

AMENDED 1/11/21 PRIOR TO MEETING

RESOLUTION NO. 2021-08

A resolution of the City Council for the City of Columbia Heights, Minnesota, approving a Conditional Use Permit for a Health/Fitness Club not exceeding 4,000 square feet in area to be located at 700 40th Avenue NE.

Whereas, a proposal (Case #2021-0102) has been submitted by Amrish Patel to the City Council requesting a Conditional Use Permit from the City of Columbia Heights at the following site:

ADDRESS: 700 40th Avenue NE

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING: A Conditional Use Permit per Code Section 9.110 (D) (3) (2) (t), to allow a Health/Fitness Club not exceeding 4,000 square feet in area to be located in the Limited Business Zoning District.

Whereas, the Planning and Zoning Commission held a public hearing as required by the City Zoning Code on January 5, 2021;

Whereas, the City Council has considered the advice and recommendations of the Planning and Zoning Commission regarding the effect of the proposed Conditional Use Permit 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 and approval; and in granting this Conditional Use Permit 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. The Conditional Use Permit is subject to certain conditions of approval 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. Business hours, deemed appropriate by the City Council to ensure land use compatibility, shall be established. Said hours have been determined by the Council to be 5:00 a.m. to 12:00 a.m.
2. The applicant shall provide 21 off-street parking stalls for the proposed use. The required off-site parking stalls shall be secured with a shared parking agreement. This legally binding contract shall be reviewed by the City Attorney and filed with the Anoka County Recorder's Office within 60 days after approval of the conditional use permit.
3. Illustrated off-street parking stall depths shall be increased from 18 feet to 20 feet in depth.
4. One off-street parking space shall be designated for use by disabled persons.
5. To minimize negative impacts upon the adjacent single-family home to the west, consideration be given to relocating the proposed angled parking stalls along the west façade of the building such that the parking area drive aisle is located along the west property line and vehicle headlights face east (rather than west).
6. The use of black as a primary building color is approved.
7. The building and site shall meet all requirements found in the Fire Code and the Building Code.
8. Trash and/or recycling collection areas shall be enclosed on at least three sides by an opaque screening wall or fence no less than six feet in height. The open side of the enclosure shall not face any public street or the front yard of any adjacent property.
9. There shall be no deliveries, loading or unloading of goods and materials between the hours of 10:00 p.m. and 6:00 a.m.
10. All exterior lighting shall be downcast with shielded light sources as not to adversely impact neighboring residential properties.
11. All new site signage shall be subject to a sign permit.

12. The site and elevation plans included in this submittal, shall become part of this approval.
13. The applicant will work with the owner of the residential property to the west to improve the fencing to provide better screening between the properties.
14. The Conditional Use Permit is contingent upon full approval and adoption by the City Council of Ordinance 1663, an ordinance establishing health/fitness clubs as a conditional use in the City's LB, Limited Business zoning district.

ORDER OF COUNCIL

Passed this 11th day of January, 2021.

Offered by:

Seconded by:

Roll Call:

Amáda Márquez Simula, Mayor

Attest:

Nicole Tingley, City Clerk/Council Secretary