



PLANNING COMMISSION
City Hall—Council Chambers, 590 40th Ave NE
Tuesday, May 02, 2023
6:00 PM

AGENDA

ATTENDANCE INFORMATION FOR THE PUBLIC

Members of the public who wish to attend may do so in-person, by calling **1-312-626-6799** and entering meeting ID **810 9064 1596** or by Zoom at <https://us02web.zoom.us/j/81090641596>. For questions please call the Community Development Department at 763-706-3670.

INTRODUCTIONS:

Andrew Boucher, City Planner

John Gianoulis, Planning Commissioner

CALL TO ORDER/ROLL CALL

APPROVE MINUTES

1. Approve February 7, 2023 Planning Commission Meeting Minutes

MOTION: Move to approve the Planning Commission Meeting Minutes of February 7, 2023.

PUBLIC HEARINGS

2. Renaissance Fireworks Interim Use Permit for Seasonal Fireworks Sales Tent

MOTION: Move to close the public hearing and waive the reading of Resolution No. 2023-PZ03, there being ample copies available to the public.

MOTION: Move to adopt Resolution No. 2023-PZ03, being a resolution approving an Interim Use Permit for a fireworks sales tent at 4001 Central Avenue NE, from June 24, 2022 to July 5, 2022, subject to the conditions stated in the resolution.

OTHER BUSINESS

ADJOURNMENT

Auxiliary aids or other accommodations for individuals with disabilities are available upon request when the request is made at least 72 hours in advance. Please contact Administration at 763-706-3610 to make arrangements.



PLANNING COMMISSION
 City Hall—Council Chambers, 590 40th Ave NE
 Tuesday, February 07, 2023
 6:00 PM

MINUTES

CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:00 pm by Chair Sahnou.

Commissioners Present: Laurel Deneen, Stan Hoium, Tom Kaiser, Eric Sahnou, Mark Vargas, Clara Wolfe

Commissioners Not Present: Mike Novitsky

Staff Present: Aaron Chirpich, Community Development Director; Bob Kirmis, Consultant Planner; Alicia Howe, Administrative Assistant; Jessen Como, Ruff Love Dogs Owner; Anthony Courtright, City Resident; Jeffery Dobberpuhl, City Resident; Megan Dobberpuhl, City Resident; Sara Ion, City Resident

1. Election of Planning Commission Officers

Chirpich stated election of Planning Commission Officers typically occurs during the first Planning Commission meeting of the year. He noted in 2022, the election did not occur until June which is why the terms were shorter than normal. He stated they would take nominations for each position and if there was more than one nomination, they would take a roll call vote before moving to elect. He added, for a member to be considered for an officer position, they must be nominated by another Planning Commission member or nominate themselves.

Vargas nominated Sahnou as President of the Planning Commission. Wolfe agreed and added she would like the roles to remain the same since there have only been a few meetings.

Motion by Vargas, seconded by Wolfe to elect Sahnou as Chair of the Planning Commission. A roll call vote was taken. All ayes of present. MOTION PASSED.

Vargas nominated Kaiser for Vice Chair of the Planning Commission.

Motion by Vargas, seconded by Sahnou to elect Kaiser as Vice Chair of the Planning Commission. A roll call vote was taken. All ayes of present. MOTION PASSED.

Kaiser nominated Vargas as Secretary/Treasurer of the Planning Commission.

Motion by Kaiser, seconded by Hoium to elect Vargas as Secretary/Treasurer of the Planning Commission. A roll call vote was taken. All ayes of present. MOTION PASSED.

APPROVE MINUTES

2. Approve November 1, 2022 Planning Commission Meeting Minutes

Motion by Wolfe, seconded by Hoium to approve the Planning Commission Meeting Minutes of November 1, 2022. All eyes of present. MOTION PASSED.

Chirpich noted they will have a new Planner with the City in the next meeting and are in the process of hiring for that position.

PUBLIC HEARINGS

3. Zoning Ordinance Amendment and Conditional Use Permit

Kirmis stated Ruff Love, LLC, on behalf of LOC and KEA Holdings, LLC, has requested approval of a Zoning Ordinance Amendment and Conditional Use Permit to accommodate the establishment of dog daycare and boarding facility upon a 10,890 square foot site located at 3801 3rd Street NE (north of 38th Avenue NE between 3rd Street NE and University Avenue NE).

Kirmis noted the applicant plans to convert an existing 6,300 square foot industrial building located on the site (previously occupied by "Paddle North") into a dog daycare and boarding facility. The proposed use would occupy the entire building.

Kirmis stated the subject site is bordered on the north and south by industrial uses, on the east by University Avenue NE and multiple family residential uses and on the west by single and two-family dwellings.

Kirmis added the site is presently zoned I-1, Light Industrial which currently does not make an allowance for animal kennels, dog daycare or boarding uses. As a result, the approval of a Zoning Ordinance Amendment to allow "animal kennels" in the I-1 District (as a conditional use) must precede action on the requested conditional use permit approval.

Kirmis noted at present, only the City's GB, General Business District makes an allowance for "animal kennels." Such uses are "conditional" and therefore are subject to conditional use permit processing.

Kirmis stated the requested Zoning Ordinance change would apply to all properties located within I-1, Industrial zoning district. The subsequent conditional use permit application, however, applies only to the subject site.

Kirmis mentioned if approved, the dog daycare and boarding facility will be relocated from its current location in northeast Minneapolis. According to the applicant, the new Columbia Heights location will accept up to 100 dogs a day and will have a maximum six employees on-site at one time. Except for a new dog run area on the east side of the building, no exterior modifications to the existing site and building are proposed.

Kirmis stated the first action is the zoning ordinance amendment. It is the opinion of Staff that animal kennels and/or shelters can compatibly exist within I-1 Districts provided various precautions are taken to address potential adverse impacts. He added it is common to allow this type of use in light industrial districts.

Kirmis noted that while the Zoning Ordinance presently includes several animal kennel-specific performance standards, Staff recommends that such standards be expanded to address potential adverse impacts in a more comprehensive manner. In this regard, Staff researched “animal kennel” standards presently imposed by several other metropolitan area cities. The additional standards included in the draft Zoning Ordinance Amendment primarily reflect standards imposed by the City of New Hope which incorporate Humane Society recommendations. Kennel size recommendations of the Association of Shelter Veterinarians (ASV) have also been incorporated (in the amendment language).

Kirmis reviewed the modifications that are recommended by Staff:

1. The existing definition of “kennel” be expanded to provide clarity regarding the allowance of animal daycare uses.
2. The City’s existing performance standards pertaining to animal kennels and/or shelters be expanded to add consistency.

Kirmis noted the second part of the amendment adds animal kennels as an allowed conditional use in the light industrial zoning district. He explained the third part of the amendment is the addition to some conditions related to the activity. He added, presently the ordinance has a set of 4 conditions that apply to animal kennels with a number of kennel related conditions proposed.

Kirmis reviewed the current ordinance references the need to apply for a conditional use permit and states outdoor kennels are prohibited and says outdoor spaces related to kennel use must be screened from neighborhood uses and indoor activities must have sound proofing. He noted in regard to the outdoor spaces, Staff is recommending the space shall be cleaned regularly so as not to create a nuisance as defined by the City Code. He added animal waste produced within the space shall not be allowed to directly enter the City’s storm sewer system. He stated this feedback has been received by the City Engineer in regard to the draining in the outdoor run area.

Kirmis stated the conditional use permit is specific to the site. He reviewed the conditional use permit:

1. Access

Access to the site is proposed from the south via 38th Avenue NE. No changes related to site access are proposed.

As shown on the submitted site plan, a row of 90-degree off-street parking stalls are located in the southeast corner of the site, along 38th Avenue NE. In this regard, access

to such row of parking is provided via an 80- foot-wide surmountable curb along 38th Avenue NE.

Also, to be noted is that a loading area located at the southwest corner of the building is likewise accessed from the south via 38th Avenue NE.

2. Off-Street Parking

Supply Requirements. The submitted site plan illustrates a total of 10 off-street parking stalls. The Zoning Ordinance does not include a specific off-street parking supply requirement for “animal kennels.” Rather, the Ordinance states that supply requirements are to be determined by Staff.

In researching parking supply requirements for animal daycare/kennel uses, the most common city standard applies an office supply standard to that area of a kennel devoted to office use and a warehouse standard to that area of the building devoted to kennel uses.

The applicant has indicated that a maximum of six employees will be on-site at one time. With this in mind, an off-street parking supply requirement of five stalls is considered deficient. Staff does, however, consider the 10 spaces provided on site to be adequate to accommodate expectant parking demand (six spaces for employees and four spaces for customers). As a condition of conditional use permit approval, it is recommended that a minimum of 10 off-street parking stalls be provided to accommodate the proposed use. Appropriately, one off-street parking space on the site has been designated as a disability stall (in accordance with the American Disability Act).

Parking Area Setbacks. Within I-1 zoning districts, the following parking area setbacks are imposed:

Front Yard: 20 feet Corner
Side Yard: 5 feet
Rear Yard 5 feet

The existing parking area upon the subject site extends to side (south) and rear (east) lot lines with no setback. In this regard, the existing parking area is considered a legally non-conforming condition as it fails to meet the City’s current parking area setback requirements.

3. Outdoor Activities (Dog Run)

As shown on the submitted site plan, an approximate 1,300 square foot outdoor dog run area is proposed on the east side of the building. The dog run area is considered well-placed in terms of minimizing impacts upon residential uses in the area. The run area abuts industrial buildings to the north and west and faces an industrial use to the south (along 38th Avenue NE). The outdoor run area will be screened from view of the

homes located along the east side of University Avenue NE via a six-foot-high wood panel fence. The proposed fence meets applicable requirements of Section 9.106(E)(3) of the Zoning Ordinance pertaining to nonresidential fences.

Also, to be noted is that a significant amount of vegetation exists along the eastern boundary of the site, within the Central Avenue NE right-of-way. While technically “off-site,” such vegetation provides additional screening of the outdoor activity area.

Kirmis added as a condition of conditional use permit approval, the property owner or custodian of the property shall have the obligation and responsibility to prevent such animal from committing any act which constitutes a public nuisance as provided in Section 8.101(D) of the City Code.

4. Indoor Activities (Kennels)

The Zoning Ordinance Amendment includes several standards which apply to indoor activities on the site. In this regard, the following requirements are recommended as conditions of conditional use permit approval:

1. All indoor activities shall include soundproofing and odor control.
2. The kennel or shelter shall provide a minimum floor area of 48 square feet per dog and 20 square feet per cat or any other animal boarded at any one time, exclusive of office or storage area.
3. The air temperature within the kennel or shelter shall be maintained between 60 degrees and 80 degrees Fahrenheit.
4. Within the kennel area, wall finish materials below 48 inches in height shall be impervious, washable materials such as sealed masonry, ceramic tile, glass board, or fiberglass reinforced plastic (FRP) panels.
5. Floor finishes shall be sealed concrete, or another impervious surface approved by the City.
6. Animal waste shall be immediately cleaned up with solid waste enclosed in a container of sufficient construction to eliminate odors and organisms. All animal waste shall be disposed of daily.
7. The kennel or shelter shall provide sufficient, uniformly distributed lighting to the kennel area.

5. Business Hours

It is understood that dog daycare and boarding activities on the site will be conducted on a 24-hour basis. It has not, however, been indicated what, if any, business hours for customer drop-off and pick-up activities are proposed.

To ensure land use compatibility, it is recommended that customer business hours, as deemed appropriate by the City, be established.

6. Trash

While a loading area exists on the south side of the building, it is not clear if trash handling equipment is to be located within the building or outside. If trash handling equipment is to be stored outdoors, its location should be illustrated on the site plan.

Also, consistent with Ordinance requirements, exterior trash and/or recycling collection areas on the site must be enclosed on at least three sides by an opaque screening wall or fence no less than six feet in height. The open side of the enclosure shall not face any public street or the front yard of any adjacent property.

7. Licensing

As a condition of conditional use permit approval, the kennel must be appropriately licensed in accordance with Section 5.607 of the City Code.

8. Neighborhood Notification

As required, neighborhood notification of the conditional use permit application has been provided to property owners within 350 feet of the subject property.

Kirmis mentioned City Staff have received 3 neighborhood comments and highlighted that a comment from the owner of property located at 3754 3rd Street NE (southwest of the subject site) has expressed opposition to the applicant's request. A copy of the property owner's letter is attached to the report.

Kirmis added they have received a letter from a property owner who asked questions regarding the use of the property. He stated in addition, a property owner who lived next to the applicant's previous property sent a letter endorsing the use of the property.

9. Staff Review

The Public Works Department, Police Department, and Fire Department have been provided copies of the application materials.

Kirmis stated Staff recommends that the Planning Commission recommend the following to the City Council:

- A. Approval of the Zoning Ordinance Amendment which makes an allowance for animal kennels and/or shelters as a conditional use in the City's I-1, Light Industrial District.

Approval of the Conditional Use Permit for property located at 3801 3rd Street NE (PID# 35-30-24-33- 0078) subject to the following conditions:

1. Outdoor storage upon the subject site shall be limited to vehicles which are accessory to the principal use of the property (automobile repair) and awaiting repair and/or pick-up. Vehicles which are not awaiting repair and/or pick-up on the site are not considered an accessory to the principal use and therefore are not allowed to be stored on the property.
2. There shall be no storage of junk vehicles used for parts on the premises.

3. There shall be no vehicles for sale on the property, and customers shall not buy vehicles from the site.
4. All vehicles stored on the premises shall be currently licensed, registered and insured.
5. The outdoor storage of vehicles within the public rights-of-way shall be prohibited.
6. All vehicles to be stored outdoors shall be located on an impervious surface.
7. In accordance with the submitted site plan dated August 29, 2022, a maximum of 79 vehicles shall be stored upon the site at one time.
8. Outdoor storage activities shall be limited to the rear yard of the site (south of the automobile repair building).
9. All individual vehicle parking stalls within the outdoor storage area shall meet the required dimensions outlined in Section 9.106(L) of the Zoning Ordinance, and be delineated with pavement striping, as depicted on the submitted site plan dated August 29, 2022.
10. Drive aisles within the outdoor storage area, as depicted on the submitted site plan dated August 29, 2022, shall be maintained to ensure proper site circulation and emergency vehicle access.
11. The Fire Department shall be provided access to the site from the south (from 38th Place NE) in the event of emergency. This issue shall be subject to further comment and recommendation by the Fire Department.
12. The site plan shall be modified to illustrate the required off-street parking stalls (11 spaces, plus one space per service bay). Of the required spaces, one shall be designated on the site plan and on the property as a disability parking stall.
13. All new signage shall be subject to a sign permit and shall be reviewed and approved by the City.
14. The submitted site plan shall be modified to illustrate trash handling and loading locations.
15. All exterior lighting on the site shall comply with the preceding requirements as provided in Section 9.106(K) of the Zoning Ordinance.
16. All required state and local codes, permits, licenses and inspections shall be met and be in full compliance.

Wolfe asked what the distinction was between light and heavy industrial. Kirmis stated heavy industrial refers to manufacturing project while light industrial refers to distribution. Wolfe asked if Columbia Heights typically has more light industrial zones. Chirpich stated it is primarily light industrial.

Wolfe asked if they adopted the change in the zoning ordinance would there still be the requirement of the conditional use regardless of where it is applied. Chirpich agreed and stated if there was a subsequent applicant on I-1 that came forward they would go through the conditional use process with the Planning Commission and City Council.

Vergas asked where the conditional use permit goes when a property owner moves. Chirpich stated the permit stays with the land unless the use is discontinued for a period of one year.

Vergas asked if Rocky's Gym was light industrial. Chirpich stated it was considered a limited business district.

Vergas asked what the sprinkler system requirements would be. Chirpich mentioned the EDA approved a significant grant for installation of a fire suppression system. He added that the city building code is strict and requires sprinkler systems for buildings over 2,000 square feet when there is a change of use.

Hoium asked who oversees the requirements of the conditional uses. Chirpich stated there will be a number of permits throughout the build out but Planning Staff will verify the fence, dog run improvements and interior improvements. He added it is likely there will be a plumbing permit and they would lean on the building official for that. He stated in addition, the nuisance requirements would be enforced by the city.

Hoium asked if animal waste would go down the sanitary sewer. Chirpich stated they would not and there would be floor drains for non-solids; he added the applicant could provide more insight.

Sahnow asked if they were anticipating the same provisions being changed to the general business district based on the I-2 conditional use. Kirmis explained that the ordinance lists allowed uses and provides a separate section where specific standards are established. He added no matter the zoning district, the requirements would apply. He noted existing facilities must abide by the conditions of their original approval.

Sahnow asked if Staff found any recommendation for the level or type of soundproofing. Chirpich stated they did not research detailed information. Ruff Love Dogs Owner, Jessen Como stated the goal is to keep the dogs calm and quiet and have a staff attending to each dog. He stated they have not had sound proofing in place in the past and did not have complaints about it. He added if a dog is barking consistently, they speak with the owner about it not being the right fit; in addition, they have high requirements for dogs they board.

Hoium asked how waste would be managed. Mr. Como stated all waste is put into compostable bags that go into the garbage each night. He added that urine and extra waste is sprayed down with OdoBan. He mentioned they have been in business for 13 years and desire to work with the community and do not want to be a nuisance.

Deneen asked if their current location is in a residential area. Mr. Como stated it is the same layout as the Columbia Heights building.

Wolfe asked what Mr. Como anticipated for traffic. Mr. Como stated he currently has 5 parking spots and is rarely full and does not anticipate much disturbance to the residents in the area.

Deneen asked if the facility allows for more dogs. Mr. Como stated it allows for a few more.

Sahnow asked what the business hours would be for pick up and drop off. Mr. Como noted it would be 6:30 am to 8 pm Monday through Friday and 9 am to 5 pm on the weekends.

Sahnow opened the public hearing.

Jeffery Dobberpuhl, City Resident stated he lives within 350 feet of the zoned location. He asked if the business was called Ruff Love Dogs LLC. Mr. Como confirmed. Mr. Dobberpuhl stated it was not a valid business in the State of Minnesota since they have been inactive administratively since 2015. He asked if the application could be legally submitted. He questioned if they would be able to follow simple rules if they were not registered.

Mr. Dobberpuhl noted he objects to having the business put in. He added after reviewing the information from the League of Minnesota Cities, if there are zoning changes, they need to make specific legal factual findings regarding public health, safety, morals, and general welfare. He mentioned he researched the minimal decibel levels for kennels and found the minimal levels is 100 dB, which is louder than a motorcycle. He added that because of this, the recommended minimum distance from any residence is 400 feet. He stated it is an issue for the neighborhood because increased sound volume could decrease property values.

Mr. Dobberpuhl stated the business would be on a zero-traffic street and by adding the business it would add 80 cars coming and going. He noted the waste going into outdoor bins would provide a stench in the air and increase black flies. He noted, none of his concerns have been addressed indicated by the League of Minnesota Cities in their consideration. He stated the increase sound and traffic would be a nuisance to the community.

Mr. Dobberpuhl stated there are no yield or stop signs in the area and has concerns whether the area could support the traffic. Vargas stated there was a stop sign on 38th Avenue. Mr. Dobberpuhl stated that the stop sign has been gone for years. Mr. Dobberpuhl expressed his concerns for the safety of children with the increased traffic.

Mr. Dobberpuhl stated he did not believe they had the authority to modify the zoning since they do not have the facts to support it. He added that they cannot create the problem they are asking to get permitted. He stated there were three things to look at: the company's inability to follow state law, the safety concerns have not been properly addressed, and property values decreasing. He stated he does not believe it is supported by Minnesota law or facts.

Chirpich stated Staff does not believe there is a process error and could not confirm registration status. He mentioned the City Clerk looked it up and found that it was a registered business. He added he would need the insight of the city attorney but added the zoning decision would transcend the business alone. He noted the findings of fact that Mr. Dobberpuhl mentioned from the League of Minnesota Cities are listed in the report. He added that the Planning Commission is an advisory board and does not make the final decision, but the Commission's recommendation gets forwarded to the City Council for final approval.

Chirpich stated Staff did not identify a 400-foot recommendation from residential areas and the kennel. He added most industrial properties have residential zones next to them. He stated there has been an effort through the site planning to isolate outdoor dog activity and to have it against a highway to drown out noise. He mentioned there is action that the city can take if there are noise complaints. He added since most industrial zones are by residential zones, it is unavoidable but believes the ordinance is crafted in a way that is protecting against nuisance and added the findings of facts support this.

Hoium asked if a conditional use permit would still be needed for the kennel if the ordinance passed. Chirpich agreed.

Wolfe asked if there would be overnight traffic since they are not open in the night. Mr. Como stated dogs are in their suites from 8:30 pm until 6:15 am. He added there is a vetting process to make sure the right dogs stay overnight. Wolfe asked if traffic would be staggered during pick up and drop off times. Mr. Como stated it is more staggered.

Anthony Courtright, City Resident stated their dogs are regular day care attendees at Ruff Love Dogs. He noted they are professional, clean, and kind. He mentioned they have a stringent screening process for the dogs that are welcomed and added the staff are always in control. He stated all dogs are required to be up to date on their vaccines to attend. He added that the business is currently in a light industrial zone that is near a residential zone so it would be nothing new to them. He stated he is in support of the amendment and would be a welcomed addition to Columbia Heights.

Megan Dobberpuhl, City Resident expressed her concerns on the impact on the residents in the area and how the noise and odor could affect her home life. She added there are real people being affected by the decision. She stated her concerns on decreased home values due to the noise and odor.

Sahnow closed the public hearing and opened the time for discussion for the commissioners.

Deneen stated she believes the applicant has been thoughtful in where to put the outdoor portion of the dog run for a high traffic street to buffer the noise and added the noise ordinance protects the neighborhood from any nuisances.

Kaiser stated from a comprehensive plan perspective, the type of use seems well-suited to the idea of a transitional area. He added it makes sense to amend the zoning to allow for the kind of use for the location. He stated the City did an exceptional job on creating the framework on if an issue could arise.

Vergas proposed Ruff Love Dogs is accordance with the Comprehensive 2040 plan and added it is more in line with light industrial than the two heavy industrial neighbors on both sides of the property. He stated he understands the concerns but noted it conforms to the plan.

Motion by Hoium, seconded by Kaiser to waive the reading of draft Ordinance amendment No. 1682, there being ample copies available to the public. All ayes of present. MOTION PASSED.

Motion by Hoium, seconded by Wolfe to recommend that the City Council approve draft Zoning Ordinance Amendment No. 1682 as presented. All ayes of present. MOTION PASSED.

Motion by Wolfe, seconded by Hoium to waive the reading of draft Resolution No. 2023-09, there being ample copies available to the public. All ayes of present. MOTION PASSED.

Motion by Wolfe, seconded by Hoium to recommend that the City Council adopt draft Resolution No. 2023-09, being a resolution approving a Conditional Use Permit for Ruff Love, LLC for the proposed animal kennel (dog daycare and boarding facility), subject to the conditions listed in the draft resolution. All ayes of present. MOTION PASSED.

OTHER BUSINESS

4. Review Purchase of 841 49th Avenue NE

Chirpich stated pursuant to State Statue, Section 462.356, Subdivision 2, the Planning and Zoning Commission (the "Planning Commission") in and for the City is required to review and ultimately determine that the proposed acquisition of real property by the City's Economic Development Authority (EDA), conforms to the Comprehensive Plan of the City. Therefore, the EDA has requested that the Planning Commission review the acquisition of 841 49th Avenue NE, Columbia Heights, MN 55421 (the "Subject Property") to determine if its acquisition conforms to the Comprehensive Plan of the City.

Chirpich added that the EDA reviewed the purchase of the property and is in support of it. He mentioned they have been able to get in contact with a direct family member and believe it is a strategic acquisition for a number of reasons. He stated it has potential for

commercial use redevelopment in the future and could be zoned to withstand a twin home, two town homes or a single-family home.

Chirpich noted the land use and redevelopment goal is to provide mechanisms for successful redevelopment of vacant lands and targeted areas within the community. He stated the Central Avenue corridor would be a strategic acquisition area of the city. He stated in addition it would enhance the image and viability of the Central Avenue corridor while protecting and enhancing adjacent residential areas. It would also encourage redevelopment discussions for the northern corridor of Central Avenue at 49th Avenue to the City limits. He mentioned redevelopment of that nature is supported through the comprehensive plan.

Wolfe asked what the timeline would be after purchasing the site. Chirpich stated the first step would be remediation of all personal items, and demolition in the spring. He added there is no rush in the timeline.

Hoium asked if it was zoned as residential. Chirpich agreed stating it is R-2-A.

Kaiser stated it is “ripe for redevelopment.”

Motion by Hoium, seconded by Kaiser to waive the reading of Resolution 2023-PZ01, there being ample copies available to the public. All ayes of present. MOTION PASSED.

Motion by Wolfe, seconded by Deneen to adopt Resolution 2023-PZ01, 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 of present. MOTION PASSED.

RESOLUTION NO. 2023-PZ01

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 841 49th Avenue NE, (PID 26-30-24-14-0136) 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

Passed this 7th day of February, 2023

Offered by: Wolfe

Seconded by: Deneen

Roll Call: All ayes of present. *MOTION PASSED.*

Chairperson

Attest:

Secretary

5. Review Purchase of 4243 5th Street NE

Chirpich stated pursuant to State Statute, Section 462.356, Subdivision 2, the Planning and Zoning Commission (the “Planning Commission”) in and for the City is required to review and ultimately determine that the proposed acquisition of real property by the City’s Economic Development Authority (EDA), conforms to the Comprehensive Plan of the City. Therefore, the EDA has requested that the Planning Commission review the acquisition of 4243 5th Street NE, Columbia Heights, MN 55421 (the “Subject Property”) to determine if its acquisition conforms to the Comprehensive Plan of the City.

Chirpich mentioned the property is a single-family acquisition of a blighted property by a property owner who is moving into an assisted living facility. He added Staff had an existing relationship with the realtor that has facilitated previous acquisitions for the city. He stated the house has suffered from deferred maintenance and is a small lot of 40 foot wide. He noted Staff will propose this property to the EDA in an upcoming meeting but decided to address it with the Planning Commission.

Chirpich stated the intent of the property would be acquisition for demolition. He added redevelopment for what they are going to propose is potentially going to be an affordable housing project in partnership with Habitat for Humanity. He explained the reason being is

that the City has a scattered site tax increment financing district that has been idle for many years with funds that need to be utilized. He noted another option would be a market rate deal and would need to go through the EDA.

Chirpich highlighted the main goal as “strengthen the identity and image of the community as a desirable place to live, work, and play.” He added this is accomplished by enhancing the physical appearance of the community through clean-up initiatives, redevelopment opportunities, and housing renovation programs. He reviewed the housing goals and policies stating the goal to “preserve the single-family neighborhoods as one of the community’s strongest assets.” He mentioned the sub-goals include:

1. Enhance and maintain the quality and appearance of single-family neighborhoods and the housing stock through code enforcement and clean-up efforts.
2. Identify redevelopment areas that could support new single-family housing.
3. Evaluate new higher valued housing opportunities to provide move-up housing for existing and new residents.

Hoium asked if the property would be demolished. Chirpich stated it would be and added it would be either a single-family market rate or a single-family affordable in partnership with Habitat for Humanity.

Wolfe asked how much the funds were that could be lost. Chirpich stated \$385,000 and added it is in a TIF district which would generate revenue annually for the next 5-6 years. He mentioned the houses that were redeveloped under that district are contributing about \$50,000 a year.

Sahnaw asked what would happen to the fund in 5-6 years. Chirpich stated they would decertify the TIF district, deal with any fund balance that is in the district and determine what to do with the surplus funds.

Motion by Hoium, seconded by Kaiser to waive the reading of Resolution 2023-PZ02, there being ample copies available to the public. All ayes of present. MOTION PASSED.

Motion by Kaiser, seconded by Deneen to adopt Resolution 2023-PZ02, 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 of present. MOTION PASSED.

RESOLUTION NO. 2023-PZ02

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 4243 5th Street NE, (PID 35-30-24-24-0049) 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

Passed this 7th day of February, 2023

Offered by: Kaiser

Seconded by: Deneen

Roll Call: All ayes of present. *MOTION PASSED.*

Chairperson

Attest:

Secretary

Chirpich stated there are not many updates on the Rainbow site project but mentioned the developer partner expects to reboot and get revised site plans out to the community and begin the engagement process after speaking with the Council. He noted they would like to have entitlements and land use approvals concluded in 2023 and have an expected groundbreaking in spring 2024. He mentioned the grocery store that was going to go into the site has backed out. Chirpich stated they would like to bring the building down in July 2023, and the developer is taking demo bids.

Chirpich stated the Medtronic site is for sale with a lot of developers looking at it. He added they are viewing it as a redevelopment opportunity.

Chirpich mentioned there are adaptive reuse redevelopers looking at the Fairview building.

Wolfe asked if they would be having a meeting next month. Chirpich stated they would not since the application deadline was yesterday. Hoium stated it was his last meeting. Sahnaw congratulated Hoium for his career. Chirpich stated there would be recognition during a Council meeting.

Buesgens noted there would be a sustainability commission during the spring and should have it set up in July, with interviews happening in May and June. She noted they are pushing to have a larger group of people on the commission.

ADJOURNMENT

Motion by Sahnaw, seconded by Vargas, to adjourn the meeting at 7:26 pm. All ayes. MOTION PASSED.

Respectfully submitted,



Alicia Howe, Administrative Assistant



AGENDA SECTION	PUBLIC HEARING
MEETING DATE	05/02/2023

ITEM:	Renaissance Fireworks Interim Use Permit for Seasonal Fireworks Sales Tent	
DEPARTMENT:	Community Development	BY/DATE: Andrew Boucher - 04/24/2023

INTRODUCTION

Renaissance Fireworks, Inc. has applied for an interim use permit to allow the operation of a seasonal fireworks sales tent at 4001 Central Avenue NE.

This application is identical to an interim use permit request approved by the City in June of last year which made a temporary allowance for the sale of fireworks upon the subject site. The temporary allowance of the activity was however, granted for and applied to the 2022 calendar year. Thus, the processing of a new interim use permit (for 2023) is necessary.

The specific development standards for outdoor fireworks sales/display are provided in Section 9.107 (C) (22) of the City Code and are included as recommended conditions of approval for this permit.

The configuration and orientation of the fireworks tent upon the subject site is illustrated on the attached property and tent location map.

COMPREHENSIVE PLAN

The City’s 2040 Comprehensive Plan designates the property for commercial use. The proposal for seasonal fireworks sales, a retail activity, is consistent with the intent of the City’s Comprehensive Plan.

ZONING ORDINANCE

The subject property is zoned CBD, Central Business within which “seasonal fireworks sales” are listed as an interim use and therefore subject to interim use permit processing.

Properties located north and west of the site are likewise zoned Central Business. Properties located to the east are zoned R-4, Multiple Family Residential while the site to the south of the subject property is zoned as a Planned Unit Development, which includes a mixture of multi-family residential, commercial, and institutional uses. in the Central Business Zoning District.

FINDINGS OF FACT

Section 9.104 (I) of the Zoning Ordinance outlines seven findings of fact that must be met in order for the City to grant an interim use permit. The findings are as follows:

- a. ***The use is one of the interim uses listed for the zoning district in which the property is located, or is a substantially similar use, as determined by the Zoning Administrator.***

Fireworks tents are specifically listed as an interim use in the Central Business District, and are considered a retail sales activity, which is permitted.

b. ***The use is in harmony with the general purpose and intent of the Comprehensive Plan.***

The Comprehensive Plan designates the property for commercial use, including retail sales. The proposal is consistent with the intent of the City's Comprehensive Plan.

c. ***The use will not impose hazards or disturbing influences on neighboring properties.***

The proposed temporary use should not impose hazardous or disturbing influences on neighboring properties because of its proximity to Central Avenue. The proposed use has been and will be screened from adjacent residential uses by the surrounding commercial buildings.

d. ***The use will not substantially diminish the use of property in the immediate vicinity.***

The fireworks tent is not expected to diminish the use of the adjacent properties.

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.***

The Fire Department will conduct an on-site inspection prior to any temporary sales. As a condition of interim use permit approval, all State and City requirements regarding fireworks sales must be met.

f. ***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 traffic generated by the fireworks tent will not significantly increase the flow of traffic on the public streets. Additionally, the site is large enough to handle additional on-site traffic.

g. ***The use will not cause a negative cumulative effect on other uses in the immediate vicinity.***

The fireworks tent should not have a negative impact on other uses in the immediate vicinity, which are all zoned commercial.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Interim Use Permit to allow the operation of a seasonal fireworks sales tent at 4001 Central Avenue, subject to the following conditions:

1. The fireworks sales tent, display area, access aisles, and surrounding area shall be reviewed by the Fire Department prior to operation. The applicant must contact the Fire Department to set up an inspection prior to any sales occurring on the property.
2. The sale of fireworks shall meet all requirements of Chapter 24 of the Fire Code and NFPA Chapter 1124.
3. The fireworks sales tent shall be accessory to a commercial use.
4. Fireworks sales tents located within the public right-of-way are prohibited.

5. All goods shall be displayed on a designated impervious surface area.
6. All goods shall be displayed in an orderly fashion, with access aisles provided as needed.
7. Music or amplified sounds shall not be audible from adjacent residential properties.
8. The fireworks sales tent shall not reduce the amount of off-street parking provided on-site below the level required for the principal use.
9. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, or other site improvements consistent with the character of the neighborhood.
10. Signage shall be limited to two (2) professionally made signs, with a combined square footage not exceeding thirty-two (32) square feet. Signs related to the proposed retail activity shall be subject to sign permit processing.
11. Fireworks sales tents may be allowed for a maximum of ninety (90) days per calendar year.
12. Any electrical use associated with the temporary sales will require an electrical permit and is required to be inspected by the State Electrical Inspector.

RECOMMENDED MOTION(S):

MOTION: Move to close the public hearing and waive the reading of Resolution No. 2023-PZ03, there being ample copies available to the public.

MOTION: Move to adopt Resolution No. 2023-PZ03, being a resolution approving an Interim Use Permit for a fireworks sales tent at 4001 Central Avenue NE, from June 24, 2022 to July 5, 2022, subject to the conditions stated in the resolution.

ATTACHMENT(S):

- Resolution No. 2023-PZ03
- Application/Narrative
- Temporary Lease Agreement
- Safety Data Sheet
- Tent Location Map
- Tent Layout Drawing
- Certificate of Flame Resistance
- Product List
- Product Storage Information

RESOLUTION NO. 2023- PZ03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLUMBIA HEIGHTS APPROVING AN INTERIM USE PERMIT TO ALLOW RENAISSANCE FIREWORKS TO OPERATE A TEMPORARY SALES TENT AT 4001 CENTRAL AVENUE NE, COLUMBIA HEIGHTS, MN, 55421 (PIN 36-30-24-32-0248)

WHEREAS, a proposal (Planning Case #2023-0507) has been submitted by Renaissance Fireworks to the Planning Commission requesting an Interim Use Permit from the City of Columbia Heights at the following site:

LOCATION: 4001 Central Avenue NE (36-30-24-32-0248)

LEGAL DESCRIPTION: On file at City Hall

THE APPLICANT SEEKS THE FOLLOWING: An Interim Use Permit to allow for the operation of a seasonal fireworks sales tent on the subject property.

WHEREAS, the Planning Commission has held a public hearing as required by the City of Columbia Height’s Zoning Code on May 2, 2023;

WHEREAS, the Planning Commission has considered the advice and recommendations of City staff regarding the effect of the proposed Interim Use 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, the Planning Commission of the City of Columbia Heights after reviewing the proposal, accepts and adopts the following findings:

1. The use is one of the interim 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 disturbing 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. 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.
7. The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.

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. Further, the permit is 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 Land Development Ordinance, including:

CONDITIONS:

1. The fireworks sales tent, display area, access aisles, and surrounding area shall be reviewed by the Fire Department prior to operation. The applicant must contact the Fire Department to set up an inspection prior to any sales occurring on the property.
2. The sale of fireworks shall meet all requirements of Chapter 24 of the Fire Code and NFPA Chapter 1124.
3. The fireworks sales tent shall be accessory to a commercial use.
4. Fireworks sales tents located within the public right-of-way are prohibited.
5. All goods shall be displayed on a designated impervious surface area.
6. All goods shall be displayed in an orderly fashion, with access aisles provided as needed.
7. Music or amplified sounds shall not be audible from adjacent residential properties.
8. The fireworks sales tent shall not reduce the amount of off-street parking provided on-site below the level required for the principal use.
9. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, or other site improvements consistent with the character of the neighborhood.
10. Signage shall be limited to two (2) professionally made signs, with a combined square footage not exceeding thirty-two (32) square feet. Signs related to the proposed retail activity shall be subject to sign permit processing.
11. Fireworks sales tents may be allowed for a maximum of ninety (90) days per calendar year.
12. Any electrical use associated with the temporary sales will require an electrical permit and is required to be inspected by the State Electrical Inspector.

Passed this 2nd day of May 2023.

Offered by:
Seconded by:
Roll Call:
Ayes:
Abstain:

Chair

Alicia Howe, Administrative Assistant II

COLUMBIA HEIGHTS

Community Development Department
590 40th Ave. NE, Columbia Heights, MN 55421

INTERIM USE PERMIT APPLICATION - ORDINANCE NO. 9.104 (I)

This application is subject to review and acceptance by the City. Applications will be processed only if all required items are submitted. Fire Department approval may also be required and must meet Fire Code requirements set by the Fire Chief or contained in the City Code.

PROPERTY INFORMATION
 Project Address/Location: 4001 Central Ave. Columbia Heights MN 55421
 Legal Description of property: * See Attached *
 Present use of property: Parking Lot
 Proposed Interim Use of property: Temporary outdoor retail tent sales of Minnesota safe and sane fireworks

PROPERTY OWNER (As it appears on property title):
 Company/Individual (please print): Columbia Heights Center LLC
 Contact Person (please print): Tim McLaughlin
 Mailing Address: 14675 Martin Drive
 City: Eden Prairie State: MN Zip: 55344
 Daytime Phone: 952-944-1165 Cell Phone: 612-910-7796
 E-mail Address: _____
 Signature/Date: [Signature]

APPLICANT:
 Company/Individual (please print): Renaissance Fireworks/Mark Lazarchic
 Contact Person (please print): Amanda Stone
 Mailing Address: 11625 City Hwy 10 Ste D
 City: Spring Lake Park State: MN Zip: 55432
 Daytime Phone: 612-666-4561 Cell Phone: 651-308-9326
 E-mail Address: Amanda@SerenityVentureGroup.com
 Signature/Date: [Signature] 3-14-23

COLUMBIA HEIGHTS

REASON FOR REQUEST *(please attach a written narrative describing the intended use of the property and justification for your request. Describe any modifications and/or limitations of the use that have been made to insure its compatibility with surrounding uses and with the purpose and intent of the Zoning Ordinance and the Comprehensive Plan.)*

FOR OFFICE USE ONLY

CASE NO: _____

APPLICATION REC'D BY: *[Signature]* DATE APPLICATION REC'D: 3/14/23

\$250.00 APPLICATION FEE REC'D: *[Signature]* RECEIPT NUMBER: 72425

\$200.00 INSPECTION FEE FOR FIREWORKS TENTS FEE REC'D *[Signature]*

Approved by Planning & Zoning Commission on _____

Approved by City Council on _____

Legal Description of Property: Taxable portion of all the PRT of Blk 4 Reservoir Hills & vac 41st ave Desc as fol; E 11ft of S 103.5ft of lots 32 & 33, TOG/w adj vac 41st ave & TOG/w that PRT of lot 34 & 4



1625 County Road 10 Ste D ♦ Spring Lake Park, MN 55432
Phone: 612-638-7643 ♦ www.renaissancefireworks.com

March 14, 2023

City of Columbia Heights
590 40th Ave NE
Columbia Heights, MN 55421

Re: Interim Use Permit

To Whom It May Concern:

Renaissance Fireworks, Inc. (RFI) is the largest Minnesota owned and operated company in the fireworks business. For over 18 years, we have been a part of Minnesota's 4th of July celebrations and run 25-30 retail sites throughout the Twin Cities.

RFI is proposing to operate a temporary retail site at the address: 4001 Central Ave, Columbia Heights, MN 55421. The site will consist of a sales tent measuring 20 feet by 40 feet and be operated by a minimum of two contracted workers. A list of products that will be sold is attached. The tent will be set up between June 19th, 2023 and June 22nd, 2023 and taken down between July 6th, 2023 and July 10th, 2023. The dates of fireworks sales will be from June 23rd, 2023 to July 5th, 2023 during the hours of 9 AM and 10 PM.

Thank you.

Sincerely,

Amanda Stone
amanda@serenityventuregroup.com
Cell: 651-308-9326

Renaissance Fireworks Inc.

TEMPORARY LEASE AGREEMENT

THIS FIREWORKS STAND AND LEASE AGREEMENT is made between

Property Owner (herein referred to as the "Landlord"), whose address is:

Landlord: Columbia Heights Center, LLC	Phone Number: 952-944-1665
Address: 14675 Martin Drive Suite 200 Eden Prairie, MN 55344	Contact: Tim McLaughlin
Federal Tax ID or SSN: 41-1923491	Check Payable: Columbia Heights Center

Site Information

Property Name: Columbia Heights Center	Phone Number: 952-944-1665
Address: 4001 Central Ave Columbia Heights, MN 55421	Contact: Tim McLaughlin

and

Renaissance Fireworks, Inc. (hereinafter referred to as the "Tenant"), whose address is:

1625 County Highway 10 Suite D
Spring Lake Park, MN 55432

LEASE OF PROPERTY. Landlord leases to Tenant the property described above at the location shown on attached EXHIBIT A, which exhibit is made a part hereof. The property is to be used for the purposes of housing a temporary sales facility from which the sale of state-legal 1.4G (Class C) consumer fireworks and novelty items will be conducted in accordance with applicable law. Landlord specifically gives permission to the Tenant to locate a temporary stand, kiosk or tent on the property, which stand, kiosk or tent will be the vehicle from which the products will be sold. Such consumer fireworks shall not be lit, "set off", activated or otherwise used at the property or adjoining center.

TERM. The term is for the period: 06/23/2023 through 07/05/2023 .

Landlord shall allow up to 10 days before and after these dates for set up and tear down.

RENT. Tenant agrees to pay rent to the Landlord in the aggregate amount of \$1,800.00 per year, for the property named above under site information, which amount shall be paid on or before 07/20/2023

TENANT'S PROPERTY. All of Tenant's personal property shall be on the leased property at Tenant's sole risk.

OPERATORS. The Landlord acknowledges that the Tenant sometimes sublets the sale of the fireworks to independent operators. Landlord approves of all such arrangements, provided that the Tenant is not relieved from any obligations hereunder. Tenant shall be the only temporary stand, kiosk or tent engaged in firework sales on property at all times during the duration of this lease.

INSURANCE. Tenant shall provide general liability insurance covering the Tenant's, and its subcontractors, use and occupation of the property's, including, without limitation, product liability, bodily injury, personal injury and property damage, on an occurrence basis, with coverage in the aggregate amount of TWO MILLION DOLLARS (\$2,000,000.00). The insurance shall name the Landlord as an additional

insured under Tenant's insurance policy "as Landlord's interest may appear." Prior to occupancy, Tenant shall deliver a Certificate of Insurance to Landlord evidencing the insurance required hereunder.

INDEMNITY. Tenant shall indemnify and hold the Landlord harmless from any claims, including attorneys' fees, in connection with any injury or damage caused to any person or property arising out of Tenant's use or occupancy of the property or any breach by tenant of this agreement.

SURRENDER OF PROPERTIES & RIGHTS. Tenant agrees to surrender possession of the property to the Landlord upon termination of this agreement in as good condition and repair as the same shall be on the date Tenant first occupies the properties under this lease agreement -- ORDINARY WEAR AND TEAR EXCEPTED. The Tenant shall make any and all repairs necessary to restore any portion of the property where such restoration is necessitated by the Tenant's use of the property.

CHANGE IN LAW. In the event that the sale of consumer fireworks is prohibited for any portion of the term by any level of judicial, legislative or executive law, order, rule or regulation, this lease shall, upon notice from the Tenant to the Landlord, terminate, whereupon any advanced rental payment shall be returned to the Tenant on a pro rata (number of days of term occupied) basis and the Tenant shall be relieved from any further liability hereunder.

PERMITTING. This agreement is contingent upon Tenant securing all required local and state licenses and permits to sell 1.4g (Class C) consumer fireworks on the leases premises. If Tenant is unable to secure such license and permits this lease agreement will become null and void. Tenant shall not take possession of the property until such required licenses and permits have been secured.

PROPERTY. If the property is inaccessible or unusable due to construction or the like, then this lease is subject to revision.

ENTIRE AGREEMENT. This lease agreement and any incorporated exhibits or attachments contain all of the agreements between the parties and cannot be modified in any manner other than by an agreement signed by the parties with the same formalities attendant to the execution of this lease agreement. Each agreement, term and provision of this lease agreement shall be construed to be a promise, covenant and condition.

PROVISIONS BINDING. The agreements herein shall be binding upon and inure to the benefit of the heirs, executors, administrators, personal representatives, successors and assigns of the parties.

IN WITNESS WHEREOF, the Landlord and Tenant have executed this lease agreement, each party acknowledging receipt of an executed copy hereof.

Landlord:

Lynette McLaughlin

By: _____

Name: Lynette McLaughlin

Title: Vice President

Date: Mar 08 2023

Tenant: Renaissance Fireworks, Inc.

Mark Lazarchic

By: _____

Name: Mark Lazarchic

Title: President

Date: Feb 09 2023

Material Safety Data Sheet

May be used to comply with OSHA's Hazard Communication Standard, 29 CFR 1910.1200. Standard must be consulted for specific requirements.

U.S. Department of Labor
Occupational Safety and Health Administration
(Non-Mandatory Form)
Form Approved
OMB No. 1218-0072

IDENTITY (As Used on Label and List)
Common Fireworks (Fireworks 1.4G) Note: Blank spaces are not permitted. If any item is not applicable, or if information is available, the space must be marked to indicate the

Section I

Manufacturer's Name	Emergency Telephone Number
Address (Number, Street, City, State, and ZIP Code)	Telephone Number for Information
	Date Prepared
	Signature of Preparer (optional) (optional)

Section II — Hazardous Ingredients/Identity Information

Hazardous Components (Specific Chemical Identity; Common Name(s))	OSHA PEL	ACGIH TLV	Other Limits Recommended	% (opt)
Contains pyrotechnic composition - a solid mixture of oxidizer and fuel that will burn if ignited. These items are classified as 1.4G Explosives by the U.S. Department of Transportation. No Chemical composition is exposed during normal handling and storage.				

Section III — Physical/Chemical Characteristics

Boiling Point	N/A	Specific Gravity (H ₂ O = 1)	N/A
Vapor Pressure (mm Hg.)	N/A	Melting Point	N/A
Vapor Density (AIR = 1)	N/A	Evaporation Rate (Butyl Acetate = 1)	N/A
Solubility in Water	Slight		

Appearance and Odor

All Pyrotechnic Composition is contained in a cardboard casing.

Section IV — Fire and Explosion Hazard Data

Flash Point (Method Used)	N/A	Flammable Limits	N/A	LEL	N/A	UEL	N/A
---------------------------	-----	------------------	-----	-----	-----	-----	-----

Extinguishing Media

Flood with water if small amount of fireworks is involved

Special Fire Fighting Procedures

Do not use suffocation methods - devices contain their own oxygen. If a large amount of fireworks are involved, allow them to burn and prevent sp.

Unusual Fire and Explosion Hazards

Fireworks will burn rapidly in the event of fire. of fire

(Reproduce locally)

Section V — Reactivity Data

Stability	Unstable	Conditions to Avoid
	Stable X	

Incompatibility (Materials to Avoid) Exposure to water may cause items to deteriorate.

Hazardous Decomposition or Byproducts
Smoke, nitrogen oxides, and sulfur oxides may be produced in a fire.

Hazardous Polymerization	May Occur	Conditions to Avoid
	Will Not Occur X	

Section VI — Health Hazard Data

Route(s) of Entry: Inhalation? No Skin? Ingestion? No

Health Hazards (Acute and Chronic)
Exposure to finished items does not pose any health hazard.

Carcinogenicity: NTP? No IARC Monographs? No OSHA Regulated? No

Signs and Symptoms of Exposure N/A

Medical Conditions Generally Aggravated by Exposure N/A

Emergency and First Aid Procedures N/A

Section VII — Precautions for Safe Handling and Use

Steps to Be Taken in Case Material is Released or Spilled
No smoking or open flames in vicinity of spilled material. Carefully pick up and place spilled items in cardboard cartons. Sweep up any exposed chemical composition with a natural-fiber brush.

Waste Disposal Method

Precautions to Be Taken in Handling and Storing
Avoid open flames, smoking, and high temperatures (above 120 F.)
Keep shipping cartons cool and dry.

Other Precautions
None

Section VIII — Control Measures

Respiratory Protection (Specify Type)
None required when handling finished items.

Ventilation	Local Exhaust	Special
	Mechanical (General)	
Protective Gloves	N/A	Other
	None required	

Other Protective Clothing or Equipment N/A

Eye Protection N/A

Work/Hygienic Practices
No smoking in vicinity of fireworks

Columbia Heights Center 4001 Central Ave, Columbia Heights, MN 55421



RFI 20'x40' Tent Layout

1 square = 1 foot

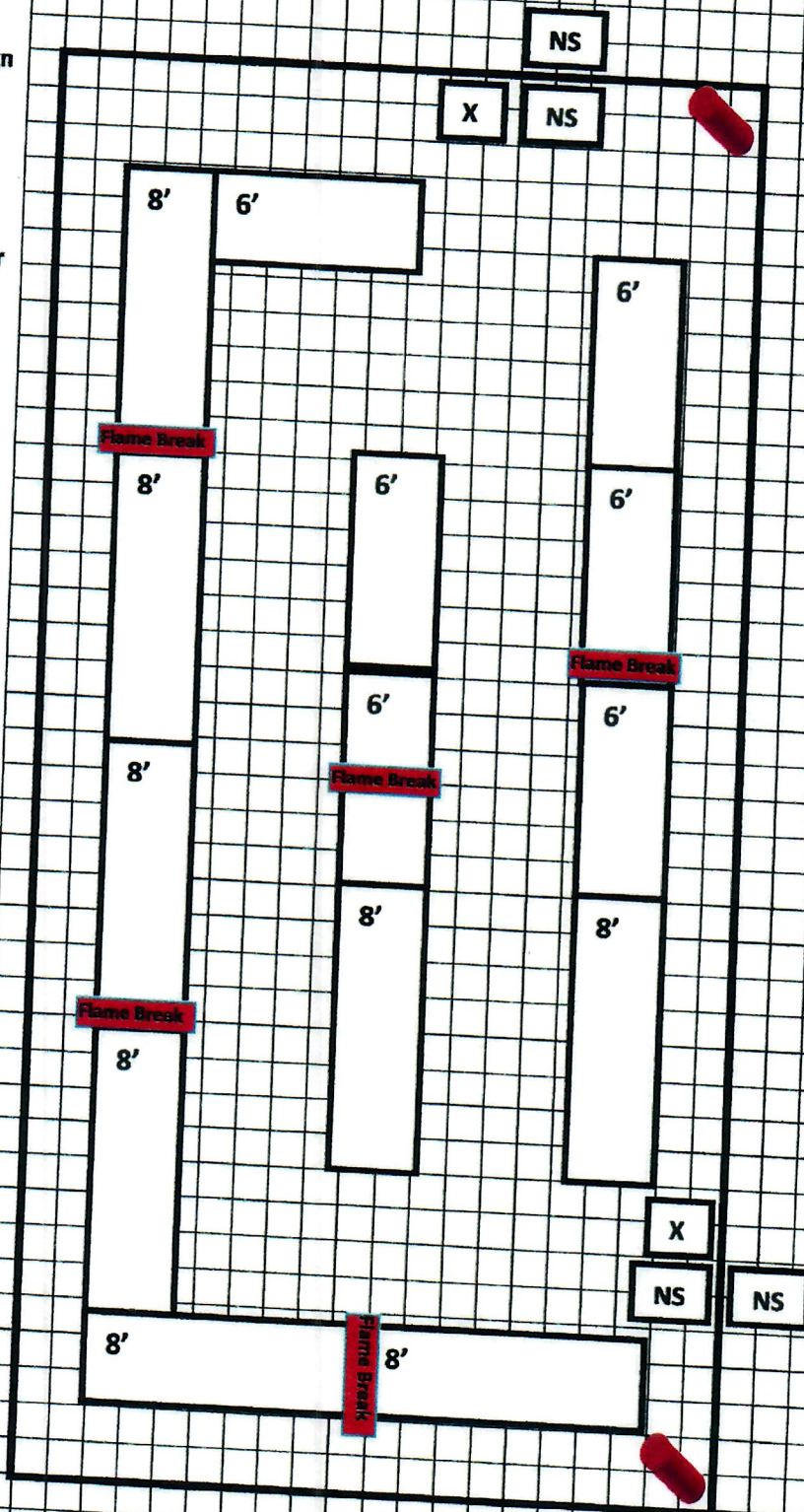
NS = No Smoking Sign

X = Exit Sign

 = Fire Extinguisher

All product displays measure under 6' from ground to top of display

All Flame Breaks extend from base of product display to over 6" above top of product display



IMPORTANT DOCUMENT

Certificate of Flame Resistance

REGISTRATION APPLICATION NUMBER

F140.1



ISSUED BY
EVANSVILLE, INDIANA 47725
MANUFACTURERS OF THE FINISHED
TENT PRODUCTS DESCRIBED HEREIN

This is to certify that the materials described have been flame-retardant treated (or are inherently nonflammable) and were supplied to:

643490
APRES INC
DBA APRES PARTY RENTAL
7625 CAHILL RD
EDINA MN 55439

Date of Manufacture

03/25/02

Order Number

350882

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshal Code, equal to exceeds NFPA 701, CPAI 84, ULC 109.
The method of the FR chemical application is:

Serial # 8020630C (9)

Description of item certified:

FI EXP CAT MID CUST 20x10

Flame Retardant Process Used Will Not Be Removed By Washing And Is Effective For The Life Of The Fabric

SNYDER, MEG NEW PHILADELPHIA, OH
Name of Applicator of Flame Resistant Finish

Signed:

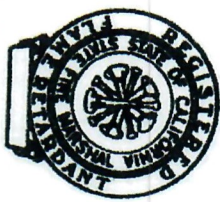
Meg Snyder
TENT DEPARTMENT - ANCHOR INDUSTRIES INC.

IMPORTANT DOCUMENT

Certificate of Flame Resistance

REGISTRATION APPLICATION NUMBER

F1214



ISSUED BY

EVANSVILLE, INDIANA 47725
MANUFACTURERS OF THE FINISHED
TENT PRODUCTS DESCRIBED HEREIN

Date of Shipment
3/17/2006

Tent Identification
04237646

This is to certify that the materials described have been flame-retardant treated (or are inherently nonflammable) and were supplied to:

643490
APRES INC
DBA APRES PARTY RENTAL
7625 CAHILL RD
EDINA MN 55439

Certification is hereby made that:

The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshal Code. All fabric has been tested and passes NFPA 701-99, CPAI 84, ULC 109.

Serial # 8020610C (1)

Description of item certified:

FI CATENARY EXP TOP 20X20
BLUE 1022575A/WHITE 1022505A

Flame Retardant Process Used Will Not Be Removed By Washing And Is Effective For The Life Of The Fabric

JOHN BOYLE STATESVILLE, NC

Signed:

SPECIAL EVENTS DIVISION - ANCHOR INDUSTRIES INC.

Renaissance Fireworks, Inc. Product List

Current as of February 2023

*products subject to change due to availability.

9.99 BOGO Fountains	Packaging	Units per Case	Case Weight (lbs)
Classic Show	36/1	36	25
Crackling Rose	36/1	36	13
Intrepid Flame	36/1	36	13
Whistling Color Cuckoo	36/1	36	28
19.99 BOGO Fountains	Packaging	Units per Case	Case Weight (lbs)
Bonzai Pipeline	24/1	24	37
Festiva	24/1	24	23
Firefly	24/1	24	29
Fool's Gold	24/1	24	22
Royaltini	24/1	24	24
Sassy Lassie	24/1	24	29
Vision Me	24/1	24	26
29.99 BOGO Fountains	Packaging	Units per Case	Case Weight (lbs)
Breathless	18/1	18	32
Digital Garden	20/1	20	17
Dragon Eyes	20/1	20	17
Fire and Flash	12/1	12	31
Hot Roll	16/1	16	45
Magic In The Garden	18/1	18	36
Mesmerize	24/1	24	32
Picture Perfect	12/1	12	21
Spring Fest	12/1	12	22
39.99 BOGO Fountains	Packaging	Units per Case	Case Weight (lbs)
Fish out Of Water	12/1	12	35
Lemon Chero/Lemon Lime Delight	12/1	12	29
Royal Garden	12/1	12	33
Worlds Highest/Strongest	18/1	18	42
Assortments	Packaging	Units per Case	Case Weight (lbs)
#3 Novelty Assortment	24/1	24	16
All Star Bag/Kids Delight	36/1	36	39
Economy Fountain Tray	16/1	16	32
In The Mixx #5	12/1	12	35
Jumbo Value Fountain Tray	4/1	4	47
Mixx It Up #3	9/1	9	21
Mountains of Fountains	1/1	1	5
Party Bag of Fun	1/1	1	7
Party Bag of Fun and Then Some	1/1	1	9

Super Value Fountain Tray	6/1	6	31
Grab and Go Fountains	Packaging	Units per Case	Case Weight (lbs)
#3 Cone	144/1	144	42
Barrels of Fun	72/2	72	14
Cuckoo	24/6	144	28
HN90 Fountain	18/4	72	15
Jack In The Box	30/6	180	25
Killer Bees	24/4	96	18
Royal/Grand	96/1	96	16
Novelties	Packaging	Units per Case	Case Weight (lbs)
36" Morning Glory	72/6	72	23
5 Assorted Color Smoke Balls	20/6/12	120	40
8" Sparkler	24/12/6	288	12
Crackling Balls	4/48/6	192	18
Flashing Signal	12/24/6	288	34
Ground Bloom Flower	20/12/6	240	28
Jumping Jack	20/48/12	960	22
Magic Whip	48/12	576	30
S Tank	48/1	48	19
Sliders	6/50/12	300	16
Snakes	144/6/6	144	13
Snaps	6/50/50	300	13
Tank with Star	40/12	480	25
Finale Fountains	Packaging	Units per Case	Case Weight (lbs)
Behemoth	9/1	9	39
Botanical Blast	4/1	4	18
Crackle Storm	4/1	4	31
Dark Science	6/1	6	18
Hot Lava - Lava Lamp	6/1	6	25
Impossible Dream	6/1	6	33
National Treasure	6/1	6	31
One Big Fountain	4/1	4	33
One Unbelievable	4/1	4	49
Psychedelic	4/1	4	38
Waking The Deaf	4/1	4	30

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Metal Storage Containers For Use At
Temporary Fireworks Retail Sites

Supplied by Dart Storage

