

**MINUTES  
CITY OF COLUMBIA HEIGHTS  
PLANNING COMMISSION MEETING  
MAY 4, 2021**

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

**CALL TO ORDER/ROLL CALL**

Commissioners present: Rob Fiorendino, Stan Hoium, Mike Novitsky, Eric Sahnou, Mark Vargas  
Commissioners present via Zoom: Tom Kaiser  
Commissioners absent: Clara Wolfe

Also present: Randy Boyum, Kyle Brasser (Reuter Walton Development), Aaron Chirpich (Community Development Director), Scott England (DJR Architecture), John Haluska, Minerva Hark (City Planner), Benjamin Johansen, Kelsey Johansen (Zoom), Patrick McVary, Barb Schommer, Monika Schachem (Zoom), Dan Sjodin (Zoom), Sarah Tholen (Zoom), Alicia Apanah (Administrative Assistant)

**APPROVAL OF MINUTES**

**1. APPROVAL OF APRIL 6, 2021 PLANNING COMMISSION MEETING MINUTES**

*Motion by Sahnou, seconded by Vargas, to approve the minutes from the meeting of April 6, 2021. A roll call vote was taken. All Ayes. MOTION PASSED.*

**PUBLIC HEARINGS**

**2. VARIANCE: RESIDENTIAL ACCESSORY STRUCTURE IN FRONT YARD – 3919 RESERVOIR BOULEVARD NE – CASE 2021-0501**

**Introduction:** Hark reported that Jason Norden is requesting a Variance for a proposed accessory structure to be located at 3919 Reservoir Boulevard NE. The applicant seeks the Variance to allow the accessory structure to be constructed and located within the front yard. City Code Section 9.106 (C) (1) (b) stipulates that “No accessory structure shall be constructed or located within any front yard,” while City Code Section 9.106 (C) (1) (c) stipulates that “Accessory structures for one- and two-family dwellings shall be...behind the principal structure building line in the front yard.”

**Zoning Ordinance:** The property is located in the R-2A One- and Two-Family Residential Zoning District, as are the properties to the north and east. Properties to the south and west are located in the R-2B Built as Duplex District, as well as the R-2A One- and Two-Family Residential Zoning District. The use of the property as a residential home complies with the Zoning Code.

**Comprehensive Plan:** The Comprehensive Plan guides this area for residential development. The proposed garage is consistent with the goals and intent of the Comprehensive Plan.

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

**Site Plan:** The applicant has submitted a Site Plan illustrating the proposed size and location of the new garage and its relation to adjacent properties and structures.

**Findings of Fact:** The City Council shall make each of the following findings before granting a variance from the provisions of this article:

- (a) Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.

*Staff comment: This is correct. The existing single-family home on the lot was built 5 feet from the rear property line, and aerial imagery supports that the structure has been there since at least the year 1938. The development of this lot occurred prior to today's zoning regulations and does not provide reasonable space for the construction of a standard detached garage behind the principal structure's front building line. There is an existing substandard garage constructed in the rear of the property that is currently being used as storage. Even if this existing structure were to be removed, there would not be adequate space to construct a standard garage in its place. This is an existing condition not caused by the current owner. The proposed garage would conform to all current setback requirements and will be served by the existing driveway accessed from Reservoir Boulevard.*

- (b) The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.

*Staff comment: This is correct. Due to the existing layout of the lot and its 5-foot rear yard setback, the situation is unique to this parcel.*

- (c) The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.

*Staff comment: This is correct.*

- (d) The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.

*Staff comment: This is correct. The Comprehensive Plan calls for reinvestment, renovation, and modernization of the City's single-family housing stock.*

- (e) The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

*Staff comment: This is correct. The granting of this Variance will result in a new, functioning two-car garage for the property that will enhance the overall functionality and aesthetic of the site. This will provide more adequate on-site parking that conforms to current setback requirements. It will contribute to the improved value of the neighborhood.*

**Recommendation:** Staff recommends that the Planning Commission recommend approval of the proposed variance to the City Council.

Questions/Comments from Members:

Sahnaw asked if there were any questions about keeping or removing the existing smaller garage as part of the variance. Hark said the existing garage is 20x14 and so the City is allowing the owner to keep the substandard garage as it is currently used as storage and is almost a hassle to remove it, but the garage cannot exceed a combined 1,000 square feet; and the addition of the new garage would be 24x30 feet, which would total 1,000 square feet.

Kaiser asked if similar garages have been approved in the immediate vicinity in recent years. Director Chirpich said he was not aware of any such projects, though there are several occasions in the City where there are lot sizes and configurations that make it difficult to comply with this more modern standard of placing accessory structures behind the front of a principal building. The City promotes within its current code is covered parking spaces for two vehicles. There is a mix of oddly shaped lots scattered throughout the City that it is not time to remove the standard from the code per se but take the variances when they do come to the Commission.

Public Hearing Opened.

No one wished to speak on this matter.

Public Hearing Closed.

*Motion by Hoiium, seconded by Novitsky, to waive the reading of the draft Resolution approving a Variance for the property located at 3919 Reservoir Boulevard NE in the City of Columbia Heights, Minnesota. A roll call vote was taken. All ayes. MOTION PASSED.*

*Motion by Hoiium, seconded by Sahnaw, to recommend to the City Council approval of the Variance for the proposed detached garage to be located at 3919 Reservoir Boulevard NE, subject to the following conditions of approval:*

- 1. The applicant shall meet the requirements of the Building Official's Memorandum dated April 8, 2021 and obtain a Building Permit for the project prior to starting construction.*
- 2. The applicant shall meet the requirements of the Public Works Department's Memorandum dated April 26, 2021.*
- 3. A Certificate of Survey and Elevation Plans shall be submitted as part of the Building Permit Application for the construction of the proposed detached garage.*
- 4. The lot shall be limited to two detached accessory structures.*
- 5. The new detached garage shall be set back a minimum of three feet from the side lot line, a minimum of three feet from the rear lot line, and a minimum of five feet from any other building or structure on the same lot.*
- 6. The combination of accessory structures, storage shed, and attached garages on the lot shall not exceed 1,000 square feet in area.*
- 7. The height of the proposed detached garage shall comply with City Code.*
- 8. The exterior color and design of the proposed detached garage shall be similar to the principal structure. Corrugated metal siding and roofs are prohibited.*
- 9. The total building cover, including the principal structure and all accessory structures, shall not exceed 35%.*

10. *The distance between the proposed detached garage doors and the front lot line shall be no less than 20 feet.*
11. *The proposed detached garage shall be provided with a hard-surfaced access driveway, no less than 12 feet in width, to an adjacent public street, and shall be no less than 20 feet by 20 feet in size.*
12. *The proposed detached garage shall not be located within any utility or drainage easement.*

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

**3. PRELIMINARY PLAT; PLANNED UNIT DEVELOPMENT; EASEMENT VACATIONS TO ALLOW FOR THE CONSTRUCTION OF A 4-STORY, 62-UNIT AFFORDABLE HOUSING BUILDING THAT INCLUDES A REMAINDER PARCEL FOR THE POTENTIAL FUTURE DEVELOPMENT OF SACA FOOD SHELF – CASE NO. 2021-0502**

**Introduction:** Hark reported that Reuter Walton Development has applied for a Preliminary Plat; Planned Unit Development; and Easement Vacations for a portion of the property located at 825 41st Avenue NE.

The property was previously the original home of Columbia Heights High School, constructed in 1926. It later became the Columbia Heights Junior High School in 1961, and then sold to the Northwestern Electronics Institute (NEI) in 1981. It operated as a technical college until 2002. After NEI merged with Dunwoody, the City of Columbia Heights purchased the vacant building and parcel. The building was demolished in 2004, making way for the Public Safety Center, which was constructed in 2009. The portion of the existing lot in which development is proposed served as both the school's recreational field and parking lot, with approximately 500 parking stalls. Historical aerial imagery even suggests that one or two single-family homes were once present on the site. The current use of the portion of the lot in question is snow storage by the City's Public Works Department, as well as minimal parking for the neighboring Crest View development.

The site is zoned R-4, Multiple Family Residential District. The site is adjacent to the One- and Two-Family Residential District (R-2A) to the north and west, as well as the Multiple Family Residential District to the east (R-4) and the south (R-3).

The applicant is proposing to subdivide the existing lot into three separate parcels. One parcel will include the existing Public Safety Center. One of the newly created parcels will include a 4-story, 62-unit affordable housing building with amenities and subterranean and at-surface parking. The remainder Lot 3 is intended for the potential future relocation and development of SACA Food Shelf.

**Zoning Ordinance:** The site is currently zoned R-4, Multiple Family Residential District. The applicant is proposing to rezone the site to Planned Unit Development (PUD). The Planned Unit Development District will allow the applicant flexibility with setbacks, building height, building design, parking stall design, and the overall use of the property. The Planned Unit Development rezoning is discussed later in this report.

**Comprehensive Plan:** The Comprehensive Plan guides this area for Transit Oriented Development. Transit Oriented Development seeks to develop properties to have a mix of residential, retail, and office. Transit Oriented Development also seeks to include pedestrian friendly access and design.

In review of the site and building plans for this project, the site contains sidewalks on two sides of the site, a playground, trees and boulevard areas, and planters. The design of the site is consistent with the goals of the 2040 Comprehensive Plan.

**Site Plan:**

1. **Setbacks:** The subject property is currently located in the Multiple Family Residential District. The proposed plan is to rezone the site to Planned Unit Development District. The R-4 district is subject to setback standards, while the PUD district is not. Setbacks of properties in the PUD district are subject to Staff review and Council approval. The following table displays what is currently allowed in the R-4 district versus what is applicant is proposing for their building under the rezoned PUD district:

<u>Building Setbacks</u>	<u>Existing R-4</u>	<u>Proposed PUD – Lot 2</u>
Front Yard	15 feet	12 feet
Side Yard	10 feet	10 feet
Corner Side Yard	15 feet	10 feet
Rear Yard	15 feet	15 feet

In review of Lot 2’s proposed building setbacks, Staff finds the site plan acceptable as presented. Setbacks for Lot 3 will be determined at a later date, once the site is ready to be developed. It is likely that the future applicant will have to apply for a PUD Amendment to establish reasonable setbacks for their site.

2. **Lot Area:** City Zoning Ordinance requires a minimum lot area for Multiple Family Residential District (R-4) zoning of 10,000 square feet for a multi-family dwelling, and a minimum lot width of 70 feet. The proposed lot area for Lot 2 is 1.3 acres (56,628 square feet), and the proposed lot width is 207.3 feet. The proposed lot area and lot width meets the minimum dimensions for the proposed use.

In regard to remainder Lot 3, City Zoning Ordinance requires a minimum lot area of 6,000 square feet for Limited Business (LB) District and for General Business (GB) District, with a minimum lot width of 50 feet for the LB Zone and 40 feet for the GB Zone. The proposed lot area for Lot 3 is 0.4 acres (17,424 square feet), and the proposed lot width is 79.6 feet. The proposed lot area and lot width meets the minimum dimensions for either district.

3. **Parking:** The proposed site plan includes 62 apartment units. Based on the number of units and unit occupancy, the total number of required parking stalls for the proposed apartment building is 108. The applicant is proposing a total of 108 parking spaces to accommodate the residential uses onsite. The proposed design includes 46 underground stalls (43 standard stalls, 1 compact stall, and 2 ADA spaces), and 62 exterior, surface-level stalls (35 standard stalls, 24 compact stalls, and 3 ADA spaces).

4. **Parking Setbacks:** The underlying R-4 zoning for Multiple Family requires standard parking setbacks, while a PUD district does not. Parking setbacks in the PUD district are subject to Staff review and Council approval. The applicant is proposing the following reductions to surface-level parking setbacks in order to maintain adequate parking spaces and to potentially support shared parking with the future development of Lot 3:

<u>Parking Setbacks</u>	<u>R-4 (existing)</u>	<u>Proposed PUD – Lot 2</u>
Front Yard	30 feet	85.3 feet
Side Yard	10 feet	0 feet
Corner Side Yard	30 feet	85.7 feet
Rear Yard	10 feet	2 feet

In review of the proposed parking setbacks, Staff finds the site plan is acceptable as presented.

5. **Multi-Family Parking Standard:** Multi-Family Districts require one parking stall for each bedroom unit, and two parking stalls for each twobedroom or larger unit. Under this equation, the total required number of resident parking stalls equals 108. The site plan provides 108 resident parking stalls, satisfying the minimum requirement.

The site plan shows a total of 25 compact parking stalls for resident parking. This means the project proposes 23% of the total spaces to be designed as compact. Staff is supportive of providing this percentage of compact spaces as PUD flexibility.

6. **Vehicle Access:** The main entrance will be from Jackson Street NE, accessing the underground parking. The other entrance will be from 42nd Avenue NE, accessing the at-grade parking stalls. The 42nd Avenue NE parking entry may also be accessed from 41st Avenue NE. Vehicles leaving from the at-surface parking lot can either drive south down the alley to access 41st Avenue NE, or north to access 42nd Avenue NE.
7. **Loading and Deliveries:** In regard to the proposed use of Lot 2, deliveries will be made through the entrance on 42nd Avenue NE and packages will be placed in a secure package room located adjacent to the entry vestibule. Postal service will also access through the 42nd Avenue entrance and proceed through the lobby to the mail area to the south. Page 4 Loading and unloading of larger items for move-in will be mainly handled through the garage parking lot, directly through the elevator or through the 42nd Avenue NE entry for delivery vehicles.

The trash room will be located at the inside corner of the basement parking level next to the elevator. Each residential floor above will have trash rooms with chutes for trash and recycling. For routine trash pickup, the appropriate trash trucks will park on Jackson Street NE as trash carts are brought up the garage access ramp and out to the truck for disposal.

8. **Landscaping:** The proposed landscaping plan shows a total of 15 trees including a mix of deciduous trees and conifer trees. The tree sizes and diameters meet the City's requirements for sizes at the time of planting. The remaining area on the site will be covered with grass and shrubs.

Several existing trees have been identified on the landscaping plans to remain on the project site, including three apple trees and an oak tree in the southwest portion of Lot 2. The project will be conditioned to have these trees protected in place. Additionally, all adjacent boulevard trees on City property shall also be protected in place.

9. Easement Dedication / Vacation: The existing site has four separate easements that will need to be vacated and/or replaced or amended as part of this project: a platted perimeter drainage and utility easement, a storm water drainage utility easement, a utility easement, and a parking easement.

The first easement proposed to be vacated is a drainage and utility easement around the perimeter of Lot 1, with the exception of the northeast corner, where the easement runs along the north and east boundaries shared with 42nd Avenue NE and the existing alley. The project is proposing to vacate this easement over the portion of land that is to be subdivided. The proposed plat will define a new perimeter drainage and utility easement and reduce the width of the easement from five feet to three feet to provide adequate room for the future development of the remainder lot.

The second easement is octagonal in shape and exists to provide additional live storage capacity for the existing adjacent stormwater pond and to protect the existing water main. The project proposes to construct an apartment building where the easement currently resides. The applicant proposes to relocate this easement by constructing an underground stormwater chamber capable of storing a volume of runoff that will eliminate the need for the surface storage. The proposed project would also establish a new drainage and utility easement around the proposed underground stormwater chamber. Additionally, the project proposes to relocate the existing water main with a minimum horizontal distance of 10 feet from the future building envelope on proposed Lot 3.

The purpose of the third easement (utility easement) was to preserve the rights to construct new sanitary sewer or water mains within the former street right-of-way, if deemed necessary. There is no longer a need to preserve this land for running utilities, as sewer and water mains have already been constructed within the alley. This easement has been proposed to be vacated as part of this project.

The final easement is located on Outlot E, and currently provides the rights to the existing Columbia Court Townhomes complex to park 11 vehicles. This project proposes to relocate the parking rights for 11 stalls from Outlot E to Outlot C. With the creation of Lot 3 and its future development, the future applicant shall work Page 5 with the City to ensure that a new easement is prepared providing similar terms to the existing easement that are acceptable to the owners of Columbia Court Townhomes.

As a condition of approval, the applicant shall provide recordable documents of the easement vacations to be recorded at the County Recorder's Office. Said legal descriptions are subject to review by the City Attorney.

10. Park Dedication: The proposed plat will not include a park dedication. Instead, the applicants will make a financial contribution to satisfy this requirement. This will be included in the development contract.

11. **Mechanical Screening:** The applicant has not indicated any mechanical equipment on the roof top of the building. Most mechanical equipment will be on the lower level of the structure (underground parking area). If mechanical screening is to be placed on the roof, it shall comply with the City's requirements for screening. This will be a condition of approval.
12. **Drainage:** The applicant is proposing a stormwater management system that would adequately address the storm water design requirements for both rate control and water quality for both Lots 2 and 3. The Public Works Department will review the final plans and submitted Stormwater Management Report prior to approval of construction.
13. **Fire Department Connection and Fire Hydrants:** The site has existing fire hydrants onsite that are sufficient for Fire Safety purposes. As a condition of approval, the applicants shall indicate where the fire department connection is intended to connect to the building. This is subject to further review by the Fire Department.
14. **Building Design and Materials:** Exterior materials will include brick on the first floor with a cast stone base. The second, third, and fourth floors will have a combination of brick, fiber cement lap siding, and fiber cement panel. These materials are of high architectural quality and will add to the value of the neighborhood.
15. **Floor Area Ratio:** The applicants are proposing a Floor Area Ratio (FAR) of 1.24. This is a unit of measurement used to measure the amount of square footage in a building compared to the overall site. The Comprehensive Plan recommends a FAR between 1.00 and 3.00 for transit oriented design areas in the City. A floor area ratio of 1.24 is consistent with the Comprehensive Plan Goals.
16. **Lighting:** The applicant has submitted a photometric plan that complies with City Code. The exterior lighting proposed at the project site provides ample parking lot lighting for residents and does not emit light onto adjacent properties.
17. **Neighborhood Notification:** Notifications went out to surrounding property owners within 350 feet of the subject site. The notice was also posted in "Life" newspaper and posted on the City's website. The City received several emails of comments, questions, and concerns, including other uses for the parcel, changes in adjacent property values, ownership Page 6 of the site, design, density, traffic, noise, and drainage. All comments were acknowledged by Staff, and questions were answered to the best of Staff's abilities.

**Planned Unit Development:** In order to accommodate the proposed density at this site and the potential future mixed use element of the plan, the applicant is proposing to rezone the property to a Planned Unit Development (PUD). The PUD will allow flexibility with the City's strict zoning requirements, while also requiring a high standard of building quality and site design. The PUD ordinance requires the Planning Commission to hold an informal public hearing and a formal hearing at the City Council Meeting.

1. **Density / Units-Per-Acre:** The following table shows the units per acre for this project. It should be noted that units-per-acre is a different measurement than floor area ratio (discussed earlier in this report).

825 41st Avenue NE – Units Per Acre Analysis

Units	62
Site Acreage	1.3
Units Per Acre	48

48 units per acre fall in line with the target residential density for urban centers adjacent to highways and transit ways. The project site is well within a half-mile radius of Central Avenue NE, which aims for 40-75+ units per acre under transit oriented development guidelines. The following table is an analysis of the mixeduse development that is underway at 3989 Central Avenue NE as a comparison of density:

3989 Central Avenue NE – Units Per Acre Analysis

Units	265
Site Acreage	2.3
Units Per Acre	116

The development on 40th & Central has a much higher density calculation but is also immediately adjacent to a highway. By this comparison, this proposed project has a lower density calculation.

Staff has also completed a bedroom analysis of the site since the apartment complex will offer three different types of rental units.

825 41st Avenue NE Bedroom Analysis

<u>Unit(s)</u>		<u>Times Number of Bedrooms</u>	<u>Total Bedrooms</u>
1 Bedroom	16	1	16
2 Bedrooms	30	2	60
3 Bedrooms	<u>16</u>	3	<u>48</u>
Totals:	62		124

2. Parking Stalls per Bedroom: The site will have a total of 124 bedrooms. As noted earlier in this report, the site will have 108 parking spaces for residents. This equates to 0.87 parking spaces per bedroom. Staff feels that this is an acceptable amount of parking for the residents as some of the larger units will not need one parking space per bedroom. For example, a three bedroom apartment may include two adults, and two children; thus, only two parking spaces are needed.
3. Neighborhood Meeting: As part of the PUD approval, a neighborhood meeting is required as part of the process. The City hosted the neighborhood meeting on April 21, 2021 virtually via Zoom. The meeting was well-attended and included members of the immediate neighborhood, as well as members of the Planning Commission and City Council. The applicant presented the project to attendees and answered questions regarding the proposal. Staff heard concerns related to increased traffic and density, parking, privacy, and drainage. Staff noted that traffic is not projected to increase a detrimental amount, and that the proposed density is on the lower end of what is guided for transit-oriented development. Staff also noted that this project will actually help alleviate the drainage issues in the area.

Concerns were also raised about the size, height, quality, and design of the proposed apartment building, and the future commercial/retail use of SACA. The applicant and Staff noted that the height of the proposed building is lower than the existing adjacent development to the east (Crest View), and that the proposed materials are of high quality. Staff also noted that the future potential use of SACA is not part of the proposal at this time. The subdivision of land is under review for this project, and SACA will have to go through a PUD amendment when their proposal is ready.

**Findings of Fact:**

Preliminary Plat: Section 9.104 (L) of the Zoning Ordinance outlines three conditions that must be met in order for the City to grant a Preliminary Plat. They are as follows:

- (a) The proposed Preliminary Plat conforms to the requirements of City Code Section 9.116 [Subdivision Ordinance].

*Staff comment: In review of the preliminary plat that was submitted, Staff finds that the preliminary plat generally conforms to the City's Subdivision Ordinance for a Planned Unit Development. The applicant is compliant in this regard.*

- (b) The proposed subdivision is consistent with the Comprehensive Plan.

*Staff comment: The Comprehensive Plan supports the redevelopment of this site. In addition, the Comprehensive Plan supports transit-oriented development on this site. The proposed Subdivision is consistent with the Comprehensive Plan's goals.*

- (c) The proposed subdivision contains parcel and land subdivision layout that is consistent with good planning and site engineering design principles.

*Staff comment: Staff has reviewed the proposed subdivision plan and feels that the parcel and land layout are consistent with these principles. Further, the site plan removes and replaces old easements. The project Page 8 proposes to improve the area storm water management conditions by creating increased storm water storage capacity, thereby eliminating the overland flooding condition that currently exists on the development site.*

Planned Unit Development District Plan: The zoning ordinance contains the following four findings that must be satisfied before the City Council can approve the PUD District Plan at a City Council Meeting:

- (a) The PUD District plan conforms to all applicable requirements of this article [Section 9.113, PUD District].

*Staff comment: In review of Section 9.113, Staff finds that the application is consistent with the City's requirements.*

- (b) The PUD District plan is consistent with the applicable provisions of the comprehensive plan.

*Staff comment: The Comprehensive Plan has this area targeted for redevelopment to a transit-oriented development project. The proposed PUD is consistent with the Comprehensive Plan's goals.*

- (c) The PUD District plan is consistent with any applicable area plan.

*Staff comment: The area plan (as noted in the Comprehensive Plan) marks this area and other sites in the area for redevelopment. The PUD is consistent with the area plan.*

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

*Staff comment: The site will utilize underground and at-grade parking to prevent on-street parking. The PUD District Plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.*

Rezoning to PUD, Planned Unit Development District: The zoning ordinance contains the following four findings that must be satisfied before the City Council can approve rezoning to PUD, Planned Unit Development District at a City Council meeting:

- (a) The amendment is consistent with the Comprehensive Plan.

*Staff comment: The amendment is consistent with the applicable provisions of the Comprehensive Plan.*

- (b) The amendment is in the public interest and is not solely for the benefit of a single property owner.

*Staff comment: The amendment is in the public interest and not solely for the benefit of a single property owner.*

- (c) Where the amendment is to change the zoning classification of a particular property, the existing use of the property and the zoning classification of the property within the general area of the property in question are compatible with the proposed zoning classification.

*Staff comment: The amendment is compatible with existing land uses and zoning classifications in the general area.*

- (d) Where the amendment is to change the zoning classification of a particular property, there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its current zoning classification.

*Staff comment: The amendment reflects changes in development trends in the general area.*

**Recommendation:** The applicant is seeking approval of a preliminary plat; easement vacations; and a rezoning to PUD, Planned Unit Development District to construct a 4-story, 62-unit affordable housing building that includes a remainder parcel for the potential future development of a new facility for the SACA Food Shelf at the northern undeveloped portion of the City's Public Safety Center. The project will include underground and at-grade parking for residents, with the potential for a shared parking agreement with the future tenants of Lot 3. Staff is recommending approval of the project with the conditions outlined below:

Preliminary Plat: Staff recommends that the Planning Commission recommend approval of the Preliminary Plat as presented subject to the conditions outline below:

1. All required state and local codes, permits, licenses and inspections will be met and in full compliance.
2. The applicant shall be responsible for the cost of filing and recording written easements with the Anoka County Recorder's Office.
3. An approved Preliminary Plat shall be valid for a period of one year from the date of the approval. In the event that a Final Plat is not presented for approval within this time period, the Preliminary Plat will become void.
4. The applicant shall enter into a Developer's Agreement with the City. Said documentation shall be reviewed by the City Attorney.

Vacation of Easements: The applicants are proposing to vacate two easements on the property. The easement vacations are necessary in order accommodate the project. The applicants have provided descriptions of the easements to be vacated. Staff recommends that the Planning Commission recommend to the City Council approval of the easement vacations with the following conditions:

1. The applicant shall be responsible for providing legal descriptions of all easements that are subject to be created. Said descriptions are subject to review by the City Attorney.
2. The applicant shall be responsible for recording the easement vacations with the Anoka County Recorder's Office.

PUD, Planned Unit Development District Plan: By Code, the Planning Commission shall hold an informal hearing related to the Planned Unit Development. The Planning Commission shall make a recommendation to the City Council. The City Council will hold the formal hearing for approval of the PUD. Staff recommends approval of the PUD with the following conditions:

1. The building and site shall meet all requirements found in the Fire Code and the Building Code.
2. Any proposed exterior lighting shall be reviewed and approved by City Staff before installation.
3. All other applicable local, state, and federal requirements shall be met at all times.
4. The City shall require a pre-construction conference prior to the start of any land alteration activities.
5. All storm water best management practices (BMP's) shall have designated drainage and utility easements recorded with the Final Plat or as a separate document with Anoka County.
6. The property owner and the City will enter into a development contract governing the public site improvements and any off-site public improvements that are necessary for the project, and such contract shall be executed by the property owner and the City prior to the issuance of a building permit.

7. Developer shall provide financial guarantee in the form of a cash escrow or irrevocable letter of credit for landscaping and public improvements. The guarantee amount is to be determined by the City Engineer.
8. If mechanical screening is to be placed on the roof, it shall comply with the City's requirements for screening.
9. The applicants shall provide recordable documents of the easement vacations to be recorded at the County Recorder's Office.
10. The City Engineer shall review and approve the final site grading plans, utility plans and storm water management plans.
11. The developer shall enter into a storm water maintenance and management agreement with the City for all on-site BMP's, to be prepared by the City Attorney.
12. Existing catch basins on Jackson Street NE or 42nd Avenue NE, located downstream of the site, shall have inlet protection provided during construction.
13. Applicant shall obtain a Site NPDES Construction Permit prior to any site disturbance activities.
14. Perimeter and entrance erosion control measures shall be installed and inspected by the Engineering Department prior to any site grading activities. Applicant shall coordinate erosion control measures with the Engineering Department if building construction is initiated prior to general site grading.
15. Site access during construction shall be limited to 42nd Avenue NE. Parking and deliveries during construction along Jackson Street NE shall be prohibited.
16. All slopes greater than 4:1 shall be provided erosion control blanket.
17. The site utility plans shall be subject to review and final approval by the City Engineer, and Fire Chief.
18. All utilities and storm water features serving the development shall be privately owned and maintained. All utilities shall meet the City of Columbia Heights' specifications for materials and installation.
19. The City of Columbia Heights does not allow PVC as a material type in the Right-of-Way; please change to DIP.
20. Retaining wall heights in excess of 4 vertical feet shall have protective delineation, such as fencing or landscaping, at the top of the wall.
21. Developer shall pay park dedication fees as outlined in the City Code.
22. Developer will provide record plans or as-built drawings to the City following project completion in both hardcopy and digital format.
23. The existing boulevard trees on Jackson Street, as well as the four existing trees south of the new drive, shall be protected, installed, and approved by the City Urban Forester prior to construction.
24. Location of tree installations per the landscape plan and utility locations should be coordinated to maintain 10 feet separation from all utilities.
25. Developer will complete the necessary amendments to the existing storm water easement(s) recorded against the development site to allow for the proposed underground storm water system.
26. Developer will ensure proper recording of the amended storm water easement(s) with Anoka County.

Rezoning / Ordinance Amendment: A draft ordinance amendment is sought to allow the site to be rezoned to planned unit development. The applicants are seeking the following flexibilities from the zoning ordinance in order to complete this project:

1. Parking. The City Council approves the parking stall dimensions, quantity of compact stalls, and total number of stalls as shown on the plans.
2. Setbacks. The City Council approves the building setbacks as shown on the plans.
3. Units-per-Acre. The City Council approves the units per acre of up to 55.

Questions/Comments from Members:

Sahnow said there have been multiple comments, in a neighborhood meeting a few weeks ago and in the meeting packet, about drainage and sewage backups in the area, and he wondered about the history. Chirpich explained that there is a known sewer issue in the vicinity that the City has had for several years, and the project would contribute to an issue that manifests farther north, just south of the Hy-Vee site, where there is a problem of pipe sizing and grade. The City has been aware and has been working with that consideration throughout the process, that the additional units brought onto that system will have to alleviate and fix that issue, as will the recently-announced redevelopment Hy-Vee site. He explained that the sewer problem is interrelated with stormwater surcharges during heavy rain events; so, inflow and infiltration on a regional basis, because the collection district is basically the entire middle of the City, funnels into a sewer main that converges just south of the Hy-Vee site. Engineering is working with a third party to complete an analysis of present inflow rates and what will be needed to fix those issues and future issues that a development would bring. Both projects will be conditioned contractually to alleviate the stormwater and sanitary sewer issues that are already known by the City.

Hoiium asked for confirmation that the developers contractually have to guarantee resolution of the stormwater and sanitary sewer issues. Chirpich explained that they will not be fully responsible, just with what they add to the existing problems. The City acknowledges that it has an issue regardless, so the project is integrated with those plans, such as lift station and pipe ramming to expand the size of pipes all the way from Central to Fridley.

Hoiium commented that four-tenths of an acre does not seem sufficient for a SACA site, so he does not believe it is appropriate to be included in the project, and also asked whether the City will be paid properly and if it would go through the EDA. Chirpich said the funding and financing is not a part of the current analysis; but the City would be selling a portion to Reuter Walton, under contract for \$450,000.00, and the remainder would be the appraised value minus the \$450,000.00. SACA would have to prove to the Planning Commission, the City Council, and residents that they can fit into the site; they have been sketched into the plan but are not as far along as Reuter Walton to be discussing the finite details of setbacks, etc.

Fiorendino said the Planning Commission, as an informal body, is looking at the project and it will be up to the group to recommend to the City Council any action, but the final decision will be made by the City Council.

Vargas asked for confirmation that there is a drainage easement that is accommodated by two catch basins or storm mantles that will be vacated and replaced by a storm defender system, and Chirpich confirmed so.

Vargas commented that the diameters of the pipes in the area are flat and asked whether there has been any thought put into the 42<sup>nd</sup> Avenue 15" RCP line being upgraded. Chirpich said that type of recommendation would be borne out of the study that is being completed; the City will condition any approvals as part of this project by final authorization and oversight by the City Engineering, so they will vet those questions.

Vargas referenced buildings on the site that are no longer there and asked whether soil borings have been checked to see if there is any asbestos in the footings. Chirpich said there have been soil borings but he does not believe they were tested for asbestos-containing materials; two single-family homes are shown on the development site, and the City does not have good demolition records on file. Brasser (Reuter Walton) then confirmed to the Commission that no asbestos was found on the site.

Fiorendino asked Brasser to update the Commission on what has been done to examine the soil in the area and what the findings were. Brasser said groundwater has been examined to determine if there was any groundwater present at elevations that would impact construction, and there was none identified; suitability of construction (the quality of the soils, whether native soils would provide sufficient bearing capacity or if import would be needed), and larger than native soils will be able to be used at the boring locations tested; and some environmental investigation was done for asbestos as well as other contaminants, and none were found in those soils. He said Reuter Walton will enter into a voluntary clean-up program through the MPCA and will be responsible for any unanticipated clean-up that they do encounter.

#### Public Hearing Opened.

John Haluska, 4228 Jackson Street, said he and his family have lived in the City since 1947 and the history given for the site is inaccurate, that initially it was a wetland that extended all the way from about 45<sup>th</sup> up to the south end of the track for the old high school, which was built in 1949 or 1950 on the south end of the site. He said it has been a flood zone and may well be in a 100-year flood zone or even 50-year, noting that he has seen water rise in the basement of his parents' home at 4230 Quincy and beyond, and is concerned about the soil conditions. Mr. Haluska believes the stability of the site is in question and historically there have been sewer problems and disagrees with the project being endorsed by the EDA and moving forward to City Council with an incomplete soil analysis, no plan for handling the water issues, and no plan for handling the sewer issues. He also brought up the issue of livability in the area, as it is currently a neighborhood of single-family houses and the proposed project would change the whole character. He is in favor of low-income housing but is not in favor of is a four-story 62-unit building in a residential setting and does not believe there has been traffic study to analyze its impact going east and west on 42<sup>nd</sup> or north, south on Jackson, or on VanBuren, particularly if the Hy-Vee development goes in. His concerns also included aesthetics of the neighborhood with the development, the "insufficient" amount of notice given to current residents, the potential reduction in property values, and the water and drainage and any remediation needed to correct those problems. Lastly, there is lack of playground or green space around the proposed building, as there will be a lot of kids in the 62 units, and that needs to be addressed.

Patrick McVary, 4148 Jackson Street, said he bought his house 22 years ago and has a background in law and construction trades. He said he supports community development, appreciates the Comprehensive Plan, and has no qualms about multi-family housing and diversity; but he has concerns about the project's design.

He said City Ordinance 9.133 states that a PUD's purpose is to "achieve a higher quality of design, efficiency, and technology" and he thinks the current project does not meet the space and character of the surrounding residences, that the design itself lacks character and personality and is too big for the site. Mr. McVary said he realizes design appeal is subjective but was "appalled" when he first viewed the height of the proposed building, being nearly 10 feet above the maximum requirements, and would be built directly across the street from the single-family homes. He is concerned that the developer and City staff have not given enough credence to the issues raised by current City residents and believes the City violated the meeting notice, that the PUD notice needed to be distributed not only to homeowners but also tenants – as the tenants at the townhome development at Central and 41<sup>st</sup> did not receive notification. He reiterated that the concerns raised by residents had included the building's height, site layout, privacy, visibility issues, traffic congestion, pedestrian safety at crossings, traffic controls, stormwater drainage remediation and costs associated with it. Mr. McVary also believes the current plan violates City Ordinance 9.109 subsection C, "minimum lot area of 10,000 square feet for multiple-family dwelling in an R4 district," which it does but the ordinance also specifies that the lot area per dwelling unit is 1,000 square feet for a one-bedroom unit, 1,200 square feet for a two-bedroom unit, and 1,500 square feet for a three-bedroom unit; and that the current project is 56,000 square feet instead of 73,000 square feet. He said the design could include such things as dormers and setbacks that offer more appeal, the City does not seem like it has invested sufficient effort into seeking alternative development proposals that would fit the site better and, lastly, that the process seems outdated or broken by not including sufficient input from all concerned parties. He said he respectfully requests that the Planning Commission deny approval or pause further action so that adequate time can be given to consider other options.

Randy Boyum, 4156 Jackson Street, expressed concern about the building's height and its location, as it would be 45 feet high and 20 feet from his home and would shade his house in the morning. He understands there are 108 parking stalls but does not know the occupancy of the building, if there would be sufficient parking for those residents, and the potential problem of exiting the underground parking on Jackson Street.

Benjamin Johansen, 4208 Jackson Street, said he was speaking on his behalf as well as that of his neighbors at 4204 Jackson Street. Regarding the City's Comprehensive Plan in chapter 3 on page 27, he said one of the goals is "to establish and maintain a strong sense of community" and another is "to strengthen the identity and the image of the Community as a desirable place to live, work, and play," which, he said, is very tangible right now. On page 30 of the Comprehensive Plan, he said there is a subpoint for that second goal and it reads that it is "to provide opportunities for growth and development throughout the City while retaining the community's small-town character." He said one of the major issues the community has brought up is that the proposed building does not fit the character of the neighborhood, its single-family homes, or the Community's identity. Right now, he said, there is low traffic, residents feel safe, and there is no need to watch young kids 24/7. With a minimum of 400 to 600 units being built, there could be up to four occupants per bedroom; so current residents may be "sandwiched in" with the potential of 1,300-plus people who will be coming in and out all times of the day. Page 31 of the Comprehensive Plan specifies a goal "to promote the safety of residents and ensure a safe environment for pedestrians, bicyclists, and other vulnerable roadway users." He said there is a family on Jackson Street that is blind and another household that has someone who is special needs, so there are residents who fall into this category.

Under that goal, which he said the building plan does not address, lighting for the area is not going to be adequate so additional lighting will be specifically installed for the parking lot but no address adequate lighting for pedestrians on the sidewalk and/or at the cross street. Mr. Johansen said traffic is already an issue because drivers are distracted and proposed that a traffic study be completed for the project and delay its movement forward for 60 days. Lastly, he said, referring back to the 2040 Comprehensive Plan in chapter 3 on page 31, the City “has made a commitment to provide accessible and safe pedestrian connections to destination points throughout the community,” which includes 42<sup>nd</sup> and Central, and “addresses problem intersections when nearby development occurs,” so the City has promised residents that problem intersections will be addressed.

Barb Schommer, 4102 Quincy Street NE, said her concern is neighborhood livability. Quincy is a northbound one-way street between 40<sup>th</sup> and 42<sup>nd</sup>, so residents driving to the proposed building would be going down that road all day long. Her second concern is high density, which does not seem to fit the neighborhood, and the number of units is excessive. She commented that renters do not have an investment in where they live.

Sarah Tholen, 4204 Jackson Street, wondered whether a traffic study would be done prior to moving forward with the project, as there are small children in the area and safety is paramount, and requested that speed bumps be installed and issue permit parking for current homeowners, as there will be limited availability with the additional vehicles. She also wondered whether it could be reversed, as it would make more sense to have it located on the southeast corner and whether there would be a stoplight at 42<sup>nd</sup> and Central.

Monika Schachem, 4136 Jackson Street, said her house would be directly across the street from the entrance/exit of the underground parking, is a concern regarding traffic and neighborhood children, and said it does not make sense to place the ramp at that portion and, in addition, it is where the Police enter and exit. She agrees that it would make more sense to relocate the parking ramp to 42<sup>nd</sup>. Lastly, she wondered whether the construction being built at 40<sup>th</sup> and Central will also be an apartment building, and Chirpich said yes, that it is apartment in conjunction with the new City Hall and commercial space.

Hark shared comments received via Zoom, which included several supporters of Mr. McVary’s comments, audio issues, two residents did not receive notice, a rude commissioner should be removed if unable to address everyone’s concerns, increase in traffic on Quincy going the wrong way since COVID, proposed building does not fit the neighborhood, how would the increase in sewers and roads from the project be paid for in the future, long-term plan maintenance needs, will taxes increase to pay for sewer and drainage fixes, one resident expressed disapproval of the proposal, and additional construction traffic would be detrimental to the homeowners.

Amy Waller (Zoom), 4201 Quincy Street, commented that, in addition to agreeing with resident comments made previously, she requests the City consider completing a traffic study prior to deciding on the project or, if approved, consider traffic and speed mitigation strategies and, at a minimum, installing speed bumps. She lives at the corner of 42<sup>nd</sup> and Quincy and watches drivers speed through the stop sign many times per day as well as try to pass each other at high speeds while skipping the stop signs. Increasing the traffic in the area is an important issue to consider and she disagrees with the developer’s statement that it will have a minimum impact, with no evidence to support that. She asked that the issue be addressed regarding pedestrian safety crossing Central and 42<sup>nd</sup> and increased traffic waiting to cross Central onto 42<sup>nd</sup>.

Kelly Harrison (Zoom), 4257 Jackson Street, expressed her concern about the flood waters and sewage. She had a water incident six weeks after moving into her home and there was a rain event that emptied 2,000 gallons of sewage into her basement. While she has a sewer switch, she said she did not know what it was for. Since then, work has been done on Jackson pond; but with the proposed future developments, she said water goes downhill and she is “at the bottom” and is concerned about future sewer events. She is also concerned about the traffic issue cited earlier.

Dan Sjodin (Zoom), 4213 VanBuren Street, agrees with previous comments made about the neighborhood and traffic, saying it is difficult even now to get onto Central. He said the neighborhood is small, quiet and peaceful and can see it changing very quickly with the proposed development.

Kelsey Johansen (Zoom), 4208 Jackson Street, said she is concerned about increased traffic if the proposal is approved, as well as the traffic at Hy-Vee, and getting onto Central from anywhere is a nightmare. She also wonders if a stoplight will be needed at every intersection on Central, or shut off access to Central at certain locations. She would like to see a completed traffic study for all of Central Avenue.

Public Hearing Closed.

Fiorendino said he wants to know what the City will do about the traffic issues that residents have cited. Chirpich said the City’s conversations around the traffic study included the City Engineer in giving an assessment of what staff thought was appropriate; and City staff looked at the past history of the site, which was a prominent driving factor to not require it at this juncture in the project. He said there is a lot of concern percolating, and it should be discussed; but traffic volume in particular was waged against the historic volumes with the high school and technical college, that had 500 parking stalls and a student population of 600 to 1,000 daily coming and going. Drivers there found a way to get in and out using the existing road network, and that was an assessment volume made by staff. Road maintenance has come up in the traffic study, and these roads will be maintained on the same schedule as any other road in the City and paid for through property taxes, like any other projects when assessments are mandatory.

Chirpich stated that broader corridor studies related to Central Avenue are underway and being discussed as to how to partner with MnDOT to address concerns getting onto to Central, which expands beyond this project and the site. There will be improvements forthcoming both for pedestrian safety and ease of moving in and out of the corridor, which will accommodate all modes, but he acknowledged the increased volume along Central. There are no stoplights proposed currently, as MnDOT controls that right-of-way. Fiorendino added clarification that different roads are controlled by different bodies, such as the City, the County, the State, and Federal government; and the City is subject to the rules and regulations of those higher bodies.

No speed bumps have been supported in the past by the Public Works Department, and Chirpich does not believe it would be borne out of a traffic study. There will be increased traffic for any development site, so staff is trying to examine how it has worked in the past and what can be done to mitigate resident concerns to the best of their ability – but never promise anyone that there will be no increase.

The developer is amenable to exploring a traffic study. Fiorendino said a traffic study would be appropriate, acknowledging that surrounding homeowners would have to deal with increased traffic with the development on a daily basis. He added that it would be helpful if the developer would meet with the neighbors about their concerns.

Fiorendino asked what the plan is regarding the issue of water and drainage and how it would be resolved and enforced. Chirpich explained that there is a current study being done on the issue and the City is well aware of the it and that it needs to be resolved. There needs to be an understanding of the current conditions and how can they be fixed, then an analysis of densities and how the two proposed projects contribute to that and design the upgrades or improvements that are required to accommodate everything. Construction on either project would be conditioned and not be able to start until that problem is solved, under contract, financed, ready to go, and completed ahead of these projects. Chirpich said it is important to note that both of the proposed projects provide the City with an opportunity to finally address fully the longstanding problem of water and drainage in the area.

Fiorendino asked that the issue of height be addressed, in which a resident stated that it is too high and does not meet City code. Chirpich said the Planning and Development approach would afford that flexibility in this case. The underlying R4 standard is the basis for comparison for a multi-family, and deviations from that would be considered a PUD flexibility and could be approved under that consideration.

Fiorendino asked about the lot size, and Chirpich responded that the same standard would apply and could be afforded a PUD flexibility but not required.

Fiorendino asked if there are any parking concerns on the lot. Hark explained that the calculations depicted in the code are currently based on unit type, so there would be one parking space for a one-bedroom unit and two spaces for a two-bedroom or three-bedroom unit. There are 124 bedrooms proposed for this project; however, the unit count is 16 one-bedroom, 30 two-bedroom, and 16 three-bedroom. With that calculation, there are only 108 parking spaces needed, and that is what the applicant has provided. Guests coming to the site would be similar to guest coming to single-family homes, using on-street parking.

Fiorendino asked whether there was any consideration regarding the lot and for an explanation as to why the building is where it is and what considerations were made to put it there. Chirpich said that how the City arrived at a PUD concept to begin with is part of that explanation. The concept was derived after several engagements with the developer and the City Council over the last 18 months. Reuter Walton came to the City looking for a housing development site, and SACA was looking for an opportunity to relocate their facilities; the City Council viewed this site as a place where these could emerge and was consistent with the core principles of the transit-oriented development guidelines and the Comprehensive Plan, which calls for horizontal and vertical mixed-use integration with retail, commercial, and high-density multi-family. Outside of the setback considerations, one of the guiding principles with development in the City is to hold the corner and push buildings up to the street face because it is more desirable to have the surface parking tucked in behind the building for aesthetic reasons. The project is consistent with that principle from an architectural perspective, he said, acknowledging that it is a tight site.

Fiorendino asked about pedestrian safety and what thought has been put into it. Chirpich explained that the sidewalk network in the vicinity of this project site is accommodating pedestrian movements, acknowledging that it is a different story once one gets to and crosses Central Avenue. He said improvements regarding the Central corridor will be forthcoming downstream. Traffic stop signs in the area may be warranted at critical intersections, and children's access to parks will be a safety factor.

Novitsky asked if underground parking would be included in the rent. Chirpich confirmed so and said, through negotiations and City Council considerations, that was a primary deal point because the Council wanted to ensure residents would utilize such parking and not park there because they had to pay an extra fee for that parking.

Novitsky inquired as to whether there had been interest in a four-plex development in the area. Chirpich said he was unaware of any but the City had entertained a few multi-family proposals in the past.

Hoiium asked about the Rainbow site and said it has to be in conjunction with this project, being only a block apart. Chirpich said it was recently announced that Hy-Vee is not interested in development there, has put it up for sale, and is under contract with the City's development partner for the 40<sup>th</sup> and Central project. A partnership endeavor is being considered.

Hoiium said he does not believe a quarter-acre is doing anything for SACA and asked why the City cannot force the developer to purchase the entire site and make a dog park or green area. He also believes it should be flipped 180 degrees, so there is not a four-story apartment building looking through neighboring picture windows but rather facing the nursing home and Police Department. Chirpich said the SACA consideration is difficult because the City does not have a fully vetted proposal. The policy decision to subdivide and create the potential ownership arrangement is a City Council-driven decision.

Regarding SACA, Brassier explained that there were work sessions with the City Council 18 months ago and one discussion was how to maximize the use on the site, what uses would make sense, and what would fit with the Comprehensive Plan. Reuter Walton Development constructs only apartments, and one of the strong suggestions from the City Council was that SACA was interested in looking to relocate, they have a food shelf and a thrift store, and would the developer be open to carving out a piece of the parcel for that. He said Reuter Walton has always been in the 60- to 70-unit range for their proposal and they informed the Council that they could allow for a portion of the site to be dedicated to that. As to the inquiry about Reuter Walton utilizing the entire parcel, they have been meeting weekly with SACA to ensure their proposals are complimentary, shared parking, etc. He said, to his knowledge, SACA is not concerned about having too little space.

Regarding density, Chirpich said the City is looking at the Comprehensive Plan for guidance and the transit-oriented development site (any site within a quarter mile of Central Avenue) calls for densities and cited examples of mixed density within the City.

Regarding the issue residents raised about tenants not receiving notification, Chirpich said he would challenge that, because notification is required only to the affected property owner and it is the responsibility of that owner to inform any affected tenants if the building is a multi-family facility.

Regarding comments about the cost of stormwater improvements versus other types of housing. He said the cost to underground the stormwater pond is significant, and a certain level of density is required to account for the extraordinary costs. This barrier to development is a consideration from the City's perspective when the decision is made to sell property.

Regarding articulation of the building, Chirpich said there were some changes to the façade of the building to address the concerns, including dormers that would conflict with the height restrictions. The developer and architect have looked at ways to embellish the façade and bring more character, but it is very subjective.

Regarding alternative proposals, Chirpich said the City has entertained proposals over the past decade and this particular proposal was borne out of a more organic relationship between the City Council and the developer coming in and convening over a period of months to get to this point.

Regarding a small-town character, Chirpich said it is difficult to quantify in this case and is a subjective standard.

Regarding street parking permits, Chirpich said they have not been a solution enacted by the City Council in order to segregate any on-street parking for a particular development. It would have to be addressed by the Traffic Commission and be proposed by residents for any project that goes on this site; however, the City's thesis for on-street parking is that it is for everyone, not designated for any one house.

Regarding apartment vacancy rates, Chirpich explained that the vacancy rates fluctuate widely throughout the City and the demand for affordable housing far outstrips the supply. There is no lack of tenants who would be able to fill the building.

Regarding taxes increasing for the sewer and drainage issues, Chirpich said he cannot predict that now but noted that the developers of these projects will be responsible for their shares of the upgrades. He said, in any case, the collection district is very large, so it will be spread over a variety of properties if any assessment. Fiorendino added that the City Council will be impacted by any residents who wish to share their input with Councilmembers.

Regarding lack of playground and green space, Chirpich said there is a playground built into the facility, albeit it small, but the developer can address how that relates to the urban context with developments being done in other cities, existing ponds, and future parks to the north. He said there are opportunities for green space and recreation for residents and children in the immediate vicinity that need to be taken into consideration.

Vargas said he was surprised there was no comment about electric vehicle charging stations or compatibility of solar integration with the new building. Chirpich said those conversations have not been part of the analysis and the developer would have to comment if they have vetted either option. Brassier said Reuter Walton makes all of their buildings solar ready so they can be installed in the future, though it is currently not in the plans to add solar, and he said there are some public funds available for such. He said typically for a building of the proposed size, Reuter Walton would install one or two electric charging stations in the garage and then provide enough electrical capacity for the future.

Kaiser asked the developer, specifically regarding the design, how the building relates to the current homes and what lead them to this design, as opposed to something that would make it more compatible with the adjacent family homes. Brassler said affordable housing needs to be built cost effective and there are not a lot of ways to do it more efficiently; as an example, a pitched roof versus flat roof -- a flat roof is more cost effective. England (AJR Architecture) recognized the building would be placed in a single-family residential neighborhood to the east and north, where there is a rhythm with those homes being a certain width and houses of a particular size, so the building's façade was created with vertical elements to replicate those. In addition, the goal was to produce something that was incredibly durable at its base, hence the brick base, and is a no-maintenance building; and the variety of siding materials are all done in basically the same color, also addressing the single-family home rhythm in the neighborhood.

Fiorendino summed up comments by saying that the project has to be a certain size to be financially feasible and has to look the way it does because it is low-income housing and has to be as efficient as possible. Brassler said those statements are accurate -- that it would not be financially feasible to build a three-story building and there are only so many designs that would make it efficient. Chirpich added that the building is consistent with the design of the Public Safety Building, both in coloration and material, as well as having a flat roof and using complimentary architectural elements.

Hoiium reiterated his earlier beliefs that the building is too high at four stories and thinks another option is turning the building around, placing the parking lot towards the homeowners, and said he would deny the proposal.

Novitsky said the project meets the Comprehensive Plan, adding that the property has been vacant for a long time and is something that should move forward.

Vargas said he was concerned about the SACA building in lot 3, what soil is buried beneath it such as containing asbestos, and how the site drains.

Kaiser said it seems like it is SACA's business to decide if the site works for them. Trying to put himself into the shoes of nearby homeowners, he would be concerned about stormwater as well and how one could be reassured that this project would not occur until that problem was solved. He also believes that the design could be softened or moved in some way, without losing its financial viability, to respond to the fact that it is across the street from single-family homes, adding that he does understand what affordable housing and transit-oriented development looks like. In addition, he believes the City can and should do things to improve the situation for pedestrians in the area, both here and in other parts of the City; but he agrees with Novitsky that the project checks the boxes of what the Comprehensive Plan has called for in bringing more families and tax revenue into the City.

Sahnaw said he has been a homeowner across the street from a similar development and understands how it can impact residents. He looks, however, at the project in a larger context from the City's view, said it is an urban site, and feels the use of it being a fully-developed mixed-use has been sited properly, with the active part of the building being placed street-front. He also noted that street-front parking and building behind it would present different challenges.

Sahnow said he is in support of the project, supports the concerns of the residents, and said having the stormwater and sewer management component locked down before the project begins is absolutely critical.

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

*Motion by Sahnow, seconded by Kaiser, to recommend that the Planning Commission recommend to the City Council approval of the Preliminary Plat as presented, subject to the following conditions:*

- 1. All required state and local codes, permits, licenses and inspections will be met and in full compliance.*
- 2. The applicant shall be responsible for the cost of filing and recording written easements with the Anoka County Recorder's Office.*
- 3. An approved Preliminary Plat shall be valid for a period of one year from the date of the approval. In the event that a Final Plat is not presented for approval within this time period, the Preliminary Plat will become void.*
- 4. The applicant shall enter into a Developer's Agreement with the City. Said documentation shall be reviewed by the City Attorney.*

*A roll call vote was taken. 4 Ayes, 2 Nays. MOTION PASSED. Ayes: Kaiser, Novitsky, Sahnow, Vargas. Nays: Fiorendino, Hoium.*

*Motion by Sahnow, seconded by Novitsky, to waive the reading of draft Resolution Nos. 2021-XXXX and 2021-XXXX, Easement Vacations, there being ample copies available to the public. A roll call vote was taken. All ayes. MOTION PASSED.*

*Motion by Sahnow, seconded by Kaiser, to recommend to the City Council approval of the Easement Vacations as presented, subject to the following conditions:*

- 1. The applicant shall be responsible for providing legal descriptions of all easements that are subject to be created. Said descriptions are subject to review by the City Attorney.*
- 2. The applicant shall be responsible for recording the easement vacations with the Anoka County Recorder's Office.*

*A roll call vote was taken. 4 Ayes, 2 Nays. MOTION PASSED. Ayes: Kaiser, Novitsky, Sahnow, Vargas. Nays: Fiorendino, Hoium.*

*Motion by Sahnow, seconded by Kaiser, to waive the reading of draft Resolution No. 2021-XXXX, PUD, Planned Unit Development District Plan, there being ample copies available to the public. A roll call vote was taken. All ayes. MOTION PASSED.*

*Motion by Sahnow, seconded by Kaiser, to recommend to the City Council approval of the PUD, Planned Unit Development District Plan, as presented, subject to the following conditions:*

- 1. The building and site shall meet all requirements found in the Fire Code and the Building Code.*

2. *Any proposed exterior lighting shall be reviewed and approved by City Staff before installation.*
3. *All other applicable local, state, and federal requirements shall be met at all times.*
4. *The City shall require a pre-construction conference prior to the start of any land alteration activities.*
5. *All storm water best management practices (BMP's) shall have designated drainage and utility easements recorded with the Final Plat or as a separate document with Anoka County.*
6. *The property owner and the City will enter into a development contract governing the public site improvements and any off-site public improvements that are necessary for the project, and such contract shall be executed by the property owner and the City prior to the issuance of a building permit.*
7. *Developer shall provide financial guarantee in the form of a cash escrow or irrevocable letter of credit for landscaping and public improvements. The guarantee amount is to be determined by the City Engineer.*
8. *If mechanical screening is to be placed on the roof, it shall comply with the City's requirements for screening.*
9. *The applicants shall provide recordable documents of the easement vacations to be recorded at the County Recorder's Office.*
10. *The City Engineer shall review and approve the final site grading plans, utility plans, and storm water management plans.*
11. *The developer shall enter into a storm water maintenance and management agreement with the City for all on-site BMP's, to be prepared by the City Attorney.*
12. *Existing catch basins on Jackson Street NE or 42<sup>nd</sup> Avenue NE, located downstream of the site, shall have inlet protection provided during construction.*
13. *Applicant shall obtain a Site NPDES Construction Permit prior to any site disturbance activities.*
14. *Perimeter and entrance erosion control measures shall be installed and inspected by the Engineering Department prior to any site grading activities. Applicant shall coordinate erosion control measures with the Engineering Department if building construction is initiated prior to general site grading.*
15. *Site access during construction shall be limited to 42<sup>nd</sup> Avenue NE. Parking and deliveries during construction along Jackson Street NE shall be prohibited.*
16. *All slope greater than 4:1 shall be provided an erosion control blanket.*
17. *The site utility plans shall be subject to review and final approval by the City Engineer and Fire Chief.*
18. *All utilities and storm water features serving the development shall be privately owned and maintained. All utilities shall meet the City of Columbia Heights' specifications for materials and installation.*
19. *The City of Columbia Heights does not allow PVC as a material type in the Right-of-Way; please change to DIP.*
20. *Retaining wall heights in excess of four vertical feet shall have protective delineation, such as fencing or landscaping, at the top of the wall.*
21. *Developer shall pay park dedication fees as outlined in the City Code.*
22. *Developer will provide record plans or as-built drawings to the City following project completion in both hardcopy and digital format.*
23. *The existing boulevard trees on Jackson Street, as well as the four existing trees south of the new drive, shall be protected, installed, and approved by the City Urban Forester prior to construction.*

24. *Location of tree installations per the landscape plan and utility locations should be coordinated to maintain ten feet separation from all utilities.*
25. *Developer will complete the necessary amendments to the existing storm water easement(s) recorded against the development site to allow for the proposed underground storm water system.*
26. *Developer will ensure proper recording of the amended storm water easement(s) with Anoka County.*

*A roll call vote was taken. 4 Ayes, 2 Nays. MOTION PASSED. Ayes: Kaiser, Novitsky, Sahnaw, Vargas. Nays: Fiorendino, Hoium.*

*Motion by Sahnaw, seconded by Kaiser, to waive the reading of Ordinance No. 1666, PUD District #2021-01, Rezoning of Property, there being ample copies available to the public. A roll call vote was taken. All ayes. MOTION PASSED.*

*Motion by Sahnaw, seconded by Kaiser, to recommend to the City Council approval of the Ordinance Amendment. A roll call vote was taken. 4 Ayes, 2 Nays. MOTION PASSED. Ayes: Kaiser, Novitsky, Sahnaw, Vargas. Nays: Fiorendino, Hoium.*

#### **OTHER BUSINESS**

#### **4. AGENDA PACKETS TO GO DIGITAL BEGINNING JUNE 1, 2021**

Hark said electronic documents will be available for future meetings and asked the Commissioners as to what their preferences would be. Fiorendino said hard copies would be referred for documents pertaining to detailed plans but would be agreeable to an electronic option to view minutes, etc.; and all agreed with a hybrid model. She said the City Clerk has prepared tablets for Commissioners to use if they do not have their own. A concern was raised about connectivity in the building.

#### **5. REMINDER: NEXT PLANNING COMMISSION MEETING**

The next scheduled meeting is Tuesday, June 1, 2021 at 6:00 pm.

#### **ADJOURNMENT**

*The meeting was adjourned, with no objection, by Fiorendino at 8:24 pm.*

Respectfully submitted,

---

Aaron Chirpich, Community Development Director