



# PLANNING COMMISSION

City Hall—Council Chambers, 590 40th Ave NE

Tuesday, February 07, 2023

6:00 PM

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## 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.

### **CALL TO ORDER/ROLL CALL**

**1. Election of Planning Commission Officers**

**MOTION:** Move to elect \_\_\_\_\_ as Chair of the Planning Commission.

**MOTION:** Move to elect \_\_\_\_\_ as Vice Chair of the Planning Commission.

**MOTION:** Move to elect \_\_\_\_\_ as Secretary/Treasurer of the Planning Commission.

### **APPROVE MINUTES**

**2. Approve November 1, 2022 Planning Commission Meeting Minutes**

**MOTION:** Move to approve the Planning Commission Meeting Minutes of November 1, 2022.

### **PUBLIC HEARINGS**

**3. Zoning Ordinance Amendment and Conditional Use Permit**

**MOTION:** Move to waive the reading of draft Ordinance amendment No. 1682, there being ample copies available to the public.

**MOTION:** Move to recommend that the City Council approve draft Zoning Ordinance Amendment No. 1682 as presented.

**MOTION:** Move to waive the reading of draft Resolution No. 2023-09, there being ample copies available to the public.

**MOTION:** Move 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.

**OTHER BUSINESS**

**4. Review Purchase of 841 49th Avenue NE**

**MOTION:** Move to waive the reading of Resolution 2023-PZ01, there being ample copies available to the public.

**MOTION:** Move 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.

**5. Review Purchase of 4243 5th Street NE**

**MOTION:** Move to waive the reading of Resolution 2023-PZ02, there being ample copies available to the public.

**MOTION:** Move 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.

**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.*



AGENDA SECTION	CALL TO ORDER/ROLL CALL
MEETING DATE	FEBRUARY 7, 2023

ITEM:	Election of Planning Commission Officers	
DEPARTMENT:	Community Development	BY/DATE: Aaron Chirpich, CD Director 1/31/23

**BACKGROUND:**

Officer Elections are held on an annual basis. The current officers are as follows:

- Chairperson: Eric Sahnaw
- Vice Chairperson: Tom Kaiser
- Secretary/Treasurer: Mark Vargas

In order for a member to be considered for an officer position, they must be nominated by another Planning Commission member or nominate themselves. The election process will go as follows:

1. **A Chairperson will be elected.**
  - a. Commission members provide all nominations for Chairperson of the Planning Commission.
  - b. A vote is taken and counted individually for each nominated member.
  - c. The member with the most votes is declared the Chairperson of the Planning Commission by the Staff Liaison.
  
2. **A Vice Chairperson will be elected.**
  - a. Commission members provide all nominations for Vice Chairperson of the Planning Commission.
  - b. A vote is taken and counted individually for each nominated member.
  - c. The member with the most votes is declared the Vice Chairperson of the Planning Commission by the Chairperson.
  
3. **A Secretary/Treasurer will be elected.**
  - a. Commission members provide all nominations for Secretary/Treasurer of the Planning Commission.
  - b. A vote is taken and counted individually for each nominated member.
  - c. The member with the most votes is declared the Secretary/Treasurer of the Planning Commission by the Chairperson.

<b>RECOMMENDED MOTION(S):</b>
MOTION: Move to elect _____ as Chair of the Planning Commission.
MOTION: Move to elect _____ as Vice Chair of the Planning Commission.
MOTION: Move to elect _____ as Secretary/Treasurer of the Planning Commission.



**PLANNING COMMISSION**  
 City Hall—Council Chambers, 590 40th Ave NE  
 Tuesday, November 01, 2022  
 6:00 PM

## MINUTES

### CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:03 pm by Chair Sahnaw.

Commissioners Present: Laurel Deneen, Stan Hoium, Tom Kaiser, Mike Novitsky, Eric Sahnaw, Mark Vargas, Clara Wolfe, Council Liaison John Murzyn, Jr.

Also Present: Aaron Chirpich, Community Development Director; Bob Kirmis, Planning Consultant; Alicia Howe, Administrative Assistant; Stephen Bona, Bona Management Company

### APPROVE MINUTES

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

*Motion by Wolfe, seconded by Novitsky, to approve the Planning Commission Meeting Minutes of September 7, 2022. All ayes. MOTION PASSED.*

### PUBLIC HEARINGS

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

Chirpich introduced Kirmis, Planning Consultant, and stated he would be speaking on this item.

Introduction: Kirmis reported that 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.*

- 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 offstreet parking stalls.

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 proposed 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.

Kaiser asked what triggered the need for a Conditional Use Permit (CUP). Chirpich stated that this area had been identified previously as an area where there were concerns about outdoor storage on several properties in the industrial district; Staff notified property owners in violation of City ordinance. He said that the previous tenant at this property and the owner were notified that there was not a CUP for outdoor storage. Since then, the tenant has moved out, and Stephen Bona, came in to notify the City of the new plans for their new tenant's business which triggered the evaluation of outdoor storage and the need for a CUP again.

Chirpich said there are some additional properties that are still not compliant in the vicinity and those properties are next on the list for compliance check-ins, but there are also some properties in the area that do have CUP's for outdoor storage but are violating the conditions. He further stated that with a CUP with conditions, they can hold property owners accountable.

Kaiser asked how long the CUP would be in effect. Chirpich stated that CUP's run with the property, they do not expire, unless it is revoked or discontinued for a period of one year. He further stated that if an owner violates the conditions, the City notifies the owner and they have a certain amount of time to correct the issue, and then it goes to revocation, if necessary, which needs to be approved by Council.

Vargas asked about the test well on the survey and stated it is close to the newly classified flood zone on Huset. Chirpich deferred to the applicant and said that Staff hasn't received any Minnesota Pollution Control Agency (MPCA) correspondence recently, but he is aware of monitoring wells throughout the City. Bona said he did not have any other information to provide on the well.

Vargas made comment on the grading and storm drainage for the property. Chirpich stated that to regulate stormwater at the watershed level, you need to disturb a certain amount of the site area; Staff also relies on Public Works for the evaluation of that and they have reviewed the plans.

Vargas asked about the turnarounds for emergency vehicles and if it applies to outdoor storage. Chirpich said that they have code compliant drive aisles, and the fire department did evaluate the plans. Vargas made note of the two fire hydrants near the property.

Vargas asked about the opaqueness of the fence. Chirpich mentioned the condition within the CUP, "the fence must be no less than six feet in height and no less than 80 percent opaque". Chirpich stated that the standard could be evaluated in the future, but it is of Staff's opinion that the current fence material is compliant, and the current standard is working.

Hoium said that it states that the surface is already paved and questioned if that was fact and if it was in reasonable condition. He also mentioned that there wasn't discussion about unlicensed or junk vehicles. Chirpich said that the pavement is acceptable, and Staff has conveyed to the applicant that there has been a significant amount of time spent trying to clean up this property and other properties in the area, and specifically discussed with the owner what is acceptable for outdoor storage. He also referenced similar issues with the Jeff, Bobby, and Steve's (JBS) impound lot nearby, and explained how JBS, does not have a principal use in comparison to the subject property. Chirpich stated that Staff has laid out the conditions and this CUP allows for the City to hold them to compliance; he further noted the specific conditions for unlicensed or junk vehicles.

Hoium asked about how the enforcement will work and if the lot is accessible. Chirpich stated that these conditions have been tested and held up by the courts. He noted that enforcement can be challenging but aerial photos are a resource, but the City isn't going to send enforcement in for compliance checks if it's orderly and improved according to the CUP conditions.

Novitsky asked for clarification on what type of auto repair business it was. Bona stated it would be a salvage operation, buying for repair and selling the vehicles. He said there is a towing component with auto repair; they would do body, vehicle, and mechanical repair and detailing.

Novitsky asked how big the body shop was. Chirpich stated it was approximately 3,000 square feet.

Novitsky further asked why 75 outdoor spots are needed for that small of a shop. Bona stated that realistically they did not need that many spaces, but if they were going through the CUP, they wanted to maximize the space.

Novitsky asked about turnover time of a vehicle. Bona provided some history of the businesses that have been in that space and stated that there was a tenant in there for 10 years most recently that vacated in 2021. He said when the turnover of the space happened, they saw it as an opportunity to clean it up and make sure that operations were following the requirements of the City. He further stated that this business is going to operate differently than the previous business and will not be an impound lot.

Wolfe asked about the lease and how they plan to enforce the tenant keeping to the standards. Bona said they have language within the lease but they have communicated clearly about the expectations and he stated he is there frequently as well.

Chirpich noted the Bona lives close to the property and can easily keep an eye on it.

Sahnaw asked about condition 15 about lighting. Chirpich said they have the specifics for lighting in the Staff report; Staff's view is if there is a nuisance complaint, then they would go in to investigate and enforce it if needed.

Sahnaw made comment on the back of the lot and stated it would be very dark. Further discussion ensued about current lighting and lighting on the businesses nearby.

Chirpich stated that the police department said that lighting is a general concern for outdoor storage, however, they didn't see that it was something that needed to be addressed currently.

Sahnaw opened the public hearing.

No one wished to speak.

*Motion by Hoium, seconded by Wolfe, to waive the reading of draft Resolution 2022-98, there being ample copies available to the public. All ayes. MOTION PASSED.*

*Motion by Kaiser, seconded by Hoium, 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. All ayes.  
MOTION PASSED.*

**OTHER BUSINESS**

Chirpich stated that there was no other business and Staff was not aware of any potential applications for December 2022; therefore, a meeting would not be held.

**ADJOURNMENT**

*Motion by Wolfe, seconded by Novitsky, to adjourn the meeting at 6:47 pm. All ayes. MOTION PASSED.*

Respectfully submitted,



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Alicia Howe, Administrative Assistant



AGENDA SECTION	PUBLIC HEARINGS
MEETING DATE	FEBRUARY 7, 2023

ITEM:	Zoning Ordinance Amendment and Conditional Use Permit	
DEPARTMENT:	Community Development	BY/DATE: Aaron Chirpich, CD Director – 1/31/23

**CASE NUMBER:** 2023-0201  
**APPLICANT:** Ruff Love, LLC  
**DEVELOPMENT:** Ruff Love Dog Daycare and Boarding Facility  
**LOCATION:** 3801 3<sup>rd</sup> Street NE  
**REQUEST:** Zoning Ordinance Amendment and Conditional Use Permit  
**PREPARED BY:** Bob Kirmis, Consultant City Planner

**INTRODUCTION:**

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 3<sup>rd</sup> Street NE (north of 38<sup>th</sup> Avenue NE between 3<sup>rd</sup> Street NE and University Avenue NE).

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.

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.

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.

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.

To be noted is that 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.

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.

**COMPREHENSIVE PLAN**

The City’s 2040 Comprehensive Plan guides the subject site, as well as properties to the north, south and west for “transitional development.” The Plan describes the “transitional development” designation as follows:

*This area currently contains a mix of residential and industrial uses and will be encouraged over time to accommodate both higher density housing and clean, business park type uses*

The subject site also lies within “Opportunity Area #4” of the Comprehensive Plan which overlays the segment of the University Avenue NE corridor located between 37<sup>th</sup> and 40<sup>th</sup> Avenues NE. In this regard, the Plan identifies the area as having redevelopment potential for future multiple family residential and/or commercial uses.

**ZONING ORDINANCE AMENDMENT**

The subject site is zoned I-1, Light Industrial. The purpose of the district is as follows:

*To provide appropriate locations for industrial enterprises engaged in activities such as assembly, storage, warehousing and light manufacturing and further processing of materials first handled by general industry. These areas are located with easy access to arterial roadways and should be separated from residential uses by natural or manmade barriers.*

To accommodate the proposed use, the applicant has requested the processing of a Zoning Ordinance amendment which would allow “animal kennels and/or shelters” as a conditional use in the I-1, Limited Industrial District.

To be noted is that that “animal kennels and/or shelters” are presently only allowed in the City’s GB, Central Business District as a conditional use (subject to various conditions).

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.

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).**

In this regard, the following Zoning Ordinance modifications are recommended by Staff:

1. The existing definition of “kennel” be expanded to provide clarity regarding the allowance of animal

daycare uses to read as follows (new/additional conditions recommended by Staff are highlighted in red and underlined):

**KENNEL, ANIMAL (ANIMAL SHELTER).** Any premises where three or more non-caged domestic animals over six months of age are kept, except for an animal hospital, pet shop or veterinary clinic. “Animal kennels” and “animal shelters” include animal daycare uses such as “doggie daycare” and incidental grooming, walking and/or training services.

2. The City’s existing performance standards pertaining to animal kennels and/or shelters be expanded to read as follows (new/additional conditions recommended by Staff are highlighted in red and underlined):

(2) *Animal kennel or shelter.*

- (a) *Any activity conducted outdoors, including but not limited to play areas, outdoor runs, etc. shall be approved by the City Council through a Conditional Use Permit on a case-by-case basis.*
- (b) *Outdoor kennels shall be prohibited.*
- (c) *Outdoor activity spaces shall meet the following requirements:*
  - 1. *The space shall be completely screened from abutting neighboring residential zoning districts or uses by a six-foot tall privacy fence that is at least 80 percent opaque.*
  - 2. *The space shall be cleaned regularly so as not to create a nuisance as defined by the City Code.*
  - 3. *Animal waste produced within the space shall not be allowed to directly enter the City’s storm sewer system.*
- (d) *All indoor activities shall include soundproofing and odor control.*
- (e) *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.*
- (f) *Air temperature within the kennel or shelter shall be maintained between 60 degrees and 80 degrees Fahrenheit.*
- (g) *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.*
- (h) *Floor finishes shall be sealed concrete, or another impervious surface approved by the City.*

- (i) Animal waste shall be immediately cleaned up with solid wastes being enclosed in a container of sufficient construction to eliminate odors and organisms. All animal waste shall be disposed of on a daily basis.
- (j) The kennel or shelter shall provide sufficient, uniformly distributed lighting to the kennel area.

**CONDITIONAL USE PERMIT**

**1. Access**

Access to the site is proposed from the south via 38<sup>th</sup> 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 38<sup>th</sup> Avenue NE. In this regard, access to such row of parking is provided via an 80-foot-wide surmountable curb along 38<sup>th</sup> 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 38<sup>th</sup> 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.

Using this standard, a total of 5 off street parking stalls would be required of the proposed animal kennel use as calculated below.

Use	Ratio	Required Parking Stalls
Office (800 square feet)	1 space per 300 gross square feet	2.7
Kennel (5,491 square feet)	1 space per 3,000 gross square feet	1.8
<b>Total</b>		<b>5 spaces</b>

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).

Dimensional Requirements. While the proposed off-street parking stalls meet the minimum dimensional requirements of the Ordinance (9 feet in width and 18 feet in depth for stalls which abut curbs), the provided 23-foot-wide drive aisle is slightly less than the 24-foot width required by the Ordinance. The drive aisle width is however, considered a legal nonconforming condition which is afforded grandfather rights.

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 38<sup>th</sup> Avenue NE). The outdoor run area will be screened from view of 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 easter 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 (see photograph below).



Consistent with the provisions of the previously discussed Zoning Ordinance amendment, the outdoor activity space (dog run area) must satisfy the following conditions:

1. The space shall be completely screened from abutting neighboring residential zoning districts or uses by a six-foot tall privacy fence that is at least 80 percent opaque.
2. The space shall be cleaned regularly so as not to create a nuisance as defined by the City Code.
3. Animal waste produced within the space shall **not be allowed to directly enter the City’s storm sewer system.**

The preceding conditions stipulate that the outdoor activity space (dog run) must be cleaned regularly so as not to create a nuisance. The condition does not however, specifically reference noise and odors generated within the outdoor activity area. It should be noted that, in addition to the preceding conditions, the proposed use is also subject to the City Code’s nuisance regulations which pertain specifically to the keeping of animals. In this regard, Section 8.101(D) of the City Code imposes the following nuisance-related requirements:

*(D) The owner or custodian of any animal permanently or temporarily in the City shall have the obligation and responsibility to prevent such animal from committing any act which constitutes a public nuisance, which shall include, but not be limited to, the following acts:*

- (1) Habitually or frequently bark or cry to the annoyance of neighbors or the general public.*
- (2) Molest or annoy any person if such person is not on the property of the owner or custodian of such animal.*
- (3) Molest, defile, or destroy any public or private property not belonging to the owner or custodian of such animal.*
- (4) Defecate upon public property without immediately removing the excrement and disposing of it in a sanitary manner.*
- (5) Chase vehicles or otherwise run at large within the City.*

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. 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 wastes being enclosed in a container of sufficient construction to eliminate odors and organisms. All animal waste shall be disposed of on a daily basis.
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.

**At the time of this report, City Staff has received comment from one neighboring property owner. Specifically, owner of property located at 3754 3<sup>rd</sup> 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 this report.**



**9. Staff Review**

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

**In review of the application materials, the City Engineer has recommended that animal waste produced within the space not be allowed to directly enter the City’s storm sewer system. Such recommendation has been included in the amendment language as a condition of conditional use permit approval.**

**FINDINGS OF FACT**

Section 9.104 (H) of the Zoning Ordinance outlines certain findings of fact that must be met in order for the City to approve a conditional use permit. The findings are as follows:

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

Upon approval of the Zoning Ordinance Amendment, the proposed use shall be considered a permitted conditional use in the I-1, Light Industrial District.

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

With conditions imposed to endure compatibility, the use will be in harmony with the purpose of the Comprehensive Plan.

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

With conditions imposed to ensure compatibility, the use will not impose hazards or disturbing influences on neighboring properties.

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

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

***(e) The use will be designed, constructed, operated, and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.***

The use will be compatible with the appearance of the existing or intended character of the surrounding area.

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

The use and property upon which the use is located is adequately served by essential public facilities and services.

***(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.***

Traffic generated by the proposed use is within the capabilities of 38<sup>th</sup> Avenue which serves the subject property.

***(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.***

The use will not have a negative cumulative effect upon uses in the immediate vicinity.

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

The use must comply with applicable Zoning Ordinance regulations as well as any additional requirements which may be imposed as conditions of conditional use permit approval.

**RECOMMENDATION**

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.
- B. Approval of the Conditional Use Permit for property located at 3801 3<sup>rd</sup> Street NE (PID# 35-30-24-33-0078) subject to the following conditions:
  - 1. The City approve 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.
  - 2. Outdoor kennels upon the subject site shall be prohibited.
  - 3. A minimum of 10 off-street parking stalls be provided upon the subject site (to accommodate the proposed use).
  - 4. The outdoor activity space (dog run area) shall satisfy the following conditions:
    - A. The six-foot-high fencing used to screen the outdoor activity space from abutting neighboring residential zoning districts shall be at least 80 percent opaque.
    - B. The space shall be cleaned regularly so as not to create a nuisance as defined by the City Code.
    - C. Animal waste produced within the space shall not be allowed to directly enter the City’s storm sewer system.
  - 5. The property owner or custodian of the property shall have the obligation and responsibility to prevent animals from committing any act which constitutes a public nuisance as provided in

Section 8.101(D) of the City Code.

6. The indoor activity space (kennel) shall satisfy the following conditions:
  - A. All indoor activities shall include soundproofing and odor control.
  - B. The kennel or shelter shall provide a minimum floor area of 48 square feet per dog boarded at any one time, exclusive of office or storage area.
  - C. Air temperature within the kennel or shelter shall be maintained between 60 degrees and 80 degrees Fahrenheit.
  - D. 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.
  - E. Floor finishes shall be sealed concrete, or another impervious surface approved by the City.
  - F. Animal waste shall be immediately cleaned up with solid wastes being enclosed in a container of sufficient construction to eliminate odors and organisms. All animal waste shall be disposed of on a daily basis.
7. Customer business hours, as deemed appropriate by the City, shall be established.
8. The kennel shall be licensed in accordance with Section 5.607 of the City Code.
9. The building and site shall be meet all requirements found in the Fire Code and the Building Code.
10. If trash handling equipment is to be stored outdoors, it's location shall be illustrated on the site plan. Exterior trash and/or recycling collection areas on the site shall 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.
11. The kennel or shelter shall provide sufficient, uniformly distributed lighting to the kennel area.
12. All new site signage shall be subject to sign permit.
13. The site plan and floor plan included in this submittal, shall become part of this approval.
14. All other applicable local, state, and federal requirements shall be satisfied.

**RECOMMENDED MOTION(S):**

**MOTION:** Move to waive the reading of draft Ordinance amendment No. 1682, there being ample copies available to the public.

**MOTION:** Move to recommend that the City Council approve draft Zoning Ordinance Amendment No. 1682 as presented.

**MOTION:** Move to waive the reading of draft Resolution No. 2023-09, there being ample copies available to the public.

**MOTION:** Move 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.

**ATTACHMENT(S):**

Draft Ordinance No. 1682

Draft Resolution No. 2023-09

Application and Applicant Narrative

Site Location Map

Plan Set

Neighboring Property Owner Letter

**DRAFT****ORDINANCE NO. 1682**

**AN ORDINANCE AMENDING CHAPTER 9.111 OF THE CITY CODE OF 2005  
TO ESTABLISH ANIMAL KENNELS AND SHELTERS AS A CONDITIONAL USE  
IN THE CITY'S I-1, LIGHT INDUSTRIAL ZONING DISTRICT**

The City of Columbia Heights does ordain:

**Section 1**

The definition of the term “Kennel,” as provided in Section 9.103 of the City Code of 2005, is hereby amended to read as follows:

**KENNEL, ANIMAL (ANIMAL SHELTER)**. Any premises where three or more non-caged domestic animals over six months of age are kept, except for an animal hospital, pet shop or veterinary clinic. “Animal kennels” and “animal shelters” include animal daycare uses such as “doggie daycare” and incidental grooming, walking and/or training services.

**Section 2**

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

- (3) *Conditional uses.* Except as specifically limited herein, the following uses may be allowed in the I-1, Light Industrial District, subject to the regulations set forth for conditional uses in § [9.104](#), Administration and Enforcement, and the regulations for specific uses set forth in § [9.107](#), Specific Development Standards:
- (a) Caretaker's residence.
  - (b) Outdoor sales and/or display.
  - (c) Outdoor storage.
  - (d) Parking ramp.
  - (e) Concrete, asphalt or rock crushing operation.
  - (f) Salvage operation/transfer station.
  - (g) Adult entertainment use.
  - (h) State licensed residential care facility, correctional.
  - (i) Fences greater than seven feet in height.
  - (j) Barbed wire fences.
  - (k) Animal kennel and/or shelter.

**Section 3**

**9.107(C)(2) of the City Code of 2005 (Specific Development Standards – Animal kennel or shelter) is hereby amended to read as follows, to wit:**

- (2) Animal kennel or shelter.
- (a) Any activity conducted outdoors, including but not limited to play areas, outdoor runs, etc. shall be approved by the City Council through a Conditional Use Permit on a case-by-case basis.
  - (b) Outdoor kennels shall be prohibited.
  - (c) Outdoor activity spaces shall meet the following requirements:
    - 1. The space shall be completely screened from abutting neighboring residential zoning districts or uses by a six-foot tall privacy fence that is at least 80 percent opaque.
    - 2. The space shall be cleaned regularly so as not to create a nuisance as defined by the City Code.
    - 3. Animal waste produced within the space shall **not be allowed to directly enter the City's storm sewer system.**
  - (d) All indoor activity shall include soundproofing and odor control.
  - (e) 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.
  - (f) Air temperature within the kennel or shelter shall be maintained between 60 degrees and 80 degrees Fahrenheit.
  - (g) **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.
  - (h) Floor finishes shall be sealed concrete, or another impervious surface approved by the City.
  - (i) Animal waste shall be immediately cleaned up with solid wastes being enclosed in a container of sufficient construction to eliminate odors and organisms. All animal waste shall be disposed of on a daily basis.
  - (j) The kennel or shelter shall provide sufficient, uniformly distributed lighting to the kennel area.

#### Section 4

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

First Reading:

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Offered by:  
Seconded by:  
Roll Call:

Second Reading:  
Offered by:  
Seconded by:  
Roll Call:

Date of Passage:

---

Amáda Márquez Simula, Mayor

Attest:

---

Sara Ion, City Clerk/Council Secretary

**RESOLUTION NO. 2023-09  
RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR  
AN ANIMAL KENNEL (DOG DAYCARE AND BOARDING FACILITY) WITHIN AN  
I-1, LIGHT INDUSTRIAL DISTRICT  
IN THE CITY OF COLUMBIA HEIGHTS, MINNESOTA**

**WHEREAS**, a proposal (Case #2023 - \_\_\_\_\_) 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: 3801 3<sup>rd</sup> Street NE

LEGAL DESCRIPTION: On file at City Hall

THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit per Code Section 9.107(C)(2) to allow an animal kennel in an I-1, Light Industrial District

**WHEREAS**, the subject site is zoned I-1, Light Industrial which makes an allowance for animal kennel uses (as a principal use) via conditional use permit; and

**WHEREAS**, the Zoning Ordinance definition of “animal kennel” states that such use includes “doggie daycare” activities such as that proposed by the applicant; and

**WHEREAS**, the Planning Commission held a public hearing, as required by the City Zoning Code, on February 7, 2023; 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. The City approve 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.
2. Outdoor kennels upon the subject site shall be prohibited.
3. A minimum of 10 off-street parking stalls be provided upon the subject site (to accommodate the proposed use).
4. The outdoor activity space (dog run area) shall satisfy the following conditions:
  - A. The six-foot-high fencing used to screen the outdoor activity space from abutting neighboring residential zoning districts shall be at least 80 percent opaque.
  - B. The space shall be cleaned regularly so as not to create a nuisance as defined by the City Code.

- C. Animal waste produced within the space shall **not be allowed to directly enter the City's storm sewer system.**
  
- 5. The property owner or custodian of the property shall have the obligation and responsibility to prevent animals from committing any act which constitutes a public nuisance as provided in Section 8.101(D) of the City Code.
  
- 6. The indoor activity space (kennel) shall satisfy the following conditions:
  - A. All indoor activities shall include soundproofing and odor control.
  
  - B. The kennel or shelter shall provide a minimum floor area of **48** square feet per dog boarded at any one time, exclusive of office or storage area.
  
  - C. Air temperature within the kennel or shelter shall be maintained between 60 degrees and 80 degrees Fahrenheit.
  
  - D. **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.
  
  - E. Floor finishes shall be sealed concrete, or another impervious surface approved by the City.
  
  - F. Animal waste shall be immediately cleaned up with solid wastes being enclosed in a container of sufficient construction to eliminate odors and organisms. All animal waste shall be disposed of on a daily basis.
  
- 7. Customer business hours, as deemed appropriate by the City, shall be established.
  
- 8. The kennel shall be licensed in accordance with Section 5.607 of the City Code.
  
- 9. The building and site shall be meet all requirements found in the Fire Code and the Building Code.
  
- 10. If trash handling equipment is to be stored outdoors, it's location shall be illustrated on the site plan. Exterior trash and/or recycling collection areas on the site shall 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.
  
- 11. The kennel or shelter shall provide sufficient, uniformly distributed lighting to the kennel area.

- 12. All new site signage shall be subject to sign permit.
- 13. The site plan and floor plan included in this submittal, shall become part of this approval.
- 14. All other applicable local, state, and federal requirements shall be satisfied.

Passed this 13th day of February 2023

Offered by:  
Seconded by:  
Roll Call:

\_\_\_\_\_  
Amáda Márquez Simula, Mayor

Attest:

\_\_\_\_\_  
Sara Ion, City Clerk

Ruff Love Dogs is purchasing the commercial property located at 3801 3<sup>rd</sup> Street NE in Columbia Heights and is requesting a conditional use permit to allow a dog daycare and boarding facility. Additionally, we are requesting that the building be zoned I-1 so that we can operate our dog daycare in this existing property.

Ruff Love Dogs was founded in 2011 by Jessen Como. Ruff Love is a dog daycare and boarding facility currently located on Marshall Street in Northeast Minneapolis. Ruff Love has occupied this space for nearly 12 years and has continually proven itself to be a productive, involved member of the Northeast community as well as a respectful neighbor to the many surrounding business and homes. We also take seriously our responsibility to uphold a safe, clean care facility for our dogs and will maintain our new facility accordingly.

The neighborhood in which Ruff Love currently operates is predominantly residential, with single-family homes and multi-family houses, condominiums, and apartment buildings in close proximity. Ruff Love takes great care to ensure that there is minimal noise disruption to the neighbors during our business hours, and never has late-night or overnight noise due to our business hours. The neighborhood has been very supportive of our presence in Northeast, and many of our customers live nearby.

We also share Marshall Street with many other commercial businesses. We have had great relationships with our neighbors over the years, and are strong believers in community partnerships. The Sheridan Neighborhood Organization recognized Ruff Love for putting this philosophy into practice by naming us the Neighborhood Business of the Year. We look forward to forging similar partnerships, with both residents and businesses, when we move from Northeast Minneapolis to Columbia Heights.

The building itself will allow us to continue to operate in a nearly identical fashion to our current facility. Our responsibility is to ensure every dog who is in Ruff Love's care so safe, healthy, and comfortable. Part of our strategy for ensuring this continues to happen in our facility is by dividing the dogs up into groups based on temperament. This way, dogs with similar play styles and personalities can spend their days together. Additionally, we have a strong evaluation process wherein we determine how a dog's behavior will fit into the Ruff Love community. Ultimately, these two practices ensure that dogs who bark excessively are not a good fit for Ruff Love, so our ability to control noise is strong.

At our new Columbia Heights location, we will accept up to 100 dogs per day. We will have six staff members on-site at a time, and 50% of our staff utilize public transportation.

We are excited to move our operations to Columbia Heights and continue the work we have done for nearly 12 years. We have many clients in the Columbia Heights area and will be fully invested in this community. The building itself is the perfect fit for our operations, and we can't wait to continue to care for all of the dogs who come to play with us everyday. Thank you for welcoming Ruff Love Dogs to Columbia Heights!

# COLUMBIA HEIGHTS

Community Development Department  
590 40<sup>th</sup> 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: 3801 3RD ST. NE, Columbia Heights, MN 55421  
Legal Description of property: LOTS 7\*8 BLK 82 COLUMBIA HEIGHTS ANNEX, TOG/W 1/2 OF ADJ VAC ALLEY, ~~SUB F~~ SUBJ TO EASE OF REC  
Present use of property: \_\_\_\_\_  
Proposed conditional use of property: \_\_\_\_\_

**PROPERTY OWNER (As it appears on property title):**

Company/Individual (please print): LOC & KEA HOLDINGS LLC  
Contact Person (please print): Jessen Como  
Mailing Address: 1528 Marshall Street NE  
City: Minneapolis State: MN Zip: 55413  
Daytime Phone: \_\_\_\_\_ Cell Phone: 917-607-6765  
E-mail Address: jessen.como@gmail.com

Signature/Date: X

**APPLICANT:**

Company/Individual (please print): RUFF LOVE LLC  
Contact Person (please print): Jessen Como  
Mailing Address: 1528 Marshall Street NE  
City: Minneapolis State: MN Zip: 55413  
Daytime Phone: \_\_\_\_\_ Cell Phone: 917-607-6765  
E-mail Address: jessen.como@gmail.com

Signature/Date:  12/28/22

# 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: 2023-0101

APPLICATION REC'D BY: Aren C

\$500 APPLICATION FEE REC'D: 6500.00

DATE APPLICATION REC'D: 3/3/22

RECEIPT NUMBER: 72335

Approved by Planning & Zoning Commission on \_\_\_\_\_

Approved by City Council on \_\_\_\_\_

Revised June 2017



# COLUMBIA HEIGHTS

## ZONING AMENDMENT APPLICATION ORDINANCE NO.: 9.104 (F)

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: 3801 3RD ST NE, Columbia Heights, MN 55421  
Legal Description of property: LOTS 7 & 8 Bk 52 Columbia Heights Annex, TOG/W W 1/2 OF Adj VAC valley, subj to lease of rec  
Present zoning of property: \_\_\_\_\_  
Proposed zoning of property: \_\_\_\_\_  
Section Number of text to be changed: \_\_\_\_\_

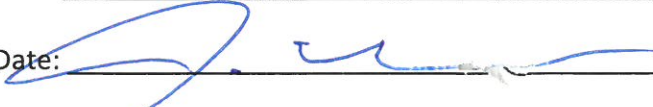
### PROPERTY OWNER (As it appears on property title):

Company/Individual (please print): LOC & KEA HOLDINGS LLC  
Contact Person (please print): Jessen Como  
Mailing Address: 1528 Marshall Street NE  
City: Minneapolis State: MN Zip: 55413  
Daytime Phone: \_\_\_\_\_ Cell Phone: 917-607-6765  
E-mail Address: jessen.como@gmail.com

Signature/Date:  \_\_\_\_\_

### APPLICANT:

Company/Individual (please print): Ruff Love LLC  
Contact Person (please print): Jessen Como  
Mailing Address: 1528 Marshall Street NE  
City: Minneapolis State: MN Zip: 55413  
Daytime Phone: 612-331-4248 Cell Phone: 917-607-6765  
E-mail Address: jessen.como@gmail.com

Signature/Date:  12/28/22

**Disclaimer: Applicant's name, contact information and a summary of the proposed application may be made available on the city's website as part of public record.**

# COLUMBIA HEIGHTS

REASON FOR REQUEST *(please provide a written narrative that explains how the existing use of the property and the zoning classification of other properties within the general area are compatible with the proposed zoning classification. Also describe whether there has been a change in the character or trend of development in the general area that has taken place since the property was originally placed in its current zoning classification. If applicable, provide the existing text that you are requesting be changed and provide the proposed text.)*

### FOR OFFICE USE ONLY

CASE NO: 2023-0101

APPLICATION REC'D BY: Aaron C

\$1000 APPLICATION FEE REC'D: \$1,000.00

DATE APPLICATION REC'D: 3/3/22

RECEIPT NUMBER: 72335




# COLUMBIA HEIGHTS

## ZONING AMENDMENT APPLICATION ORDINANCE NO.: 9.104 (F)

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: 3801 3rd Street NE, Columbia Heights  
 Legal Description of property: \_\_\_\_\_  
 Present zoning of property: \_\_\_\_\_  
 Proposed zoning of property: \_\_\_\_\_  
 Section Number of text to be changed: \_\_\_\_\_

**PROPERTY OWNER (As it appears on property title):**  
 Company/Individual (please print): Northern Heritage Properties, LLC  
 Contact Person (please print): Daniel O'Brien  
 Mailing Address: 3801 3rd Street NE  
 City: Columbia Heights State: MN Zip: 55421  
 Daytime Phone: cell → Cell Phone: (612) 562-3773  
 E-mail Address: dan@northernheritage.com  
 Signature/Date:  1/4/23

**APPLICANT:**  
 Company/Individual (please print): Ruff Love LLC  
 Contact Person (please print): Jessen Como  
 Mailing Address: 1528 Marshall Street NE  
 City: Minneapolis State: MN Zip: 55413  
 Daytime Phone: 612-331-4248 Cell Phone: 917-607-6765  
 E-mail Address: jessen.com@gmail.com  
 Signature/Date: \_\_\_\_\_

**Disclaimer:** Applicant's name, contact information and a summary of the proposed application may be made available on the city's website as part of public record.

# COLUMBIA HEIGHTS

REASON FOR REQUEST *(please provide a written narrative that explains how the existing use of the property and the zoning classification of other properties within the general area are compatible with the proposed zoning classification. Also describe whether there has been a change in the character or trend of development in the general area that has taken place since the property was originally placed in its current zoning classification. If applicable, provide the existing text that you are requesting be changed and provide the proposed text.)*

### FOR OFFICE USE ONLY

CASE NO: \_\_\_\_\_

APPLICATION REC'D BY: \_\_\_\_\_

\$1000 APPLICATION FEE REC'D: \_\_\_\_\_

DATE APPLICATION REC'D: \_\_\_\_\_

RECEIPT NUMBER: \_\_\_\_\_

# COLUMBIA HEIGHTS

Community Development Department  
590 40<sup>th</sup> 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**      3801 3rd Street NE, Columbia Heights

Project Address/Location: \_\_\_\_\_

Legal Description of property: \_\_\_\_\_

Present use of property: \_\_\_\_\_

Proposed conditional use of property: Dog daycare and boarding facility

**PROPERTY OWNER (As it appears on property title):**

Company/Individual (please print): Northern Heritage Properties, LLC

Contact Person (please print): Daniel O'Brien

Mailing Address: 3801 3rd Street NE

City: Columbia Heights State: MN Zip: 55421

Daytime Phone: cell -> Cell Phone: (612) 562-3773

E-mail Address: dan@northernheritage.com

Signature/Date: [Signature] 1/4/23

**APPLICANT:**

Company/Individual (please print): Ruff Love Dogs

Contact Person (please print): Jessen Como

Mailing Address: 1528 Marshall Street NE

City: Minneapolis State: MN Zip: 55413

Daytime Phone: 612-331-4248 Cell Phone: 917-607-6765

E-mail Address: jessen.como@gmail.com

Signature/Date: \_\_\_\_\_



# 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.)*

<b>FOR OFFICE USE ONLY</b>	
<b>CASE NO:</b> _____	<b>DATE APPLICATION REC'D:</b> _____
<b>APPLICATION REC'D BY:</b> _____	<b>RECEIPT NUMBER:</b> _____
<b>\$500 APPLICATION FEE REC'D:</b> _____	

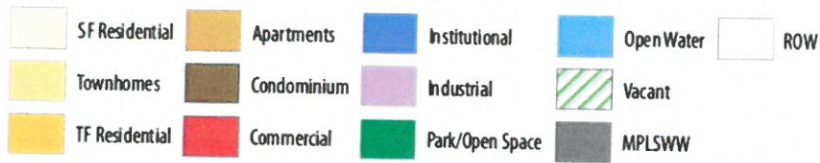
Approved by Planning & Zoning Commission on \_\_\_\_\_

Approved by City Council on \_\_\_\_\_

Revised June 2017

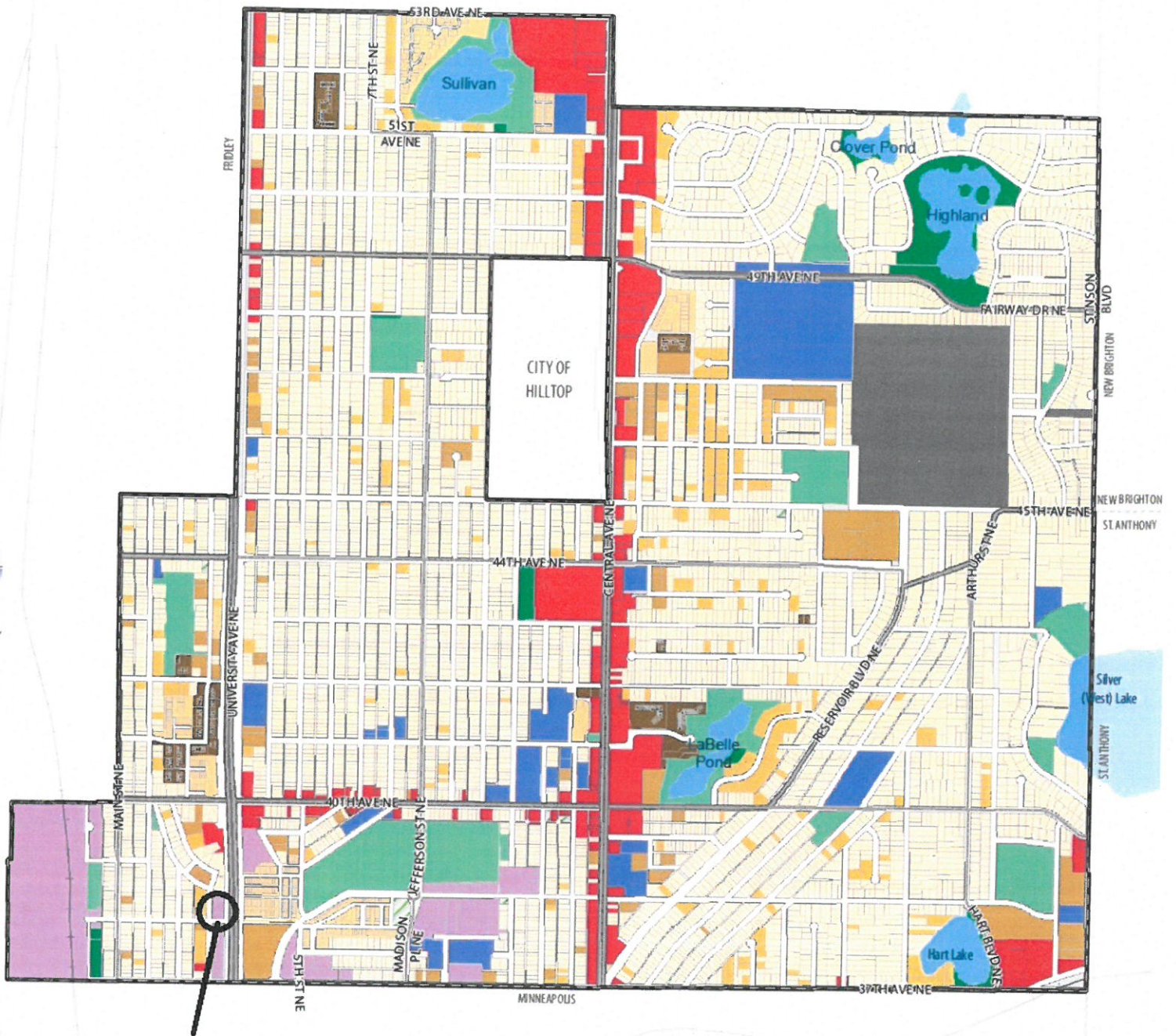


# EXISTING LAND USE

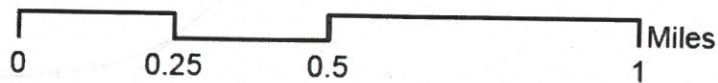


 City

FRIDLEY  
NEW BRIGHTON



**SITE LOCATION**

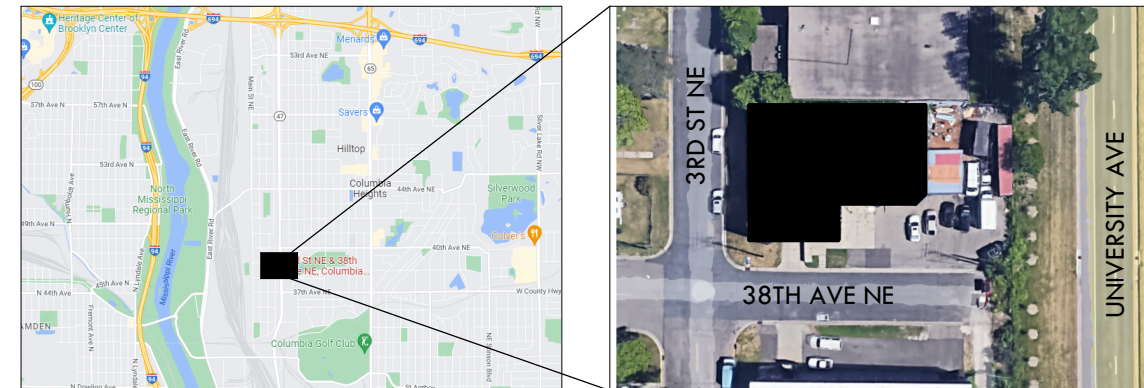


MINNEAPOLIS  
ST. ANTHONY



# RUFF LOVE DOGS II

**3801 3RD ST NE  
COLUMBIA HEIGHTS, MN 55421**



VICINITY MAP



## PROJECT DIRECTORY

### OWNER

JESSEN COMO  
PHONE: (612) 331-4248  
EMAIL: jessen.como@gmail.com

### ARCHITECT

BLUMENTALS/ARCHITECTURE, INC.  
1600 MARSHALL ST. NE, SUITE 1  
MINNEAPOLIS, MN 55413

PRINCIPAL: JIM MOY  
ARCHITECT: JIM MOY  
JOB CAPTAIN: KAREEM SHERARD  
PHONE: (612) 421-0652  
EMAIL: JIMM@BLUMENTALS.COM

**PRELIMINARY  
DRAWINGS**  
• NOT FOR CONSTRUCTION

BUILDING DATA: RUFF LOVE DOGS II		
APPLICABLE CODES & OCCUPANCY	OCCUPANT LOAD	PLUMBING FIXTURE COUNTS
2020 MINNESOTA BUILDING CODE (MBC) 2020 MINNESOTA ACCESSIBILITY CODE	GROUP S-1 WAREHOUSE 6082 SF 500 SF/OCC 11 OCC	WAREHOUSE: 11 OCCUPANTS LAV - 1 PER 100 TOILETS - 1 PER 100
<b>TYPES OF CONSTRUCTION</b> (CHAPTER 6 - 2020 MBC) II-B	GROUP B OFFICE 207 SF 150 SF/OCC 2 OCC	LAV: REQUIRED: .11 TOILETS: REQUIRED: .11
STRUCTURAL FRAME: 0 HR EXTERIOR WALLS: 0 HR INTERIOR WALL: 0 HR NON BEARING WALLS & PARTITIONS: 0 HR FLOOR: 0 HR ROOF 0 HR	TOTAL OCCUPANTS 13	OFFICE: 2 OCCUPANTS
	<b>EXIT ACCESS TRAVEL DISTANCE</b> (TABLE 1017.2 MN IBC 2020)	LAV - 1 PER 40 FOR THE FIRST 80 AND 1 PER 80 FOR THE REMAINDER EXCEEDING 80
	S OCCUPANCY REQUIRED: 200' NOT SPRINKLER PROVIDED: 136' 4"	TOILETS - 1 PER 25 FOR THE FIRST 50 AND 1 PER 50 FOR THE REMAINDER EXCEEDING 50
	B OCCUPANCY REQUIRED: 200' NOT SPRINKLER PROVIDED: 61' 10"	LAV: REQUIRED: .05 TOILETS: REQUIRED: .05
		TOTAL LAVS REQUIRED: .16 PROVIDED: 1 TOTAL TOILETS: REQUIRED: .16 PROVIDED: 1

△ ISSUES / REVISIONS

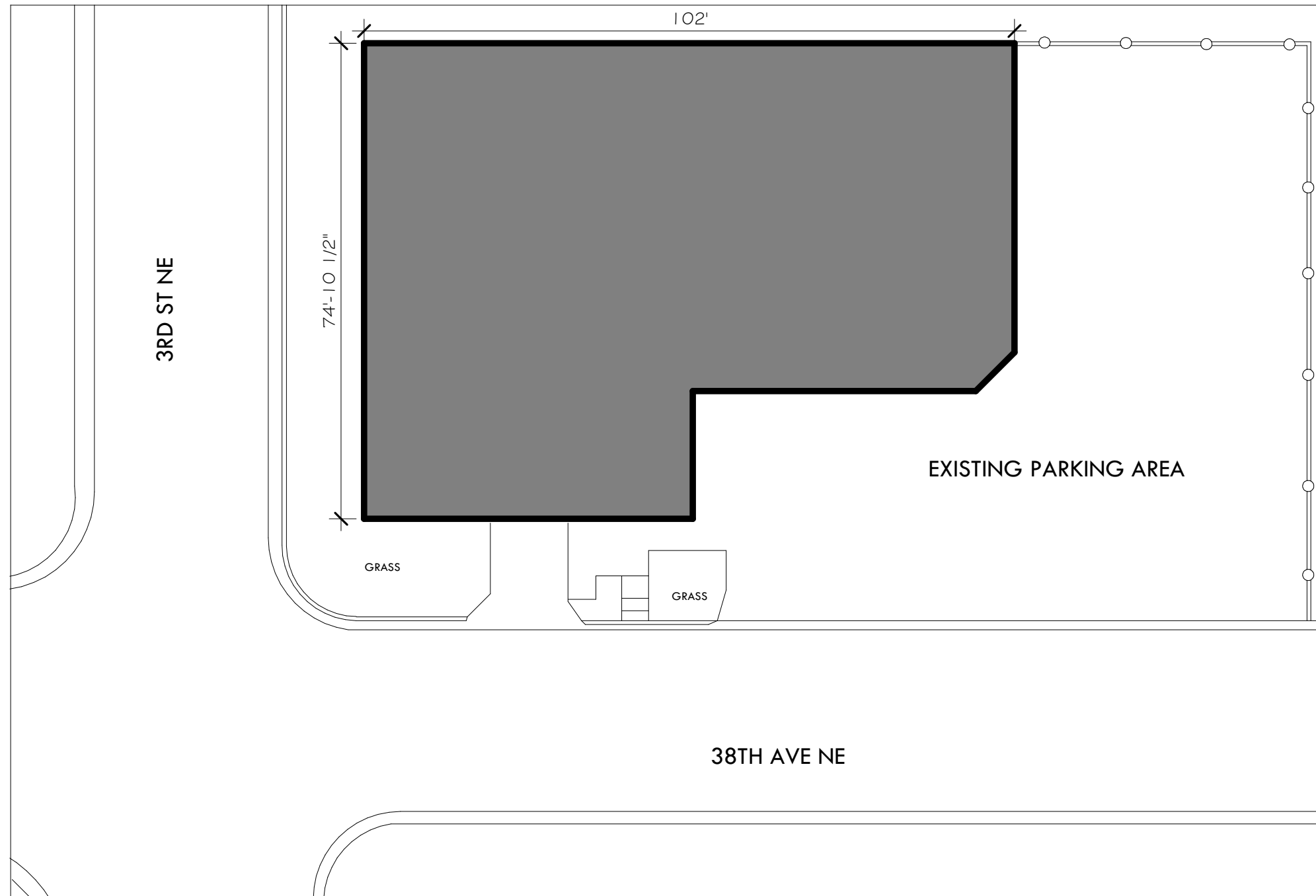
**EXISTING CONDITIONS**  
VERIFY ALL EXISTING CONSTRUCTION DIMENSIONS, ELEVATIONS AND CONDITIONS BEFORE STARTING ANY CONSTRUCTION. REVIEW ANY DISCREPANCIES WITH THE ARCHITECT. ADJUST NEW CONSTRUCTION AS REQUIRED.

GRAPHIC LEGEND

**RUFF LOVE DOGS II**  
3801 3RD ST NE  
COLUMBIA HEIGHTS, MN 55421  
B/A Project Number: **622-44**

COVER PAGE

**PRELIMINARY  
DRAWINGS**  
• NOT FOR CONSTRUCTION



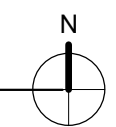
△ ISSUES / REVISIONS

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VERIFY ALL EXISTING CONSTRUCTION DIMENSIONS, ELEVATIONS AND CONDITIONS BEFORE STARTING ANY CONSTRUCTION. REVIEW ANY DISCREPANCIES WITH THE ARCHITECT. ADJUST NEW CONSTRUCTION AS REQUIRED.

**RUFF LOVE DOGS II**  
3801 3RD ST NE  
COLUMBIA HEIGHTS, MN 55421  
B/A Project Number: **622-44**

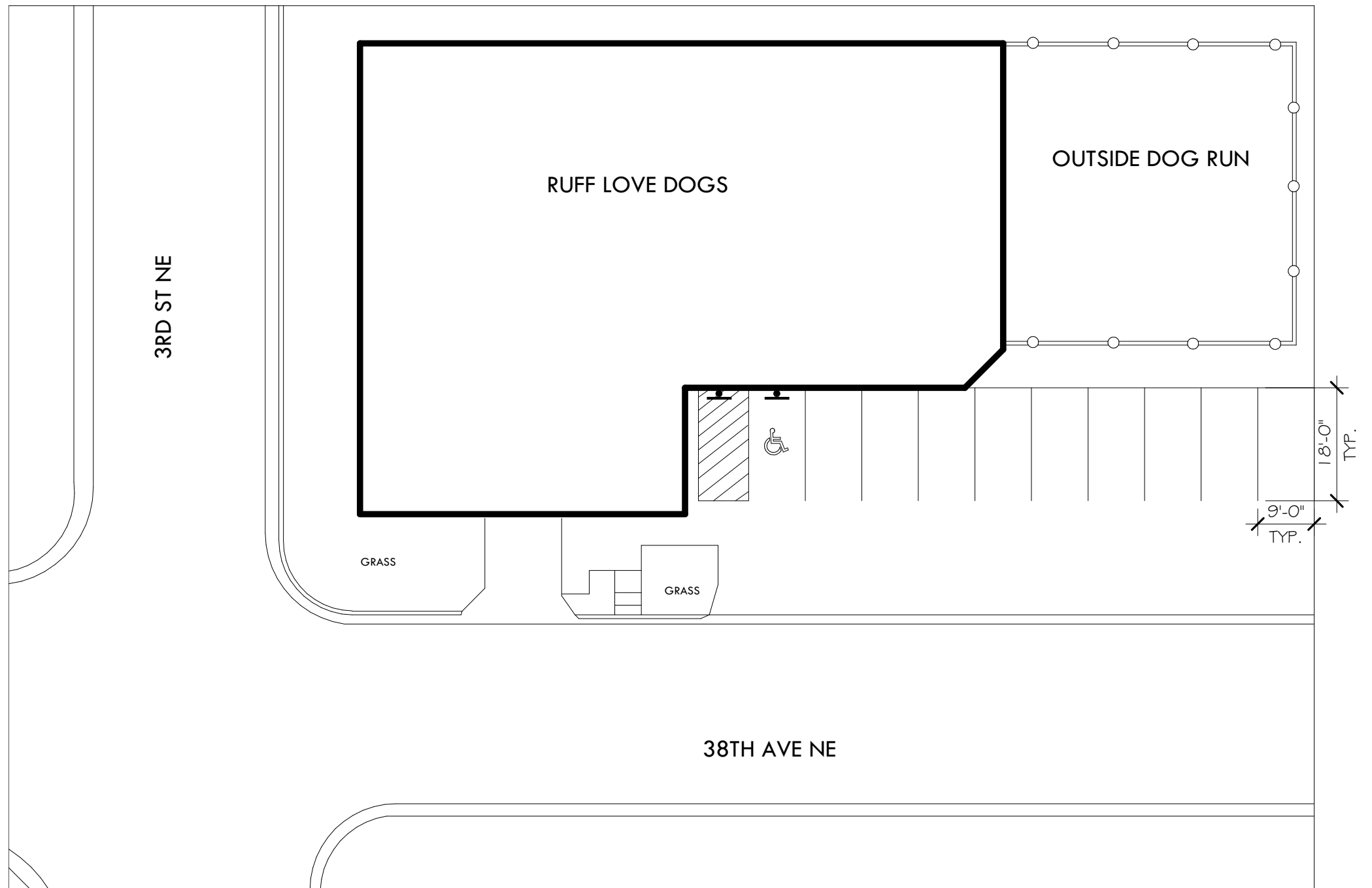
**EXISTING SITE PLAN**

1" = 20'-0"





**PRELIMINARY  
DRAWINGS**  
• NOT FOR CONSTRUCTION

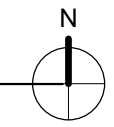


△	ISSUES / REVISIONS

**EXISTING CONDITIONS**  
VERIFY ALL EXISTING CONSTRUCTION DIMENSIONS, ELEVATIONS AND CONDITIONS BEFORE STARTING ANY CONSTRUCTION. REVIEW ANY DISCREPANCIES WITH THE ARCHITECT. ADJUST NEW CONSTRUCTION AS REQUIRED.

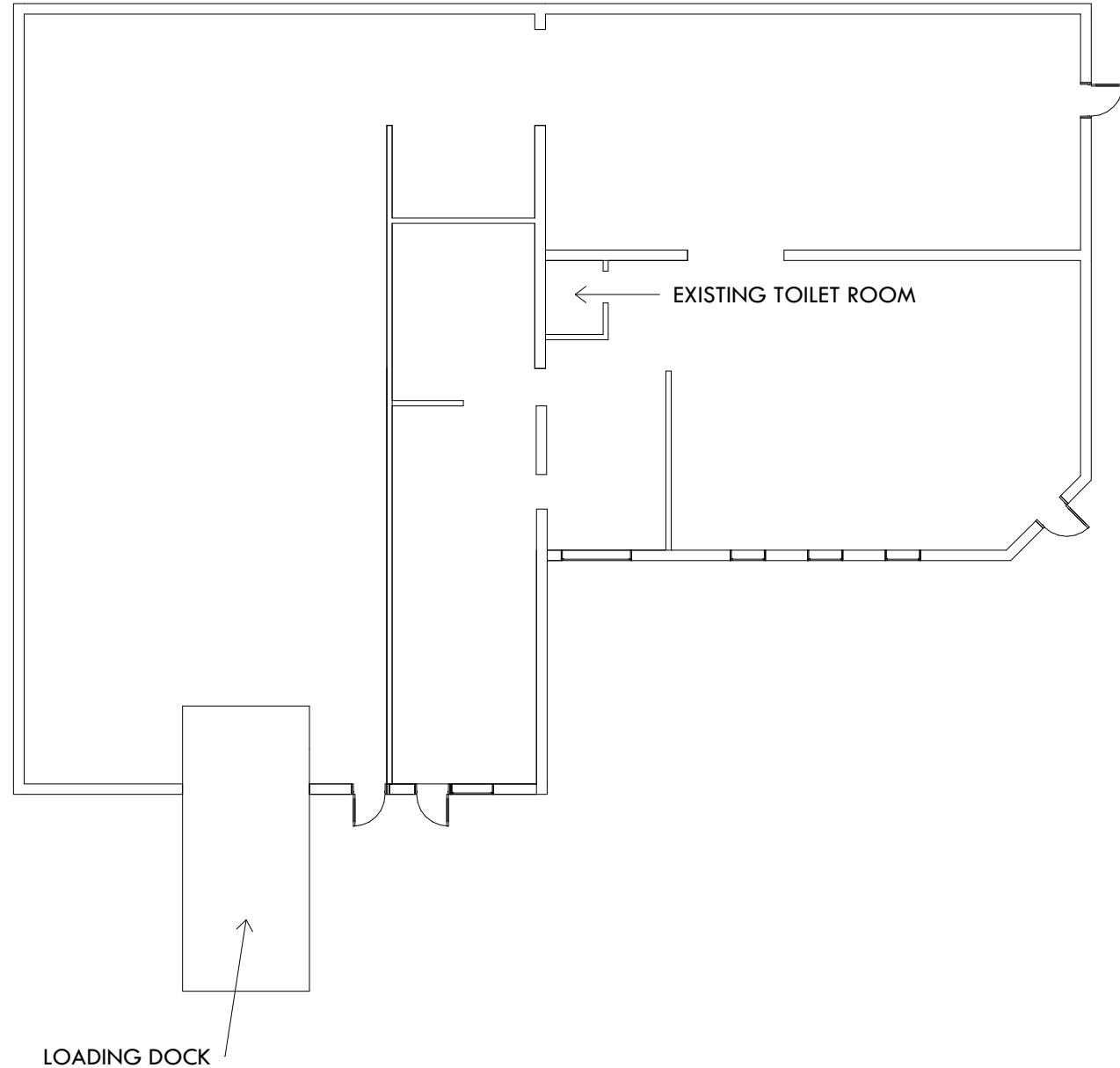
**RUFF LOVE DOGS II**  
3801 3RD ST NE  
COLUMBIA HEIGHTS, MN 55421  
B/A Project Number: **622-44**

**PROPOSED SITE PLAN**  
1" = 20'-0"



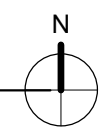
1/6/2023 3:02:05 PM

**PRELIMINARY  
DRAWINGS**  
• NOT FOR CONSTRUCTION



**EXISTING FLOOR PLAN**

1/16" = 1'-0"



△ ISSUES / REVISIONS

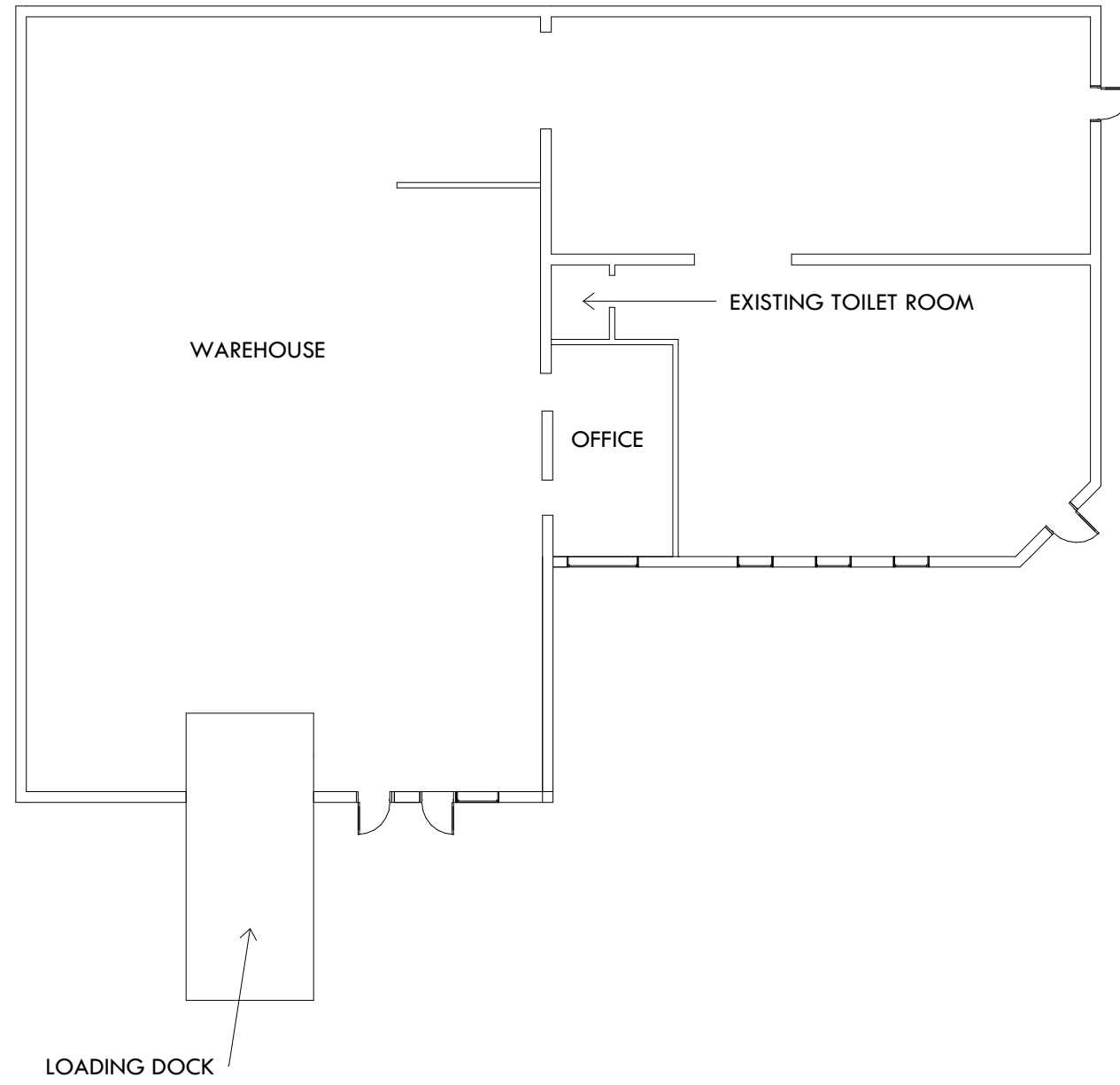
**EXISTING CONDITIONS**  
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**RUFF LOVE DOGS II**  
3801 3RD ST NE  
COLUMBIA HEIGHTS, MN 55421

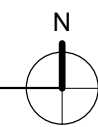
B/A Project Number: **622-44**

EXISTING FLOOR PLAN

**PRELIMINARY  
DRAWINGS**  
• NOT FOR CONSTRUCTION



**PROPOSED FLOOR PLAN**  
1/16" = 1'-0"



△	ISSUES / REVISIONS

**EXISTING CONDITIONS**  
VERIFY ALL EXISTING CONSTRUCTION DIMENSIONS, ELEVATIONS AND CONDITIONS BEFORE STARTING ANY CONSTRUCTION. REVIEW ANY DISCREPANCIES WITH THE ARCHITECT. ADJUST NEW CONSTRUCTION AS REQUIRED.

**RUFF LOVE DOGS II**  
3801 3RD ST NE  
COLUMBIA HEIGHTS, MN 55421

B/A Project Number: **622-44**  
PROPOSED FLOOR PLAN

## 3rd Street and Azelia Properties, LLC

*Penelope Brown 4819 Azelia N #11*

*Brooklyn Center, MN 55429*

*[penelope.brown@comcast.net](mailto:penelope.brown@comcast.net)*

*Community Development Department*

*590 40<sup>th</sup> Ave NE*

*Columbia Heights, MN 55421*

*January 23, 2023*

*Dear Community Development,*

*This letter is addressing The Notice of Public Hearing Zoning Amendment & Conditional Use Permit. I will not be in town to attend the Public Hearing. Therefore, I wish to make my concerns known to you. We own a 7-unit apartment building at 3754 #rd St. NE 350 feet within location of 3801 3<sup>rd</sup> Street NE. We rent to young families and the elderly, some with no transportation. Our Residents would be held captive for 24 hours to any ongoing disturbance created by a doggie daycare and boarding facility. We feel that for the Residents in our building and for our fellow neighbors that the facility, which is being proposed, will cause undue stress to these good folks. The businesses on one side of the street go home after 8 hours. It will be unfair to the Residents whose home is here and pay taxes too and will be in this location for 24 hours. We ask that you Please consider NOT placing this facility in our Partial Residential Neighborhood. A more distant or rural location for this type of facility would be more appropriate and fairer.*

*Sincerely,*



*Penny Brown*



AGENDA SECTION	OTHER BUSINESS
MEETING DATE	FEBRUARY 7, 2023

ITEM:	Review Purchase of 841 49th Avenue NE	
DEPARTMENT:	Community Development	BY/DATE: Aaron Chirpich, CD Director – 02-01-23

**CASE NUMBER:** N/A

**APPLICANT:** N/A

**DEVELOPMENT:** N/A

**LOCATION:** 841 49<sup>th</sup> Avenue NE

**REQUEST:** Review the acquisition of 841 49<sup>th</sup> Avenue NE, and determine if it conforms to the City’s Comprehensive Plan

**PREPARED BY:** Aaron Chirpich, Community Development Director

**INTRODUCTION:**

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 841 49th Avenue NE, Columbia Heights, MN 55421 (the “Subject Property”) to determine if its acquisition conforms to the Comprehensive Plan of the City.

**COMPREHENSIVE PLAN:**

The EDA has a long-standing practice of acquiring blighted single-family homes to facilitate scattered site redevelopment, and the proposed acquisition of the Subject Property responds to several goals and policies adopted in the Comprehensive Plan. Specifically, in Chapter 3: Land Use. Below are the specific goals and policies from the Comprehensive Plan that directly and indirectly correlate to the conformity of the proposed acquisition.

**LAND USE AND REDEVELOPMENT**

***Goal: Provide mechanisms for successful redevelopment of vacant lands and targeted areas within the community.***

1. *Enhance the image and viability of the Central Avenue corridor while protecting and enhancing adjacent residential areas.*
  - *Encourage redevelopment discussions for the northern corridor of Central Avenue at 49<sup>th</sup> Avenue to the City limits.*

**RECOMMENDATION**

**Motion:** Move to adopt Resolution 2023-PZ01, a resolution finding that the proposed acquisition of certain land for redevelopment purposes by the Columbia Heights Economic Development Authority is consistent with the City of Columbia Heights’ Comprehensive Plan.

<p><b>RECOMMENDED MOTION(S):</b></p>
<p><b>MOTION:</b> Move to waive the reading of Resolution 2023-PZ01, there being ample copies available to the public.</p>
<p><b>MOTION:</b> Move 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.</p>

**ATTACHMENT(S):**

- Resolution 2023-PZ01
- Location Map

**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:	
Seconded by:	
Roll Call:	
Attest:	_____
Secretary	Chairperson

**Description of Property**

Item 4.

ROBBIES ADDITION CITY OF COLUMBIA HEIGHTS LOTS 9 & 10 BLK 6 ROBBIES ADD-SUBJ TO UTIL EASE OVER  
E 10 FT- ANOKA COUNTY, MINNESOTA.





841 49TH AVE NE X

Show search results for 841 49...

49 1/2 AVE NE

CENTRAL AVE NE

49TH AVE NE

841 49th Ave, NE





AGENDA SECTION	OTHER BUSINESS
MEETING DATE	FEBRUARY 7, 2023

ITEM:	Review Purchase of 4243 5th Street NE	
DEPARTMENT:	Community Development	BY/DATE: Aaron Chirpich, CD Director – 02-01-23

**CASE NUMBER:** N/A

**APPLICANT:** N/A

**DEVELOPMENT:** N/A

**LOCATION:** 4243 5th Street NE

**REQUEST:** Review the acquisition of 4243 5<sup>th</sup> Street NE, and determine if it conforms to the City’s Comprehensive Plan

**PREPARED BY:** Aaron Chirpich, Community Development Director

**INTRODUCTION:**

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 4243 5th Street NE, Columbia Heights, MN 55421 (the “Subject Property”) to determine if its acquisition conforms to the Comprehensive Plan of the City.

**COMPREHENSIVE PLAN:**

The EDA has a long-standing practice of acquiring blighted single-family homes to facilitate scattered site redevelopment, and the proposed acquisition of the Subject Property responds to several goals and policies adopted in the Comprehensive Plan. Specifically, in Chapter 3: Land Use, and Chapter 4: Housing. Below are the specific goals and policies from the Comprehensive Plan that directly and indirectly correlate to the conformity of the proposed acquisition.

**Community Image (chapter 3)**

**Goal: Strengthen the identity and image of the community as a desirable place to live, work, and play.**

- 1. Enhance the physical appearance of the community through clean-up initiatives, redevelopment opportunities, and housing renovation programs.

**Housing Goals and Policies (chapter 4)**

**Goal: Preserve the single-family neighborhoods as one of the community’s strongest assets.**

- 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.*

**RECOMMENDATION**

Move to adopt Resolution 2023-PZ02, a resolution finding that the proposed acquisition of certain land for redevelopment purposes by the Columbia Heights Economic Development Authority is consistent with the City of Columbia Heights' Comprehensive Plan.

**RECOMMENDED MOTION(S):**

**MOTION:** Move to waive the reading of Resolution 2023-PZ02, there being ample copies available to the public.

**MOTION:** Move 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.

**ATTACHMENT(S):**

- Resolution 2023-PZ02
- Location Map

**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:	
Seconded by:	
Roll Call:	
Attest:	_____
Secretary	Chairperson

**EXHIBIT A**  
**Description of Property**

LOT 26 BLOCK 28 COLUMBIA HEIGHTS ANNEX, ANOKA COUNTY, MINNESOTA.



5...  
X Q

43RD AVE NE

4243 5th Street NE

5TH ST NE

