



PLANNING COMMISSION
City Hall—Council Chambers, 590 40th Ave NE
Tuesday, May 03, 2022
6:00 PM

MINUTES

The meeting was called to order at 6:02 pm by Hark.

CALL TO ORDER/ROLL CALL

Commissioners present: Laurel Deneen, Stan Hoium, John Murzyn Jr., Mike Novitsky, Mark Vargas, Clara Wolfe

Commissioners absent: Tom Kaiser, Eric Sahnou

Also present: Aaron Chirpich, Community Development Director; Minerva Hark, City Planner; Sara Ion, City Clerk; Eric Johnston, Police Department Captain; David DeGennaro, City Resident

1. Swearing in of Newly Appointed Planning Commissioner Laurel Deneen

2. Election of Planning Commission Officers

The election of officers was postponed to the next meeting on June 7, 2022, due to two commissioners being absent from the meeting.

3. Approval of March 1, 2022 Planning Commission Meeting Minutes

Motion by Hoium, seconded by Novitsky, to approve the minutes from the meeting of March 1, 2022. All ayes. MOTION PASSED.

PUBLIC HEARINGS

4. Conditional Use Permit and Variance for Public Safety Site Perimeter Fence Located at 825 41st Avenue NE

Introduction: Hark reported that the City of Columbia Heights has applied for a Conditional Use Permit and Variance for the property located at 825 41st Avenue NE. The project site is home to the City's Police and Fire Departments, which was constructed in 2009. The applicant proposes to construct an 8-foot-high perimeter security fencing to improve the overall security and safety of the Public Safety campus. The proposed fencing on the western and a portion of the eastern property lines will be black steel palisade anti-scale fencing with the top turned outwards. The property's proposed rear fencing will be chain link, with north and south chain link pivot gates that meet the pavement. No fencing is proposed along the site's front property line.

Zoning Ordinance: The subject property is located in the PO – Public and Open Space Zoning District. It is adjacent to a Planned Unit Development (PUD #2021-01) to the north, One- and Two-

Family Residential District (R-2A) to the west, and Multiple-Family Residential District to the east (R-4) and the south (R-3). Since the site is directly adjacent to residential zoning districts, the fencing is considered “residential.” Per City Code §9.106(E)(2), fences exceeding six feet in height shall be deemed structures and shall require a Conditional Use Permit. The Zoning Ordinance further requires that fences cannot exceed seven feet in height. Because the proposed fence exceeds this height, a Variance is also requested. The Zoning Ordinance requires the Planning Commission to hold a public hearing on the applications for a Conditional Use Permit and Variance and submit its recommendation to the City Council for final determination.

Comprehensive Plan: The Comprehensive Plan guides this area for Institutional Use, which is consistent with its current use as the City’s Public Safety campus. The proposed perimeter security fencing is compatible with the institutional use guided for this site by the Comprehensive Plan.

Findings of Fact: Section 9.104 (H) of the Zoning Code outlines nine conditions that must be met for the City 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.
Staff comments: City Code §9.106(E)(2) stipulates that residential fences that exceed six feet in height shall require a Conditional Use Permit. This application is consistent with the requirements of the Code.
- (b) The use is in harmony with the general purpose and intent of the comprehensive plan.
Staff comments: The Comprehensive Plan guides this property for institutional use. Installing a perimeter security fence around the City’s Public Safety Building is in harmony with the purpose and intent of the Comprehensive Plan.
- (c) The use will not impose hazards or disturbing influences on neighboring properties.
Staff comments: The proposed 8-foot height perimeter security fencing should not cause hazards or disturbing influences on neighboring properties.
- (d) The use will not substantially diminish the use of property in the immediate vicinity.
Staff comments: The proposed project should not diminish the use of the property in the immediate vicinity.
- (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.
Staff comments: The proposed black steel fencing is of high-quality material that is under 25% opaque. Additionally, the proposed chain link fencing will also have very low opaqueness, which will contribute to preserving the current appearance and character of the neighborhood.
- (f) The use and property upon which the use is located are adequately served by essential public facilities and services.

Staff comments: 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.

Staff comments: This is correct. The fencing should not affect traffic congestion on public streets or on-site traffic circulation.

- (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.

Staff comments: This is correct. The fencing should not cause a negative cumulative effect.

- (i) The use complies with all other applicable regulations for the district in which it is located.

Staff comments: This is correct. The fence will be constructed of approved fencing materials per the Zoning Ordinance and State Building Code.

Additionally, Section 9.104 (G) of the Zoning Code outlines five conditions that must be met for the City to grant 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.

Staff comments: The parcel in question serves as the home of the City's Police and Fire Departments. The public safety use warrants a two-foot increase in allowable fence height and is permissible by the zoning ordinance through the Variance process.

- (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.

Staff comments: The specific parcel of land in question serves as the City's sole public safety center, making the conditions unique to the parcel.

- (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.

Staff comments: The subject property is publicly owned. The variance allowing additional height of the fence will help improve the overall security and safety of the Public Safety campus.

- (d) The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.

Staff comments: The property is guided for institutional use. The proposal is consistent with the general purpose and 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.

Staff comments: It does not appear that the 8-foot fencing proposed for this site would be detrimental to the public welfare or affect the overall enjoyment, use or value of the property in the area.

Recommendation: Staff recommends that the Planning Commission recommend approval of the proposed Conditional Use Permit and Variance for the property located at 825 41st Avenue NE, subject to certain conditions.

Questions/Comments from Members:

Vargas asked what material the Impasse II rail, trademark “R” would be and expressed concerns about the durability, specifically the fasteners and that it could cause rotting and the need to repaint. Hark stated it would be steel and that Staff could monitor that in the coming years.

Deneen asked if any soft-scape materials were going to be added to minimize the impact of the fence, since this is a residential area. Hark asked Johnston if there would be any landscape and he stated that landscape will be adjusted, but the height of the fence is to prevent people from climbing over it, so trees cannot be nearby.

Wolfe asked about the gates and why portions of fence are enclosed, specifically the back, and the front is not. Johnston said that this project as part of a larger safety plan for the building, where three sides will be in place permanently but the fourth side, which is already purchased, can put in temporarily if there becomes a need to secure the building. He added that currently the electrical and inputs into the building are currently not secured, which is another thing to consider.

Novitsky asked if it would make sense to enclose all four sides at this time. Johnston referenced the events that had taken place at Minneapolis and Brooklyn Center, and stated that they believe this plan allows for additional security but keeps a good open visual at the front of the building for the majority of the time, unless the additional security is needed.

Public Hearing Opened.

David DeGennaro, City resident, stated that his question was already answered by Johnston as he wanted to know what prompted the plans for this type of fence. He also asked if there have been any studies on how this type of fence affects the value of nearby properties. Johnston stated that he has not seen any studies on fencing and property values. Hark added that City Staff has determined that the fencing would not diminish the quality or feel of the properties in the surrounding areas.

Hoium stated his concern about the building having a “prison fence” around it and he isn’t sure he agrees with the need. He asked if this is going to continue to the other City buildings, and where is the line.

Deneen asked if it was considered just to do the backside of the building where electrical, squads, or employee vehicles are, and leaving the other sides open and bringing in temporary housing if needed. Johnston stated that if an incident happens, there is a time issue; having to store that amount of fence, haul it in and assemble it in a timely manner. The one temporary side is 600 feet.

Hoium said that the plan includes 8-foot chain link fence around the back where there is already a 12-foot wall. Johnston stated that they didn't look at the height of the wall, it's the ability to scale it and climb over. He added that they looked at 10-foot and 8-foot and felt that 8-foot was a good height and moved that recommendation forward.

Hoium asked if the current fence along the back was 5-feet high. Johnston agreed. He added that the cloth from 2 ¼ inch to 1-inch mesh which is what makes it "anti-scale".

Hoium asked if there have been any security problems up to this point or are they anticipating a riot. Johnston stated they are planning for what may happen, they have not had any security threats at this point.

Vargas stated that there are some elevation and grade changes on the north side of the building and asked if those have been thought of to incorporate to deter people. Johnston stated that they are going to use the elevation, but they discovered that there were footpaths, indicating people were still walking through the elevations. He added that they want to try to secure access points in an event where they don't have to utilize staff to do that.

Hoium asked why the swamp area was not included in the fenced area. Johnston stated that it would cost extra and it's not an area they are trying to protect.

Vargas asked Staff if the pond is considered a dry pond or if it is draining somewhere specific. Chirpich stated that the pond is surplus capacity, meaning surcharge events will fill it up, and then it will dissipate; most of the time it is dry. He added it would be easier for Public Works to maintain and if it was fenced, the fence would be closer to the residential properties.

Hoium asked what other cities have surrounded their Public Safety buildings like this. Johnston stated he is aware of the federal building that was built in Brooklyn Center, Anoka County Sheriff's office, and any buildings that are being built currently, he believes fencing like this will be considered.

Vargas stated he believes the Police Department in Brooklyn Park also has a similar fence.

Wolfe said that she recalls that when the Public Safety building was built, that she was surprised there wasn't fencing on the Police side at least.

Deneen stated that the residential properties will have a big impact from the change in the fencing and asked about if any landscape was going to be done in those areas. Johnston said that more decorative fencing was selected for that area and any landscaping that is impacted will get backfilled.

Wolfe stated that letters would have been sent out requesting feedback from the impacted properties. Hark said that notices were sent to properties within 350-feet of the entire site and she received questions regarding the process but no complaints.

Public Hearing Closed.

Motion by Vargas, seconded by Hoium, to close the public hearing and waive the reading of the draft resolution attached, there being ample copies available to the public. All ayes. MOTION PASSED.

Motion by Vargas, seconded by Wolfe, to recommend that the Planning Commission recommend to the City Council approval of the Conditional Use Permit and Variance as presented, subject to the following conditions of approval:

- 1. The site plan included in this submittal shall become part of this approval.*
- 2. The applicant shall submit a building permit application for review and approval prior to construction.*
- 3. Fences greater than seven feet in height shall be of an engineered design and capable of withstanding the applicable wind loads in the Minnesota State Building Code.*
- 4. All other applicable local, state, and federal requirements shall be met at all times.*

A roll call vote was taken. All ayes. MOTION PASSED.

OTHER BUSINESS

5. Role of Planning Commissioner

Hark stated that in the packet they received a PowerPoint presentation regarding all the rules and regulations and what it means to be a Planning Commissioner. She asked if there are any questions.

The Commissioners thanked Hark for providing it as a refresher.

6. Reminder: Planning Commission Meeting Tuesday, June 7, 2022

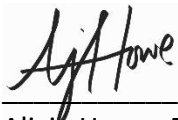
Hark reminded the Commission that at this meeting they will elect officers and they have three applications that they have received: a fireworks tent, a lot-line adjustment, and a conditional use permit for a brewery.

Hoium asked about the fireworks tent and thought that it was going to be an administrative application. Hark stated it is still in the City Code and hopefully it can be updated soon.

ADJOURNMENT

Vargas adjourned the meeting at 6:34 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alicia Howe". The signature is written in a cursive style with a large initial "A".

Alicia Howe, Recording Secretary