading of the Resolution 2023-PTZ06, there being ample copies available to the public. All ayes. MOTION PASSED.*

*Motion by Wolfe, seconded by Gianoulis, to adopt Resolution 2023-PZ06, a resolution finding that the acquisition of certain land for redevelopment purposes by the Columbia Heights Economic Development Authority is consistent with the City of Columbia Heights' Comprehensive Plan. All ayes. MOTION PASSED.*

**RESOLUTION NO. 2023-PZ06**

**A RESOLUTION FINDING THAT THE ACQUISITION OF CERTAIN LAND FOR REDEVELOPMENT PURPOSES BY THE COLUMBIA HEIGHTS ECONOMIC DEVELOPMENT AUTHORITY IS CONSISTENT WITH THE CITY OF COLUMBIA HEIGHTS' COMPREHENSIVE PLAN.**

**WHEREAS**, the Columbia Heights Economic Development Authority (the "Authority") proposes to purchase certain property (the "Property") located at 3851 Central Avenue NE, (PID 36-30-24-33-0011) in the City of Columbia Heights (the "City") and described on the attached Exhibit A, for the purposes of eventual redevelopment; and

**WHEREAS**, Minnesota Statutes, Section 462.356, subd. 2 requires the City's Planning Commission to review the proposed acquisition or disposal of publicly-owned real property within the City prior to its acquisition or disposal, to determine whether in the opinion of the Planning Commission, such acquisition or disposal is consistent with the comprehensive municipal plan; and

**NOW, THEREFORE BE IT RESOLVED**, the Planning Commission has reviewed the proposed acquisition of the Property, and has determined that the Authority's purpose is to redevelop the Property, and that the proposed acquisition is therefore consistent with the City's comprehensive plan.

**BE IT FURTHER RESOLVED** that this resolution be communicated to the Board of Commissioners of the Authority.

**ORDER OF THE PLANNING COMMISSION**



(insert signature box)

**4. Review Purchase of 3853 Central Avenue NE.**

Chirpich explained that the same presentation for item 3 applies for item 4.

*Motion by Deneen, seconded by Kaiser, to waive the reading of the Resolution 2023-PZ05, there being ample copies available to the public. All ayes. MOTION PASSED.*

*Motion by Gianoulis, seconded by Wolfe, to adopt Resolution 2023-PZ05, a resolution finding that the acquisition of certain land for redevelopment purposes by the Columbia Heights Economic Development Authority is consistent with the City of Columbia Heights' Comprehensive Plan. All ayes. MOTION PASSED.*

**RESOLUTION NO. 2023-PZ05**

**A RESOLUTION FINDING THAT THE ACQUISITION OF CERTAIN LAND FOR REDEVELOPMENT PURPOSES BY THE COLUMBIA HEIGHTS ECONOMIC DEVELOPMENT AUTHORITY IS CONSISTENT WITH THE CITY OF COLUMBIA HEIGHTS' COMPREHENSIVE PLAN.**

**WHEREAS**, the Columbia Heights Economic Development Authority (the "Authority") proposes to purchase certain property (the "Property") located at 3853 Central Avenue NE, (PID 36-30-24-33-0159) in the City of Columbia Heights (the "City") and described on the attached Exhibit A, for the purposes of eventual redevelopment; and

**WHEREAS**, Minnesota Statutes, Section 462.356, subd. 2 requires the City's Planning Commission to review the proposed acquisition or disposal of publicly-owned real property within the City prior to its acquisition or disposal, to determine whether in the opinion of the Planning Commission, such acquisition or disposal is consistent with the comprehensive municipal plan; and

**NOW, THEREFORE BE IT RESOLVED**, the Planning Commission has reviewed the proposed acquisition of the Property, and has determined that the Authority's purpose is to redevelop the Property, and that the proposed acquisition is therefore consistent with the City's comprehensive plan.

**BE IT FURTHER RESOLVED** that this resolution be communicated to the Board of Commissioners of the Authority.

**ORDER OF THE PLANNING COMMISSION**

(insert signature box)

**ADJOURNMENT**

*Motion by Wolfe, seconded by Kaiser to adjourn the meeting at 6:40 pm. All ayes. MOTION PASSED.*

Respectfully submitted,

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Alicia Howe, Administrative Assistant