

**MINUTES  
CITY OF COLUMBIA HEIGHTS  
PLANNING COMMISSION MEETING  
TUESDAY, OCTOBER 01, 2024**

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

**CALL TO ORDER/ROLL CALL**

Commissioners present: Eric Sahnaw, Tom Kaiser, Paul Moses, Laurel Deneen, Clara Wolfe, Ahmed Maameri, and John Gianoulis

Also present: Andrew Boucher, City Planner; Sarah LaVoi, Administrative Assistant; Mitch Forney, Community Development Coordinator; Connie Buesgens, Council Liaison.

**APPROVAL OF MINUTES**

**1. Approval of August 7, 2024 Planning Commission Meeting Minutes**

*Motion by Sahnaw, seconded by Deneen, to approve the minutes from the meeting of August 7, 2024. All ayes. MOTION PASSED.*

**PUBLIC HEARINGS**

**2. Site Plan Review for 999 50th Avenue NE**

Introduction: Boucher stated Civil Site Group on behalf of Tsunami Express Car Wash has requested approval of a site plan review proposing the demolition of the existing vacant office building in preparation for the new construction of a car wash (between the intersection of 50th Avenue NE and Tyler Street NE off Central Avenue NE). The Site Plan Review only requires Planning Commission approval.

Boucher mentioned the applicant is proposing to demolish the existing approximately 7,000 sq. ft. vacant building on the 0.83-acre parcel and construct a new single-story 4,300 sq. ft. building containing the car wash bay, mechanical room, storage, office, and a restroom as well as two accessory buildings including a 100 sq. ft. employee sales booth and 100 sq. ft. vacuum pump house serving 10 vacuums along the parking stalls. The subject site is located towards the northern end of the municipal boundary along Central Avenue. The surrounding adjacent properties to the immediate north, west, and south are all zoned for Commercial use through the General Business District. The property also abuts several residential neighborhoods to the north, east, and south containing multi-family, duplexes, and single-family residential zoning adjacent to Central Avenue. The subject site is zoned, General Business District, and the use as a car wash is a permitted use in the district subject to Specific Development Standards 9.107 (10) for a car wash.

Boucher noted the noise impact study that was required has recommended an eight-foot tall sound barrier which will require the Conditional Use Permit. City Code 9.106E3A specifies that any fence that is over seven feet high requires a conditional use permit.

Boucher mentioned Section 9.104 (N) of the Zoning Ordinance outlines certain findings of fact that

must be met in order for the City to approve a site plan review. The findings are as follows:

- a) ***The site plan conforms to all applicable requirements of this article.***  
Upon approval of the Site Plan Review, as conditioned, the proposed site plan will conform to all applicable requirements of the General Business (GB) District as well as City Code 9.106 General Development Standards.
- b) ***The site plan is consistent with the applicable provisions of the City's comprehensive plan.***  
The use and site plan is consistent with the applicable provisions of the City's comprehensive plan.
- c) ***The site plan is consistent with any applicable area plan.***  
With conditions imposed to ensure compatibility, the site plan will be consistent with the applicable Design Guidelines of the Highway District.
- d) ***The site plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.***  
As conditioned, the site plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.

Boucher stated the building is currently vacant and has not been fully used since 2012. The last occupants were the Turkish American Society of Minnesota which only occupied a portion of the building. The applicant is proposing a complete teardown. Many people have been interested in using the existing building but there are accessibility issues related to installing an elevator, as well as fire suppression requirements. This has made it expensive for anyone who would want to use the existing building which is why the applicant is proposing to demolish the building.

Boucher explained the City's 2040 Comprehensive Plan guides the subject site, as well as properties to the north and east for "commercial land use" with additional "commercial land use" to the south as well as "medium density and low density residential" further to the south and east of the commercial parcels. The Plan describes the "commercial" designation as follows: The Commercial land use designation is primarily located along major transportation corridors and includes a variety of retail uses, services, and office uses.

Boucher added the subject site also lies within "Opportunity Area #2B" of the Comprehensive Plan which overlays the segment of Central Avenue from 37th Avenue NE to the Fridley Border, specifically between Central Avenue NE and 49th Avenue NE. In this regard, the Plan identifies the area as having development potential for future commercial use. Some of the guiding principles for redevelopment include commercial uses with appropriate parking and pedestrian access to Central Avenue and emphasizing businesses that provide goods or services that appeal to the community at large as well as the adjacent neighborhoods. This area is described as having an emphasis on providing sidewalks, four-season landscaping, and lighting.

Boucher stated the applicant is proposing 26 feet for the front yard setback and 45 feet from the Aldi side. The rear is 60 feet and the residential side is 35 feet for parking. The proposed setbacks

meet the standards for the general zoning district. Two accesses to the site are proposed from the south via 50<sup>th</sup> Avenue NE, a 60-foot wide public right-of-way with a road width of 35 feet back of curb to back of curb, through an existing 24-foot wide driveway with directional markings for vehicles exiting the car wash and entering to use the vacuums with an additional access point at the southeastern corner of the property which has directional markings showing an entrance only for the car wash accommodating the vehicle stacking. As a condition of approval, a 24-foot fire access lane must be maintained for emergency vehicle access.

Boucher reviewed the parking for the site plan. The submitted site plan illustrates a total of 18 off-street parking stalls. The Zoning Ordinance requires two spaces per bay plus four stacking spaces for the one car wash bay including one stacking space at the exit. The Zoning Ordinance also specifies that that employee parking is only required when the parking requirements are based on employee counts, as such, the parking requirements for car washes are determined by the number of service bays and stacking spaces, not employee counts. Appropriately, one off-street parking space on the site has been designated as a disability stall (in accordance with the American Disability Act) along with an access aisle striped with "No Parking". The proposed site plan has more off-street parking than required and can accommodate any employee parking needs as presented.

Boucher noted there were a number of concerns from residents regarding parking stacking. A traffic study was commissioned by the applicant and prepared by a licensed independent engineering firm which shows the anticipated traffic using trip generation estimates for trips during weekday a.m. and p.m. peak hours as well as on a daily basis. The Trip Generation Summary provides estimates demonstrating the in/out traffic for the a.m. and p.m. peak hours as well as the daily trips between the proposed car wash and the previous office use. Trips were routed to the adjacent roadway network using the following distribution based on existing area travel patterns and engineering judgment:

- Central Avenue (Highway 65) North and South: 35% each
- Tyler Street: 15%
- 50th Avenue West, 50th Avenue East, and Polk Place: 5% each

Boucher explained the traffic study indicates that all applicable intersections will continue to operate at Level-of-Service C or better and all approaches will continue to operate near the Level-of-Service D/E threshold or better during the peak hours. Minimal changes in queuing are expected nor are any impacts to the proposed development driveways expected. The daily traffic volume changes along Polk Place, 50th Avenue, and Tyler Street are minimal and within a typical daily variation of most roadways. The provided vehicle stacking distance is adequate and no impacts to 50<sup>th</sup> Avenue are expected.

Boucher reviewed that some recommendations the traffic study urges the City to consider are locating signage and landscaping to avoid any sight distance issues, reviewing truck maneuverability to limit internal circulation conflicts, and adding a stop or yield sign along Tyler Street at 50<sup>th</sup> Avenue to better define the right-of-way for motorists and reduce potential conflicts. As conditioned, the proposed site plan shall meet vehicle access, stacking, and parking requirements in accordance with the City Code.

Boucher stated In addition to the building and parking setbacks, car washes have specific development standards requiring that the vacuum facilities must be located in an enclosed structure or located 50 feet from any residential property lines, which will be a condition of approval. The proposed site plan as presented will have building and parking lot setbacks that conform with 9.110 Commercial Districts (C) Lot dimension, height, and bulk requirements. The lot area, setback, height, and lot coverage are proposed to satisfy these requirements. The vacuums, as conditioned, will meet the specific development standard setback of 50 feet from residential property lines and/or be enclosed. As a condition of approval, two spaces shall be designated for employee use and an area shall be designated for snow storage if snowfall exceeds the storage of that area, then it shall be required to be removed from the property. The proposed site plan, as presented, meets the parking and stacking requirements. As conditioned, the proposed site plan shall accommodate vehicle access and stacking in accordance with the City Code.

Boucher mentioned it is understood that the car wash is proposing 7 AM – 8 PM hours of operation, Monday – Sunday, and any vacuum use shall be limited to hours of operation as a condition of approval. A trash enclosure is shown on the site plan on the western side of the property alongside the parking lot and in the architectural renderings as being 6 feet, 11 inches from the slab and surrounded by at least three sides with screening walls that are similar to the construction material used on the new building. The open side of the enclosure shall not face any public street or the front yard of any adjacent property. Garbage pickup is expected to occur outside of business hours.

Boucher explained the applicant has submitted drawings for on-site signage which will require a building permit and are subject to review for compliance by City Staff. As a condition of approval, all signage shall be reviewed by the City for approval. The fire lane shall be marked with yellow curb paint and signage that states “No Parking – Fire Lane”. As a condition of approval, this will be required to remain.

Boucher stated the site does not have pedestrian or bicycle access along 50th Avenue NE and that access ends at the Aldi property in alignment with Central Avenue. The applicant is proposing a sidewalk from the edge of the western access to the site and connecting the sidewalk to the access on the eastern side of the property continuing the connection from the Aldi property and ending before the residential neighborhood. The 2040 Comprehensive Plan land use goals state that sites should have pedestrian and bicycle access. Pedestrian access is satisfied, but the site should incorporate a bicycle parking area to satisfy this goal. Staff is recommending that a bicycle rack capable of accommodating two to four bicycles be a condition of approval.

Boucher noted the applicant has provided a lighting plan and specifications for the proposed lighting fixtures satisfying the requirements of 9.106 General Development Standards (K) and addresses potential security concerns from Public Safety. One of the SCM-LED-08L-SC-40 lighting fixtures shall be relocated so there are no more than 0.5 footcandles along the eastern property line as a condition of approval.

Boucher mentioned the applicant is not proposing any discernable loading areas and the code

requirements for off-street loading spaces apply to non-residential uses receiving or distributing materials or merchandise by trucks or similar vehicles and has a gross floor area of 5,000 sq. ft. or more are not applicable to this proposal. The loading area requirements are satisfied per 9.106 General Development Standards (L) (12) as there are no deliveries beyond standard commercial delivery vehicles (UPS, Fed-Ex, and USPS) occurring at the front door. A truck turning diagram has been provided showing that garbage trucks can make the appropriate turns and maneuvers within the site.

Boucher stated the applicant meets the Tree Preservation and Replanting Standards in 9.106 General Development Standards (M) and has provided both a tree preservation and landscaping plan showing the location, size, quantity, and species of all existing and proposed plant materials subject to design standards and considerations reviewed by the Urban Forester. The Urban Forester is satisfied with the proposed preservation and landscaping plan but recommends and encourages the applicant to work with Aldi to remove undesirable weed trees from the north of the property that leans heavily over the property line. The tree preservation identifies 15 trees to be removed, one of which is considered a protected tree, and is proposing to preserve four of the existing trees. The applicant is required to provide one tree for every 50 feet of street frontage and the property has 224 feet of frontage for a total of four trees, a minimum of four trees per one acre of lot coverage, and five replacement trees per the replacement standards for a total of 13 trees proposed. Additionally, the applicant is proposing landscaping containing native plantings and pollinator-friendly habitats for the majority of the trees, shrubs, and grasses used.

Boucher added as a condition of approval, the applicant is required to provide a letter of credit or other security as acceptable to the City and shall be deposited with the Zoning Administrator, in an amount equal to 100% of the estimated cost of landscaping and/or screening. The letter of credit or other security as acceptable to the City, or portions thereof, shall be forfeited to maintain and/or replace materials for a period of time to include at least two growing seasons. A portion of the letter of credit or other security as acceptable may be released after one growing season as determined by the Zoning Administrator. The property owner shall be responsible for continued maintenance of landscaping and screening materials to remain in compliance with the requirements of this section. Plant materials that show signs of disease or damage shall be promptly removed and replaced within the next planting season.

Boucher mentioned the applicant shows a 5-foot retaining wall along the eastern property line as the site is 5 feet lower in elevation than the residential property adjacent to the site. The applicant has provided information on the proposed lighting plan showing photo metrics, the reclaim system and equipment as well as safety data sheets for all chemicals used for operations. As a condition of approval, the applicant is required to implement the recommendations of a noise impact study to minimize the impact that the car wash and vacuum operations are going to have on the adjacent residential properties.

Boucher stated the applicant was required to provide a noise impact study and implement the recommendations to minimize the impact that the car wash and vacuum operations are going to have on the adjacent residential properties. The Minnesota Pollution Control Agency defined the noise limit for Residential zones at the property lines at 60 dB(A), decibels, and A-weighting of the

sound pressure level for the purpose of determining the human response to sound through MN Statute § 7030 Noise Pollution Control.

Boucher added the noise study indicates that the carwash-related noise levels will not exceed the residential limits with the addition of an 8' tall sound barrier (which requires a Conditional Use Permit) along the east and north property lines on top of the planned retaining wall with the combined height extending 2 feet above the top of the car wash entry doors. There are minimum acoustical requirements for the sound barrier wall: constructed from a material with a minimum acoustical rating of STC 22 or a mass of no less than 2 pounds per square foot. An example of a suitable material would be overlapping, 1" (nominal thickness) cedar or pine planks, assembled so the total, actual thickness of the wall is at least 1-1/2" along the entire length of the wall. These need to be screwed together so the natural warping over time does not cause the planks to pull apart and create gaps; the wall must be constructed tight to the ground and must be inspected, maintained, and kept up over time. Post-construction sound testing will be required to confirm the barrier was built to the recommendations specified. Other operational requirements include the installation of a muffler on the vacuum pump house and the blowers set to turn off when the exit doors open.

Boucher explained as required, neighborhood notification of the site plan review applications has been provided to property owners within 350 feet of the subject property and that list of property owners is attached. At the time of this report, City Staff has received 15 written comments and one verbal phone call from a resident as well as a few in-person visits; 6 of the written comments are from residents within the mailing radius. Staff concern and the public comments that were made influenced the need for additional review including noise and traffic studies to examine the impact that the car wash operations would have on the neighboring properties.

Boucher noted Linda Rogers at 1057 Polk Place provided the written comment attached as she is opposed to the proposed site plan citing concerns with the existing traffic increases from Aldi, additional cars entering and exiting the car wash, and noise from both the car wash and vacuum operations. Dana Alexon at 1035 Lincoln Terrace provided the written comments attached and had initial comments on traffic increasing, how the existing area handles traffic, and concerns over the sight lines considering the vehicle queuing and topography. Other remarks were made on the traffic lights and traffic lane arrangement at 50th and Central Avenue regarding marking, striping, and signage that is not being maintained, used incorrectly, and the signal timing is not effective enough to give adequate time for certain turns and contributes to risky decision-making by drivers. An additional written comment identified more specific concerns such as sight lines on the hill serving nearby residential streets, room for potential expansion in the future, employee parking, and other concerns related to overflow and queuing access onto adjacent streets.

Boucher added Steve and Janine Ess at 5030 Mulcare Drive, provided the written comment attached as they are concerned about the heavy traffic trying to get onto Central Avenue and 50th Avenue NE from the existing businesses. Samantha Koshiol at 1240 Lincoln Terrace provided the written comment attached as she is opposed to the proposed site plan and has concerns that the intersection cannot currently support the existing vehicle traffic from the businesses and school traffic along with concerns about noise. Garedew Ergette at 5000 Fillmore Street NE provided the

written comment attached as they have concerns about the intersection and traffic from the existing businesses such as ALDI, Heights Bakery, and Jimmy John's, safety concerns for multi-modal transportation users citing the lack of sidewalks, traffic backup, and concerns over the impact on property values and noise/emissions. Carrie Gille at 3956 Reservoir Boulevard provided the written comment attached as she has concerns about noise, pollution, traffic, safety for school children, and light pollution as she states that there are traffic issues on Central Avenue already.

Boucher stated Bob and Sue Koponen at 1035 Polk Place provided the written comment attached as they are opposed to the proposed site plan with specific concerns about the sound pollution from the car wash, vacuums, and the effectiveness of the sound barrier wall as well as concerns with the exterior lighting spilling over into their back yard and traffic at the intersection at 50th Avenue NE and Central Avenue. Tom and Cathy Kehrwald at 1060 50th Avenue NE provided the written comments attached as they are opposed to the proposed site plan with concerns over safety in regards to a lack of sidewalk facilities and concerns over the sidewalk being maintained during the winter as well as traffic concerns on Central Avenue and 50th Avenue NE. Other concerns identified are noise and light pollution impacts.

Boucher explained Tyler Whitney at 4922 Tyler Street NE provided the written comment attached as he is concerned about the additional traffic that will be generated by the business and worries about the through traffic and the effect that would have on families with small children as well as feedback on the possibility of a sound barrier wall facing Tyler Street NE on the south side of the proposed car wash noting that the sound barrier wall on another property is in disrepair and does not deter noise pollution. Gerri Moeller at 5000 Johnson Street NE provided the written comment attached as she is concerned about the traffic and safety needs of the neighborhood and that the intersection cannot handle additional traffic.

Boucher added Jennifer and Dirk DeWester at 1200 50th Avenue NE provided the written comment attached as they are opposed to the proposed site plan and cited concerns regarding additional traffic and sight lines over the hill as well as concern in relation to noise pollution from the Speedway Gas Station and how the sound affects properties surrounding them. Joe Pagliolo and Margaret Hare at 1180 50th Avenue NE provided the written comment attached as they are opposed to the proposed site plan and cited concerns regarding the existing traffic congestion from surrounding businesses. Mark Colombo at 1105 50th Avenue NE provided the written comment attached as he is opposed to the proposed site plan and has concerns about the traffic intersection congestion from existing businesses with issues identified with the turn lane and additional traffic during the school year.

Boucher mentioned Ardell and Jon Schmidt at 1105 Polk Place provided the written comment attached as they are opposed to the proposed site plan and have concerns about water from the cars dripping and causing icy slopes, traffic and safety from the existing businesses causing backups, and the safety of pedestrians. Nancy Sartor at 1498 Lincoln Terrace provided the written comment attached as they are opposed to the proposed site plan and have concerns about the traffic, safety, noise, and exhaust pollution.

Boucher explained the Public Works Department, Police Department, and Fire Department have

been provided copies of the application materials. The Police Department was satisfied with the proposed site plan and had no concerns. The Fire Department had a few comments regarding the fire lane, key box, and other fire-related items that are conditions of approval. In a review of the application materials, Public Works/Engineering provided their department's requirements and comments on the proposed site plan in a memo dated August 22, 2024.

Recommendation: Staff recommends the following to the Planning Commission:

- A. Approval of the Site Plan Review for property located at 999 50th Avenue NE (PID: 25-30-24-23-0002) subject to the following conditions:
1. The building and site plans adhere to the building and site plans dated August 5, 2024, as conditioned.
  2. Contingent upon successful application for a Conditional Use Permit for an over-height sound barrier that is intended to be heard at the City Council meeting on October 14, 2024. An eight (8') foot tall sound barrier is required to be constructed in the manner specified in the Noise Impact Study dated August 23, 2024, with a minimum acoustical rating of STC 22 or a mass no less than 2 pounds per square foot, the panels screwed together so there is an overlapping, 1" (nominal thickness) assembled so that the total actual thickness of the wall is at least 1-1/2" along the entire length of the wall.
  3. The applicant shall adhere to the requirements and comments provided by the City Public Works and Engineering Departments in a memo dated August 22, 2024. The applicant is responsible for filing and recording any proposed easements with the Anoka County Recorder's Office.
  4. Two parking spaces for employees shall be identified and an on-site area shall be designated for snow storage if snowfall exceeds the storage of that area, then it shall be required to be removed from the property.
  5. Relocate one of the SCM-LED-08L-SC-40 lighting fixtures so there are no more than 0.5 footcandles along the eastern property line.
  6. The applicant shall be responsible for conducting routine inspections to ensure that the sound barrier wall/fence is maintained and kept up.
  7. Post-construction sound testing is required to demonstrate compliance with the recommendations made in the Noise Impact Study.
  8. The applicant is required to maintain a 24-foot fire lane and shall be striped with "No Parking – Fire Lane".
  9. The vacuums are required to be setback of 50 feet from residential property lines and/or be enclosed. Vacuum use shall be limited to the hours of operation, 7 AM – 8 PM, Monday – Sunday, and a muffler installed on the vacuum pump house as well as setting the blowers in the car wash to turn off whenever the exit doors open.
  10. The open side of the enclosure shall not face any public street or the front yard of any adjacent property.
  11. A letter of credit or other security as acceptable to the City and shall be deposited with the Zoning Administrator, in an amount equal to 100% of the estimated cost of landscaping and/or screening. The letter of credit or other security as acceptable to the City, or portions thereof, shall be forfeited to maintain and/or replace materials for a period of time to include at least two growing seasons. A portion of the letter of credit

- or other security as acceptable may be released after one growing season as determined by the Zoning Administrator. The property owner shall be responsible for continued maintenance of landscaping and screening materials to remain in compliance with the requirements of this section. Plant materials that show signs of disease or damage shall be promptly removed and replaced within the next planting season.
12. All rooftop or mechanical equipment shall be screened in a manner that minimizes the visual impact on adjacent properties and from public streets as a condition of approval.
  13. The building and site shall be meet all requirements found in the Fire Code and the Building Code.
  14. All new site signage shall require sign permits.
  15. Provide a bicycle rack capable of accommodating two-four bicycles.
  16. The applicant is required to receive final approval by the Fire Department or Authority Having Jurisdiction for the location of the key box, fire alarm panel, fire annunciator, and FDC connection.
  17. All required state and local codes, permits, licenses, and inspections will be met and in full compliance.

Questions/Comments from Members:

Kaiser explained that the City needs to examine how it found itself in this situation and how to prevent it from happening to neighbors again. He added that a car wash is a “bad neighbor” in a residential area. He added that he spoke with his neighbors and they would be greatly impacted by the car wash. He mentioned that a car wash should go through a unique process when going through the general business zoning requirements. Boucher replied that through the general business zoning district, there are permitted uses, conditional uses, and accessory uses. The zoning code describes car washes as a permitted use outright so there is not an additional use approval. Anything that is not in addition to one or two-family residential requires a site plan review. If all of the requirements are met, then the City has to recommend approval.

Kaiser appreciated Boucher’s responses during the process and mentioned that the problem is that this type of use should be conditional so that the Planning Commission is not looking at just a site plan review because it limits the options. He added that the City should examine how this happened and take action. Boucher replied that Staff can look into this, but the Planning Commission cannot apply future Code amendments to the current project.

Kaiser mentioned one of the statements of fact included minimizing adverse effects to the neighbors. That is not possible depending on what direction the property would be from the proposed car wash. There are single-family homes and duplexes that are directly facing the car wash and are not protected by the sound barrier. He added that the focus of the discussion should be on the properties that are impacted by sound, lighting, and traffic flow. He stated it was not an appropriate use for the location. Boucher mentioned that almost all of the commercial properties in the City are residential properties.

Deneen explained that drivers coming out of Aldi or Heights Bakery have to wait for multiple traffic signals in order to get onto 50<sup>th</sup> Avenue currently. She expressed her concerns about what the

impact could truly be or the validity of the numbers since the current office space is not at full capacity. She added that she understands there is room to look into traffic striping or signal lengths and thinks it would be worth looking into. She added that part of the traffic study was conducted on a Sunday. Boucher clarified that it was Thursday through Saturday. Deneen explained that it is not equitable for some neighbors to be blocked by the noise while others do not have that option. She noted that while it is a condition to not allow patrons to play music, but wondered how it would be enforced. Boucher replied that it would be on the applicant to enforce. If the City receives noise complaints, there are methods for the City to be able to inspect it.

Forney explained that the traffic study was conducted at the current capacity. The numbers proposed state that the addition of the car wash, would not add a lot more traffic.

Wolfe noted the last paragraph of the sound study referenced that the south properties would exceed 60 decibels if all of the vacuums were being used and wondered if there could be one less vacuum. Boucher explained that the applicant is required to designate two spots for employee parking and was not sure if it was appropriate to remove the vacuums in order to designate the parking spots on the south to minimize the spillover noise.

Sahnaw mentioned that once the site plan is approved by the Planning Commission it goes to the City Council. Boucher agreed and noted that the site plan review only goes to the Planning Commission and they will provide a recommendation on the conditional use permit for the fence and the City Council will take action on the fence.

Sahnaw noted there would be many comments from the commissioners and residents regarding the sound barrier and wondered if questions should be about the conditional use permit or the site plan. Boucher replied that it would be appropriate to talk about the sound barrier.

Moses asked if there has been a review and analysis to compare the different car washes and what the impact will be. Boucher replied that they have not conducted comparison studies with Mister Car Wash and the proposed car wash.

Moses asked if there was data to see the peak hours with Aldi and potential peak hours with the car wash. Boucher replied that he did not have that data and it would be in the archives of when Aldi was constructed, but he would look into that. Forney added that the traffic study takes into consideration the current Aldi peak hours. The applicant did a comparison study to other car washes to see what they would need to do to be sustainable.

Deneen asked where there were other car washes that were similar. Forney replied that there is a similar one in Roseville and one in Wisconsin.

Gianoulis mentioned a major concern for residents is lighting and asked what .5-foot candles mean in practical terms means. Forney replied that foot candles are a way to measure the amount of light that is spilling over into another property. There is a sensor that can measure the amount of light that is spilling over. The City Code determines how much light is allowed to spill over. Boucher added that the conditions required a photometric plan to be included, which shows where the

lights would be. Gianoulis asked if there was a practical reference to what .5-foot candles looked like.

Gianoulis asked Kaiser if he could elaborate on how a car wash would be equivalent to a porn shop or gun shop in the neighborhood. Kaiser replied that during the last Planning Commission meeting, the commissioners provided a vast number of updates to the City Code. He noted that during the process he realized that he had not seen a firearms plan during his time on the Planning Commission.

Boucher explained that the applicant was available online to answer questions regarding foot candles and what 60 decibels would be comparable to. Gianoulis replied that it would be good to know.

Sahnaw asked if the ADA parking stall was also an employee parking stall. Boucher replied that the applicant is required to install two employee parking stalls that are apart from the ADA parking stall. Sahnaw asked if they were missing an employee parking stall on the site plan currently. Boucher agreed and added that it is a condition for the applicant to designate one of the 18 parking stalls as an employee parking stall.

Kaiser asked what would happen if the applicant was not granted the conditional use permit for the over-height fence. Boucher replied that he would need to consult the City Attorney, but the conditional use permit for the fence is specifically to alleviate the zoning requirement that says fences over seven feet height require a conditional use permit.

Kaiser explained that it seems like there are a lot of reasons why the City cannot prevent something like this from happening. He added that there is an awful lot of common sense that says that this is not the right location for a car wash. Boucher stated that the Planning Commission is not approving the conditional use permit for the car wash since it meets the requirements, but instead, the Planning Commission is approving the conditional use permit for the fence.

Deneen explained that it is a difficult position to be in since the project meets the City Code. She added that her concern is the lack of equity in being able to protect the neighborhood from sound. She expressed her understanding that the function of the Planning Commission is to review plans. She agreed with Kaiser's comments regarding the City looking into the City Code in the future. Boucher mentioned that the Planning Commission has the ability to tweak the conditions.

Sahnaw noted that if all the vacuums were going at the same time and there was a sound wall, it would not keep the sound at 60 decibels. He expressed his concern that there are a lot of assumptions that this project will work on this site. Boucher replied that it would keep the sound to 60 decibels if two of the vacuums were removed. Sahnaw asked how many vacuums would need to be removed to ensure that they never hit 60 decibels on the other side of the fence.

Forney noted that page 138 of the Agenda Packet goes over the suggestions for the sound study.

Maameri asked the applicant if there has been a similar construction like this that has been built by

residential homes. Dave Knaeble, Applicant, replied that this is the first Tsunami Car Wash project he is doing as an engineer and does not have a response to the question. Maameri asked the applicant if he had built car washes before, or if it was just the Tsunami Car Wash. Mr. Knaeble replied he is the engineer who does site design and is not the architect. Maameri agreed with the concerns the other commissioners expressed. He asked if there was a way to acquire data on similar situations where a car wash is in a residential area. He added it would be good to know if the requirements of those kinds of car washes were held to the standard or not. Forney replied that it would be good data to look into in the future. He added that it is helpful for the Planning Commission to discuss the items so that conditions can be placed in the future.

Boucher explained that there have been issues with enforcement within the City and is currently working on a program that would help with enforcement. He added that the City has the ability to request additional information such as a noise or traffic study.

Moses expressed his concern about the amount of variables that are unknown, and that once the structure is built it is too late. Boucher disagreed since there are conditions in place that allow the City to enforce what was approved and how it was approved.

Kaiser mentioned he assumed that the business would like to visually look "loud" since it is not facing Central Avenue. He added that he understood that the City would not approve a project with an animated sign that would keep neighbors awake at night. Boucher noted that the applicant was proposing a monument sign and wall signage.

Kaiser expressed his concern regarding the hours of operation and noted that 7 a.m. is early to be woken up by the car wash and thought the hours could be radically changed.

Wolfe explained that the City wants any business coming in to be successful. She mentioned that there should be a contingency plan in case the case wash surpasses the 300-car count or the volume. She wondered what could be done to ensure the noise level does not surpass what the noise study entails. She wondered if there was a way to have a sound barrier on 50<sup>th</sup> Avenue. Boucher replied that a sound barrier would not be able to go on the south side of 50<sup>th</sup> Avenue because it would create sight line issues. Forney added that the issue is more about the traffic since the noise will not change because the vacuums are not going to change. With a site plan review, the City can plan for traffic. The City is looking at what is proposed, what the site plan is meeting, and does it meet the requirements. Right now, the site plan is meeting all of the requirements.

Sahnaw asked if there needed to be blockage of vehicle lights as they were leaving the car wash. Boucher replied that there would be practical difficulties. Sahnaw noted in the winter it gets dark early in the evening and surrounding residential homes could have vehicle headlights shining in their homes. He asked if there could be a condition included that requires vegetation surrounding the area to block headlights. Boucher replied that it would be possible and would need to work with the applicant to understand what the maximum height of the vegetation could be.

Sahnaw asked if the STC rating of the wall could be modified as a condition of approval. Boucher replied that he did not know but believed it could potentially be increased but would make sure

that the material could allow for that. Sahnaw asked what material for the wall the applicant was proposing. Boucher replied they are proposing a wood sound wall made with eight eight-foot fence board and one-inch nominal cedar planking.

Sahnaw mentioned that STC ratings are great in a vacuum but are directly impacted by the atmosphere. He recommended an STC rating of 49. It is a typical STC number for a lot of public buildings. It is readily met by common building materials. It can be a combination of plantings and mass on the wall. It should not be prohibitive to the applicant and could make the conditions better for the residents on the east and north side. Boucher asked if Sahnaw had an example. Sahnaw replied that he has done it in a number of ways including mass concrete, wood, and dense landscaping. Boucher replied that the Planning Commission could amend that condition. Forney agreed and added that Staff would like to review the amended condition with the applicant.

Boucher asked the applicant if there was any feedback on the proposed amendment. Mr. Knaeble replied that he would need to coordinate with the sound engineer to determine an appropriate sound level.

Gianoulis explained that he is intrigued by the proposed change in the STC rating. He asked how loud noises in cars pulling into the car wash would be enforced. Boucher replied that the applicant would be the enforcer, but if there was loud music being played, residents would be able to contact the City with complaints.

Deneen explained that it would be good to think about changing some of the conditions like moving the vacuums towards the south entrance the changing the STC rating. Forney clarified that the Planning Commission would like to consider changing the STC rating, addressing the headlights, and the number of vacuums that are allowed.

Kaiser asked the Planning Commission if they had any interest in changing the hours of operation and asked what an appropriate start time would be. Boucher added that legal would need to weigh in as well on if it was allowed to change the hours of operation. Forney replied that Staff would circle back if it was possible.

#### Public Hearing Opened.

Bob Koponen, City resident at 1035 Polk Place, stated that he is the closest resident to the proposed car wash. He explained he does not like the idea of a car wash because it is not a good business to put in a residential area. He expressed his concern regarding sound and noted that if he sits on the back deck he can hear the traffic on 694. He explained that he visited the other Tsunami Car Washes and spoke with a resident who lived near the Roseville location. The resident noted that he is 600 feet from the exit of the car wash and can hear them in his apartment with the doors and windows closed. He agreed with the Planning Commission's comments regarding not being able to stop the project since it is a permitted use. He agreed with the proposed conditions and to limit the hours of operation. He stated he is opposed to the car wash.

Tom Kehrwald, City resident at 1060 50<sup>th</sup> Avenue NE, explained that Tsunami Car Wash is anticipating to wash 300-400 cars daily but the traffic study only included 150 cars a day. He asked where the 150 number came from and how the traffic report provided the Planning Commission with enough data to see what the impact of traffic would be. He noted the report mentions the conclusion that 150 would be the maximum of cars. He noted that the only public walkway on the street is to walk up the driveway of the proposed car wash. He added that there needs to be a solution to the sidewalk so that people can safely walk in the area.

Mary Lou Stover, City resident at 1040 50<sup>th</sup> Avenue NE, expressed her concern about the increase in traffic on 50<sup>th</sup> Avenue. Her mailbox is across the street from her home and she is 89 years old and needs to cross the street to get her mail. She noted that there is currently traffic from Aldi, schools, kids walking in the street due to no sidewalks, etc. The car wash would be dangerous for residents living in the area. She added that her son was killed by a car on 42<sup>nd</sup> Avenue and Central Avenue. Kaiser mentioned that the post office would work with Ms. Stover to move her mailbox to a safer area.

Anne Scanlon, City resident at 715 50<sup>th</sup> Avenue NE, stated she opposed the car wash and mentioned that the City neglected to notify the residents on the west side of 50<sup>th</sup> Avenue. She explained she has lived in the area since 2006 and the surrounding businesses have greatly increased traffic in the area. She added in the last six months she has seen 23 drivers almost hit pedestrians, including kids having to move from the side of the road to get away from cars. She mentioned that the dryers are even louder than the vacuums. There are 10-15 car washes in a five-mile radius from Aldi. It does not seem like a good business move to add another car wash. She pointed out the 2040 Comprehensive Plan identifies strengthening the identity and the image of the community as a desirable place to live, work, and play, as well as preserving and enhancing the existing viable commercial and industrial areas within the community. She asked if this car would meet that need and what citizens would want. She answered no.

Wolfe asked if adding the car would create a saturation of business types in the area. Boucher explained that the City does not get to decide what comes in since it is a permitted use. The City cannot control how many car washes come into the City.

Maameri noted in Fridley there is a limit to the amount of car lots because there are so many in the area. He asked if there was a validity to that for the City. Boucher replied that Fridley's code is different than the City's and would not be able to speak into that. The Columbia Heights Code does not have anything that limits the amount of car washes in the City.

Wolfe mentioned there was a time when the City had a moratorium on the amount of auto repair or auto parts stores in the City. Forney replied that he did not know if there was a moratorium in place, but the City established one-acre size minimums. Councilmember Liaison Buesgens stated she was the one who asked for the moratorium. There was an auto repair shop that wanted to move into a small lot. There are 22 homes on Central Avenue. She mentioned that she asked for a moratorium so that there were not a lot of small auto repair shops on small lots. Forney added that the moratorium was added after the fact, not during the process.

Deneen asked if the noise study took the dryers into account. Forney replied that it did.

Sahnaw asked if the car wash system is capable of having the dryers shut off when the door opens. Boucher replied that the dryers shutting off when the doors open is a recommendation from the noise study and it would be capable.

Leigh Herrick, City resident, noted she agrees with many of the public comments. She asked what the dates were when the traffic study was conducted and wondered if the dates were before school was in session. She added that some of the comments seemed disingenuous such as not being able to do anything about the stacking at Mister Car Wash. She mentioned that it is not the same stacking scenario because Mister Car Wash is on a two-lane street that runs one way. She explained that sound travels based on temperature and that when it is warmer, the sound is more suppressed. Therefore, it can be expected that sound would carry more in the winter. Mister Car Wash's hours are 7:30 a.m. until 7 p.m. She explained that she would like the condition of the dryers shutting off when the doors opened defined. She added that at Mister Car Wash, the dryers are not completely off when the doors open. She asked who was going to pay for the street to be widened.

Boucher replied that the traffic study was conducted after Labor Day so school was in session. There is a condition that the dryer turns off when the doors open. There is no proposal to widen the streets. Staff are working on a Transportation Safety Action Plan. Forney pointed out page 142 of the Agenda Packet which reviews how sound is traveled.

Deneen asked how the plan takes into consideration safe pathways to schools. Boucher replied that the design standards call for the installation of sidewalks wherever there are not any, anytime there is a new project. The City does not have the means to require the applicant to build out on property that is not there. The City does not have the budget to include sidewalks. It may occur through the street rehabilitation program. The other option is for residents to have a petition that would be approved by the City Council to install the sidewalks.

Deneen asked if the traffic would create more of a danger to children who are walking to school. Boucher replied that it is dangerous to cut the street regardless, but this project would at least add some sidewalks.

Wolfe asked if some sort of ADA would be added to the sidewalk. Boucher replied that any sidewalk that is added needs to be ADA-compliant.

Mr. Koponen mentioned that he went to the other Tsunami Car Wash locations. It took 2 minutes 50 seconds to get through the car wash which is about 20 cars per hour. He added that if the dryers need to turn off before the doors open, the car will only be half-dried. He anticipated that once the car wash gets going, they will not keep the doors closed once the dryers get going. Boucher explained that there will be some conditions that may be ongoing, and if broken, it could potentially be grounds to revoke the approval.

Moses asked if the dryers being off when the doors are opened would be an automated process. Boucher replied that it is an operational requirement and would need to be in place during installation. It needs to be designed so that the blowers are off when the doors are opened, instead of having someone control the door.

Kaiser mentioned that the blowers can be loud as they are powering down and still spinning. He suggested examining every possible tool before mandating it so it can be dealt with after the fact.

Ms. Scanlon mentioned that including the sidewalk will not affect her area on 50<sup>th</sup> Avenue. She asked if vehicles would enter and exit on 50<sup>th</sup> Avenue. Forney replied that there was stacking before 50<sup>th</sup> Avenue.

Ashley Sigcha Farez, City resident at 1085 50<sup>th</sup> Avenue NE, stated she is a high school student and is representing the kids that go to the school. She explained that she walks from the high school to her house. She sees many children walking by the proposed car wash site and there is already a lot of traffic because there are many cars going through the neighborhoods. She asked to consider the students who are walking to school. She added that there are a lot of noise issues too.

Mr. Kehrwald noted someone had suggested that 20 cars going through the car wash in an hour was the maximum. The maximum for modern equipment is 80-110 cars an hour because there are three or four cars in the tunnel at the same time. A simple number would be 1 car entering and 1 car exiting a minute.

Public Hearing Closed.

Sahnaw asked the Commissioners if they would like to entertain any specific modifications to the conditions of approval.

Deneen replied that she would like to consider removing two of the vacuums that are closest to the exit and entrance of the property. Sahnaw agreed.

Wolfe asked what the process was to add conditions. Forney replied that the best way would be to gather the suggestions and bring them to legal to formulate them. He added that there could be a motion to move the public hearing to the next meeting in order to present the new conditions.

Boucher stated it sounds like the modifications would be hours of operation, the STC rating, adding to the landscape plan in order to prevent headlights from affecting the residents on 50<sup>th</sup> Avenue, designating two employee parking spaces, and removing the two vacuums. Kaiser added to have clarification on the doors being open versus the blowers being off. He explained that he would like to have the motors off when the doors open, not powering down when the doors open.

Moses asked if the 60-decibel requirement was continuous and if it was tested at 8 feet from the property. Boucher replied that he would need to review the process for testing sound to give a definitive answer. Moses explained that he would like it to be clear how the sound would be tested moving forward. Forney replied that the requirement would be continuous but Staff will need to

better understand how it will continue to be measured.

Sahnaw mentioned that Legal would be taking a look at the suggestions by the Planning Commission and asked if they would be taking action on the site plan during the meeting. Forney replied that they would not take action and instead move it to the next Planning Commission meeting. Staff will circle back on the amended conditions. The next item will also shift to the next meeting since it is contingent on the site plan.

*Motion by Wolfe, seconded by Deneen, to continue the Site Plan Review for 999 50th Avenue NE public hearing to the next Planning Commission meeting.*

Kaiser asked if there was a way for the City to enforce the sound coming from the patrons. Forney replied that the enforcement would be similar to any other business going into the space. If someone is playing loud music in the Jimmy John's parking lot, the enforcement would be the same. The Noise Nuisance Ordinance would be in violation in that case.

Sahnaw asked what the process looked like if there was a noise nuisance violation and what power the City had to do anything about it. Forney replied that the Police Department enforces the Ordinance and would need to discuss the topic with them. Deneen replied that she believed people get a ticket.

*All ayes. MOTION PASSED.*

### **3. Conditional Use Permit for Over-Height Sound Barrier (Fence) at 999 50<sup>th</sup> Avenue NE**

*Motion by Sahnaw, seconded by Moses, to continue the public hearing for the conditional use permit for Over-Height Sound Barrier (Fence) at 999 50<sup>th</sup> Avenue NE to the next Planning Commission meeting. All ayes. MOTION PASSED.*

## **OTHER BUSINESS**

## **ADJOURNMENT**

*Wolfe adjourned the meeting at 8:10 pm.*

Respectfully submitted,

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Sarah LaVoie, Administrative Assistant