PLANNING AND ZONING COMMISSION
MINUTES OF THE REGULAR MEETING
June 6, 2011
7:00 PM

The meeting was called to order at 7:00 pm by Chair-Marlaine Szurek.

Commission Members present- Thompson, Peterson, Fiorendino, Kinney, and Szurek.

Also present were Council Liaison Gary Peterson, Jeff Sargent (City Planner), and Shelley Hanson (Secretary).

Motion by Kinney, seconded by Fiorendino, to approve the minutes from the meeting of May 3, 2011. All ayes. MOTION PASSED.

PUBLIC HEARINGS

CASE NUMBER:	**2011-0601**
APPLICANT:	**Renaissance Fireworks**
LOCATION:	**4005 Central Avenue**
REQUEST:	**Interim Use Permit for Seasonal Sales**

Renaissance Fireworks, Inc. has applied for an Interim Use Permit to allow the operation of a fireworks tent at 4005 Central Avenue. The City of Columbia Heights recently amended the ordinance regarding outdoor seasonal sales in all zoning districts, and now requires an Interim Use Permit. The specific development standards for an outdoor sales/display establishment are found at Section 9.107 (C)(20), and will be added as conditions of approval for this permit. This will be the Renaissance's 7th year operating a fireworks tent at this location in Columbia Heights. The attached site plan illustrates the configuration and orientation of the fireworks tent to Central Avenue. The Fire Chief has inspected the plans and will conduct a site inspection of the tent prior to the business opening for operation.

COMPREHENSIVE PLAN
The Comprehensive Plan designates the property for commercial use, including retail sales, offices and service businesses. The proposal is consistent with the intent of the City's Comprehensive Plan.

ZONING ORDINANCE
The zoning classification for this property located at 4005 Central Avenue is CBD, Central Business District. Fireworks tents are allowed as Interim Uses in this zoning district.

Existing parking exceeds zoning requirements. Section 9.106 (L)(10) of the Zoning Ordinance requires that commercial uses provide 1 parking space for each 300 square feet of use. Therefore, the existing 87,500-square foot commercial building is required to have 263 parking spaces. After using the 13 parking spaces for the tent, the site will still have 282 parking spaces. Furthermore, with the location of the display area on the opposite side of the parking lot as the store entrances, the operation should not have any effect on vehicular access for the site.

FINDINGS OF FACT

Section 9.104 (H) 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 an Interim Use in the CBD, 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, offices and service businesses. 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 any detrimental impact on neighboring properties because of its proximity to Central Avenue and because it is shielded from adjacent residential uses.

4. The use will not substantially diminish the use of property in the immediate vicinity.
   The fireworks tent as proposed will have no impact on the use of 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 department will conduct an on-site survey prior to the business opening. All state requirements regarding fireworks sales will be complied with before the fire department will allow the operation of the business.

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 traffic on the public streets, and the site is large enough to handle additional interior traffic.

7. The use will not cause a negative cumulative effect on other uses in the immediate vicinity.
   As indicated by prior descriptions, the fireworks tent should not have a negative impact on other uses in the immediate vicinity, which are all zoned commercial.

Staff recommends that the Planning Commission approve the Interim Use Permit for a fireworks tent subject to conditions of approval outlined in the motion.

Questions by members:

Fiorendino asked if there were any changes from last year. Sargent told them there were no changes from previous years.

Public Hearing was opened.

No one wished to speak on this matter.

The Public Hearing was closed.

Motion by Fiorendino, seconded by Thompson, that the Planning Commission approves the Interim Use Permit for a fireworks tent at 4005 Central 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. *The fireworks tent, display area, access aisles, and surrounding area shall be reviewed by the Community Development Department and the Fire Department.*
2. *The sale of fireworks shall meet all requirements of Chapter 24 of the Fire Code and NFPA Chapter 1124.*
3. *Fireworks tents located within the public right-of-way are prohibited.*
4. *All goods shall be displayed on a designated impervious surface area.*
5. *All goods shall be displayed in an orderly fashion, with access aisles provided as needed.*
6. *Music or amplified sounds shall not be audible from adjacent residential properties.*
7. *The fireworks tent shall not reduce the amount of off-street parking provided one-site below the level required for the principal use.*
8. *Signage shall be limited to two (2) professionally made signs, with a combined square footage not exceeding thirty-two (32) square feet.*

All ayes. MOTION PASSED

RESOLUTION NO. 2011-PZ05
RESOLUTION OF THE PLANNING AND ZONING COMMISSION APPROVING AN INTERIM USE PERMIT FOR RENAISSANCE FIREWORKS, INC WITHIN THE CITY OF COLUMBIA HEIGHTS, MINNESOTA

WHEREAS, a proposal (Case #2011-0601) has been submitted by Renaissance Fireworks to the Planning and Zoning Commission requesting an Interim Use Permit approval from the City of Columbia Heights at the following site:

ADDRESS: 4005 Central Avenue
LEGAL DESCRIPTION: On file at City Hall.
THE APPLICANT SEEKS THE FOLLOWING PERMIT: Interim Use Permit for a fireworks tent and sale for a period of no more than 90 days, per Code Section 9.110 (F)(4)(a).

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on June 7, 2011;

WHEREAS, the Planning and Zoning Commission has considered the advice and recommendations of the 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 by the Planning and Zoning Commission of the City of Columbia Heights after reviewing the proposal, that the Planning and Zoning Commission 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 pubic 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.

CONDITIONS ATTACHED:

1. The fireworks tent, display area, access aisles, and surrounding area shall be reviewed by the Community Development Department and the Fire Department.
2. The sale of fireworks shall meet all requirements of Chapter 24 of the Fire Code and NFPA Chapter 1124.
3. Fireworks tents located within the public right-of-way are prohibited.
4. All goods shall be displayed on a designated impervious surface area.
5. All goods shall be displayed in an orderly fashion, with access aisles provided as needed.
6. Music or amplified sounds shall not be audible from adjacent residential properties.
7. The fireworks tent shall not reduce the amount of off-street parking provided one-site below the level required for the principal use.
8. Signage shall be limited to two (2) professionally made signs, with a combined square footage not Exceeding thirty-two (32) square feet.

Passed this 7th day of June 2011,

Offered by: Fiorendino
Seconded by: Thompson
Roll Call: All ayes

CHAIR Marlaine Szurek

Attest:

SECRETARY, Shelley Hanson

Approval is contingent upon execution and return of this document to the City Planning Office.
I have read and agree to the conditions of this resolution as outlined above.

Mark Lazarchic Date

CASE NUMBER: **2011-0602**
APPLICANT: **Gentle Touch Animal Sanctuary / Sandee Zander**
LOCATION: **5019 University Avenue NE**
REQUEST: **Conditional Use Permit for an Animal Shelter**

Sargent explained that on May 3, 2011, the Planning Commission recommended approval for an ordinance amendment that would require a Conditional Use Permit (CUP) for animal shelters located in the GB, General Business District. Previously, the City Code regulated these uses, however it did not dictate in which zoning district such uses may be located. Staff realized this omission from the City Code when Gentle Touch Animal Sanctuary called to inquire whether they could move their business into Columbia Heights.

Since the Zoning Ordinance has been amended, Gentle Touch Animal Sanctuary is now requesting a CUP per Code Section 9.110 (E)(3)(s), in order to locate an animal shelter at 5019 University Avenue NE. Gentle Touch Animal Sanctuary is a 501(C)(3) non-profit feline rescue and placement service, founded by Sandee Zander in 2001. Their present location at 4900 France Avenue N. in Brooklyn Park is in mortgage default by the building owner, and their current lease expires on July 31, 2011. They have approached the building owner at 5019 University Avenue, who has agreed to allow animals at that site.

Gentle Touch Animal Sanctuary primarily houses cats and kittens, and will occasionally take in a litter of puppies if all other options are exhausted. The shelter will include 13 cages in the general room, housing up to 2 cats per cage. The kitten room will contain 5 cages with 1 litter per cage. The evaluation room will have 8 cages with 1 cat per cage. No sick cats will be housed on the premises.

The total number of cats at the facility will vary throughout the year, depending on the intake of litters and adoptions. The Gentle Touch Animal Sanctuary partners with PetSmart and PetCo in order to help in the adoption process. The maximum number of animals allowed onsite depends on the size of the rooms containing the animals, and is determined by the State Board of Animal Health. The State Board of Animal Health inspects the premises at least once per calendar year as an unannounced visit.

COMPREHENSIVE PLAN
The Comprehensive Plan dedicates this area for Mixed Use Development. Mixed Uses include both residential and commercial. Since the proposed location for this business is in a preexisting commercial strip mall, the proposed use is consistent with the Comprehensive Plan.

ZONING ORDINANCE
The property is zoned GB, General Business, as are the properties to the north and south. The properties to the east are zoned for one and two family residential use. The property to the west lies in the City of Fridley.

The City Code pertaining to animal shelters allows for an outdoor run/play area for the animals, but does not allow for the outdoor kenneling of animals. Ms. Zander indicated that the outdoor area devoted to the tenant space would not be sufficient to implement an outdoor run/play area, so they will not utilize this option. Also, all animals will be housed indoors.

FINDINGS OF FACT

Section 9.104 (H) of the Zoning Ordinance outlines nine conditions that must be met in order for the City Council to grant a Conditional Use Permit. They are as follows:

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

Animal shelters are specifically listed as a Conditional Use in the GB, General Business District.

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

The Comprehensive Plan dedicates this area for Mixed Use Development. Mixed Uses include both residential and commercial. Since the proposed location for this business is in a preexisting commercial strip mall, the proposed use is consistent with the Comprehensive Plan.

(c) The use will not impose hazards or disturbing influences on neighboring properties.
Animal shelters are required to have both soundproofing and odor control measures in place prior to the business opening. The applicant has been in contact with the Building Official to ensure that the tenant space meets the minimum requirements for soundproofing and odor control. Also, there will not be any outdoor housing of animals nor will there be an outdoor run / play area for the animals, so neighboring properties should not be affected.

(d) The use will not substantially diminish the use of property in the immediate vicinity.
The use of property in the immediate vicinity will not be impacted by the placement of an animal shelter at 5019 University Avenue NE.

(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.
All activity will remain indoors with no change to the existing building located on the property.

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

(g) Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.
The use will not generate any excess traffic than what would normally occur for businesses located in the GB, General Business District.

(h) The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses is the immediate vicinity.
The use is a listed Conditional Use for the district and will abide by the Specific Development Standards as listed as conditions for its approval. This should ensure that the proposed use will not cause a negative cumulative effect.

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

Staff recommends approval of the proposed CUP for an animal shelter located at 5019 University Avenue NE with the six conditions that Sargent read to the members.

Questions from members:

Peterson had a concern about the location of the dumpster and whether there would be odor issues for the neighbors. Sargent explained that the owners plan to double bag all cat litter and waste from the business and that the dumpster would be emptied twice a week. Peterson then asked if there would be noise issues for the apartment building that is only 10 feet from this site. Sargent said that since they will have primarily cats at the site, they are less noisy and will be kept inside. Soundproofing is also being done to ensure that all noise would be contained to that space. Peterson asked what the hours of operation were. Sandee Zander, the applicant, told members they are open to the public on Monday, Tuesday, Wednesday, and Friday from 6 pm – 8 pm and on Saturdays from 1 pm – 3 pm. The staff consists of volunteers that work approximately 12 hours a day (from 9 am – 9 pm). There are usually 2 people on site during the 2 scheduled shifts. They clean the space and care for the animals. Peterson asked if all the animals get placed. Zander responded that they have 8 – 10 cats that have been at the shelter for a long time and may never be placed. They are free to roam the building, but have never escaped since there will be double doors at the entrance.

Kinney was concerned about the facility being open too late and that lighting may impact the neighbors. But once she heard the hours of operation, decided that was not an issue. Kinney noted that dogs may occasionally be housed there also and was concerned about how they would be cared for, since there isn't room for an outside area. She asked whether there could be a restriction so dogs would not be allowed at this site. Sargent explained that our Ordinance allows for dogs in an Animal Shelter and would require an Ordinance change in order to restrict them from being on site. Zander told members that they only take in small breed puppies for short periods of time. These puppies aren't trained yet and are kept in cages similar to a pet store. So a dog run or outside area is not a requirement for them. She also told members she has a small dog that she brings in with her each day, but takes him home with her each night.

Fiorendino asked if they could add an outdoor run area later or if they would have to come back for approval if they decided to expand their operation. Sargent said the Conditional Use Permit would allow them to add that, if there is room, unless it is stated as a condition now. He made it clear that even though they don't plan on doing that at this time, it would allow them to later.

The Public Hearing was opened.

Sandee Zander currently operates from 4900 France Avenue No, Brooklyn Park. She told members she has never had a cat escape her facility.

Thompson clarified the number of cats she could potentially have on the premise as noted in the report as follows: 34 cats-plus up to 5 litters (kept in kitten room)-and 10 cats that roam free throughout the facility. He thought that was a large number. Zander stated that is the maximum amount they would have. At times, she does have to turn away cats, as there is a limit to how many she can legally have. She said the facility is thoroughly cleaned twice a day. They vacuum twice, mop the floors twice, and clean the cages as often as needed throughout the day.

Bruce Knowlton of 5049 4th Street asked if anyone had checked with the Health Department to see if this is an appropriate space for this use. He was also concerned about the dumpster causing problems due to animals chewing through the container or items inside. Szurek told him that the site will be inspected by the State Board of Animal Health and they will dictate how many animals she can have on site. As for the dumpsters, they shouldn't have any issues with that any more than any other resident or business has with their trash.

Paul Andrews of 5024 4th Street doesn't mind cats being housed at this site, but does not want any dogs. He would like to see the Ordinance changed to restrict dogs. Sargent explained the City Council has to actually change the Ordinance and that is a process that takes several months. Zander again stated that any dogs at the site will not be running free or be kept outside. Andrews then said he thought the dumpster would be an issue because of people going through the dumpsters of the other businesses in the area looking for items in their trash. Zander said that issue could be eliminated by using a lock on the dumpster. Sargent encouraged residents to call the police if they see any dogs running loose or if they notice people going through dumpsters.

The Public Hearing was closed.

Sargent reminded the audience that the Planning & Zoning Commission is a recommending body only. The City Council will be the ones actually approving this issue at their meeting on Monday, June 13, 2011. He encouraged anyone who had concerns to bring them to the City Council at that time.

Motion by Peterson, seconded by Kinney, that the Planning Commission recommends the City Council approve the Conditional Use Permit for a for an animal shelter located at 5019 University Avenue, 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. *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.*
2. *Outdoor kennels shall be prohibited.*

3. *All outdoor activity 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% opaque.*
4. *All indoor activity shall include soundproofing and odor control.*
5. *The space must be ventilated in accordance with the MN State Mechanical Code.*
6. *Owner shall hold a current Animal Health License through the MN Board of Animal Health.*

Roll Call: All ayes.

The following Resolution will go to the City Council at the June 13, 2011 meeting.

DRAFT RESOLUTION NO. 2011-XX
RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE GENTLE TOUCH ANIMAL SANCTUARY TO ALLOW AN ANIMAL SHELTER WITHIN THE CITY OF COLUMBIA HEIGHTS, MINNESOTA

WHEREAS, a proposal (Case #2011-0602) has been submitted by Sandee Zander to the City Council requesting a conditional use permit from the City of Columbia Heights at the following site:

ADDRESS: 5019 University Avenue NE
LEGAL DESCRIPTION: On file at City Hall.
THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit per Code Section 9.110 (E)(3)(s), to allow for an animal shelter in the GB, General Business District at 5019 University Avenue NE.

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on June 7, 2011;

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 after reviewing the proposal, that 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. 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.
2. Outdoor kennels shall be prohibited.
3. All outdoor activity 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% opaque.
4. All indoor activity shall include soundproofing and odor control.
5. The space must be ventilated in accordance with the MN State Mechanical Code.
6. The owner shall hold a current Animal Health License through the MN Board of Animal Health.

CASE NUMBER: **2011-0603**
APPLICANT: **Top Value Liquor**
LOCATION: **2105 – 37th Avenue NE**
REQUEST: **Conditional Use Permit for LED Sign**

The City of Columbia Heights just recently approved a Zoning Amendment that requires a Conditional Use Permit (CUP) for all new digital LED signs installed within the City. At this time Top Value Liquor, a municipal liquor store, is requesting a CUP per Code Section 9.106 (P)(13)(c) in order to comply with the City Code.

COMPREHENSIVE PLAN

The Comprehensive Plan designates this area for commercial development that includes goals for commercial and economic development. These goals include: strengthening the image of the community as a desirable place to live and work, providing opportunities and mechanisms for successful redevelopment of targeted areas, preserving and enhancing the existing commercial areas within the community, advocating high quality development and redevelopment within the community, and enhancing the economic viability of the community. The applicant's proposal for a digital LED sign is consistent with these goals, as the sign will be used in conjunction with a new commercial redevelopment.

ZONING ORDINANCE

The property located at 2105 – 37th Avenue NE is zoned GB, General Business, as are the properties to east. The properties to the north are zoned R-3, Multiple Residential, the property to the west is zoned for Park and Open Space, and the properties to the south are located in the City of Minneapolis. Digital LED signs are permitted as a Conditional Use in the GB, General Business District.

Top Value Liquor is requesting the proposed LED sign to be attached to the existing freestanding monument sign for the store. The existing monument sign is 20 square feet. The LED portion of the sign will be 28 square feet. City Code now allows monument signs to be up to 50 square feet in area, with the LED portion not exceeding 60% of the total square footage. The proposed sign will be 48 square feet, with the LED portion occupying 58% of the sign. Top Value Liquor will also be required to meet all other regulations governing LED signs, which have been attached as conditions of approval.

FINDINGS OF FACT

Section 9.104 (H) of the Zoning Ordinance outlines nine conditions that must be met in order for the City Council to grant a Conditional Use Permit. They are as follows:

(a) The use is one of the conditional uses listed for the zoning district in which the property is located, or is a substantially similar use as determined by the Zoning Administrator.
Digital LED signs are specifically listed as a Conditional Use in the GB, General Business District.

(b) The use is in harmony with the general purpose and intent of the Comprehensive Plan.
The Comprehensive Plan designates this area for commercial development that includes goals for commercial and economic development. These goals include: strengthening the image of the community as a desirable place to live and work, providing opportunities and mechanisms for successful redevelopment of targeted areas, preserving and enhancing the existing commercial areas within the community, advocating high quality development and redevelopment within the community, and enhancing the economic viability of the community. The applicant's proposal for a digital LED sign is consistent with these goals, as the sign will be used in conjunction with a new commercial redevelopment.

(c) The use will not impose hazards or disturbing influences on neighboring properties.
The applicant will have to abide by specific development standards as they relate to LED signs. These standards were adopted to help ensure a limiting disturbing influence on neighboring properties. Given the location of the proposed sign and its orientation to 37th Avenue, staff feels that the use will not impose hazards on the neighboring properties.

(d) The use will not substantially diminish the use of property in the immediate vicinity.
The use of property in the immediate vicinity will not be diminished by the placement of a digital LED sign at 2105 – 37th Avenue.

(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 applicant will have to abide by specific development standards as they relate to LED signs. These standards will help ensure compatibility with the appearance of the existing surrounding area.

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

(g) Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.
The use of a digital LED sign at this location will not affect traffic.

(h) The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses is the immediate vicinity.
By subjecting the use of a digital LED sign to specific development standards, it is intended that the use will not cause a negative cumulative effect.

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

Staff recommends approval of the proposed CUP for a digital LED sign for the Top Value Liquor Store located at 2105 – 37th Avenue NE.

<u>Questions from members:</u>

Fiorendino asked if the sign would be the same as the one at the Liquor Store on Central. Sargent told him yes.

Peterson asked for a clarification of items 2 & 3. It was noted there was a typo on the report in the packet. The reference to time in items 2 & 3 should all read ten (10) seconds.

Motion by Peterson, seconded by Fiorendino, that the Planning Commission recommends that the City Council approve the Conditional Use Permit for a for a digital LED sign for the Top Value Liquor Store located at 2105 – 37th Avenue, 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 dynamic LED signs may occupy no more than sixty percent (60%) of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic LED signs, even if not used. Only one, contiguous dynamic display area is allowed on a sign face.*
2. *The dynamic LED sign may not change or move more often than once every ten (10) seconds, except one for which changes are necessary to correct hour-and-minute, date, or temperature information.*
3. *A display of time, date or temperature information may change as frequently as once every ten (10) seconds, however information displayed not relating to the date, time or temperature must not change or move more often than once every ten (10) seconds.*
4. *The images and messages displayed must be static, and the transition from one state display to another must be instantaneous without any special effects. Motion, animation and video images are prohibited on dynamic LED sign displays.*
5. *The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.*
6. *The dynamic LED signs must be designed and equipped to freeze the device in one position if a malfunction shall occur. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance.*
7. *The dynamic LED signs may not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. The dynamic LED signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half hour before sunset and one half-hour after sunrise.*

Roll Call: All ayes

The following Resolution will go to the City Council June 13, 2011

DRAFT RESOLUTION NO. 2011-XX
RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
TOP VALUE LIQUOR
WITHIN THE CITY OF COLUMBIA HEIGHTS, MINNESOTA

WHEREAS, a proposal (Case #2011-0603) has been submitted by Top Value Liquor to the City Council requesting a conditional use permit from the City of Columbia Heights at the following site:

ADDRESS: 2105 – 37th Avenue NE

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit per Code Section 9.106 (P)(13)(c), to allow a dynamic LED sign in the GB, General Business District.

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on June 7, 2011;

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 after reviewing the proposal, that 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 dynamic LED signs may occupy no more than sixty percent (60%) of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic LED signs, even if not used. Only one, contiguous dynamic display area is allowed on a sign face.

2. The dynamic LED sign may not change or move more often than once every ten (10) seconds, except one for which changes are necessary to correct hour-and-minute, date, or temperature information.

3. A display of time, date or temperature information may change as frequently as once every ten (10) seconds, however information displayed not relating to the date, time or temperature must not change or move more often than once every ten (10) seconds.

4. The images and messages displayed must be static, and the transition from one state display to another must be instantaneous without any special effects. Motion, animation and video images are prohibited on dynamic LED sign displays.

5. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.

6. The dynamic LED signs must be designed and equipped to freeze the device in one position if a malfunction shall occur. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance.

7. The dynamic LED signs may not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. The dynamic LED signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half hour before sunset and one half-hour after sunrise.

NEW BUSINESS

No new business.

The meeting was adjourned at 7:50 pm.

Respectfully submitted,

Shelley Hanson
Secretary