

**MINUTES OF  
PLANNING COMMISSION  
DECEMBER 1, 2020  
6:00 PM**

The meeting was called to order at 6:05 pm by Vice Chair Sahnou.

Commission Members present- Sahnou, Hoium, Novitsky, and Vargas.  
Commission Members present through Zoom- Schill and Kaiser

Members Absent: Fiorendino

Also present were Aaron Chirpich (Community Development Director), Shelley Hanson (Secretary), and Connie Buesgens (Council Liaison).

**APPROVAL OF MINUTES**

*Motion by Hoium, seconded by Novitsky, to approve the minutes from the meeting of November 4, 2020. All ayes. MOTION PASSED.*

**PUBLIC HEARINGS**

**CASE NUMBER: 2020-1201**  
**APPLICANT: CONTRACTORS CAPITAL COMPANY LLC**  
**LOCATION: UNASSIGNED ADDRESS KNOWN AS Huset PARK OUTLOT B**  
**REQUEST: FINAL PLAT APPROVAL**

Chirpich explained that Contractors Capital Company has applied for Final Plat Review for Huset Park Outlot B (unassigned address). The site is located south of Huset Park at the corner of Jefferson Street and Huset Parkway. The site when developed will include a total of 29 assisted living units and memory care units. The Site Plan and Preliminary Plat were approved/recommended for approval at the February 4, 2020 Planning Commission Meeting, the applicant is now submitting the Final Plat which needs to be approved prior to construction.

**ZONING ORDINANCE**

The site is currently platted as an Outlot from the adjacent townhomes. As part of this application, the subject site being platted to “Westgate of Columbia Heights”. The property owner will be dedicating land back to the City to accommodate for the right of way (where the roundabout is located). The applicant will also be dedicating full perimeter easements for drainage and utility. Once the Final Plat is approved, a new address will be issued for the property.

The property is located in the Mixed Use Zoning District, along with the properties to the south and west. Properties to the north are located in the Public and Open Space District, and the properties to the east are located in the Light Industrial District.

**COMPREHENSIVE PLAN**

The Comprehensive Plan guides this area for high density residential development. The Comprehensive Plan aims to ensure housing for the projected aging population is accommodated throughout the City. Constructing a senior living community designed for aging in place, with graduated care options is consistent with the City’s Comprehensive Plan.

## **FINAL PLAT**

### **1. Easement Dedication**

The proposed plat will include a fifteen foot drainage and utility easement on the north side of the property and the remaining sides around the perimeter of the property will include a five foot drainage and utility easement. There is an easement over the drainage system under the parking lot.

### **2. Right-of-Way Dedication**

According to the survey that was submitted with the application, a portion of the site protrudes into Jefferson Street NE and the roundabout. The applicants have proposed to reconfigure the property lines to eliminate this issue.

### **3. Park Dedication**

The proposed plat will not include a land dedication. Rather, the applicants will make a financial contribution to satisfy this requirement. This will be secured in the development contract.

## **FINDINGS OF FACT**

Section 9.104 (M) of the Zoning Ordinance outlines two conditions that must be met in order for the City to grant a Final Plat, they are as follows:

(a) The final plat substantially conforms to the approved preliminary plat.

*This is correct.*

(b) The final plat conforms to the requirements of Section 9.116 [Subdivision Ordinance].

*This is correct.*

Staff recommends the Planning Commission recommend that the City Council approve the Final Plat as presented subject to the conditions listed in the motion provided.

### Questions/comments from Members:

One of the members noted that the renderings in the packet don't clearly show the entrances. Chirpich explained that the Plat and Site Plan are different, and therefore, not all the Site Plan details were provided for this case. The final plat is what is being considered tonight which establishes the legal description, including the subdivision name and recording of the Easements and Right of Way dedications.

Vargas was concerned about the storm sewer and sanitary sewer connections as the elevations and information provided look as though they would flow backwards. He questioned whether they would be using the existing manhole and lines depicted on the drawings. Chirpich stated some of the information on the drawings may not be accurate, but all the underground sewer issues will be addressed at the Site Plan approvals. The maps and information provided for this meeting are for establishing the Plat itself, along with the easements for utilities and roadway purposes. He went on to explain that an escrow will be obtained as part of the development agreement and the City Engineer will oversee all drainage, elevations, and utility work during the Site Plan review and the construction process.

Public Hearing Opened.

No one was present to speak on this matter.

Public Hearing Closed.

*Motion by Sahnaw, seconded by Novitsky, to waive the reading of Resolution No 2020-\_\_\_\_\_, there being ample copies available to the public. Roll call vote: All ayes. MOTION PASSED.*

*Motion by Sahnaw, seconded by Hoium, to recommend that the City Council approve the Final Plat as presented, subject to the following conditions:*

- 1. An approved Final Plat shall be valid for a period of one (1) year from the date of the City Council approval and must be recorded within that timeframe. In the event that a Final Plat is not recorded within this time period, the Plat will become void.*
- 2. The property owner and the City shall enter into Development Contract governing site improvements and shall be executed by the property owner and the City prior to the issuance of a building permit.*
- 3. The applicant shall be responsible for the cost of filing and recording written easements with the Anoka County Recorder's Office.*
- 4. The applicant shall provide documentation for an easement dedication over the drainage system in the parking lot area. Said documentation shall be provided upon completion of the project.*
- 5. All required state and local codes, permits, licenses and inspections will be met and in full compliance.*
- 6. Developer shall pay park dedication fees as outlined in the Development Contract.*
- 7. Developer will provide record plans or as-built drawings to the City following project completion.*

*Roll Call Vote: All ayes-  
Nays: None*

*MOTION PASSED*

The attached Resolution will go to the city Council at the December 14<sup>th</sup> meeting.

**RESOLUTION NO. 2020-\_\_\_\_\_**

**A Resolution of the City Council for the City of Columbia Heights, Minnesota, approving a Final Plat for Contractor Capital Company, LLC.**

**Whereas**, a proposal (Case # 2020-1201) has been submitted by Contractors Capital Company, LLC to the City Council requesting Final Plat Approval from the City of Columbia Heights at the following site:

ADDRESS: 35-30-24-43-0125 (unassigned address) known as remnant parcel

LEGAL DESCRIPTION: Outlot B, Huset Park, Anoka County, Minnesota

THE APPLICANT SEEKS THE FOLLOWING: Final Plat Approval per Code Section 9.104 (M)

**Whereas**, the Planning and Zoning Commission held a public hearing as required by the City Zoning Code on December 1, 2020;

**Whereas**, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed Final Plat upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

**Now, therefore**, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia Heights, the City Council of the City of Columbia Heights makes the following:

#### **FINDINGS OF FACT**

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

- (a) The final plat substantially conforms to the approved preliminary plat.
- (b) The final plat conforms with the requirements of Section 9.116.

**Further, be it resolved**, that the attached plans, maps, and other information shall become part of this Final Plat; and in granting approval the City and the applicant agree that the Plat shall become null and void if not recorded with Anoka County within one (1) calendar year after the approval date, subject to petition for renewal.

#### **CONDITIONS**

1. An approved Final Plat shall be valid for a period of one (1) year from the date of the City Council approval and must be recorded within that timeframe. In the event that a Final Plat is not recorded within this time period, the Plat will become void.
2. The property owner and the City shall enter into Development Contract governing site improvements and shall be executed by the property owner and the City prior to the issuance of a building permit.
3. The applicant shall be responsible for the cost of filing and recording written easements with the Anoka County Recorder's Office.
4. The applicant shall provide documentation for an easement dedication over the drainage system in the parking lot area. Said documentation shall be provided upon completion of the project.
5. All required state and local codes, permits, licenses and inspections will be met and in full compliance.
6. Developer shall pay park dedication fees as outlined in the Development Contract.
7. Developer will provide record plans or as-built drawings to the City following project completion.

**CASE NUMBER:** 2020-1202  
**APPLICANT:** SEH/CITY OF COLUMBIA HEIGHTS  
**LOCATION:** 3939 CENTRAL AVE NE  
**REQUEST:** CONDITIONAL USE PERMITS/WIRELESS COMM TOWER & FENCE

Chirpich stated that SEH on behalf of the City of Columbia Heights has requested a Conditional Use Permit (CUP) to construct a wireless communication tower and a CUP to construct a fence surrounding the tower, at the property located at 3939 Central Ave NE. The tower and fence will be installed behind the library on the southeast corner of the property adjacent to and north of 39<sup>th</sup> Ave. Plans have been submitted illustrating the proposed location and specifications of the tower and fence design. The new tower is being constructed to relocate cell antennas that were on top of the roof at the former bank building at 3989 Central Avenue. As part of the redevelopment of that site, the City has agreed to construct the new tower. The primary tenant in top position on the new tower will be AT&T. The tower is being designed to hold up to three additional carriers for a total of four. The additional carriers have not been identified at this time.

The Planning Commission must hold a public hearing and make a recommendation to the City Council on the CUP's. The following analysis is provided for your consideration.

#### **ZONING ORDINANCE**

The Zoning Ordinance has specific requirements for the installation of a new wireless communication tower, and staff has reviewed the requirements to confirm that the proposed tower achieves those standards.

- The tower will be 180 feet in height. The Zoning Code allows towers exceeding 80 ft. in height to be located in the Central Business District with a Conditional Use Permit.
- The fence is 60 ft. by 60 ft. in size, 8 ft. in height and will surround the perimeter of the tower. The Zoning Code allows non-residential fences up to 8 ft. in height without the necessity for a land use variance. However, fences over 6 ft. in height require a CUP.
- The tower will be a monopole design limiting the overall footprint, with four levels of antennae brackets on the top allowing for four tenants. In order to limit the number of towers in the City and foster shared use of the towers, the Zoning Code requires that all new wireless communications towers be constructed with excess capacity for co-location, based on the height of the tower. In this case, due to the height of the proposed tower, the code requires that the tower allow for up to three additional users (communication providers).
- The tower is designed to fold onto itself completely.
- The tower meets the setback requirement to the nearest lot line. The code requires that the tower (if a collapsible design) must be a distance equal to 20% of the tower height away from the nearest lot line. The tower height is 180 feet in height, and 20% of the height is 36 feet. The tower will be 57 feet from the south lot line (nearest lot line), achieving the setback requirement.
- The zoning code requires a visual impact analysis to be required as part of the application submittal for any tower over 80 ft. in height. There are photos attached taken from various distances around the city illustrating the towers visual impact.
- The Zoning code requires that the new tower meet separation requirements from existing towers. The distance that is required to be achieved is determined by the height of the existing and proposed tower. In this case, both the new and existing tower exceed 151 ft. and per the code, the new tower must be a minimum of 1,000 ft. from the existing tower. The nearest existing tower is 1, 600 ft. from the new tower achieving this requirement.

## **FINDINGS OF FACT**

The City Council shall make each of the following findings before granting a conditional use permit:

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

*The Zoning code specifically allows towers exceeding 80 ft. in height to be located in the Central Business District upon approval of a CUP. The Zoning code specifically requires that fences greater than 6 ft. in height require a CUP. Because this is a non-residential fence and used for a use in a commercially zoned property the fence can be up to 8 feet without the need for a variance.*

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

*This is correct.*

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

*This is correct. Staff does not anticipate there to be any hazards or disturbing influences on neighboring properties due to the tower and fence construction.*

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

*This is correct.*

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

*This is correct. The area surrounding the tower will be surrounded with a fence and landscaping buffer minimizing the visual impact to the best extent possible.*

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

*This is correct.*

- (f) Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.

*This is correct. Staff does not anticipate there to be any effect on the traffic to local surrounding public streets or on site circulation of traffic.*

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

*This is correct. Other than a minimal visual impact, the tower will not have a negative effect on the other uses in the area.*

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

*This is correct. Applicable regulations are achieved.*

Staff recommends approval of the Conditional Use Permit for the Wireless Communication Tower and the 8 ft. tall fence surrounding the tower, subject to certain conditions of approval that were noted for the members.

Questions/comments from the members:

Hoiium asked about the tower being designed to fold into itself completely. Chirpich said it is required to be designed this way so if it is ever subjected to high winds or a storm it will collapse into itself and then to the ground, preventing it from falling onto adjacent properties.

Vargas asked if any of the slopes and elevations will be altered. Chirpich stated that the tower will be placed near the south property line where the soil conditions are the best, and not much site work will be required.

Kaiser asked what the tower and fence will look like at ground level. Will the screening obscure just the fence or part of the tower compound itself. Chirpich said the details haven't been decided yet, but the trees will remain and additional trees and bushes will be planted to screen as much of the compound as possible.

Kaiser then asked if there were other viable locations considered. Chirpich stated this location was the preferred site by At & T and Crown Castle and was the one chosen as part of the negotiation process. Others that were considered included property behind the Public Safety building, and the rooftop of Park View Villa.

Kaiser went on to comment that he disagreed with the statement in the Findings of Fact that this was in harmony with the purpose and intent of the comprehensive plan. He said he worked on that committee and thought that this piece was slated for redevelopment of some kind.

Chirpich told members that redevelopment of this site was considered at one time if the City could obtain the site that Heights Rental sits on so the property could be combined to make a larger site. However, Heights Rental is happy with their present location so they have no desire to sell. Once it was discovered that the soil conditions of this site are poor, it would be cost prohibitive to correct for a small development. Chirpich went on to say that soil borings done for the proposed tower have determined that placement of the tower has to be on the south end of the property as it is the most stable.

Kaiser said he can't support this CUP request due to the reasons he has expressed.

Hoiium asked how high the old NE Bank Building was where the old towers were located. Chirpich said the building was 6 stories high (he would guess approximately 90 feet) with the antennas located on the roof. Chirpich stated that Engineers for AT & T designed the height of the new tower, and it will have upgraded technology, but he is uncertain what exactly the capacity will be.

Hoiium asked if the City will receive revenue from the leases on this tower. Chirpich explained that as part of the out of court settlement, Crown Castle will continue to lease out the tower space to other entities, and that the City and Crown will share the rent revenues 50/50.

Schill asked if the City received any feedback from neighbors in the area. Chirpich stated he heard from Heights Rental and they were not concerned about the height of the tower, but wanted to make sure the access off 39<sup>th</sup> Avenue would not be eliminated. He said he had not received any other comments regarding this matter, even though notices were sent to an expanded area since it encompassed anyone within 350 feet of the entire Library site, not just the small parcel where the tower will be located.

Sahnaw asked if the Commission will be looking at the landscaping plans at a later date. Chirpich said that staff will handle this administratively and it will not come back to the Commission. However, he said that 10 feet of trees and landscaping around the fenced compound will be enforced. Sahnaw then asked if the tower will have a light at the top. Chirpich said it will not have a light, as the threshold for that is 200 feet high.

Schill asked for clarification of the relationship between AT & T, Crown Castle and the City. Chirpich told members it is complicated and that the City tried to remove Crown Castle as the middle man through eminent domain, but the process to go through the courts was costly and was holding up the sale to Alatus so that project could move forward. Therefore, the settlement was that the City has agreed to let Crown Castle continue to run the leases for the tower, and that AT & T will lease through them, with all future revenue being split between Crown and the City as part of the out of court settlement. Agreeing to a new site for the tower was a necessary piece, to allow the other project to proceed. From a practical stand point, by sharing the future revenue the City will recoup some of its costs.

Public Hearing Opened:

No one was present to speak on this matter.

Public Hearing Closed.

Kaiser's final comments were that he understands how frustrated staff may be with the results of the negotiations, but he thinks that neighbors may regret not fighting this once they see how high the tower is. He still thinks this is a site with high potential and that placement of a utility tower off Central Avenue is not what the Comp Plan intended. He doesn't think it is in the City's best interest.

*Motion by Sahnaw, seconded by Novitsky, to waive the reading of Resolution No 2020-\_\_\_\_, there being ample copies available to the Public. Roll call vote: All ayes. MOTION PASSED.*

*Motion by Sahnaw, seconded by Hoiium, to recommend the City Council approve the Conditional Use Permit for the Wireless Communication Tower and the 8 ft tall fence surrounding the tower, subject to the following conditions:*

- 1. The area surrounding the tower/fence shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from surrounding property. The standard buffer shall consist of a landscaped strip 10 feet wide outside the perimeter of the compound. Existing mature growth and natural land forms on the site shall be preserved to the maximum extent possible.*
- 2. All required state and local codes, permits, licenses and inspections will be met and in full compliance.*

Roll Call: ayes-Vargas, Hoiium, Novitsky, and Sahnaw  
Nays- Kaiser and Schill

MOTION PASSED.

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Dec 1, 2020

The following Resolution will go to the City Council at the December 14<sup>th</sup> meeting.

**RESOLUTION NO. \_\_\_\_\_**

**A Resolution of the City Council for the City of Columbia Heights, Minnesota, approving a Conditional Use Permit for a wireless communication tower and fence 8 feet in height for the property located at 3939 Central Ave NE. (PID 36-30-24-33-0158)**

**Whereas**, a proposal (case 2020-1202) has been submitted by SEH on behalf of the City of Columbia Heights, requesting a Conditional Use Permit for a wireless communication tower and a fence to be 8 feet in height at the following site:

ADDRESS: 3939 Central Ave NE. PID 36-30-24-33-0158

LEGAL DESCRIPTION: On file at City Hall

THE APPLICANT SEEKS THE FOLLOWING: Conditional Use Permits

**Whereas**, the Planning Commission held a public hearing as required by the City Zoning Code on December 1, 2020;

**Whereas**, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed Conditional Use Permits upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

**Now, therefore**, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia Heights, the City Council of the City of Columbia Heights makes the following:

**FINDINGS OF FACT**

- (a) The use is one of the conditional uses listed for the zoning district in which the property is located, or is a substantially similar use as determined by the Zoning Administrator.
- (b) The use is in harmony with the general purpose and intent of the Comprehensive Plan.
- (c) The use will not impose hazards or disturbing influences on neighboring properties.
- (d) The use will not substantially diminish the use of the property in the immediate vicinity.
- (e) The use will be designed, constructed, operated, and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
- (f) The use and property upon which the use is located are adequately served by essential public facilities and services.
- (g) Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.
- (h) The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
- (i) The use complies with all other applicable regulations for the districts in which it is located.

**Further, be it resolved**, that the attached plans, maps, and other information shall become part of this Conditional Use Permit approval; and in granting this Conditional Use Permit approval, the City and the applicant agree that this permit shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal of the permit. This approval is subject to certain conditions that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:

### **CONDITIONS**

1. The area surrounding the tower/fence shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from surrounding property. The standard buffer shall consist of a landscaped strip 10 feet wide outside the perimeter of the compound. Existing mature growth and natural land forms on the site shall be preserved to the maximum extent possible.
2. All required state and local codes, permits, licenses and inspections will be met and in full compliance.

### **OTHER BUSINESS**

The next scheduled meeting is Tuesday, January 5, 2021 at 6 pm. Chirpich said the meeting will likely take place since we have two cases to consider at this time. The first is approving the expansion of Mpls Saw on 40<sup>th</sup> Avenue and the second is a text amendment to allow a Health and Wellness Center to go into the buildings at 700-704 40<sup>th</sup> Avenue.

Council Liaison, Connie Buesgens, thanked the Commission members for the opportunity to observe and work with them during her time as the Liaison to the Commission. She explained that the City Council will be re-assigning members to the various commissions for 2021, and she may become the liaison for a different commission. She believes it is an excellent way to gain knowledge about the role each commission plays in the overall process of reviewing information and giving input to the City Council.

Motion by Hoium, seconded by Schill to adjourn the meeting at 7:04 pm.

Respectfully submitted,

Shelley Hanson  
Secretary