

**MINUTES
CITY OF COLUMBIA HEIGHTS
PLANNING COMMISSION MEETING
JULY 6, 2021**

The meeting was called to order at 6:00 pm by Vice Chair Vargas.

CALL TO ORDER/ROLL CALL

Commissioners present: Stan Hoium, Tom Kaiser, Mike Novitsky, Eric Sahnou, Mark Vargas, Clara Wolfe

Commissioner absent: Rob Fiorendino

Also present: Aaron Chirpich (Community Development Director), Minerva Hark (City Planner), Don Meinhardt, Alicia Apanah (Administrative Assistant)

APPROVAL OF MINUTES

1. APPROVAL OF MAY 4, 2021 PLANNING COMMISSION MEETING MINUTES

Motion by Sahnou seconded by Hoium, to approve the minutes from the meeting of May 4, 2021. A roll call vote was taken. All ayes. MOTION PASSED.

PUBLIC HEARINGS

2. CONDITIONAL USE PERMIT TO CONVERT A SINGLE-FAMILY HOME INTO A DUPLEX WITH A DETACHED GARAGE AT 3927 HAYES STREET

Introduction: Hark reported that Manuel Jesus Romero Quizhpi, property owner, has applied for a conditional use permit to allow for the conversion of a single-family home to a duplex at the property located at 3927 Hayes Street NE. The existing home is proposed to remain in its current location, with an addition in the rear, while the second unit is proposed to be constructed above. Additionally, the existing detached single-car garage is proposed to be demolished and replaced with a detached two-car garage in the southeast portion of the property.

Zoning Ordinance: The site is zoned R-2A, One- and Two-Family Residential District, and by code, a two-family dwelling requires a conditional use permit in order to be constructed. The neighboring properties to the North, South, East and West are also zoned R-2A.

Comprehensive Plan: The Comprehensive Plan guides this area for Low Density Residential (3 to 7.5 units per net acre). The project, as proposed, would create a total of two dwelling units on a 0.35887-acre lot. This falls between the converted range of 1.07 and 2.69 units for a 0.35887-acre lot. Thus, the proposed conditional use permit is consistent with the Comprehensive Plan's goals.

Design Guidelines: This property is not located in a Design Guidelines District.

Site Plan: The subject property is located in the One- and Two-Family Residential District (R-2A Zone). The following numbered items are an analysis of the site plan against the City Code and the City's Zoning Ordinance:

1. **Setbacks.** The existing single-family home on this site was constructed in 1957, with an addition constructed in 1988. The existing side/south setback is 3.7 feet, which does not comply with today's setback standards. The first and second story additions are proposed to be stepped back to have a side yard setback of five feet in order to comply with the zoning ordinance.

In review of the proposed setbacks for the subject site, the following tables show compliance for this site:

<u>Setbacks for Residential Building</u>	<u>Required</u>	<u>Proposed – Compliant?</u>
Front yard	25 feet	Yes
Side yard	5 feet	Yes
Rear yard	20% of lot depth	Yes

<u>Setbacks for Two-Family Parking</u>	<u>Required</u>	<u>Proposed – Compliant?</u>
Front yard	25 feet	Yes
Side yard	3 feet	Yes
Rear yard	3 feet	Yes

The proposed setbacks at this site are compliant with the current zoning ordinance.

2. **Minimum Lot Area.** In order to develop two-family or twinhome dwellings in the R-2A zone, the lot size must meet the minimum requirement of 12,000 square feet. The subject property is approximately 15,632.5 square feet and complies with the required minimum lot area.
3. **Building Heights.** The residential building height for the R-2A zone is 30 feet. The proposed duplex has a maximum height of 27 feet and 4 inches. The accessory structure (detached garage) cannot exceed the height of the principal structure or eighteen feet above the average grade, whichever is less. The proposed detached garage is 24 feet and 4 inches tall, or 6 feet 4 inches too tall. The applicant will have to revise their garage plans to meet the required height limit. The project will be conditioned to comply with this height limitation.
4. **Floor Area Requirements.** The zoning ordinance stipulates that two-family dwellings shall have a minimum floor area of 750 square feet per unit, plus 120 square feet for each additional bedroom over two. The proposed ground level unit has four bedrooms, which requires a minimum floor area of 990 square feet. The second story unit has three bedrooms, which requires a minimum floor area of 870 square feet. The proposed project complies with the minimum floor area requirements.
5. **Lot Coverage.** The building coverage on each residential lot, including principal and accessory structures, shall not exceed 30% for lots with more than 6,500 square feet in area. For this site, that limits the lot coverage to approximately 4,689.7 square feet. The project will be conditioned to comply with this zoning ordinance.
6. **Parking.** The zoning ordinance requires a minimum of two on-site parking spaces per unit with two total enclosed spaces for a two-family dwelling. The proposed plans show a sizable detached two-car garage and four on-site parking stalls behind the proposed duplex. The project, as proposed, is compliant with its applicable parking standards.

7. **Neighborhood Notifications.** Neighbor notifications went out to property owners within 350 feet of the subject property. City Staff received phone calls, emails and mail from residents expressing concerns related to the proposed increase in density on the site. Staff addressed these concerns and spoke to community members regarding the conditional use permit process in place to approve two-family dwellings in the R-2A zone

Staff Review: The Public Works Department, Fire Department, Building Official, and Urban Forester were provided copies of the application and site plan to review. The Building Official provided conditions of approval, and the Public Works Department addresses issues pertaining to stormwater runoff.

Specific Requirements: Section 9.107-(C)-(52) of the zoning ordinance outlines three specific requirements for two-family and twinhome dwellings. These requirements are reviewed below:

- (a) Street-facing garage doors must be recessed behind either the front façade of the living area portion of the dwelling or a covered porch, measuring at least six feet by eight feet, by at least five feet.

Staff Comment: *The proposed two-car garage is set back in the rear of the lot, with garage door adjacent to Hayes Street NE.*

- (b) If located on a corner lot, each unit of the duplex or twinhome shall have its address and entrance oriented to a separate street frontage.

Staff Comment: *This requirement does not apply, as the lot in question is not located on a corner.*

- (c) Vehicle access to a lot must be from an alley if the lot abuts an alley.

Staff Comment: *This requirement does not apply, as the lot in question does not abut an alley.*

Findings of Fact: The City Code outlines nine requirements that all conditional use permits must meet in order to be considered for approval:

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

Staff Comment: *The proposed duplex is allowed by conditional use permit under Section 9.109-(F)-(3)-(a).*

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

Staff Comment: *The comprehensive plan guides this site for low density residential development. The proposed two-family dwelling is in harmony with the general purpose and intent of the comprehensive plan.*

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

Staff Comment: *Staff does not anticipate any hazards or disturbing influences on neighboring properties as a result of this development. The project has been conditioned accordingly to avoid potential issues.*

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

Staff Comment: *Staff does not believe that the proposed duplex will diminish the use of neighboring properties.*

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

Staff Comment: *This is correct.*

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

Staff Comment: *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.

Staff Comment: *The proposed project provides a long driveway, two-car garage, and adequate on-site parking. This should help minimize the possibility of on-street traffic congestion.*

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

Staff Comment: *Staff does not feel this will be an issue.*

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

Staff Comment: *Staff believes this requirement has been met.*

Summary/Recommendation: The applicant is proposing to convert a single-family home into a duplex at 3927 Hayes Street NE. In review of the applicant's site plan, application, and other relevant materials, staff finds the request to be reasonable and will not negatively impact the health, safety, or welfare of the City, its residents, and property owners. Staff recommends that the Planning Commission recommend that the City Council approve the conditional use permit as presented subject to certain conditions.

Questions/Comments from Members:

Hoiium asked whether "can be permitted" means it has to be permitted and said he thinks the project is not a good idea. Hark explained that it does not have to be permitted and said the project as proposed and conditioned does meet the City zoning standards, adding that the reason it goes forward to a Conditional Use Permit so it allows for a public forum and community input.

She explained that the Planning Commission is not the final voting body for the project, that the City Council would consider the project at their next meeting.

Public Hearing Opened.

Gail Celio of 3912 Hayes Street NE (via Zoom) asked if there were any other rezoned properties in the area that were zoned for multiple families. Hark explained that the zoning designation for the site in question is R-2A, which is the largest zone in the City, and that many properties in the City are zoned residential one- or two-family developments. The reason this project is able to move forward because it does meet the minimum lot size for a duplex. To answer the caller's question more specifically, Hark said there are some duplexes perhaps a block or two away from the project (duplexes are identified as R-2B on the zoning map).

Hoiium said the project's lot is 52' wide and 60' is common in the City, yet it supposedly meets the minimum size and seems narrow. Hark clarified that the lot size is determined by square footage, not depth or width. For this particular project, rather than side by side, the one unit would be on top of the other. He then asked when the rules were put into place for the R-1 and R-1 zones, and Hark said she had done some research and it appeared that they were designated in the 1990s. Chirpich added that the last significant zoning code overhaul was in 2001.

Sahnow said there were a couple conditions calling for revisions to the plan, most noticeably the size of the garage, and asked about those conversations with the applicant and whether revisions would be done before the project goes before the City Council. Hark said staff had been working with the applicant since May, working on refining the plans and that was the one thing that did not make it through the last correction – but it has been conditioned to do so, and the applicant has been notified that in order to approve this that the height of the garage must be lowered. A redesign has not been received, but it has been reincorporated as a condition of approval.

Architect Don Meinhardt explained that Hark had advised him that the sides of the garage had to be 1,000 feet or less in order to meet regulations, which have been changed, but he said he failed to reduce the height but will be easy to do and which he will do in order to comply.

Vargas said it had been mentioned that the size of the garage's structure is in question and is likely not to get approved and asked whether there is a minimum or maximum size, citing an example of a roof that is shedding water down a slope a foot away from a neighbor's property that is greater than 6%, and asked if that would be addressed as well. Hark explained that the original size submitted to the City was 1,050 square feet and the maximum size of all accessory structures on a lot is 1,000 square feet, so that is why the plan has been redesigned to create a garage that does not exceed 1,000 square feet. With regards to the height of the structure and drainage issues, the project has been conditioned to prevent any cross-lot drainage, so all drainage must occur on site per the Public Works Department engineering staff.

Kaiser expressed his support for the project, that it is important to provide ways to add new residents to the single-family districts during the current housing crisis. As someone who lived in a duplex for more than ten years, he said he liked the architect's design layout, that it looks like a very pleasant place to live in any stage of life; liked the fact that it is not side-by-side, so it does not add bulk to the street or change the character visually of the neighborhood; and is adding additional surface parking and expanded garage and all of that would be behind the primary structure.

Wolfe asked whether any updates need to be made for electrical and sewer. Chirpich said electrical and sewer service would be their responsibility but the utilities in the street would accommodate the additional unit. He asked the architect whether he had any information related to services and upgrades necessary for power and condition of existing sewer. The architect said the existing services are adequate. Hark added that electrical usually does get upgraded for homes of its age but those concerns will be routed to Public Works to ensure adherence. Chirpich added that an additional unit brought onto the City's system will pay the sewer access charge that gets deferred to the Metropolitan Council.

Vargas asked, when there is an addition where the walls are stripped to the studs, whether the features in those walls are to be brought up to modern code and asked whether that was addressed in the plan. He cited examples that the new basement is deeper and it would be a trick to get water to flow uphill and there is also a power pole in the front yard with some guide wires, so he wondered if there is an electrical easement and if it plays a role in determining the lot space. Chirpich said the easement area, if it is within the lot lines, would be calculated within the total lot area and it is significantly over the required square footage amount; and anything electrical will be supervised by the State inspector.

Public Hearing Closed.

Motion by Hoiium, seconded by Sahnnow, to close the public hearing and waive the reading of the draft resolution attached, there being ample copies available to the public. A roll call vote was taken. All ayes. MOTION PASSED.

Motion by Kaiser, seconded by Sahnnow, to recommend that the Planning Commission recommend to the City Council approval the Conditional Use Permit for the proposed two-family development to be located at 3927 Hayes Street NE, subject to the following conditions of approval:

- 1. All required state and local codes, permits, licenses and inspections will be met and in full compliance.*
- 2. The applicant shall meet the requirements of the Building Official's Memorandum dated May 6, 2021 and obtain a Building Permit for the project prior to starting construction.*
- 3. The applicant shall meet the requirements of the Public Works Department's Memorandum dated May 10, 2021.*
- 4. All additions to the existing principal structure shall conform to the current building setbacks prescribed in the Zoning Ordinance.*
- 5. The height of the proposed detached garage shall not exceed twelve feet above average finished grade for a flat roof design, or eighteen feet above average finished grade for a pitched/mansard roof design.*
- 6. The exterior color and design of the detached garage shall match the principal structure, with the prohibition of corrugated metal siding and roofing.*
- 7. Failure to comply with any conditions set forth as part of this conditional use permit shall be a violation subject to enforcement. Continued noncompliance shall be grounds for revocation of the conditional use permit, as determined by the City Council following a public hearing on the issue.*

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

3. SITE PLAN REVIEW FOR A PATIO ADDITION AT LA CASITA MEXICAN RESTAURANT LOCATED AT 5085 CENTRAL AVENUE NE

Introduction: Hark reported that SAH Partnership has submitted plans proposing the addition of a patio to accommodate outdoor dining at the existing restaurant building at 5085 Central Avenue NE. The proposed patio is 903 square feet and 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 5085 Central Avenue NE is located in the General Business (GB) Zoning District. The properties to the north are in the City of Fridley. The properties to the south are located in the General Business District. The properties to the west, across Central Avenue NE, and east are also in the General Business District. There are some residential properties abutting the surrounding General Business District, but none share a common property line with e subject site.

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 at the northern end of Central Avenue NE, which falls within the Design Guideline Overlay District, and is governed by the “Highway 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.

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 a patio addition to accommodate outdoor dining. The proposal will allow for an increase in patrons to the existing restaurant who desire an outdoor dining experience.

The building addition is proposed to be a 903 square foot patio with rough sawn stained cedar posts and a matching trellis. Due to the property being located in the Design District and the visibility off Central Avenue NE, staff has added a condition that the wooden materials of the patio match the existing aesthetic 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.

Staff Comment: *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.

Staff Comment: *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.

Staff Comment: *This is correct.*

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

Staff Comment: *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 site is located on the City's primary commercial corridor and the proposed patio is separated from adjacent residential properties by an adequate distance. 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 8,169 square foot restaurant building (seats 247 people), along with the proposed 903 square foot patio (to seat 44 people), totals 9,072 square feet (291 people). Per the code, the minimum parking required is calculated at 30% of the building capacity, which constitutes 88 parking stalls. Thus, the existing 136 parking stalls are sufficient for the proposed addition. The project shall be conditioned to prohibit excessive loud noise emanating from the site in an effort to minimize any negative impact onto adjacent commercial and residential properties.*

Recommendation: Staff recommends approval of the Site Plan for the proposed patio addition at La Casita Mexican Restaurant to be located at 5085 Central Avenue NE, subject to certain conditions of approval.

Questions/Comments from Members:

Kaiser asked whether staff had received any concerns from neighbors of the project, as the lot is so large (the size of a football field) and is on a hill. Hark said she had received none, adding that notices go out to residents within 350' radius from the site and there were very few residential properties.

Hoiium asked if the patio had been built with the original restaurant it would have been part of the full approval and Hark agreed. Chirpich said a change in occupancy is really the trigger for a site plan review in this case because it is not a full building addition, that the patio may have been prompted by the successful front-end outdoor dining offered during the pandemic. Kaiser added that it is too bad that it would not be visible from the street because it would add some life to Central.

Public Hearing Opened.

Stephanie Small of 1093 Polk Circle NE (via Zoom) asked for clarification as to where the patio would be as the lot is large, whether it would be on the northeast corner of the building. She said she does not have a concern about a patio there but has noticed people dumping furniture by the Planet Fitness parking lot dumpsters on a regular basis and trash blows from the west to east, so she is picking up trash there on a weekly basis. She is not too concerned about noise but wonders how the patio will be terraced so she is not capturing that trash too.

Chirpich said he would forward her litter complaints to the Property Maintenance Code Enforcement officials, which resides with the City's Fire Department, and said he can make Planet Fitness aware of the issue and inform them that they are responsible for cleaning up anything on their property whether they have created it or not.

Her home is a double bungalow and the rental unit next to her has had trouble with thefts, and so another concern is increased traffic. Hark said the project design has an enclosure so not much debris is anticipated to come out of the patio, and she believes the privately-owned restaurant wants to keep a positive reputation and would not allow for the littering and have sufficient staff to clean up tables after meals are finished. There is also a planter area between the patio and parking that could potentially capture some litter.

Novitsky asked if there is any way to put up a fence between Planet Fitness and La Casita to stop some of the litter blowing through. Small said there is a 6'-8' white privacy fence but it does not go along the whole length of the parking. Vargas added that since the pandemic began, he has noticed traffic and litter worsening and he thanked her for bringing the problem to the City's attention.

Public Hearing Closed.

Motion by Hoium, seconded by Sahnnow, to close the public hearing and waive the reading of Resolution No. 2021-PZ05, there being ample copies available to the public. A roll call vote was taken. All ayes. MOTION PASSED.

Motion by Wolfe, seconded by Kaiser, to approve Resolution No. 2021-PZ05, being a resolution approving a Site Plan for the proposed patio addition to be located at 5085 Central Avenue NE and subject to conditions of approval.

- 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 design of the patio addition shall match the existing building.*
- 4. All fencing shall be no more than six feet in height.*
- 5. The Building Plans shall be signed by a licensed design professional and approved by the Building Official prior to the issuance of a Building Permit.*
- 6. All other applicable local, state, and federal requirements shall be met at all times.*

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

OTHER BUSINESS

Hark reported that the next Planning Commission meeting will be held on Wednesday, August 4, with a tentative variance for a garage on an odd-shaped corner lot on Polk Street and at least two ordinance changes on the agenda.

Sahnnow asked where the City stands on accessory dwelling units (example: adding an apartment above a garage in a backyard). Hark said the code currently does not allow for those types of units, and Chirpich said he thinks it is something that the Council needs to discuss in a work session setting.

Sahnnow said it would increase density and the tax base and an accessory dwelling unit would be a great

way to do that. Hark added that it would also keep housing in the family, as an example: a family building an accessory dwelling unit for a newly-wedded child and allow for the family to grow on site nearby.

ADJOURNMENT

Motion by Hoiium, seconded by Novitsky, to adjourn the meeting. A roll call vote was taken. All ayes. MOTION PASSED. Meeting adjourned at 6:42 pm.

Respectfully submitted,



Alicia Apanah, Administrative Assistant