



PLANNING COMMISSION MEETING
City Hall—Council Chambers, 590 40th Ave NE
Tuesday, April 06, 2021
6:00 PM

AGENDA

NOTICE THAT THIS MEETING MAY BE CONDUCTED BY A COMBINATION OF IN PERSON AND ELECTRONIC MEANS *Following a determination by City Manager Kelli Bourgeois, and emergencies declared by the United States, The State of Minnesota, and the Columbia Heights Mayor & City Council, this meeting may, pursuant to Minn. Stat. § 13D.021, occur by a combination of in-person and electronic means. In all meeting formats, members of the public who wish to attend may do so by attending in-person, by calling 1-312-626-6799 and entering meeting ID 894 3258 3713, Passcode: 080180, or by Zoom at <https://us02web.zoom.us/j/89432583713?pwd=ZXl0QzA5bWRQZmZLWDhXZnhDcnBSQT09> at the scheduled meeting time. For questions regarding this notice, please contact the City Clerk at (763) 706-3611.*

CALL TO ORDER/ROLL CALL

1. **SWEARING IN OF NEWLY APPOINTED PLANNING COMMISSIONER CLARA WOLFE**
2. **ELECTION OF OFFICERS**

APPROVE MINUTES

3. **APPROVAL OF FEBRUARY 2, 2021 PLANNING COMMISSION MEETING MINUTES**

PUBLIC HEARINGS

4. **SITE PLAN REVIEW – AFANDINA CAFÉ**
5. **INTERIM USE PERMIT – RENAISSANCE FIREWORKS TEMPORARY SALES TENT**

OTHER BUSINESS

6. **REMINDER: PLANNING COMMISSION MEETING TUESDAY, MAY 4TH, 2021, 6:00 P.M.**

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.

**A QUORUM OF THE CITY COUNCIL MAY BE PRESENT*



AGENDA SECTION	CALL TO ORDER/ROLL CALL
MEETING DATE	APRIL 06, 2021

ITEM:	ELECTION OF OFFICERS	
DEPARTMENT:	COMMUNITY DEVELOPMENT	BY/DATE: Minerva Hark / April 6, 2021

BACKGROUND: Officer Elections are held on an annual basis. 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.
(The meeting will resume under leadership of the newly elected Chairperson.)

2. A Vice 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 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.

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

**MINUTES OF
PLANNING COMMISSION
FEBRUARY 2, 2021
6:00 PM**

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

Commission Members present- Vargas, Hoium, Novitsky, and Kaiser.
Commission Members present through Zoom- Schill

Members absent: Sahnaw and Fiorendino

Also present were Aaron Chirpich (Community Development Director), Shelley Hanson (Secretary), new employee Alicia Apanah, and Council Liaison John Murzyn.

APPROVAL OF MINUTES

Motion by Hoium , seconded by Novitsky , to approve the minutes from the meeting of January 5, 2021. A Roll Call vote was taken of the members. All ayes. MOTION PASSED.

PUBLIC HEARINGS

CASE NUMBER: 2021-0201
APPLICANT: BRYAN BEHUN
LOCATION: 1209 43RD AVENUE NE
REQUEST: MINOR SUBDIVISION, LOT LINE ADJUSTMENT

Chirpich explained that Bryan Behun, of behalf of the Behun Living Trust, has requested approval of a Minor Subdivision, per City Code Section 9.104 (k), for property located at 1209 43rd Avenue NE.

The subject site is zoned R-2A, One and Two Family Residential and is surrounded on all sides by similarly zoned properties.

The subject property (1209 43rd Avenue NE) overlays two abutting parcels of land, both of which are owned by the applicant. The east parcel (PID 36-30-24-21-0123) measures 11,250 square feet in size and is presently occupied by a single-family home. The property is identified as Parcel A on the received certificate of survey.

The west parcel (PID 36-30-24-21-0122) measures 10,800 square feet in size and is presently vacant. The property is identified as Parcel B of the received certificate of survey.

The applicant wishes to split a nine-foot-wide portion of Parcel B and add the split portion (1,305 square feet) to the abutting Parcel A to the east.

ISSUES AND ANALYSIS

Lot Requirements. In consideration of the minor subdivision application, a determination should be made that the newly created lots meet the minimum lot area and width requirements of the applicable R-2A zoning district.

Within R-2A Districts, a minimum lot area of 6,500 square feet is required. As a result of the proposed lot line adjustment, Parcel B will be reduced in size from 10,800 square feet to 9,135 square feet. Conversely, Parcel B will be increased in size from 11,250 square feet to 12,180 square feet. In this regard, both lots meet the minimum lot area requirements of the R-2A zoning district.

According to Section 9.109.C of the Zoning Ordinance, lots within R-2A Districts must have a minimum width of 60 feet. As shown on the submitted survey, Parcel A is proposed to be increased in width from 75 feet to 84 feet while Parcel B is proposed to be reduced in width from 72 feet to 63 feet. Both proposed lots meet the minimum lot width requirements of the R-2A District.

Driveway Setback. As shown on the existing conditions survey, a driveway which serves the existing home on Parcel A, overlays the shared lot line between the two parcels. Specifically, a six-foot driveway encroachment exists upon Parcel B which is typically an undesirable condition.

As a result of the proposed lot line adjustment, the existing driveway encroachment will be eliminated. According to the proposed subdivision survey, a three-foot driveway setback is proposed along the shared side lot line which meets the minimum parking area setback requirements imposed in the R-2A zoning district. In this regard, the proposed lot line adjustment is considered positive in that it will serve to rectify an existing nonconforming setback condition.

Easements. The proposed subdivision survey calls for the creation of a 5-foot-wide drainage and utility easement along the north property lines of Parcels A and B.

As a condition of minor subdivision approval, proposed easements and/or right-of-way dedication should be subject to review and approval by the City Engineer.

Recording. As a condition of minor subdivision approval, the applicant will be responsible for the filing the approved subdivision with the Anoka County Recorder's Office.

If the minor subdivision is not filed with the Anoka County recorder's Office within one year of the date of City Council approval, it will become invalid.

FINDINGS OF FACT

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

1. ***The proposed subdivision of land will not result in more than three lots.***
The proposed subdivision will result in two conforming lots.
2. ***The proposed subdivision of land does not involve the vacation of existing easements.***
No vacation of existing easements will occur as a result of the minor subdivision.
3. ***All lots to be created by the proposed subdivision conform to lot area and width requirements established for the zoning district in which the property is located.***
Both newly created lots will conform to the lot width and lot area requirements of the applicable R-2A zoning designation.
4. ***The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.***
The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.
5. ***The property has not previously been divided through the minor subdivision provisions of this article.***
The subject property has not previously been subdivided via a minor subdivision process.
6. ***The proposed subdivision does not hinder the conveyance of land.***
The proposed subdivision will not hinder the conveyance of land.
7. ***The proposed subdivision does not hinder the making of assessments or the keeping of records related to assessments.***
The proposed subdivision is not expected to hinder the making of assessments or the keeping of records related to assessments.
8. ***The proposed subdivision meets all of the design standards specified in Section 9.115.***
As a condition of minor subdivision approval, all applicable design standards of Section 9.115 of the Zoning ordinance must be satisfied.

Staff review finds that the proposed Minor Subdivision (lot line adjustment) application meets the requirements of the Zoning Ordinance. As a result, Staff recommends that the Planning and Zoning Commission recommend approval of the proposed Minor Subdivision for the property located at 1209 43rd Avenue NE subject to certain conditions.

Questions/comments from members:

The members all agreed this request was straightforward and meets the requirements for a subdivision.

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Public Hearing Opened.

John Rockwell, Realtor was present through Zoom and is the representative/broker for the owner. However, there were no questions of the applicant.

No one else was present to speak on this matter.

Public Hearing Closed.

Motion by Hoiium , seconded by Novitsky , to waive the reading of Resolution No. 2021-XX, there being ample copies available to the public. A roll call vote was taken. All ayes. MOTION PASSED.

Motion by Hoiium , seconded by Novitsky , that the Planning and Zoning Commission recommends that the City Council approve the Minor Subdivision of the property located at 1209 43rd Avenue NE., subject to certain conditions of approval that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:

- 1. Proposed easements and/or right-of-way dedication shall be subject to review and approval by the City Engineer.*
- 2. The applicant shall be responsible for the filing the approved subdivision with the Anoka County Recorder's Office. The approved minor subdivision shall become invalid if the subdivision is not filed with the Anoka County recorder's Office within one year of the date of City Council approval.*

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

The following Resolution will go to the City Council on February 8, 2021.

**RESOLUTION NO. 2021-XX
RESOLUTION APPROVING A MINOR SUBDIVISION
(LOT LINE ADJUSTMENT) FOR 1209 43rd AVENUE NE**

WHEREAS, a proposal (Case #2021-0201) has been submitted by Bryan Behun (on behalf of the Behun Living Trust) to the City Council requesting Minor Subdivision approval from the City of Columbia Heights at the following site:

ADDRESS: 1209 43rd Avenue NE.

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING: A Minor Subdivision for the property located at 1209 43rd Avenue NE.

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on February 2, 2021; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed Minor Subdivision 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, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia Heights, the City Council of the City of Columbia Heights adopts the following findings:

1. The proposed subdivision of land will not result in more than three lots.
2. The proposed subdivision of land does not involve the vacation of existing easements.
3. All lots to be created by the proposed subdivision conform to lot area and width requirements established for the zoning district in which the property is located.
4. The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.
5. The property has not previously been divided through the minor subdivision provisions of this article.
6. The proposed subdivision does not hinder the conveyance of land.
7. The proposed subdivision does not hinder the making of assessments or the keeping of records related to assessments.
8. The proposed subdivision meets all of the design standards specified in Section 9.115.

FURTHER, BE IT RESOLVED that the attached conditions, survey, and other information shall become part of this Minor Subdivision and approval; and in granting this Minor Subdivision the City and the applicant agree that this Minor Subdivision shall become null and void if the subdivision has not been filed with the Anoka County Recorder's Office within one (1) calendar year after the approval date.

CONDITIONS ATTACHED:

The Planning Commission approves the Minor Subdivision for 1209 43rd Avenue NE. subject to certain conditions of approval that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:

3. Proposed easements and/or right-of-way dedications shall be subject to review and approval by the City Engineer.
4. The applicant shall be responsible for the filing the approved subdivision with the Anoka County Recorder's Office. The approved minor subdivision shall become invalid if the subdivision is not filed with the Anoka County recorder's Office within one year of the date of City Council approval.

OTHER BUSINESS

1. Review Purchase of 1002 40th Avenue NE - (Chirpich reviewed Items #1 & 2 together)

Chirpich stated Pursuant to State Statue, Section 462.356, Subdivision 2, the Planning and Zoning Commission (the “Planning Commission”) in and for the City is required to review and ultimately determine that the proposed acquisition of real property by the City’s Economic Development Authority (EDA), conforms to the Comprehensive Plan of the City. Therefore, the EDA has requested that the Planning Commission review the acquisition of 1002 40th 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 2: Land Use, and Chapter 4: Economic Development. 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.

ECONOMIC DEVELOPMENT

Goal: Promote reinvestment in properties by the commercial and industrial sectors.

1. *Promote high quality development and redevelopment opportunities within the community.*

Questions from members:

Chirpich was asked if the EDA had a plan for these properties. Chirpich told members that the EDA still needs to purchase the three houses in between these two properties (960 and 1002 40th) to make a larger piece of property to work with. Once that is accomplished then it would probably all be redeveloped for medium density housing . In the meantime, public works will rework the alley access to the existing homes and possibly do some storm water improvements by installing a filtration system, and staff will see that the two properties are cleaned up as they are adjacent to the new Alatus development.

Motion by Hoiium , seconded by Novitsky, to adopt Resolution 2021-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. A roll call vote was taken. All ayes. MOTION PASSED.

RESOLUTION NO. 2021-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.

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WHEREAS, the Columbia Heights Economic Development Authority (the “Authority”) proposes to purchase certain property (the “Property”) located at 1002 40th Avenue NE, (PID 36-30-24-32-0042) 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 Planning and Zoning 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 and Zoning Commission, such acquisition or disposal is consistent with the comprehensive municipal plan; and

NOW, THEREFORE BE IT RESOLVED, the Planning and Zoning 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 AND ZONING COMMISSION

Passed this 2nd day of February, 2021

Offered by: Hoium
Seconded by: Novitsky
Roll Call: All ayes

Thomas Kaiser, Acting, Chair

Attest:

Secretary

EXHIBIT A
Description of Property

LOT 19 BLOCK 6, RESERVOIR HILLS, ANOKA COUNTY, MINNESOTA

2. Review Purchase of 960 40th Avenue NE

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 960 40th Avenue NE, Columbia Heights, MN 55421 (the “Subject Property”) to determine if its acquisition conforms to the Comprehensive Plan of the City.

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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 2: Land Use, and Chapter 4: Economic Development. 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.

ECONOMIC DEVELOPMENT

Goal: Promote reinvestment in properties by the commercial and industrial sectors.

1. *Promote high quality development and redevelopment opportunities within the community.*

There were no further questions since this was discussed with the previous item.

Motion by Hoiium , seconded by Novitsky , to adopt Resolution 2021-PZ03, 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. A roll call vote was taken. All ayes. MOTION PASSED.

RESOLUTION NO. 2021-PZ03

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 960 40th Avenue NE, (PID 36-30-24-32-0046) 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 Planning and Zoning 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 and Zoning Commission, such acquisition or disposal is consistent with the comprehensive municipal plan; and

NOW, THEREFORE BE IT RESOLVED, the Planning and Zoning 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.

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ORDER OF THE PLANNING AND ZONING COMMISSION

Passed this 2nd day of February, 2021

Offered by: Hoium
Seconded by: Novitsky
Roll Call: All ayes

Thomas Kaiser, Acting Chair

Attest:

Secretary

EXHIBIT A
Description of Property

LOT 23 BLOCK 6, RESERVOIR HILLS, ANOKA COUNTY, MINNESOTA

The next scheduled meeting is Tuesday, March 2, 2021 at 6 pm. However, there are no cases to consider, so the next meeting for members to schedule will be April 6, 2021 at 6 pm.

Motion by Hoium, seconded by Novitsky to adjourn the meeting at 6:16 pm. A Roll Call vote was taken. All ayes. MOTION PASSED.

Respectfully submitted,

Shelley Hanson
Secretary



AGENDA SECTION	PUBLIC HEARING
MEETING DATE	APRIL 06, 2021

ITEM:	SITE PLAN REVIEW – AFANDINA CAFÉ	
DEPARTMENT:	COMMUNITY DEVELOPMENT	BY/DATE:

CASE NUMBER: 2021-0401
DATE: April 6, 2021
TO: Columbia Heights Planning Commission
APPLICANT: Louie Kader
DEVELOPMENT: Afandina Café, construction of a patio addition with upper deck
LOCATION: 4001 University Avenue NE, Columbia Heights, MN 55421
REQUEST: Site Plan Review
PREPARED BY: Minerva Hark, City Planner

INTRODUCTION

Louie Kader has submitted plans proposing the addition of a paver patio with an upper deck and a roof along the north wall of the existing two-story building at 4001 University Avenue NE. The proposed patio is 833 square feet, and the proposed upper deck is 288 square feet. This project will also include the demolition of an existing non-conforming deck in the north eastern portion of the property. The proposed patio addition meets the City’s Zoning Code requirements for setbacks and height. The Section 9.104 (N) of the Zoning Ordinance requires that all new plans for development other than one and two family residences, be reviewed and approved by the Planning Commission prior to the issuance of a building permit.

ZONING ORDINANCE

The property located at 4001 University Avenue NE is located in the General Business (GB) Zoning District. The properties to the north and east are located in the Multiple Family (R-3) Residential Zoning District, and the properties to the south are located in the General Business (GB) Zoning District. The properties across University Avenue to the west are located in the Multiple Family (R-3) Residential Zoning District.

COMPREHENSIVE PLAN

The Comprehensive Plan guides this area for commercial uses. The proposal for an outdoor patio addition to the existing commercial business is consistent with the goals and intent of the Comprehensive Plan.

DESIGN GUIDELINES

The subject property is located on the intersection of University Avenue and 40th Avenue, which is within the Design Guideline Overlay District, and is governed by the “40th Avenue District” standards within the Design Guidelines. The intent of the Design Guidelines is to make the City more aesthetically appealing by requiring a set of minimum standards for new construction along Central Avenue and 40th Avenue.

Much of the guidelines do not apply to this proposal as the guidelines are intended for the principal structure and use on the property. In this case, the applicant is simply proposing to construct an enclosed patio addition. The proposal will allow for an increase in patrons to the existing restaurant, particularly between late spring and early fall for those who desire an outdoor dining experience.

The building addition is proposed to be a covered roof over an open patio area. The roofing material will include weathered wood-colored fiberglass asphalt shingles, and edge rafters will be faced with stained rough-sawn plywood. Due to the property being located in the Design Guidelines and the visibility off 40th Avenue, staff has added a condition that the wooden materials of the patio be painted to match the existing color of the building.

FINDINGS OF FACT

Section 9.104 (N) of the Zoning Ordinance outlines four findings of fact that must be met in order for the City to approve a Site Plan. They are as follows:

- a. The Site Plan conforms to all applicable requirements of this article.

This is correct. The Site Plan in question achieves the applicable Zoning Code requirements.

- b. The Site Plan is consistent with the applicable provisions of the City's Comprehensive Plan.

The Comprehensive Plan guides this area for Commercial Uses. Staff believes the proposed Site Plan for the property is consistent with the intent of the Comprehensive Plan.

- c. The Site Plan is consistent with any applicable area plan.

This is correct.

- d. The Site Plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.

The proposed Site Plan meets all the development standards outlined in the Zoning Code and will be required to meet Design Guidelines outlined previously. The applicant isn't proposing to use the parcel in a different manner than used previously; therefore, the properties in the immediate vicinity of the proposed patio addition should not be adversely impacted.

The site has adequate on-site parking to sustain the proposed addition. The existing 2,433 square foot building (seats 40 people), along with the proposed 833 square foot patio (to seat 32 people) and 288 square foot deck (to seat 12 people), totals 3,554 square feet (84 people). Per the code, the minimum parking required is calculated at 30% of the building capacity, which constitutes 26 parking stalls. Thus, the existing 26 parking stalls are sufficient for the proposed addition.

All existing boundary fences will be remodeled to comply with the six foot height limitation, as to not trigger any additional permits. An unpermitted wooden deck exists onsite currently, and shall be demolished as part of this project. Additionally, the project shall be conditioned to prohibit excessive loud noise emanating from the site in an effort to minimize any negative impact onto adjacent residential and commercial properties.

RECOMMENDATION

Staff recommends approval of the Site Plan for the proposed patio addition at Afandina Café to be located at 4001 University Avenue NE, subject to certain conditions of approval.

RECOMMENDED MOTION(S):

MOTION: Move to waive the reading of Resolution No. 2021-PZ02, there being ample copies available to the public.

MOTION: Move to approve Resolution No. 2021- PZ02, being a resolution approving a Site Plan for the proposed patio addition with upper deck to be located at 4001 University Avenue NE and subject to the following conditions:

1. The building and site shall be meet all requirements found in the most current Fire Code and the most current Building Code.
2. The use of the outdoor patio shall minimize noise impacts to adjacent properties.
3. The color of the patio addition/deck shall match the existing building.
4. All fences shall be no more than six feet in height.
5. All unpermitted structures, including but not limited to the existing deck, are to be removed or brought into compliance.
6. The Building Plans need to be signed by a licensed design professional and approved by the Building Official, prior to the issuance of a Building Permit.

All other applicable local, state, and federal requirements shall be met at all times.

ATTACHMENT(S):

Resolution No. 2021-PZ02

Application/Narrative

Survey/Site Plan

Deck Foundation and Floor Plan

Framing Plan and Elevations

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLUMBIA HEIGHTS APPROVING A SITE PLAN REVIEW TO ALLOW FOR THE CONSTRUCTION OF A PATIO ADDITION WITH UPPER DECK TO EXISTING BUILDING AT 4001 UNIVERSITY AVENUE NE, COLUMBIA HEIGHTS, MN, 55421 (PIN 35-30-24-31-0008)

WHEREAS, a proposal (Case 2021-0401) has been submitted by Louie Kader of Afandina Café to the Planning Commission requesting a Site Plan Review from the City of Columbia Heights at the following site:

LOCATION: 4001 University Avenue NE (35-30-24-31-0008)

LEGAL DESCRIPTION: On file at City Hall

THE APPLICANT SEEKS THE FOLLOWING: An Site Plan Review to allow for the construction of a patio addition with upper deck on the subject property.

WHEREAS, the Planning Commission has held a public hearing as required by the City of Columbia Height's Zoning Code on April 6, 2021;

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

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

1. The Site Plan conforms to all applicable requirements of this article.
2. The Site Plan in questions achieves the applicable Zoning Code requirements.
3. The Site Plan is consistent with any applicable area plan.
4. The Site Plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.

FURTHER, BE IT RESOLVED, that the attached conditions, maps, and other information shall become part of this permit and approval; and in granting this permit the City and the applicant agree that this permit shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal of the permit. Further, the permit is subject to certain conditions of approval that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:

CONDITIONS:

1. The building and site shall be meet all requirements found in the most current Fire Code and the most current Building Code.
2. The use of the outdoor patio shall minimize noise impacts to adjacent properties.
3. The color of the patio addition/deck shall match the existing building.
4. All fences shall be no more than six feet in height.
5. All unpermitted structures, including but not limited to the existing deck, are to be removed or brought into compliance.
6. The Building Plans need to be signed by a licensed design professional and approved by the Building

Official, prior to the issuance of a Building Permit.

7. All other applicable local, state, and federal requirements shall be met at all times.

Passed this 6th day of April 6, 2021.

Offered by:

Seconded by:

Roll Call:

Ayes:

Abstain:

Chair

Alicia Apanah, Secretary

COLUMBIA HEIGHTS

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

SITE PLAN APPLICATION (UNDER 1 ACRE) ORDINANCE NO. 9.104 (N)

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

PROPERTY INFORMATION

Proposed name of development: AFANDINA CAFE

Project Address/Location: 4001 UNIVERSITY AVE

Legal Description of property involved: LOTS 4, 5 and 6, AND HOP'S SUBDIVISION NO. 38, TOGETHER W/THE SOUTH 45 FEET OF THAT PART OF LOT 8, BLOCK 1, REARRANGEMENT OF BLOCK D, COL. HEIGHTS ANNEX, LYING E OF UNIVERSITY AVE AND WEST OF A LINE 128 FT WEST OF THE EAST LINE OF SAID LOT 8, EXCEPT ROAD,

Present use of property RESTAURANT SUBJECT TO EASEMENTS OF RECORD.

Proposed use of property RESTAURANT

PROPERTY OWNER (As it appears on property title):

Name: INVESTORS GROUP OF MINNESOTA

Mailing Address: 4001 UNIVERSITY AVE, COLUMBIA HEIGHTS, MN

City: COLUMBIA HEIGHTS State: MN Zip: 55421

Daytime Phone: 612 226 4058 Cell Phone: 612 226 4058

E-mail Address: Kaderlouie@gmail.com

Signature/Date: [Signature] 2/23/2021

APPLICANT:

Company Name (please print): AFANDINA CAFE

Contact Person (please print): LOUIE KADER

Mailing Address: 4001 UNIVERSITY AVE

City: COLUMBIA HEIGHTS State: MN Zip: 55421

Daytime Phone: 612 226 4058 Cell Phone: 612 226 4058

Email Address: Kaderlouie@gmail.com

Signature/Date: [Signature] 2/23/2021

Disclaimer: Information submitted, including contact information shall be made available to the public, unless otherwise noted.

COLUMBIA HEIGHTS

REASON FOR REQUEST (please attach a written narrative describing your proposal, the intended use of the property and justification for your request.)

FOR OFFICE USE ONLY

CASE NO: 2021.0401

APPLICATION REC'D BY: Aaron Chirpich

\$500 APPLICATION FEE REC'D: yes

DATE APPLICATION REC'D: 2/23/21

RECEIPT NUMBER: 70109



JIM MACKEY
ARCHITECT
 1723 LAFOND AVENUE
 SAINT PAUL MN 55104
 PHONE/FAX (651) 644-0869
 E-MAIL jim.mack@q.com



Afandina Cafe

4001 University Avenue
Columbia Heights, MN

Scope of Work (narrative)

Existing Restaurant with bituminous parking located at the northeast corner of intersection at 40th Avenue NE and University Avenue NE. We are proposing to add a paver patio with roof along the north wall of the existing 2 story building. A new upper level deck is proposed to be located along the east side of the proposed covered patio. These additions will help to increase guests as outside dining during late spring through early fall is an important feature for many visitors.

An existing wood deck with perimeter screen fence along the north edge of the property line will be removed in it's entirety. The deck was constructed around 3 existing pine trees of approximately 24" diameter and 40' (+) in height. Trees are to remain. The ground around the trees will be repaired and seeded.

Existing 6' high wood fence along the east and north property lines are to remain. Existing metal fence and gate along the west edge of the patio to remain. All fences that were added during the summer of 2020 along the east edge of the patio shall be brought to 6' height or removed. No fence/screen will be located along the north edge of the proposed patio (open to the pine trees).

Please contact the owner or architect with any questions.

Thank you for your consideration,

Louie Kader (owner)
612-226-4058

Jim Mackey (architect)
651-644-0869

Minerva Hark

From: Jim Mackey <jim.mack@q.com>
Sent: Wednesday, March 17, 2021 9:00 AM
To: Minerva Hark
Subject: Site Plan for Afandina Cafe

Good morning,
 Here are answers to your questions.

1a) upper deck: 288 sq. ft.

1b) existing building: 2433 sq. ft.

*1c) patio: 833 sq. ft.

Aaron Chirpich had told us that we are good with 26 parking stalls. We would appreciate if you could check this. Let me know.

2) All existing fences will be remodeled to 6' height per city ordinances. We are not proposing any new fencing.

3) The proposed addition is an open, covered roof over the patio. The roofing would be fiberglass asphalt shingles, "weathered wood" which is a brown/gray mix (common color for several manufacturers). Edge rafters will be faced with rough-sawn plywood and stained.

Please contact me with any additional questions and comments.

Thank you,
 Jim Mackey
 651-644-0869

From: "Minerva Hark" <MHark@columbiaheightsmn.gov>
To: "Jim Mackey" <jim.mack@q.com>
Sent: Monday, March 15, 2021 4:28:12 PM
Subject: RE: Site Plan for Afandina Cafe

Jim,

Sorry to have missed you today. I had a few questions regarding this project that you can help clarify.

1. I noticed a parking calculation was not included on the site plans. Parking compliance is to be discussed in my upcoming report; however, not enough information was given to me to confirm that compliance. Please provide me with the following:
 - a. Square footage of upper deck (it's blurry on the plan set)
 - b. Square footage of existing building
 If you're able to provide me with a parking calculation, that would be ideal. If not, we can work on it together.
2. There appears to be a slight discrepancy in the plans. One site plans shows existing 7-foot fencing, while another shows existing 6-foot fencing. Please make sure the plans are clear as to what is existing vs. proposed.
3. This proposed addition is subject to the design guidelines. This must be discussed in my upcoming report. Please indicate how the proposed addition will comply with out design guidelines.

Please let me know if you have any questions on these items. Be in touch soon.

Best,



Minerva Hark, MPA | City Planner
City of Columbia Heights | Community Development Department
590 40th Avenue NE | Columbia Heights, MN 55421
mhark@columbiaheightsmn.gov

Direct: (763) 706-3673
Main: (763) 706-3670

From: Minerva Hark
Sent: Monday, March 15, 2021 9:56 AM
To: 'Jim Mackey'
Subject: RE: Site Plan for Afandina Cafe

Thank you, Jim. I will call you around 3pm or earlier, once I finish a meeting. Talk to you then.

Best,



Minerva Hark, MPA | City Planner
City of Columbia Heights | Community Development Department
590 40th Avenue NE | Columbia Heights, MN 55421
mhark@columbiaheightsmn.gov

Direct: (763) 706-3673
Main: (763) 706-3670

From: Jim Mackey [<mailto:jim.mack@q.com>]
Sent: Monday, March 15, 2021 9:53 AM
To: Minerva Hark
Subject: Re: Site Plan for Afandina Cafe

*This message originated from outside the City of Columbia Heights email system. Use caution when clicking hyperlinks, downloading pictures or opening attachments. If necessary, contact sender by phone. **WHEN IN DOUBT, THROW IT OUT!***

Good morning,
I am available this afternoon after 1pm.
Thanks,
Jim Mackey
651-644-0869

From: "Minerva Hark" <MHark@columbiaheightsmn.gov>
To: "jim.mack@q.com" <jim.mack@q.com>
Sent: Monday, March 15, 2021 9:42:08 AM
Subject: Site Plan for Afandina Cafe

Good Morning Jim,

My Name is Minerva, and I am the new City Planner for the City of Columbia Heights. I am currently reviewing Louie Kader's application for an addition at Afandina Café. I wanted to briefly discuss the plans with you. Are you available to chat over the phone today? Let me know what time works best for you.

Thank you,

Afandina Cafe

Upper Deck + Paver Patio w/ Roof
4001 University Ave, Columbia Heights

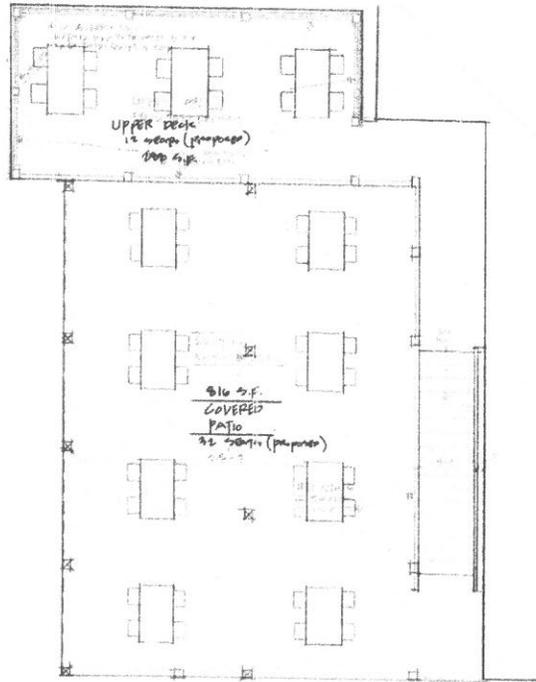
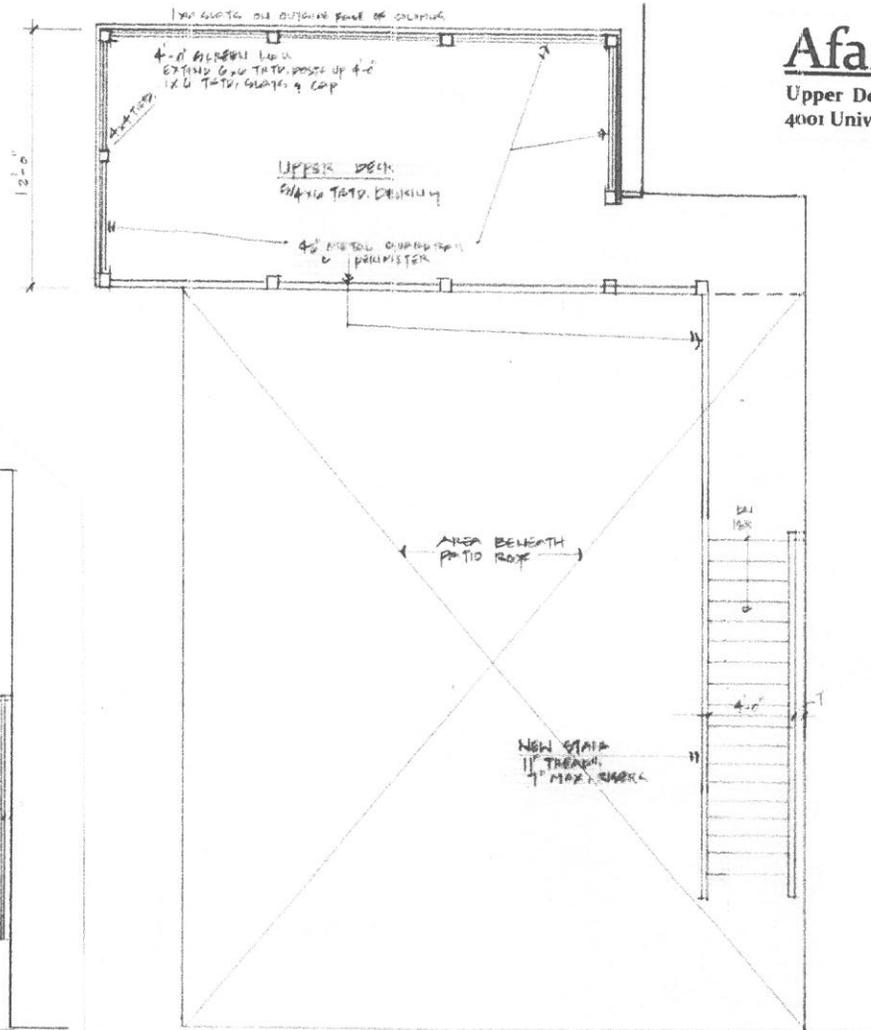


1723 LAFOND AVENUE
SAINT PAUL, MN 55104
PHONE/FAX 651-444-0869
E-MAIL jim.mack@q.com

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

James A. Mack
JAMES A. MACK
DATE 2/23/2021 LIC. NO. 23008

REVISIONS
1/12/2021
2/16/2021
2/23/2021



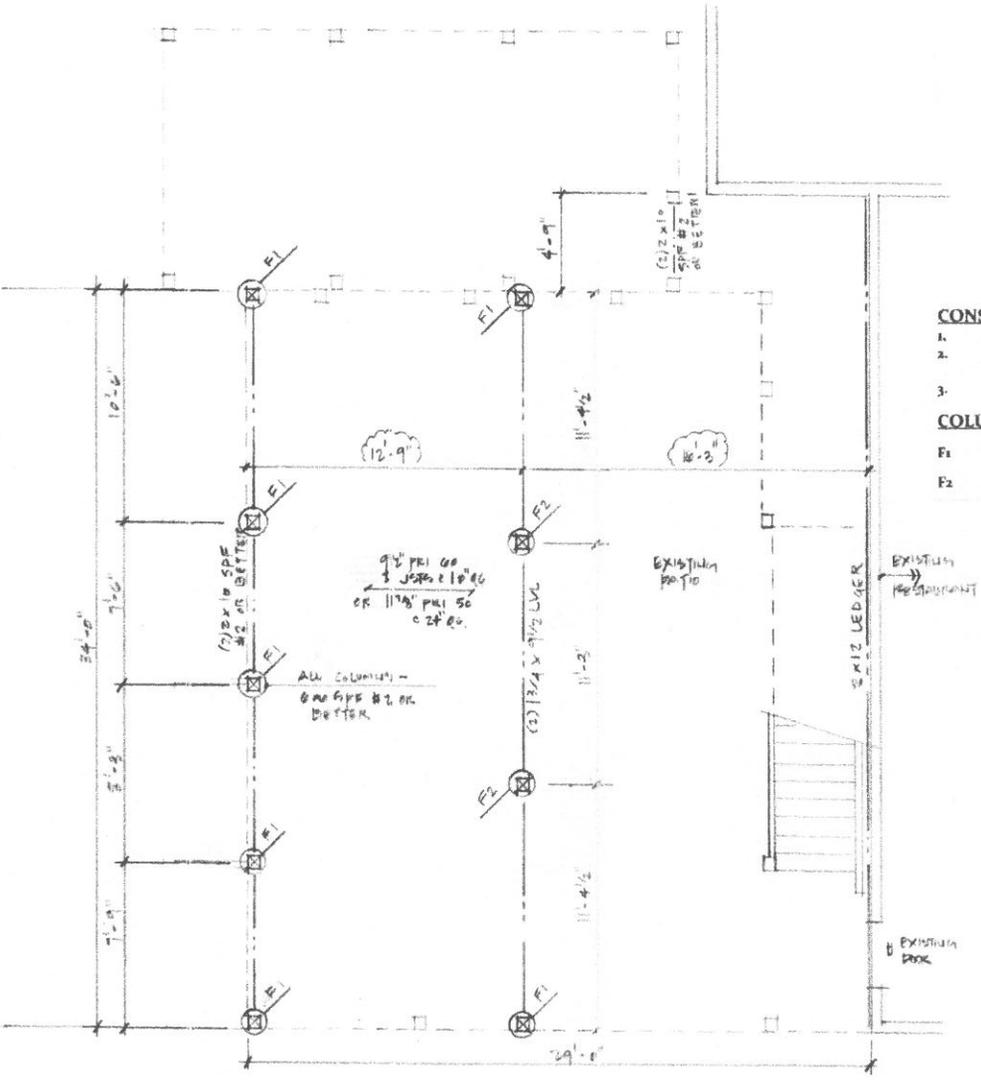
SEATING LAYOUT
PATIO/UPPER DECK

UPPER DECK PLAN
3/16" = 1' - 0"

Afandina Cafe

Upper Deck + Paver Patio w/ Roof
4001 University Ave, Columbia Heights

PATIO ROOF



PATIO ROOF FRAMING PLAN

3/16" = 1' - 0"

CONSTRUCTION NOTES

1. FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS.
2. BRACE ALL BEAMS AND RIMS TO COLUMNS WITH 2X6 TREATED BRACE, EXTEND 2'-0" VERTICALLY.
3. SEE CONSTRUCTION DRAWINGS FOR ADDITIONAL INFORMATION.

COLUMN FOOTING SCHEDULE

- F1 18" DIAMETER X 42" DEEP CONCRETE PIER, BELL BOTTOM TO 24" DIAMETER
- F2 18" DIAMETER X 42" DEEP CONCRETE PIER, BELL BOTTOM TO 30" DIAMETER



1723 LAFOND AVENUE
SAINT PAUL, MN 55104
PHONE/FAX 651-644-0869
E-MAIL jim.mackey@gmail.com

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

James A. Mackey
JAMES A. MACKAY
DATE 11/9/20 LIC. NO. 34018
REV 11/9/2020
2/16/2021

M.W. Hostetler, Inc.
Structural Engineer

5709 Lake Rose Drive
Minnetonka, MN 55345
(952) 500-2897
markhost@comcast.net

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.

Mark Hostetler *Mark Hostetler*
Date 11-5-2020 Rec. No 19906

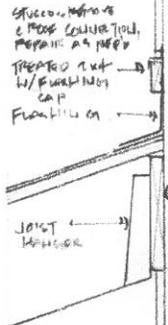
Afandina Cafe

Upper Deck + Paver Patio w/ Roof
4001 University Ave, Columbia Heights

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.

STRUCTURAL ONLY

Mark Hostetler *Mark Hostetler*
Date 11-5-2020 Reg. No 19906



LEDGER DETAIL
1" : 1'-0"

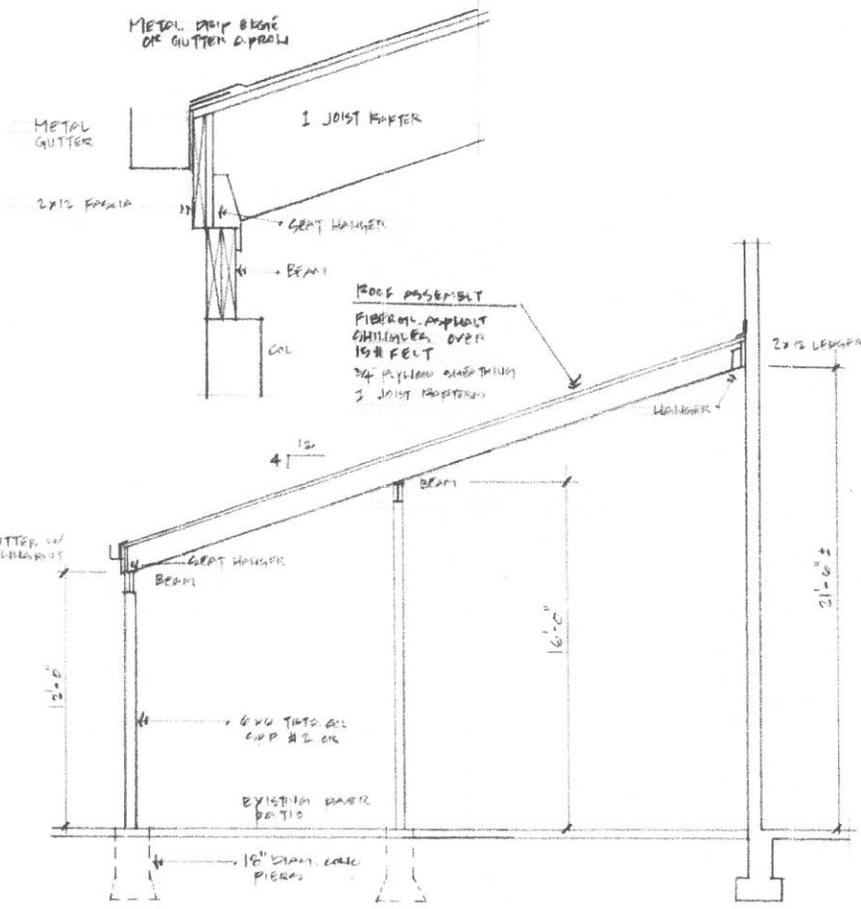


1723 LAFOND AVENUE
SAINT PAUL, MN 55104
PHONE/FAX 651-644-0869
E-MAIL jim.mackey@gmail.com

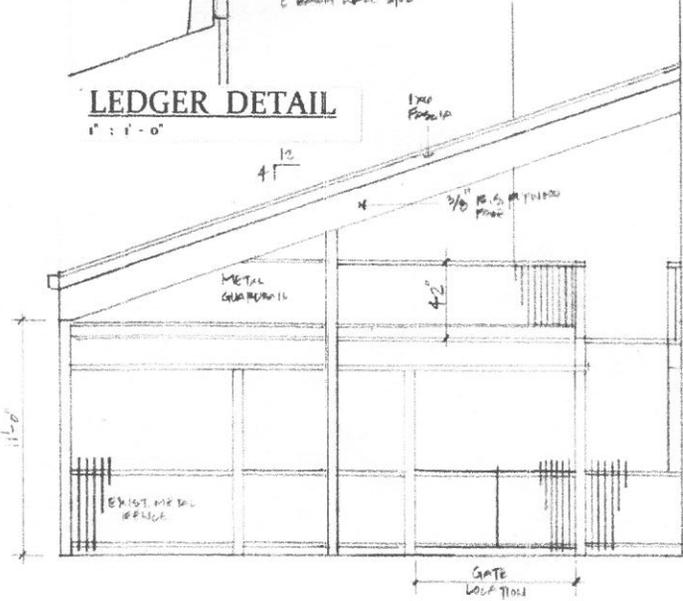
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

James A. Mackey
JAMES A. MACKEY
DATE: 11/9/20 LIC. NO. 33028

REV 11/9/20
1/12/2021
2/1/2021
2/22/2021



SECTION
3/16" : 1'-0"



WEST ELEVATION
3/16" : 1'-0"

Minerva Hark

From: Minerva Hark
Sent: Monday, March 29, 2021 9:10 AM
To: [REDACTED]
Subject: RE: Public Hearing - 4001 University Ave NE
Attachments: 3a2.FULL APPLICATION.PDF

Good Morning [REDACTED]

Thank you for your email and insight on this property. This project came about due to the code violations that are currently on-site (construction without permits, unkempt property, over-height fencing, building too close to property lines, etc.). Through this application, the owner has proposed an attached patio setback 27.1 feet from the rear/north property line, and 19.2 feet from the side/east property line. If the Planning Commission approves the project, building permits will be obtained and the City will be inspecting the property throughout the construction process. Additionally, the unpermitted deck shall be removed as part of this project. I have attached the proposed plans for your review.

I will be adding your photos and comments to the file with full anonymity. Again, I really appreciate you sharing your insight, and hope that these issues can be resolved through the planning process.

Best,



Minerva Hark, MPA | City Planner
City of Columbia Heights | Community Development Department
590 40th Avenue NE | Columbia Heights, MN 55421
mhark@columbiaheightsmn.gov

Direct: (763) 706-3673
Main: (763) 706-3670

From: [REDACTED]
Sent: Sunday, March 28, 2021 5:12 PM
To: Minerva Hark
Subject: Public Hearing - 4001 University Ave NE

Hello Minerva,

My name is [REDACTED] I own and live at [REDACTED] with my wife and son. [REDACTED] please see the map or come take a look to see the closeness of our home to Afandina. Afandina has already constructed and been using this proposed dining area for customers and what I assume is large family gatherings, since spring 2020. There has been lot of noise, bad smells(burning stuff), and big fires that have gone past midnight. We bought this house two years ago in a condemnable/tear down condition and have since fix it to new condition in turn invested in the city of Columbia Heights. We have seen that both Afandina and Madina Academy have no respect for their neighbors. They both leave trash and garbage all over, have mismatched tarps/plastic coverings on the outdoor area, do no fall clean up, and in the summer they let weeds grow over 3 feet tall.(I have attached pictures of Afandina taken 3/28/21.) It is disappointing to see the very low standard the academy/daycare has been held to, and it is concerning where Afadinas will go once given the green light on their project. Both of these properties are a detriment to our city as they have proven time and time again with their neglect of basic maintenance, cleanliness, and noise consideration that they have no integrity. Both of these properties have greatly devalued ours and we would not consent to them expanding.

We would like for our names and email to remain anonymous. Also any information in this email that would give away our identity to be withheld from the public.







AGENDA SECTION	PUBLIC HEARING
MEETING DATE	APRIL 06, 2021

ITEM:	INTERIM USE PERMIT – RENAISSANCE FIREWORKS TEMPORARY SALES TENT	
DEPARTMENT:	COMMUNITY DEVELOPMENT	BY/DATE:

CASE NUMBER: 2021-0402
DATE: April 6, 2021
TO: Columbia Heights Planning Commission
APPLICANT: Renaissance Fireworks
DEVELOPMENT: Temporary Fireworks Tent
LOCATION: 4001 Central Avenue NE., Columbia Heights MN, 55421
REQUEST: Interim Use Permit for Seasonal Fireworks Sales
PREPARED BY: Minerva Hark, City Planner

INTRODUCTION

Renaissance Fireworks, Inc. has applied for an Interim Use Permit to allow the operation of a seasonal fireworks sales tent at 4001 Central Avenue. The specific development standards for outdoor fireworks sales/display are found in Section 9.107 (C) (22) of City Code, and will be added as conditions of approval for this permit. The attached property and tent location map illustrates the configuration and orientation of the fireworks tent to Central Avenue. The Fire Chief and Building Official will conduct a site inspection of the tent.

ZONING ORDINANCE

The property located at 4001 Central Avenue is located in the CBD, Central Business District. The properties to the north, south and west are also zoned Central Business and the properties to the east are zoned in the R-4, Multiple Family Residential District. Seasonal Fireworks Sales is allowed as Interim Use in the Central Business Zoning District.

COMPREHENSIVE PLAN

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

FINDINGS OF FACT

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

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

Fireworks tents are specifically listed as an Interim Use in the Central Business District, and are considered retail sales, which are permitted.

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

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

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

The proposed temporary use should not have hazardous or disturbing influence on neighboring properties because of its proximity to Central Avenue. It is screened from adjacent residential uses by the surrounding commercial buildings.

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

The fireworks tent shouldn't diminish the use of the adjacent properties.

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.

The Fire Chief will conduct an on-site inspection prior to any temporary sales. All State and City requirements regarding fireworks sales will be achieved.

6. Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.

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

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

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

RECOMMENDATION

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

RECOMMENDED MOTION(S):

Motion: Move to waive the reading of Resolution No. 2021-PZ03, there being ample copies available to the public.

Motion: Move to adopt Resolution No. 2021-PZ03, being a Resolution approving an Interim Use Permit for a fireworks tent at 4001 Central Avenue NE, from June 25, 2021 to July 5, 2021, subject to certain conditions of

approval that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:

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

ATTACHMENT(S):

Resolution No. 2021-PZ03

Application/Narrative

Lease Agreement

Safety Data Sheet

Tent Layout Drawing

Certificate of Flame Resistance

Tent Location Map

Product List

Product Storage Information

Proposed Temporary Signage

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

WHEREAS, a proposal (Case 2021-0402) has been submitted by Renaissance Fireworks to the Planning Commission requesting an Interim Use Permit from the City of Columbia Heights at the following site:

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

LEGAL DESCRIPTION: On file at City Hall

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

WHEREAS, the Planning Commission has held a public hearing as required by the City of Columbia Height’s Zoning Code on April 6, 2021;

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

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

1. The use is one of the interim uses listed for the zoning district in which the property is located, or is a substantially similar use, as determined by the Zoning Administrator.
2. The use is in harmony with the general purpose and intent of the Comprehensive Plan.
3. The use will not impose hazards or disturbing influences on neighboring properties.
4. The use will not substantially diminish the use of property in the immediate vicinity.
5. The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
6. Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.
7. The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.

FURTHER, BE IT RESOLVED, that the attached conditions, maps, and other information shall become part of this permit and approval; and in granting this permit the City and the applicant agree that this permit shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal of the permit. Further, the permit is subject to certain conditions of approval that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:

CONDITIONS:

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

Passed this 6th day of April 6, 2021.

Offered by:

Seconded by:

Roll Call:

Ayes:

Abstain:

Chair

Alicia Apanah, Secretary



1625 County Road 10 Ste D ♦ Spring Lake Park, MN 55432
Phone: 612-666-4567 ♦ www.renaissancefireworks.com

City of Columbia Heights

Welcome to the 2021 Fireworks Season!

Enclosed you will find the 2021 permit applications for Renaissance Fireworks Inc. for the location of 4005 Central Ave. If you have any questions or we have missed anything, please don't hesitate to give us a call/email. Our Certificate of Insurance will follow. We look forward to working within your city again!

Sincerely,

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

COLUMBIA HEIGHTS

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

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

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

PROPERTY INFORMATION

Project Address/Location: 4005 Central Ave, Columbia Heights, MN 55421

Legal Description of property: *See Attached*

Present use of property: Parking Lot

Proposed Interim Use of property: Temporary outdoor retail tent sales of Minnesota Safe & sane Fireworks

PROPERTY OWNER (As it appears on property title):

Company/Individual (please print): Columbia Heights Center, LLC

Contact Person (please print): Tim McLaughlin / Robert Grootwassink

Mailing Address: 14675 Martin Drive, Ste 200

City: Eden Prairie State: MN Zip: 55344

Daytime Phone: 952-944-1165 Cell Phone: 612-910-7796

E-mail Address: tim@grootwassink.com

Signature/Date: [Signature] 2-21-21

APPLICANT:

Company/Individual (please print): Renaissance Fireworks / Mark Lazarchic

Contact Person (please print): Amanda Stone

Mailing Address: 11625 County Highway 10 Ste D

City: Spring Lake Park State: MN Zip: 55432

Daytime Phone: 612-666-4567 Cell Phone: 651-308-9326

E-mail Address: amanda@serenityventuregroup.com

Signature/Date: [Signature]

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

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: 2021-0402
 APPLICATION REC'D BY: Alicia Apanah DATE APPLICATION REC'D: 3.1.21
 \$250.00 APPLICATION FEE REC'D: 3.1.21 RECEIPT NUMBER: 70138
 \$200.00 INSPECTION FEE FOR FIREWORKS TENTS FEE REC'D 3.1.21

Approved by Planning & Zoning Commission on _____

Approved by City Council on _____



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

February 22, 2021

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

Re: Interim Use Permit

To Whom It May Concern:

Renaissance Fireworks, Inc (RFI) is the largest Minnesota owned and operated company in the fireworks business. For over 16 years, we have been a part of Minnesota's 4th of July celebrations and run 25-30 retail sites throughout the Twin Cities.

RFI is proposing to operate a temporary retail site at the address: 4005 Central Ave, Columbia Heights, MN 55421. The site will consist of a sales tent measuring 20 feet by 40 feet and be operated by a minimum of two contracted workers. A list of products that will be sold is attached. The tent will be set up between June 21st, 2021 and June 24th, 2021 and taken down between July 6th, 2021 and July 10th, 2021. The dates of fireworks sales will be from June 25th, 2021 to July 5th, 2021 during the hours of 9 AM and 10 PM.

Thank you.

Sincerely,

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

Renaissance Fireworks Inc.

TEMPORARY LEASE AGREEMENT

THIS FIREWORKS STAND AND LEASE AGREEMENT is made between

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

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

Site Information

Property Name: Columbia Heights Center	Phone Number: 952-944-1665
Address: 4005 Central Ave, Columbia Heights, MN 55421	Contact: Tim McLaughlin

and

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

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

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

TERM. The term is for the period: 06/25/2021 through 07/05/2021

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

RENT. Tenant agrees to pay rent to the Landlord in the aggregate amount of \$1,500.00 per year, for the property named above under site information, which amount shall be paid on or before 07/20/2021

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

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

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

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

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

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

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

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

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

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

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

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

Landlord:

By: 
Name:
Title:
Date:

Tenant: Renaissance Fireworks, Inc.

By: 
Name: Mark Lazarevic
Title: CEO
Date: 2-24-21

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

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

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

Section I

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

Section II — Hazardous Ingredients/Identity Information

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

Section III — Physical/Chemical Characteristics

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

Appearance and Odor

All Pyrotechnic Composition is contained in a cardboard casing.

Section IV — Fire and Explosion Hazard Data

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

Flood with water if small amount of fireworks is involved

Special Fire Fighting Procedures

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

Unusual Fire and Explosion Hazards

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

(Reproduce locally)

OSHA 174, Sept. 1985



Section V — Reactivity Data

Stability	Instable	Conditions to Avoid	Open flames, smoking
	Stable X		

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

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

Hazardous Polymerization	May Occur	Conditions to Avoid
	Will Not Occur X	

Section VI — Health Hazard Data

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

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

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

Signs and Symptoms of Exposure N/A

Medical Conditions Generally Aggravated by Exposure N/A

Emergency and First Aid Procedures N/A

Section VII — Precautions for Safe Handling and Use

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

Waste Disposal Method

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

Other Precautions None

Section VIII — Control Measures

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

Ventilation	Local Exhaust	Special	N/A
	Mechanical (General)		
Protective Gloves	N/A	Other	N/A
	None required		
Other Protective Clothing or Equipment	N/A	Eye Protection	N/A

Work/Hygienic Practices
No smoking in vicinity of fireworks

RFI 20'x40' Tent Layout

1 square = 1 foot

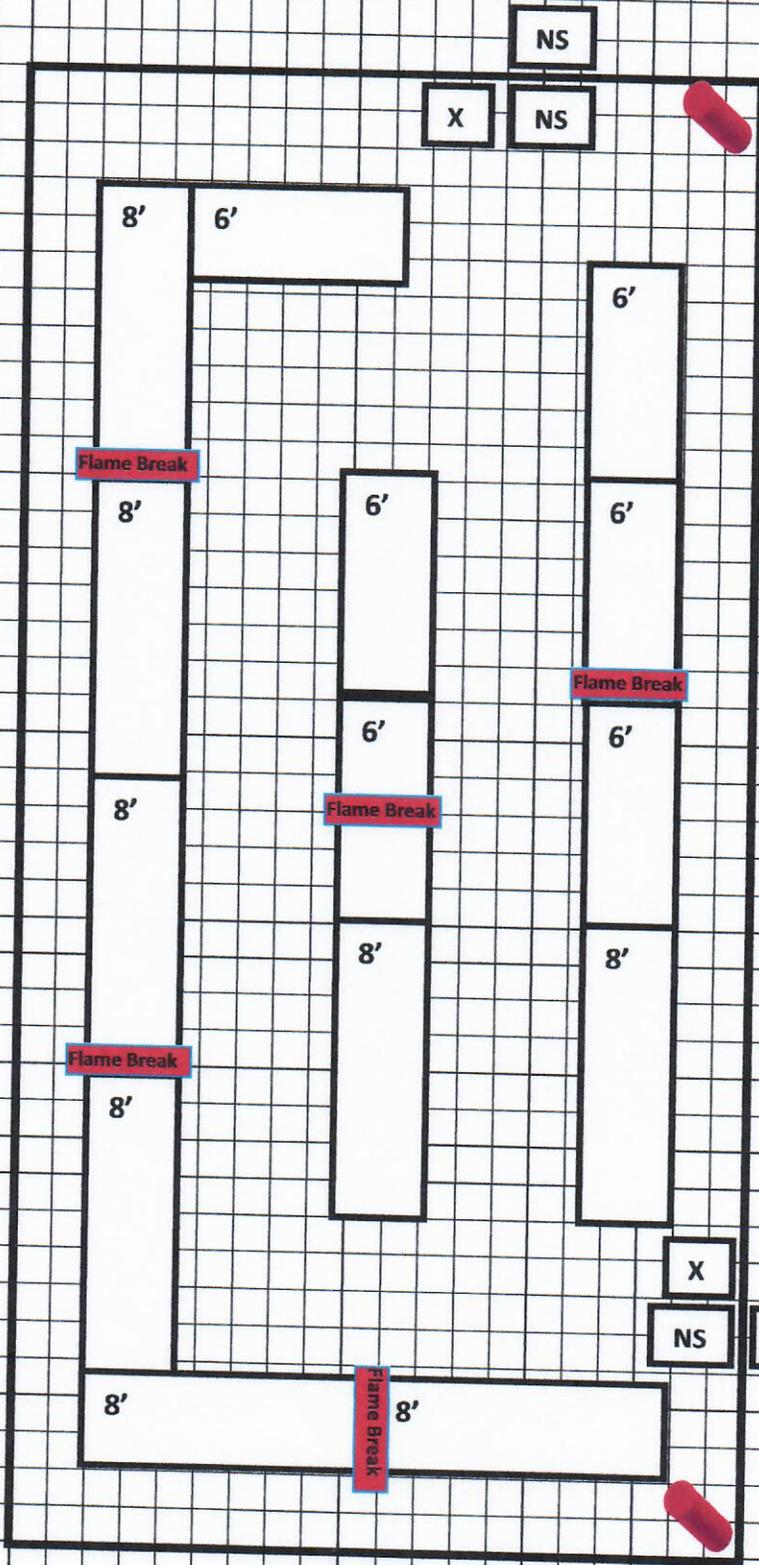
NS = No Smoking Sign

X = Exit Sign

 = Fire Extinguisher

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

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



IMPORTANT DOCUMENT

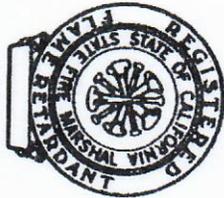
Certificate of Flame Resistance



ISSUED BY

EVANSVILLE, INDIANA 47725

MANUFACTURERS OF THE FINISHED
TENT PRODUCTS DESCRIBED HEREIN



REGISTRATION
APPLICATION
NUMBER

F140.1

Date of Manufacture

03/25/02

Order Number

350882

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

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

Certification is hereby made that:

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

Serial # 8020630C (9)

Description of item certified:
FI EXP CAT MDD CUST 20x10

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

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

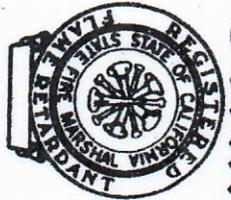
Signed:

Meg Snyder
TENT DEPARTMENT - ANCHOR INDUSTRIES INC.

Certificate of Flame Resistance

REGISTERED APPLICATION NUMBER

FL401



ISSUED BY
EVANSVILLE, INDIANA 47711

MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

Date of Manufacture	04/04/01
Order Number	335280

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

643490
APRES PARTY RENTAL
7625 CAHILL RD

EDINA MN 55439

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

Serial #:	8027000 (3)
Description of item certified:	FI CAT TOP 30WX30 SNYD WW 2PC

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

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

Signed: *James D. Bruce*
TENT DEPARTMENT—ANCHOR INDUSTRIES INC.

Columbia Heights Center - 4005 Central Ave, Columbia Heights, MN 55421

Item 5.



Renaissance Fireworks, Inc. Product List

Current as of February 2021

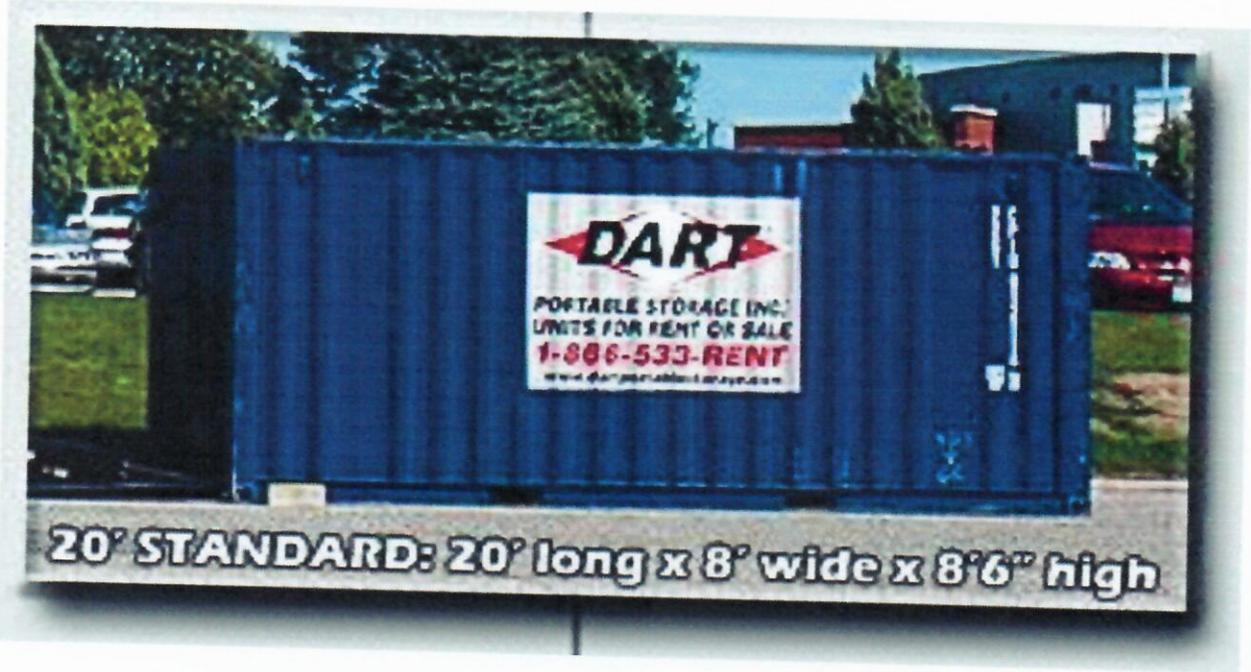
*products subject to change due to availability.

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

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

RFI 2021
Metal Storage Containers For Use At
Temporary Fireworks Retail Sites

Supplied by Dart Storage





5' x 3'



10' x 3'

