



PLANNING COMMISSION
City Hall—Council Chambers, 590 40th Ave NE
Tuesday, November 01, 2022
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 **861 1347 3736** or by Zoom at <http://us02web.zoom.us/j/86113473736>. For questions please call the Community Development Department at 763-706-3670.

CALL TO ORDER/ROLL CALL

APPROVE MINUTES

1. Approval of September 7, 2022 Planning Commission Meeting Minutes.

MOTION: Move to approve the September 7, 2022 Planning Commission Meeting Minutes.

PUBLIC HEARINGS

2. Conditional Use Permit to Allow Accessory Outdoor Storage at 660 39th Avenue NE.

MOTION: Move to waive the reading of draft Resolution 2022-98, there being ample copies available to the public.

MOTION: Move that the Planning Commission recommends that the City Council approve draft Resolution 2022-98, approving a Conditional Use Permit for accessory outdoor storage within the I-2, General Industrial District in the City of Columbia Heights, Minnesota, subject to certain 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
 Wednesday, September 07, 2022
 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, Mike Novitsky, Eric Sahnou, Mark Vargas, Clara Wolfe, Council Liaison John Murzyn, Jr.

Also Present: Aaron Chirpich, Community Development Director; Bob Kirmis, Planning Consultant; Alicia Howe, Administrative Assistant; Mary Rooney, City Resident; John Martin, City Resident; DeWayne Morrell, City Resident

APPROVE MINUTES

1. Approve August 3, 2022 Planning Commission Meeting Minutes

Motion by Hoium, seconded by Novitsky, to approve the Planning Commission Meeting Minutes of August 3, 2022. All ayes. MOTION PASSED.

PUBLIC HEARINGS

2. Minor Subdivision (Lot Line Adjustment) 4221 and 4217 Reservoir Boulevard NE
Introduction: Chirpich stated that Michael Hamman has requested approval of a Minor Subdivision, per City Code Section 9.104 (k), for abutting parcels of land located at 4217 and 4221 Reservoir Boulevard NE.

The subject sites, both occupied by single family homes, are zoned R-1, Single Family Residential and are surrounded by similarly zoned properties.

The applicant, the owner of the 4221 parcel, has reached agreement with the neighboring property owner to the south to shift the shared side lot between the two lots such that a "pie-shaped" area of land measuring 3,430 square feet in size will be conveyed to the north property. Basically, the minor subdivision calls for the shared rear yard corner monument (between the two properties) to be shifted to the south a distance 40 feet.

To be noted is that lot configurations along the west side of Reservoir Boulevard NE are characterized by side lot lines which run diagonally from the street right-of-way line (as opposed to more typical side lines which are perpendicular to streets). These side lot line conditions tend to create triangular-shaped side yards which oftentimes result in widely varied side yard structure setbacks and limited side yard usability. The proposed land

conveyance will result in a new, more centrally located shared side lot line between the two homes.

Lot Requirements. In consideration of the minor subdivision application, a determination should be made that the newly created lots meet the minimum lot area and width requirements of the applicable R-1 zoning district. According to Section 9.109.C of the Zoning Ordinance, lots within R-1 Districts must have a minimum lot area of 8,400 square feet and a minimum width of 70 feet.

Presently, the north parcel (4221 Reservoir Boulevard) measures 16,107 square feet in size and has a width of 100 feet. As a result of the proposed lot line adjustment, the parcel would be increased to 19,317 square feet in size and increased in width to 106 feet.

Presently, the south parcel (4217 Reservoir Boulevard NE), measures 16,035 square feet in size and likewise has a width of 100 feet. As a result of the proposed lot line adjustment, the parcel would be decreased to 12,825 square feet in size and decreased in width to 94 feet.

Both proposed lots meet the minimum area and lot width requirements of the R-1 District.

Setbacks. The proposed lot line adjustment will result in a change to side yard structure setbacks. According to Section 9.109.C of the Zoning Ordinance, lots within R-1 Districts must maintain side yard setbacks of not less than 7 feet.

As a result of the proposed lot line adjustment, the structure setback on the north parcel (Lot 5) will be increased in from 9 feet to 23 feet while the side yard setback on the south parcel (Lot 6) will be reduced from 28 feet to 22 feet. Both proposed lots meet the minimum setback requirements of the R-1 District.

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

1. The proposed subdivision of land will not result in more than three lots.
Staff Comments: The proposed subdivision will result in two conforming lots.
2. The proposed subdivision of land does not involve the vacation of existing easements.
Staff Comments: No vacation of existing easements will occur as a result of the minor subdivision.
3. All lots to be created by the proposed subdivision conform to lot area and width requirements established for the zoning district in which the property is located.
Staff Comments: Both newly created lots will conform to the lot width and lot area requirements of the applicable R-1 zoning designation.

4. The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.
Staff Comments: The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.
5. The property has not previously been divided through the minor subdivision provisions of this article.
Staff Comments: The subject property has not previously been subdivided via a minor subdivision process.
6. The proposed subdivision does not hinder the conveyance of land.
Staff Comments: The proposed subdivision will not hinder the conveyance of land.
7. The proposed subdivision does not hinder the making of assessments or the keeping of records related to assessments.
Staff Comments: The proposed subdivision is not expected to hinder the making of assessments or the keeping of records related to assessments.
8. The proposed subdivision meets all the design standards specified in Section 9.115.
Staff Comments: As a condition of minor subdivision approval, all applicable design standards of Section 9.115 of the Zoning ordinance must be satisfied.

Recommendation: Staff review finds that the proposed Minor Subdivision (lot line adjustment) application meets the requirements of the Zoning Ordinance. As a result, Staff recommends that the Planning Commission recommend approval of the proposed Minor Subdivision for the properties located at 4221 and 4217 Reservoir Boulevard NE (Lots 5 and 6, Block 11, Auditor's Subdivision of Walton's Second Addition) subject to certain conditions.

Chirpich added that one resident submitted a concern, which was in the packet, relating to if the buildable area be diminished if there was redevelopment. He stated that the lot would still be buildable with a variety of modern floor plans.

Vargas asked about the survey and if it was required to have a survey versus a survey plan. Chirpich stated that a certificate of survey is what is required for the application.

Vargas further stated that he believed other details that should be documented are not on the survey and asked if the survey was a complete notarized survey. Chirpich asked Vargas if he believed if there was any reason why the County would not accept this as a legal survey. Vargas commented on the lot certificate and said that the new lot corner needs to be a stamped rebar corner cap.

Hoium clarified the applicant's request and asked if the City had any objections. Chirpich stated the City does not.

Sahnow asked if the applicant mentioned why they are moving the lot line. Chirpich stated they did not, but that the applicant was the owner of both properties originally, and he sold the one lot where the triangle is proposed to be acquired.

Chirpich asked Mary Rooney, representative for the applicant, if she knew of the intent of the lot line adjustment. Rooney said she did not know why the owner wanted to move the lot line, that he wanted to "square up" the property and acquire a little more land; he originally wanted to fix up the other property but sold it to an investor.

Hoium asked if the moratorium on single-family rentals existed. Chirpich stated that there currently is one in place but as far as the City is aware, the intent is to rehabilitate the property and resell.

Sahnow stated he believed the request is straightforward.

Hoium asked if it needs to be approved by the Council. Chirpich said that it does need their approval and the County also needs to approve it.

Vargas made additional comments regarding the survey and the City having specific requirements for the survey received. Chirpich stated that Staff does not have the knowledge that Vargas has regarding the survey and expects the County will use their expertise and let the City know if it doesn't meet the requirements.

Chirpich said that there could be a condition of a numbered cap and rebar added to approval.

Further conversation ensued regarding the expertise of the surveyor and survey itself.

Sahnow opened the public hearing.

John Martin, 4248 Reservoir Boulevard, stated he has lived on this road for 32 years and that these lots are platted correctly currently. He said that he believed the one lot to the south, the house will be torn down based upon the condition. He further added that there was another in the past that was torn down and an investor built a new home that fits into the neighborhood. Martin said this proposal gives an advantage one owner but does not give an advantage to the other owner, or the City to do this lot line adjustment. He stated he didn't believe the lot line adjustment should be approved.

Mary Rooney, 588 Lomaniki Lane, agreed with some of the comments Martin made regarding the sale of the property. She said it could be a tear down but that's not supported by the market right now and that the investor was aware the owner of the other property wanted to require the additional piece of the lot. Rooney stated that it's a small lot and there isn't room to build a larger home on the lot, but they could put up a fence. She said the only person it would matter to is the new owner and there is still plenty of room in the back lot that will exist.

DeWayne Morrell, 4212 Reservoir Boulevard, stated that he has lived across from 4217 Reservoir Boulevard for 70 years. He said that if a larger home was built on the existing lot, it would be a benefit to the City to have a comparable lot to the others. Morrell said moving the lot line doesn't "square up" the lot line, it only does to one corner of the lot line. He stated that the property, 4221 Reservoir Boulevard, is the owner's secondary home. He asked the Commission how long the new lot line is versus the current one.

Vargas provided the measurements of the existing line and the new proposed line from the survey.

Morrell said he went on Anoka County's online mapping site and there was a discrepancy between the GIS data on that site and the survey.

Vargas said the County's GIS record is a close estimate, it's not the actual measurements.

Further conversation ensued about the discrepancies of the measurements.

Sahnow asked for clarification on his opposition due to the discrepancy.

Morrell stated that the adjusted property may be smaller than the commission thinks.

Vargas asked if the impervious area had been looked at by the City. Chirpich said this district does not have an impervious surface maximum, rather it requires building coverage ratio, and this proposal is compliant with that.

Chirpich stated that the minimum lot requirement is 8,400 square feet; the certificate survey states it is 12,825 square feet and setbacks are 7 feet. He said this lot conforms with the lot requirements of the district.

Morrell suggested the City look at how the driveway is arranged with the north lot line at 4221 Reservoir Boulevard, and said if it was "squared up" it wouldn't fit, so it is parallel with the south boundary. He stated he was opposed to the lot line adjustment being approved.

Rooney said in an ideal world, someone would buy the house and tear it down, but no one wanted to buy it, including the City. She added that the investor that bought it is willing to fix it up and revamp it.

Morrell stated that the neighborhood as a whole is attractive to potential buyers and several have driven by the property, but once they see the house, they are not interested.

Chirpich said that the sale of the property has not taken place yet because of the lot line adjustment pending, but the sale of the home in the future would take place once renovated according to the current owner.

Vargas commented about the vote by the commission and said the rules say that this should be approved, but listening to residents' comments, they are asking the commission to essentially break the rules, and asked Staff for their advice.

Chirpich said that the commission is often going to be put in this position, where the City Code and views of others are in misalignment. He said that the commission is required to look at the requirements of the City Code for the lot line adjustment. Although staff agrees with some of the concerns about the future use of the house that is in poor condition, these concerns are not relevant to the decision at hand. Chirpich said that the Council ultimately has the final decision, but staff take the position that there is no reason to not recommend approval of the adjustment.

Morrell made some comments regarding not considering the public's concerns in the approval. Sahnaw stated that Morrell could address his concerns with staff afterwards if he would like to.

Hoium said he didn't see why if the two property owners want to move the line, that they would deny it, and he believes this is progress of an investor revamping the property.

Deneen said that their role as the commission is to see if it meets the City Code and it does.

The commission agreed to add the condition of a numbered cap and rebar after the lot line adjustment has been made.

Motion by Hoium, seconded by Wolfe, to waive the reading of draft Resolution 2022-78, there being ample copies available to the public. All ayes. MOTION PASSED.

Motion by Hoium, seconded by Novitsky, that the Planning Commission recommends that the City Council approve draft Resolution 2022-78, approving a Minor Subdivision (lot line adjustment) for the properties located at 4221 and 4217 Reservoir Boulevard NE (Lots 5 and 6, Block 11, Auditor's Subdivision of Walton's Second Addition), within the City of Columbia Heights, Minnesota, subject to certain conditions stated in the resolution. All ayes. MOTION PASSED.

OTHER BUSINESS

Chirpich stated that there will be no Planning Commission meeting for October 2022 since the City has not received any applications for this deadline.

Chirpich said that the engagement phase for the Rainbow site redevelopment will be moving forward in late 2022, with approval by the Planning Commission in early 2023.

Sahnaw asked about the progress on City Hall. Chirpich stated the registration of the title and the condo plat with the County has delayed the closing. He said that transfer of title should happen in the next couple weeks, with construction to start in October and Staff moving in in the spring.

ADJOURNMENT

Motion by Vargas, seconded by Wolfe, to adjourn the meeting at 7:00 pm. All ayes. MOTION PASSED.

Respectfully submitted,



Alicia Howe, Administrative Assistant



AGENDA SECTION	PUBLIC HEARINGS
MEETING DATE	NOVEMBER 1, 2022

ITEM:	Conditional Use Permit to Allow Accessory Outdoor Storage at 660 39th Avenue NE	
DEPARTMENT:	Community Development	BY/DATE: Aaron Chirpich – 10/27/22

CASE NUMBER: 2022-1001
DATE: October 25, 2022
TO: Columbia Heights Planning and Zoning Commission
APPLICANT: Bona Management Company LLC
LOCATION: 660 39th Avenue NE
REQUEST: Conditional Use Permit to allow Accessory Outdoor Storage (Din Auto, Inc.)
PREPARED BY: Bob Kirmis, Consultant Planner

INTRODUCTION

Bona Management Company, LLC has requested approval of a conditional use permit to the allow accessory outdoor storage of vehicles in conjunction with an automobile repair use (Din Auto, Inc.) located at 660 39th Avenue NE.

Vehicles to be stored outdoors will be those awaiting repairs or pick-up following repair work and will be parked south of the repair shop building. A maximum of 79 vehicles are proposed to be stored outdoors at one time.

The subject one-acre site is zoned I-2, General Industrial. Accessory outdoor storage activities are listed as a conditional use in the district and are therefore subject to conditional use permit processing. Automobile repair uses (the principal use of the property) are listed as permitted uses in the I-2 District.

The subject 3,120 square foot building located on the site is presently occupied by an auto repair shop operated by Din Auto. Din Auto will also have towing vehicles onsite that are used to tow customer vehicles to the shop for repair. While not formally permitted by the City, the outdoor storage of vehicles has historically taken place upon the subject property.

The subject site is bordered on all sides by industrial uses, several of which include outdoor storage.

COMPREHENSIVE PLAN

The City’s 2040 Comprehensive Plan directs industrial use of the subject site. This land use directive is implemented via the application of the I-2, General Industrial zoning designation upon the subject property. The proposed principal and accessory uses upon the site are consistent with the land use goals of the Comprehensive Plan.

ZONING ORDINANCE

Within the applicable I-2, General Industrial District, outdoor storage is allowed by conditional use permit. In this regard, Section 9.107(C)(35) of the Zoning Ordinances imposes certain conditions upon outdoor storage uses. The following is a listing of the required conditions followed by a Staff comment:

- a) *The outdoor storage area shall be accessory to a commercial or industrial use.*

Staff Comment. Outdoor storage activities upon the site must be accessory to the principal use (the automobile repair business). In this regard, the storage of 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 upon the property. It is recommended that this requirement be made a condition of conditional use permit approval.

- b) *Outdoor storage within the public right-of-way is prohibited.*

Staff Comment. The proposed location for the outdoor storage is south of the building and within property boundaries. As a condition of conditional use permit approval, it is recommended that the outdoor storage of vehicles within the public right-of-way be prohibited.

- c) *All outdoor storage areas shall meet the setback requirements for a principal structure in the zoning district in which the use is located.*

The setback requirements for principal buildings within the I-2 District are as follows:

Front yard:	20 feet
Side yard:	12 feet
Rear yard:	24 feet

Staff Comment. Except for the west side yard where a 2-foot structure setback exists, all applicable principal building setback requirements have been satisfied. To be noted is that the existing 2-foot side yard setback was legally established and is therefore considered a legal nonconforming condition which holds grandfather rights.

Also, to be noted is that parking areas in the I-2 District are subject to a minimum side yard setback requirement of 5 feet. Presently, the proposed outdoor storage area on the site extends to perimeter property lines with no setbacks. Again, such setback condition is considered a legally nonconforming condition.

- d) *Outdoor storage areas shall be located in rear yards or in the side yard behind the front building line of the principal structure.*

Staff Comment. The submitted site plan and accompanying conditional use permit application indicate that the outdoor storage area will be located south of the building and contained in the rear yard.

- e) *The storage area shall be fenced and screened from adjacent uses and the public right-of-way. Required screening shall consist of a fence, wall, earth berming and/or vegetation no less than six (6) feet in height and no less than 80% opaque on a year-round basis.*

Staff Comment. The proposed outdoor storage area is currently secured and screened via a chain link fence with a mesh fabric cover (see photograph below). The fence appears to measure six feet in height.



Looking Northwest

- f) *All goods, materials and equipment shall be stored on an impervious surface.*

Staff Comment. The site plan and accompanying the conditional use permit application indicate that the proposed outdoor storage area is currently surfaced in asphalt. Thus, this condition has been satisfied.

- g) *All goods, materials and equipment shall be stored in an orderly fashion, with access aisles of sufficient width to accommodate emergency vehicles as needed.*

Staff Comment. Appropriately, the submitted site plan illustrates individual outdoor vehicle parking stalls and drives aisles. In total, 79 vehicle parking spaces are illustrated. The proposed vehicle parking stalls (9' x 20') and drive aisles (24' in width) are appropriately dimensioned. As a condition of conditional use permit approval, all individual vehicle parking stalls within the outdoor storage area should be delineated with pavement striping such that they are easily identifiable.

In addition, 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.

- h) *The height of materials stored, excluding operable vehicles and equipment, shall not exceed the height of the screening provided.*

Staff Comment. It is recommended that this condition be imposed as a condition of conditional use permit approval.

OTHER ISSUES

1. Access

Primary access to the site is provided from the north along 39th Avenue NE. A secondary, gated access is also provided on the south side of the site along 38th Place NE.

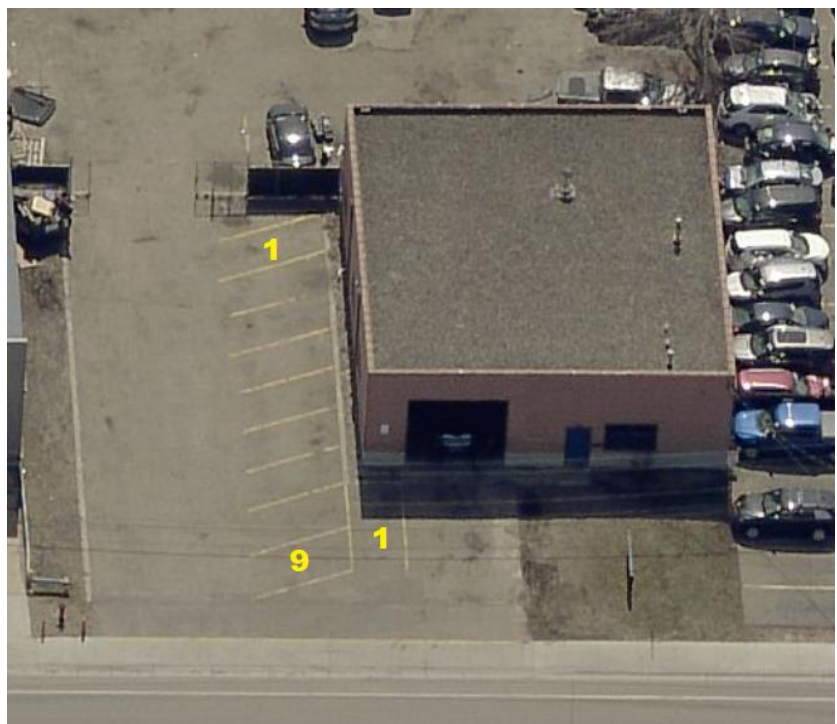
To ensure emergency vehicle access to the site, it is recommended that the Fire Department be provided a means to access the site from the south (from 38th Place NE). This issue should be subject to further comment and recommendation by the Fire Department.

2. Parking

According to the Zoning Ordinance, automobile repair facilities must provide one parking space per 300 square feet of gross floor area, plus two spaces per service bay. The existing automobile repair shop measures 3,120 gross square feet in size. As a result, a total of 11 spaces are required, plus one space per service bay. Of the required spaces, one shall be designated as a disability parking stall.

The submitted site plan does not illustrate customer and employee parking stalls. Based upon the aerial photograph below, it appears that 10 off-street parking stalls exist on the north and east sides of the building.

As a condition of conditional use permit approval, the site plan should be modified to illustrate required off-street parking stalls.



Looking South

3. Signage

The applicants have not indicated whether new signage is proposed upon the site.

Signs are required to have a building permit and are subject to review for compliance by City Staff. As a condition of conditional use permit approval, all new signage shall be subject to sign permit and must be reviewed and approved by the City.

4. Trash Handling and Loading

It is unclear where trash handling and loading activities will occur on the site. As a condition of conditional use permit approval, it is recommended that the submitted site plan be modified to illustrate trash handling and loading locations.

5. Lighting

According to the submitted application materials, outdoor lighting presently exists on the south side of the repair shop building. It is assumed such lighting illuminates the outdoor storage area to the south for security purposes. Section 9.106(K) of the Zoning Ordinance imposes the following conditions upon exterior lighting:

- (1) ***In general.*** No use shall be operated or occupied so as to create light or glare in such an amount or to such a degree of intensity as to constitute a hazardous condition or a public nuisance. Lighting shall not create a sense of brightness that is substantially greater than the ambient lighting conditions so as to cause annoyance, discomfort, decreased visibility or a hazard for vehicular or pedestrian traffic.
- (2) ***Lighting fixtures.*** Lighting fixtures shall be of a downcast with flat lens, cut-off type that conceals the light source from view and prevents light from shining on adjacent property. At no time should a fixture be aimed and/or tilted above a horizontal plane in commercial or industrial districts, with the exception of architectural up-lighting or landscape lighting.
- (3) ***Lighting intensity.*** Lighting shall not directly or indirectly cause illumination or glare in excess of one-half footcandle as measured at the closest residential property line and three footcandles as measured at the closest street curb line or non-residential property line. Lighting shall be maintained stationary and constant in intensity and color, and shall not be of a flashing, moving or intermittent type.

As a condition of conditional use permit approval, all exterior lighting on the site must comply with the preceding requirements as provided in Section 9.106(K) of the Zoning Ordinance.

6. 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.

At the time of this report, City Staff has not received any comments from neighboring property owners regarding the development proposal.

7. Staff Review

The Public Works Department, Police Department, and Fire Department have been provided copies of the application materials. No concerns with the development plan were conveyed to Planning Staff regarding this application.

FINDINGS OF FACT

In addition to the conditions cited earlier which are specific to “outdoor storage” uses, the Zoning Ordinance also outlines certain requirements that all conditional use permits must meet in order to be considered for approval. The following is a listing of such requirements and related Staff findings:

- (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 Comment: “Outdoor storage” as an accessory use is specifically listed as a conditional use in the I-2, General Industrial District under Section 9.111(E)(3)(c). This requirement has been satisfied.

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

Staff Comment: The City’s 2040 Comprehensive Plan guides the subject site for “industrial use.” The proposed use is permitted within the applicable I-2, General Industrial zoning district and will, with conditions, be in harmony with the general purpose and intent of the 2040 Comprehensive Plan.

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

Staff Comment: Provided certain conditions of conditional use permit approval are imposed and satisfied, Staff does not believe the proposed use will have disturbing influences on neighboring properties.

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

Staff Comment: The site is located in an area which is characterized by industrial uses. The proposed use is not expected to negatively impact properties 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 Comment: The propose outdoor storage use will occupy an of the site which has historically been used for the outdoor storage of vehicles. With the possible exception of new site signage at some point, no significant exterior changes to the site and building design are proposed.

It is the opinion of Staff that the placement of vehicles in a more organized manner on the site (in accordance with the submitted site plan) will serve to improve the appearance of the site. In this regard, it is believed the character of the neighborhood may improve.

(f) *The use and property upon which the use is located are adequately served by essential public facilities and services.*

Staff Comment: The site is presently serviced by adequate utilities and services. No changes to public services or facilities are proposed.

(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 Comment: Traffic generated by the proposed use is not expected to result in congestion along either 39th Avenue NE to the north or 38th Place NE to the south.

(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 Comment: The proposed accessory outdoor storage use is not expected to have a negative cumulative effect on the area.

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

Staff Comment: Recognizing that the existing building setback to the west and zero lot line parking setback within the outdoor storage area represent legal nonconforming conditions, the proposed use will comply with all other applicable I-2, General Industrial District regulations.

SUMMARY / RECOMMENDATION

The applicant has requested approval of a conditional use permit to allow accessory outdoor storage in association with an automobile repair business upon property located at 660 39th Avenue NE.

In review of the conditional use permit application materials, Staff finds the request to be a reasonable use of the property which, with conditions, will not negatively impact the health, safety, or welfare of the City, its residents, and property owners. As a result, Staff recommends that the Planning Commission recommend that the City Council approve of the conditional use permit as presented subject to the conditions outlined below.

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 upon 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 a means to access 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 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 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.

RECOMMENDED MOTION(S):

MOTION: Move to waive the reading of draft Resolution 2022-98, there being ample copies available to the public.

MOTION: Move that the Planning Commission recommends that the City Council approve draft Resolution 2022-98, approving a Conditional Use Permit for accessory outdoor storage within the I-2, General Industrial District in the City of Columbia Heights, Minnesota, subject to certain conditions stated in the resolution.

ATTACHMENT(S):

- **Draft Resolution No. 2022-98**
- **Application / Narrative**
- **Site Location Map**
- **Site Plan/Survey**

**RESOLUTION NO. 2022-98
RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
ACCESSORY OUTDOOR STORAGE WITHIN THE I-2, GENERAL INDUSTRIAL DISTRICT
IN THE CITY OF COLUMBIA HEIGHTS, MINNESOTA**

WHEREAS, a proposal (Case #2022-1001) has been submitted by City Staff to the City Council requesting a conditional use permit from the City of Columbia Heights at the following site:

ADDRESS: 660 39th Avenue NE

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit per Code Section 9.107(C)(35) to allow accessory outdoor storage in the I-2, General Industrial District

WHEREAS, the subject site is zoned I-2, General Industrial which makes an allowance for accessory outdoor storage uses via conditional use permit; and

WHEREAS, the proposed outdoor storage of vehicles is an accessory to an automobile repair use located upon the property, and

WHEREAS, the Planning Commission held a public hearing, as required by the City Zoning Code, on November 1, 2022; and recommended approval of the conditional use permit subject to various conditions; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed conditional use permit upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Columbia Heights that, after reviewing the proposal, the City Council accepts and adopts the following findings of the Planning Commission:

1. The use is one of the conditional uses listed for the zoning district in which the property is located, or is a substantially similar use as determined by the Zoning Administrator.
2. The use is in harmony with the general purpose and intent of the Comprehensive Plan.
3. The use will not impose hazards or distributing influences on neighboring properties.

4. The use will not substantially diminish the use of property in the immediate vicinity.
5. The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
6. The use and property upon which the use is located are adequately served by essential public facilities and services.
7. Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.
8. The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
9. The use complies with all other applicable regulations for the district in which it is located.

FURTHER, BE IT RESOLVED, that the attached conditions, maps, and other information shall become part of this permit and approval; and in granting this permit the City and the applicant agree that this permit shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal of the permit.

CONDITIONS ATTACHED:

1. 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 upon 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 a means to access 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 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 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.

Passed this 14th day of November 2022

Offered by:
Seconded by:
Roll Call:

Amáda Márquez Simula, Mayor

Attest:

Sara Ion, City Clerk

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

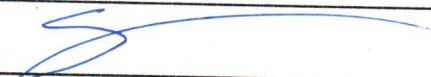
NON-RESIDENTIAL - CONDITIONAL USE PERMIT APPLICATION ORDINANCE NO. 9.104 (H)

This application is subject to review and acceptance by the City. Applications will be processed only if all required items are submitted.

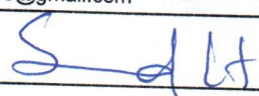
PROPERTY INFORMATION

Project Address/Location: 660 39th Ave NE, Columbia Heights, MN 55421
Legal Description of property: LOTS 10 & 11 BLK 4; 2ND SUBDIVISION OF BLK F & TH PRT OF 38TH AVE NE VAC BEG AT A PT AT THE SW COR OF LOT 11 BLK 4 TH SLY ALG THE W LINE OF LOT 11 EXTD & PRLD TO THE E LINE OF
Present use of property: Auto & truck towing, mechanical repair, and body repair
Proposed conditional use of property: Receive a CUP for the outdoor storage of towed vehicles

PROPERTY OWNER (As it appears on property title):

Company/Individual (please print): Bona Management Company LLC
Contact Person (please print): Stephen Bona
Mailing Address: 5333 University Ave NE
City: Fridley State: MN Zip: 55421
Daytime Phone: 651-800-5428 Cell Phone: _____
Email Address: stephen@bonamgmt.com
Signature/Date:  8/19/22

APPLICANT:

Company/Individual (please print): Din Auto Inc.
Contact Person (please print): Said Hassan
Mailing Address: 3442 North 4th Street
City: Minneapolis State: MN Zip: 55408
Daytime Phone: 952-393-5874 Cell Phone: _____
Email Address: dinauto3005@gmail.com
Signature/Date:  08-19-22

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: _____

DATE APPLICATION REC'D: _____

\$500 APPLICATION FEE REC'D: _____

RECEIPT NUMBER: _____

Approved by Planning & Zoning Commission on _____

Approved by City Council on _____

Din Auto operates an automotive mechanical and collision repair shop and is seeking a conditional use permit related to the outdoor storage of vehicles as they await repairs.

Stored vehicles would be stored in the lot directly south of the building, which is currently fenced, screened from public view, paved, and partially lit via lights from the south side of the building.

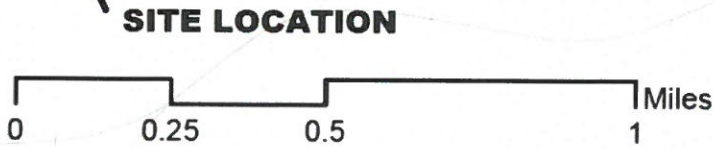
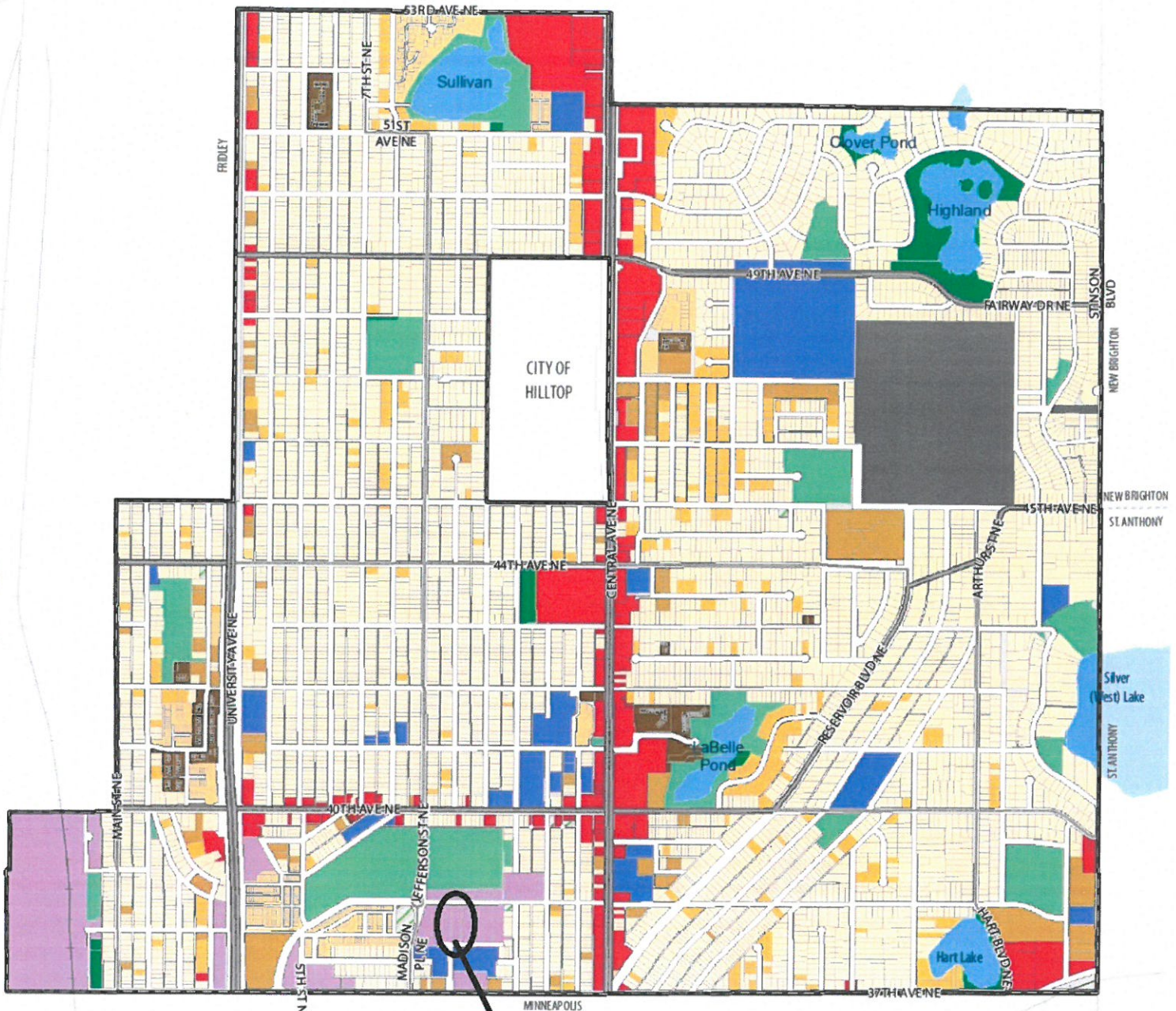
Included in this application is an aerial site plan which includes how vehicles would be parked and ingress/egress pathways for emergency vehicles.

Revised June 2017

EXISTING LAND USE

- SF Residential
- Townhomes
- TF Residential
- Apartments
- Condominium
- Commercial
- Institutional
- Industrial
- Park/Open Space
- Open Water
- Vacant
- MPLSWW
- ROW

City



FRIDLEY
NEW BRIGHTON
ST ANTHONY
MINNEAPOLIS

39TH AVE. NE (60' R/W)

CERTIFICATE OF SURVEY

(MEASUREMENTS SHOWN IN FEET AND DECIMALS OF A FOOT)

N 89°59'20"E 100.00

TC-906.7
IE-902.4

KURTH SURVEYING, INC.
4002 JEFFERSON ST. N.E.
COLUMBIA HEIGHTS, MN 55421
PHONE (763) 788-9769
E-MAIL: ksi@kurthsurveyinginc.com.

FOR: BONA MANAGEMENT

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Randy L. Kurth, L.L.S. No. 20270
Russell J. Kurth, L.L.S. No. 16113

DATE: August 29, 2022

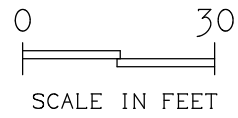
REV. 10-11-22 PROP. PARKING

- = IRON PIPE SET AND MARKED 20270
- = IRON PIPE FOUND
- ⊗ = M.A.G. NAIL SET
- x— = CHAIN LINK FENCE
- |— = EDGE OF BITUMINOUS
- x900.1 = EX.SPOT ELEVATION
- - - 902 = EXISTING CONTOUR
- ▭ = CATCH BASIN-STORM SEWER
- ▨ = BITUMINOUS AREA
- ▩ = CONCRETE AREA

BEARINGS SHOWN ARE ON THE ANOKA COUNTY COORDINATE SYSTEM, NAD83, 1996 ADJ.

VERTICAL DATUM IS NAVD88

BM= MNDOT GEODETIC STA. #102779 AT APPROX. 3901 UNIV. AVE. - ELEVATION = 916.65



PROPERTY DESCRIPTION (PER ANOKA COUNTY TAX DEPT.)

Lots 10 and 11, Block 4, 2ND SUBDIVISION OF BLOCK F, and that part of 38 1/2 Ave. vacated beginning at a point at the SW corner of Lot 11, Block 4; thence southerly along the west line of Lot 11 extended and parallel to the east line of Block 84, COLUMBIA HEIGHTS ANNEX TO MINNEAPOLIS, a distance of 60 feet; thence easterly along a line parallel to the north line of Block 84, a distance of 100 feet; thence northerly along line parallel to the east line of Block 84, a distance of 60 feet to the SE corner of Lot 10; thence westerly along the south line of Lots 10 and 11, which line is parallel with the north line of Block 84, a distance of 100 feet to the point of beginning. Also that part of Outlot A, 2ND SUBDIVISION OF BLOCK F, beginning at a point where the west line of Lot 11, Block 4 extended intersects the north line of said Outlot A; thence southerly a distance of 156 ft along the extended west line of Lot 11, Block 4, which line is parallel with the east line of Block 84; thence easterly a distance of 100 feet along a line parallel with the north line of Block 84; thence easterly a distance of 100 feet along a line parallel with the north line of block 84; thence northerly a distance of 156 feet along a line parallel with the east line of Block 84, which line is along the east line of Lot 10, Block 4 extended to the north line of said Outlot A; thence westerly a distance of 100 feet along the north line of Outlot A to the point of beginning. All in Anoka County, Minnesota

