



PLANNING COMMISSION MEETING

AGENDA SECTION	PUBLIC HEARING
MEETING DATE	OCTOBER 1, 2024

ITEM:	Conditional Use Permit for Over-Height Sound Barrier (Fence) at 999 50 th Avenue NE	
DEPARTMENT:	Community Development	BY/DATE: Andrew Boucher, City Planner; 9/25/24

CASE NUMBER: 2024-0905
APPLICANT: Civil Site Group on behalf of Tsunami Express Car Wash
DEVELOPMENT: Conditional Use Permit for an Over-Height sound barrier (fence) at (999 50th Avenue NE).
LOCATION: 999 50th Avenue NE
REQUEST: Conditional Use Permit
PREPARED BY: Andrew Boucher, City Planner

INTRODUCTION

The City of Columbia Heights has received an application for a Conditional Use Permit for the property located at 999 50th Avenue NE. The project site currently contains a vacant office building which has a Site Plan Review proposing to demolish the existing building and construct a new car wash. The applicant was required to provide a Noise Impact Study which recommended installing an eight (8) foot tall sound barrier fence to mitigate any noise from the car wash that would affect the adjacent residential properties. The proposed fencing on the northern and eastern property lines will be located on top of a planned retaining wall and composed of a material with a minimum acoustical rating of STC 22 or a mass no less than 2 pounds per square foot, such as overlapping, 1" (nominal thickness) cedar or pine planks. The fence must be constructed in such a way that the total, actual thickness of the wall is at least 1-1/2" along the entire length of the wall and screwed together rather than nailed so that the natural warping of the planks over time does not cause them to pull apart and create gaps between them. Because this is a "sound barrier wall" rather than a "fence", there must not be any gaps and it must be constructed tight to the ground. The fence will be oriented so that it will be 2' above the top of the car wash entry door.

No fencing is proposed along the site's front property line.

ZONING ORDINANCE

The subject property is located in the General Business Zoning District. The surrounding adjacent properties to the immediate north, west, and south are all zoned for Commercial use through the General Business District. The property also abuts several residential neighborhoods to the north, east, and south containing multi-family, duplexes, and single-family residential zoning adjacent to Central Avenue.

Per City Code §9.106(E)(3)(a), fences exceeding seven feet in height shall be deemed structures and shall require a Conditional Use Permit. The Zoning Ordinance requires the Planning Commission to hold a public hearing on

the applications for a Conditional Use Permit submit its recommendation to the City Council for final determination.

COMPREHENSIVE PLAN

The Comprehensive Plan guides this area for Commercial Use, which is consistent with its current zoning as General Business. The proposed sound barrier wall is compatible with the commercial use guided for this site by the Comprehensive Plan.

FINDINGS OF FACT

Section 9.104 (H) of the Zoning Code outlines nine conditions that must be met in order for the City 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.**

City Code §9.106(E)(3) stipulates that commercial fences that exceed seven feet in height shall require a Conditional Use Permit. This application is consistent with the requirements of the Code.

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

The Comprehensive Plan guides this property for commercial use. Installing a sound barrier wall intends to separate the commercial use from the adjacent residential properties and is in harmony with the purpose and intent of the Comprehensive Plan.

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

The proposed 8-foot height sound barrier wall should not cause hazards or disturbing influences on neighboring properties.

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

The proposed project should not diminish the use of the property in the immediate vicinity.

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

The proposed sound barrier detail contains high-quality wood material that is design to be air-tight and have no gaps, which will contribute to preserving the current appearance and character of the neighborhood.

- (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.**

This is correct. The fencing should not affect traffic congestion on public streets or on-site traffic circulation.

- (h) The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.**

This is correct. The fencing should 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. The fence will be constructed of approved fencing materials per the Zoning Ordinance and State Building Code.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the proposed Conditional Use Permit for the property located at 999 50th Avenue NE, subject to certain conditions.

RECOMMENDED MOTION(S):

MOTION: Move to close the public hearing and waive the reading of Draft Resolution No. 2024-068, there being ample copies available to the public.

MOTION: Move to recommend City Council approve the Conditional Use Permit as presented, subject to the following conditions of approval:

1. The site plan included in this submittal shall become part of this approval.
2. The applicant shall submit a building permit application for review and approval prior to construction.
3. Fences greater than seven feet in height shall be of an engineered design and capable of withstanding the applicable wind loads in the Minnesota State Building Code.
4. The sound barrier wall/fence shall be constructed in the manner specified in the Noise Impact Study recommendations dated August 23, 2024 including construction requirements that the barrier meet the minimum acoustical rating of STC 22 or a mass no less than 2 pounds per square foot, the panels screwed together instead of nailed, and that there is an overlapping, 1" (nominal thickness) assembled so that the total actual thickness of the wall is at least 1-1/2" along the entire length of the wall.
5. The applicant shall be responsible for conducting routine inspections to ensure that the sound barrier wall/fence is maintained and upkept.
6. Post-construction sound testing is required to demonstrate compliance with the recommendations made in the Noise Impact Study.
7. All other applicable local, state, and federal requirements shall be met at all times.

ATTACHMENTS:

Draft Resolution
Applications
Site Plan
Fence Specifications
Noise Impact Study
Notice of Public Hearing to Newspaper
Notice of Public Hearing to Neighborhood
Mailing List