



PLANNING COMMISSION
City Hall—Council Chambers, 3989 Central Ave NE
Wednesday, March 06, 2024
6:00 PM

AGENDA

ATTENDANCE INFORMATION FOR THE PUBLIC

Members of the public who wish to attend may do so in-person, or by using Microsoft Teams and entering meeting ID 246 327 393 730 and passcode QhRMF5. For questions please call the Community Development Department at 763-706-3670.

CALL TO ORDER/ROLL CALL

APPROVE MINUTES

- 1. Approval of February 6, 2024 Planning Commission Meeting Minutes**

PUBLIC HEARINGS

- 2. Minor Subdivision (Lot Line Adjustment) 334 and 344 40th Avenue NE**

MOTION: Move to waive the reading of draft Resolution 2024-19, there being ample copies available to the public.

MOTION: Move that the Planning Commission recommends that the City Council approve draft Resolution 2024-19, approving a Minor Subdivision (lot line adjustment) for the properties located at 334 and 344 40th Avenue NE, within the City of Columbia Heights, Minnesota, subject to certain conditions stated in the resolution.

OTHER BUSINESS

ADJOURNMENT

Auxiliary aids or other accommodations for individuals with disabilities are available upon request when the request is made at least 72 hours in advance. Please contact Administration at 763-706-3610 to make arrangements.

MINUTES
CITY OF COLUMBIA HEIGHTS
PLANNING COMMISSION MEETING
THURSDAY, FEBRUARY 06, 2024
6:00 PM

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

CALL TO ORDER/ROLL CALL

Commissioners present: Eric Sahnou, Tom Kaiser, Mark Vargas, Laurel Deneen, Clara Wolfe, and John Gianoulis

Commissioners not present: Mike Novisky

Also present: Aaron Chirpich, Community Development Director; Andrew Boucher, City Planner; Connie Buesgens, Council Liaison.

1. Election of Planning Commission Officers

Boucher explained that the Planning Commission would take nominations for the officer positions. After the nominations are proposed, the Planning Commission will move to approve the positions.

Deneen asked who would not be returning to the Planning Commission next year. Boucher replied Mark Vargas, Clara Wolfe and Mike Novisky. Chirpich added that it does not mean that they will not return next year, but that their positions are up for reappointment.

Chirpich noted that the applications are open now and current commissioners can re-apply. Wolfe replied that she thought she had another year. Chirpich stated that Staff would look into it.

Chirpich asked Boucher to review who is in the current Planning Commission positions. Boucher replied that the current Chair was Sahnou, the Vice Chair was Kaiser, and Secretary/Treasurer was Vargas.

Boucher asked for nominations for the Chair position. Sahnou nominated Wolfe. Kaiser seconded the nomination.

Boucher asked for nominations for the Vice Chair position. Kaiser nominated Vargas. Sahnou seconded the nomination.

Boucher asked for nominations for the Secretary/Treasurer position. Vargas nominated Gianoulis. Deneen seconded the nomination.

Motion by Sahnou, seconded by Kaiser, to elect Wolfe as Chair of the Planning Commission. All ayes. MOTION PASSED.

Motion by Kaiser, seconded by Sahnou, to elect Vargas as Vice Chair of the Planning Commission. All ayes. MOTION PASSED.

Motion by Vargas, seconded by Deneen, to elect Gianoulis as Secretary/Treasurer of the Planning

Commission. All ayes. MOTION PASSED.

APPROVAL OF MINUTES

2. Approval of October 24, 2023 Planning Commission Meeting Minutes

Boucher noted that the October 24, 2023 Planning Commission meeting minutes were amended to reflect that Stan Hoium was not absent because he is not on the Planning Commission. It also reflects Deneen's questions regarding adequate parking at SACA's facility.

Motion by Kaiser, seconded by Deneen, to approve the minutes from the meeting of October 24, 2023 as amended. All ayes. MOTION PASSED.

PUBLIC HEARINGS

3. Vacation of Existing Utility Easement and Proposed Ordinance Vacating Roadway Easements Serving 1650 40th Avenue NE and 3987 Johnson Street NE

Introduction: Boucher stated that the City of Columbia Heights has made application to vacate utility and roadway easements serving the properties, 1650 40th Avenue NE and 3987 Johnson Street NE. The City is vacating these easements because the current configuration does not accurately reflect the right-of-way constructed and proposing an ordinance to create new easements to serve these properties. This is subject to required findings for easement vacations per 9.104(J) and Section 111—Vacation of Streets of the City Chapter.

Chirpich explained that Johnson Street curves to make a 90 degree turn and was platted to originally in that straight, angular configuration. Staff do not know the history on how that evolved. It is creating issues for the homeowners to expand their garage. Staff recognize that it is the City's responsibility to clean up the right-of-way issues.

Sahnow asked if the easements would be redrawn. Boucher replied that they would be redrawn. Chirpich added that portions of the existing easements would remain intact in their same location but would be described differently by a surveyor.

Vargas asked if there was a process for reporting the vacations of the easements to the County surveyor. Boucher replied that as the applicant, the City would be required to file the easement vacations to the County.

Boucher stated that there are eight easements serving 1650 40th Avenue NE and 3987 Johnson Street NE proposed for vacation described as follows with legal descriptions attached to the report:

1. Sanitary sewer easement per Document No. 177165
2. Roadway easement per Document No. 217982
3. Roadway easement per Document No. 727283
4. Undeveloped alley per Waltons 1st Subdivision of Reservoir Hills
5. Right-Of-Way Johnson Street NE per Anoka County Half Section Map

6. Roadway easement per Document NO. 727279, 727278, and 732576

Boucher explained that there are required findings of fact for easement vacation that the City Council has to make before vacating a street, alley or other public right-of-way:

- a) No private rights will be injured or endangered as a result of the vacation. (This is correct)
- b) The public will not suffer loss or inconvenience as a result of the vacation. (This is correct)

Boucher stated Staff has coordinated with the City Engineer who has been provided copies of the application materials and had no concerns with the easement vacation and proposed easements.

Questions/Comments from Members:

Deneen asked if there were any worries about the garage being built in the area due to the sanitary sewer easement. Chirpich replied that engineering did a review of the home in order to verify that question and that none of the utilities are actually running through the footprint of the proposed garage.

Vargas asked if the Met Council was the owner of the sanitary easement and if it was in relation to the force sanitary line. He asked if it had been previously proposed as a lift station. Chirpich replied that the engineer has reviewed the ownership and has determined that the City will continue to contain all of the space that is needed to operate the easement and utilities. He added that he is unable to answer the question about the lift station.

Vargas expressed his concern that the sewer lines can shift due to the ground and the surveyors going off of old maps instead of being on site. Chirpich and Boucher explained that the surveyors were on site and have been analyzing the site. Chirpich stated that Staff believe that the property has been analyzed properly. Boucher stated that the City Attorney would review the proposed easements as well.

Kaiser asked if there had been any feedback from the community. Boucher replied that he sent mailings to nearby residents within 350 feet of both properties and did not receive any comments.

Sahnaw asked if there was anyone on zoom. Chirpich noted that there was no questions on zoom.

Public Hearing Opened.

Wolfe opened the public hearing. There were no comments.

Public Hearing Closed.

Wolfe closed the public hearing.

Motion by Vargas, seconded by Kaiser, to waive the reading of the draft Resolution No. 2024-011, there being ample copies available to the public and close the public hearing. All ayes. MOTION PASSED.

Motion by Deneen, seconded by Sahnaw, to recommend that the City Council approve Resolution No. 2024-011, vacating the sanitary sewer easement at 1650 40th Avenue NE as presented. All ayes. MOTION PASSED.

Motion by Wolfe, seconded by Gianoulis, to reopen the public hearing. All ayes. MOTION PASSED.

There were no public comments.

Motion by Sahnaw, seconded by Vargas, to waive the reading of the draft Ordinance No. 1691, there being ample copies available to the public and to close the public hearing. All ayes. MOTION PASSED.

Motion by Sahnaw, seconded by Wolfe, to recommend that the City Council approve draft Ordinance No. 1691, vacating the roadway easements at 1650 40th Avenue NE and 3987 Johnson Street NE as presented. All ayes. MOTION PASSED.

4. Proposed Utility and Roadway Easements Serving 1650 40th Avenue NE and 3987 Johnson Street NE

Introduction: Boucher stated the City of Columbia Heights has made application to propose utility and roadway easements service 1650 40th Avenue NE and 3987 Johnson Street NE. The City is vacating existing easements because the current configuration does not accurately reflect the right-of-way constructed and is creating new easements to serve these properties.

Boucher explained that there are required findings of fact for easement vacation that the City Council has to make before vacating a street, alley or other public right-of-way:

- a) No private rights will be injured or endangered as a result of the vacation. (This is correct)
- b) The public will not suffer loss or inconvenience as a result of the vacation. (This is correct)

Chirpich stated roadways and alleys are separated into two different categories. The road and alley easements have a higher standard of care and have to be vacated or established by ordinance rather than resolution. They are embedded into the City's charter, whereas the vacation of easements, are vacated and established by a resolution.

Boucher explained that the proposed Ordinance would be vacating all of the proposed legal descriptions for the easements and road vacations as described in exhibits A and B.

Motion by Deneen, seconded by Vargas, to waive the reading of the draft Ordinance No. 1692, there being ample copies available to the public. All ayes. MOTION PASSED.

Public Hearing Opened.

There were no public comments.

Public Hearing Closed.

Motion by Sahnaw, seconded by Gianoulis, to close the public hearing.

Motion by Sahnaw, seconded by Kaiser, to recommend that the City Council approve Draft Ordinance No. 1692, establishing a new proposed roadway easement at 1650 40th Avenue NE and 3987 Johnson Street NE as presented. All ayes. MOTION PASSED.

5. Variance for Attached Garage in Residential Front Yard within Front Yard Setback Encroachments

Introduction: Boucher stated at the beginning of 2023, the property owner of 1650 40th Avenue NE approached staff regarding the replacement of an existing attached garage with a larger garage which would abut or encroach within the front yard setback and upon an area of the site which lies within an existing utility easement. Upon further review, Staff determined that the applicant would require a Variance to accommodate the potential building addition.

Boucher added that April Leaveck and Karen Thompson are requesting a Variance for a proposed attached garage to be located at 1650 40th Avenue NE. The applicant is proposing to construct an addition to the standard garage which measures out to 567 square feet in size on the east side of the home. The applicant seeks a variance for the following: 1. Variance to allow the attached garage to be constructed and located with a front yard setback less than 25 feet. City Code Section 9.109 (C) stipulates a 25-foot front yard setback for residential buildings.

Boucher noted that the property is a corner lot abutting a diagonal street with unique setback requirements that apply to the subject property in relation to neighboring lots as the subject property does not have a conventional rear lot line. In consideration of corner lots, the City Code states that the lot line having shortest dimension of street frontage is considered the front lot line. However, at the time of construction in 1985, the street frontage along 40th Avenue NE was considered the front lot line.

Boucher stated thus, the site's north lot line, along 40th Avenue NE is considered the front and subject to a minimum required building setback of 25 feet. The west lot line is subsequently considered a side lot line, from which a minimum 5-foot building setback is required. The required setback from Johnson Street NE is subject to a 10-foot setback along the same street. The attached garage is proposed to be located 20.4 feet from the north front property line, the same distance as the existing principal structure encroaches upon the front yard setback. The structure and proposed addition are within the principal structure building line in the front yard and does not increase the encroachment towards the setback beyond what the original structure does.

Boucher explained that Staff has reviewed the variance materials and the building permit application submitted including floor plans, applicant narrative, and site plan illustrating the proposed size and location of the new garage and its relation to adjacent properties and structures as well as the existing and proposed easements described in the easement vacation associated with this property. The structure and proposed addition are within the principle structure building line in the front yard and does not increase the encroachment towards the setback beyond what the

original structure does.

Boucher stated the City Council shall make each of the following findings before granting a variance:

- 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.

This is correct. The existing single-family home on the lot was built in a manner that utilized 40th Avenue NE as the front yard rather than Johnson Street NE. The current condition does not provide reasonable space for the construction of a standard two-stall garage that does not encroach into the front yard setback. This is an existing condition not caused by the current owner. The proposed garage would encroach five feet and five inches into the front yard setback, the same distance as the existing house encroaches, and will be served by the existing driveway accessed from 40th Avenue NE.

- 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.

This is correct. The subject site is unique as it is a triangular corner lot with three separate street frontages along all three sides of the property with setback requirements that differ from most lots on the block.

- 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.

This is correct.

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

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.

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 and will

contribute to the improved value of the neighborhood.

Questions/Comments from Members:

Vargas asked if the dimensions of the 5' 5" was a reflection of a survey. Boucher replied that it is a reflection of the current distance the house is from the property line.

Public Hearing Opened.

Chirpich noted that there were no online comments.

Motion by Vargas, seconded by Kaiser, to waive the reading of the draft Resolution No. 2024-012, there being ample copies available to the public and close the public hearing. All ayes. MOTION PASSED.

Motion by Wolfe, seconded by Sahnaw, to recommend that the City Council approve Resolution No. 2024-012, a Variance allowing a five foot, five inch, encroachment into the front yard setback of 1650 40th Avenue NE. All ayes. MOTION PASSED.

6. Review and Authorization of an Amendment to the 2040 Comprehensive Plan

Introduction: Boucher stated in late 2022, staff were informed that Medtronic intended to vacate their Columbia Heights campus located at 800 53rd Avenue NE. The property was listed for sale in December of 2022, and staff collaborated with the listing broker to provide guidance on potential parameters for redevelopment of the site. Currently, the entire 11.74-acre site is fully within the Shoreland Overlay District and zoned GB-General Business which allows for a variety of commercial uses but does not include provisions to allow residential development. Given the large size of the property and its desirable location, staff believe that a variety of uses could be considered at this location, including high-density residential. Despite the redevelopment potential for the site, there is no specific guidance in the City's Comprehensive Plan to direct a different use of the property. The current plan simply guides the site for commercial use under the assumption that Medtronic will remain the primary user.

Boucher mentioned following the listing of the property, staff received a handful of inquiries from redevelopers over the course of a few months. Staff advised interested developers that the City viewed the site as a prime prospect for redevelopment, but specific guidance for the site has not been developed at this time. Therefore, additional planning must be undertaken to start creating parameters for the potential rezoning/re-guiding of the site before redevelopment can occur. HKGi, who prepared the 2040 Comprehensive Plan, was contracted to develop a design framework and conduct engagement activities including evaluating the redevelopment site and the neighborhood context, facilitating meetings and workshops with staff, City Council and Planning Commission, and the neighborhood to establish redevelopment goals with a focus on land use and design elements.

Boucher explained initial work has included evaluating the redevelopment site and neighborhood context through internal staff meetings and workshops in the form of a Joint Session of the

Planning Commission and City Council on November 16, 2023. The Joint Session allowed for some consensus to be reached regarding the core land use and design elements that have been established thus far, these core elements include the following:

- Scale high density residential towards Central Avenue and lower density housing such as townhomes near Sullivan Lake
- Street designs that incorporate stormwater management features
- Integrate public/private spaces
- Focus on Sullivan Lake and expansion of Sullivan Lake Park as existing community assets • Improve Sullivan Lake water quality
- Targeted residential density of 450-600 units
- Limited commercial/retail development

Boucher stated these land use and design frameworks were refined into two concepts which were presented to the public at an Open House engagement event held on January 9, 2024. The event was extremely well attended and served as the beginning of a two-week online public engagement period from January 9th through January 24th where community members provided feedback on the concepts presented.

Boucher noted that HKGi has provided a summary report that documents the proposed changes to the 2040 Comprehensive Plan. The primary Changes that are proposed are as follows:

- Transit Oriented Development (TOD) land use text description
- Implementation chapter update to reflect the need for rezoning of the site
- Adding to the Opportunity areas with an Area 5 section describing the new site and changing the site's future land use designation from Commercial to TOD.
- Technical tables will be adjusted based on projections changing and forecasts for additional population and housing units:
 - Regional Setting
 - Socioeconomic (Household and Employment)
 - Sewer
 - Transportation Analysis Zones
 - Transportation demand

Boucher added that the amendment is now ready to be submitted to the Metropolitan Council for review and adoption. Prior to their acceptance of the plan, a resolution of the City Council approving the plan to be submitted, is required. The City's Zoning Code gives the Planning Commission authority to review and hold public hearings, and prepare recommendations to the City Council regarding any changes to the City's Comprehensive Plan. The Planning Commission must make a recommendation to the City Council on the draft amendment.

Questions/Comments from Members:

Vargas noted that it seemed weird that HKGi provided the same playbook as in Maple Grove but simply downsized it for the City.

Kaiser noted that it seemed like a reasonable update to the Comprehensive Plan in order to accommodate the redevelopment. He added that the Planning Commission is not approving all of the plans that were presented but would be allowing a way for the plans to be potentially possible.

Sahnaw noted that the Comprehensive Plan includes parameters around density, and number of housing. The Comprehensive Plan is a recommendation. He asked how the City would hold a developer to a certain density, housing type or specific amenities, such as park features. He added that the park features are outside of the property. Chirpich replied that through the redevelopment agreement, the City can demand a portion of land or an equivalent in cash. The City can keep developers accountable to the housing number of 25-65 +/- . He noted it would be a balance on what the City desires and what the developer needs. In the case of this development, it is expected that it would be rezoned into planned unit development. He explained that the zoning will be site specific and will have parameters included.

Vargas asked if the 11.74-acre site within the Shoreland Overlay District was a function of the DNR or something independent. Chirpich replied that it was a City Ordinance overlay baked into the City's Ordinance. It is derived from a lot of the DNR Shoreland standards.

Deneen asked if there has been any thought to ask the developers to provide a number of affordable units and how that was being addressed. Chirpich replied that the affordability ratio has not been built yet but should be during the negotiations between the City EDA and the developer. He explained that a mixed income approach is looking favorable at the time.

Public Hearing Opened.

Dirk Schmitz, City resident, stated that he was not against residential in the area. He noted that he would like to see more owner occupied townhouses, and condos. He asked that since the Comprehensive Plan has changed, what stops other developers from coming in and putting in more residential rental units. He asked if there was a ratio of private and rental ownerships for the City.

Gianoulis asked Staff to speak on traffic impacts. Chirpich replied that the traffic management plan would be more fully developed with a development proposal. He added that Staff would need to continue to work the Engineering team to ensure there is a convenient layout. While traffic will increase, Staff believe they will be able to manage it. It will go through a traffic management and traffic study plan.

Public Hearing Closed.

Motion by Deneen, seconded by Wolfe, to waive the reading of the draft Resolution No. 2024-013, there being ample copies available to the public and close the public hearing. All ayes. MOTION PASSED.

Motion by Vargas, seconded by Sahnaw, to recommend that the City Council approve Resolution No. 2024-013, authorizing the amendment to the 2040 Comprehensive Plan to be submitted to the

Metropolitan Council. All ayes. MOTION PASSED.

OTHER BUSINESS

7. Review Purchase of 675 37th Avenue NE

Chirpich stated pursuant to State Statute, Section 462.356, Subdivision 2, the Planning and Zoning Commission (the "Planning Commission") in and for the City is required to review and ultimately determine that the proposed acquisition of real property conforms to the Comprehensive Plan of the City. Therefore, staff has requested that the Planning Commission review the acquisition of 675 37th Avenue NE, Columbia Heights, MN 55421 (the "Subject Property") to determine if its acquisition conforms to the Comprehensive Plan of the City.

Chirpich noted that the City has a long-standing practice of acquiring vacant and blighted properties for strategic redevelopment purposes. Given the location of the subject property and its proximity to the City's Public Works facilities, the City desires to acquire the property for the potential future redevelopment of the Public Works campus. Therefore, the proposed acquisition of the Subject Property responds to several goals and policies adopted in the Comprehensive Plan. Specifically, in Chapter 3: Land Use. Below are the specific goals and policies from the Comprehensive Plan that directly and indirectly correlate to the conformity of the proposed acquisition.

LAND USE AND REDEVELOPMENT

Goal: Provide mechanisms for successful redevelopment of vacant lands and targeted areas within the community.

1. Encourage infill development that demonstrates compatibility with existing neighborhood characteristics in terms of quality, design, building height, placement, scale, and architectural quality.

Goal: Strengthen the identity and image of the community as a desirable place to live, work and play.

1. Enhance the physical appearance of the community through clean-up initiatives, redevelopment opportunities, and housing renovation programs.

Motion by Sahnou, seconded by Kaiser, to waive the reading of Resolution No. 2024-PZ01, there being ample copies available to the public. All ayes. MOTION PASSED.

Motion by Wolfe, seconded by Deneen, to adopt Resolution 2024-PZ01, a resolution finding that the acquisition of certain land for redevelopment purposes by the City of Columbia Heights is consistent with the City of Columbia Heights' Comprehensive Plan. All ayes. MOTION PASSED.

ADJOURNMENT

Motion by Wolfe, seconded by Vargas adjourned the meeting at 7:32 pm.

Respectfully submitted,

Andrew Boucher, City Planner



PLANNING COMMISSION

AGENDA SECTION	PUBLIC HEARINGS
MEETING DATE	MARCH 6, 2024

ITEM:	Minor Subdivision (Lot Line Adjustment) 334 and 344 40 th Avenue NE	
DEPARTMENT:	Community Development	BY/DATE: Aaron Chirpich – 03/01/24

CASE NUMBER: 2024-0301
DATE: March 1, 2024
TO: Columbia Heights Planning and Zoning Commission
APPLICANT: Michael Gondek
LOCATION: 334 and 344 40th Avenue NE
REQUEST: Minor Subdivision (Lot Line Adjustment)
PREPARED BY: Aaron Chirpich, Community Development Director/Assistant City Manager

INTRODUCTION

Michael Gondek, owner of Gondek Properties LLC, has requested approval of a Minor Subdivision, per City Code Section 9.104 (k), for abutting parcels of land located at 334 and 344 40th Avenue NE.

The subject sites are both zoned GB-General Business. 334 40th is occupied by a small two-tenant commercial building, and 344 40th, is occupied by a single-family home. The properties are located near commercial uses to the west, northwest, and southwest. To the north and east of the subject sites there are single-family homes.

The applicant is the owner of both properties, and they are requesting the lot line adjustment because some of the parking area for the commercial property at 334 40th is located on the single-family lot at 344 40th. This condition was created when the owner purchased the adjacent single-family home to provide more off-street parking for the commercial property. The proposed lot line adjustment will allow the commercial parking area to be fully located on the commercial parcel at 334 40th.

To be noted, the applicant is also proposing to establish a 35' X 16' driveway easement, and 20' X 20' parking easement on the commercial property (post lot line adjustment) that will be in favor of the single-family parcel. These easements will allow future users/owners of the single-family residential property access and parking on the commercial property. The single-family residential property also has parking to the rear of the site that is accessible from the alley to the south. Should the easement be vacated in the future, the single-family property will still have adequate parking on-site.

ISSUES AND ANALYSIS

Lot Requirements. In consideration of the minor subdivision application, a determination should be made that the newly created lots meet the minimum lot area and width requirements of the applicable GB-General Business zoning district. According to Section 9.110.C of the Zoning Ordinance, lots within GB Districts must have a minimum lot area of 6,000 square feet and a minimum width of 40 feet.

Presently, the west parcel (334 40th Avenue) measures approximately 12,910 square feet in size and has a width of 105 feet. As a result of the proposed lot line adjustment, the parcel would be increased to 15,230 square feet in size and increased in width to 132 feet on the north end of the parcel (along 40th Avenue).

Presently, the east parcel (344 40th Avenue), measures 8,610 square feet in size and has a width of 70 feet. As a result of the proposed lot line adjustment, the parcel would be decreased to 6,290 square feet in size and decreased in width to 43 feet on the north end of the parcel (along 40th Avenue).

Both proposed lots meet the minimum area and lot width requirements of the GB District.

Setbacks. The proposed lot line adjustment will result in a change to side yard structure setbacks. According to Section 9.110.C of the Zoning Ordinance, lots within the GB District do not have side yard setback requirements, as structures can be placed right up to the side yard property line.

As a result of the proposed lot line adjustment, part of the side yard structure setback for the commercial building on the west parcel will be increased from 1.3 feet to 28.3 feet while the side yard setback for the single-family home on the east parcel will be reduced from 35 feet to 8 feet. After the adjustment, both proposed lots will meet the minimum structure setback requirements of the GB District.

The minimum side-yard parking setback in the GB District is 5 feet. The proposed lot line adjustment will bring the existing commercial parking area fully onto the commercial lot. The side yard setback for the parking area after the adjustment will result in a compliant 5-foot setback.

Easements. The submitted survey does not illustrate any drainage and utility easements upon the subject properties. Thus, it is not necessary to vacate an easement along the shared side lot line. As previously mentioned, the applicant is also proposing to establish a 35' X 16' driveway easement, and 20' X 20' parking easement on the commercial property (post lot line adjustment) that will be in favor of the single-family parcel.

Recording. As a condition of minor subdivision approval, the applicant will be responsible for the filing the approved subdivision with the Anoka County Recorder's Office.

If the minor subdivision is not filed with the Anoka County recorder's Office within one year of the date of City Council approval, it will become invalid.

FINDINGS OF FACT

Section 9.104 (K) of the Zoning Code outlines specific conditions in order for the City Council to approve a minor subdivision. They are as follows:

- 1. *The proposed subdivision of land will not result in more than three lots.***

The proposed subdivision will result in two conforming lots.

- 2. *The proposed subdivision of land does not involve the vacation of existing easements.***

No vacation of existing easements will occur as a result of the minor subdivision.

- 3. *All lots to be created by the proposed subdivision conform to lot area and width requirements established for the zoning district in which the property is located.***

Both newly created lots will conform to the lot width and lot area requirements of the applicable GB-General Business zoning designation.

4. The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.

The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.

5. The property has not previously been divided through the minor subdivision provisions of this article.

The subject property has not previously been subdivided via a minor subdivision process.

6. The proposed subdivision does not hinder the conveyance of land.

The proposed subdivision will not hinder the conveyance of land.

7. The proposed subdivision does not hinder the making of assessments or the keeping of records related to assessments.

The proposed subdivision is not expected to hinder the making of assessments or the keeping of records related to assessments.

8. The proposed subdivision meets all the design standards specified in Section 9.115.

As a condition of minor subdivision approval, all applicable design standards of Section 9.115 of the Zoning ordinance must be satisfied.

RECOMMENDATION

Staff review finds that the proposed Minor Subdivision (lot line adjustment) application meets the requirements of the Zoning Ordinance. As a result, Staff recommends that the Planning Commission recommend approval of the proposed Minor Subdivision for the properties located at 334 and 344 40th Avenue NE, subject to certain conditions.

RECOMMENDED MOTION(S):
MOTION: Move to waive the reading of draft Resolution 2024-19, there being ample copies available to the public.
MOTION: Move that the Planning Commission recommends that the City Council approve draft Resolution 2024-19, approving a Minor Subdivision (lot line adjustment) for the properties located at 334 and 344 40 th Avenue NE, within the City of Columbia Heights, Minnesota, subject to certain conditions stated in the resolution.

ATTACHMENT(S):

- Draft Resolution 2024-19
- Application and Narrative
- Site Location Map
- Existing Conditions Survey
- Proposed Conditions Survey

DRAFT RESOLUTION NO. 2024-19

**RESOLUTION APPROVING A MINOR SUBDIVISION (LOT LINE ADJUSTMENT)
FOR THE PROPERTIES LOCATED AT 334 AND 344 40TH AVENUE NE (LOTS 10, 11, 12, 13, AND
14, BLOCK 68, COLUMBIA HEIGHTS ANNEX TO MINNEAPOLIS, ANOKA COUNTY),
WITHIN THE CITY OF COLUMBIA HEIGHTS, MINNESOTA**

WHEREAS, a proposal (Case #2024-0301) has been submitted by Michael Gondek to the City Council requesting Minor Subdivision approval from the City of Columbia Heights at the following sites:

ADDRESSES: 334 and 344 40th Avenue NE.

LEGAL DESCRIPTIONS: Lots 10, 11, 12, 13, and 14, Block 68, Columbia Heights Annex to Minneapolis, Anoka County, Minnesota.

THE APPLICANT SEEKS THE FOLLOWING: A Minor Subdivision for the properties located at 334 and 344 40th Avenue NE.

WHEREAS, the Planning and Zoning Commission has held a public hearing as required by the City Zoning Code on March 5, 2024; and

WHEREAS, the Planning and Zoning Commission has considered the advice and recommendations of the City Staff regarding the effect of the proposed Minor Subdivision 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; and

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Columbia Heights after reviewing the proposal, that the City Council accepts and adopts the following findings:

1. The proposed subdivision of land will not result in more than three lots.
2. The proposed subdivision of land does not involve the vacation of existing easements.
3. All lots to be created by the proposed subdivision conform to lot area and width requirements established for the zoning district in which the property is located.
4. The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.
5. The property has not previously been divided through the minor subdivision provisions of this article.
6. The proposed subdivision does not hinder the conveyance of land.
7. The proposed subdivision does not hinder the making of assessments or the keeping of records related to assessments.

8. The proposed subdivision meets all of the design standards specified in Section 9.115.

FURTHER, BE IT RESOLVED that the attached conditions, survey, and other information shall become part of this Minor Subdivision and approval; and in granting this Minor Subdivision the City and the applicant agree that this Minor Subdivision shall become null and void if the subdivision has not been filed with the Anoka County Recorder’s Office within one (1) calendar year after the approval date.

CONDITIONS ATTACHED:

The Planning Commission approves the Minor Subdivision for 334 and 344 40th Avenue NE (Lots 10, 11, 12, 13, and 14, Block 68, Columbia Heights Annex to Minneapolis, Anoka County, Minnesota). 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:

1. The applicant shall be responsible for filing the approved subdivision with the Anoka County Recorder’s Office. The approved minor subdivision shall become invalid if the subdivision is not filed with the Anoka County recorder’s Office within one year of the date of City Council approval.
2. The adjusted property line shall be marked with newly placed rebar pins that include stamped and numbered caps that identify the licensed surveyor responsible for placing the new boundary markers.

Passed this 11th day of March 2024

Offered by:

Seconded by:

Roll Call:

Attest:

Amáda Márquez Simula, Mayor

Sara Ion, City Clerk



COLUMBIA HEIGHTS

Community Development Department
590 40th Ave. NE. Columbia Heights, MN 55421
Phone: (763) 706-3670

MINOR SUBDIVISION (LOT SPLIT) APPLICATION ORDINANCE NO. 9.104 (K), 9.116 (C), 9.116 (D)

This application is subject to review and acceptance by the City. Applications will be processed only if all required items are submitted.

PROPERTY INFORMATION

Project Address/Location: 334 40th Ave E 344 40th Ave
Legal Description of property: COLUMBIA HEIGHTS ANNEX TO MAPS ANOKA Co
MN LOTS 12, 13, & 14 BLK 68 COL HTS ANNEX / COLUMBIA HEIGHTS ANNEX TO
MAPS ANOKA Co. MN LOTS 10 & 11
Present use of property: PARKING LOT BLK 68 COL HTS ANNEX
Proposed use of property: PARKING LOT
Does the proposed lot split create a buildable lot? Yes No

PROPERTY OWNER (As it appears on property title):

Company Name/Individual (please print): GONDEK PROPERTY LLC
Contact Person (please print): MICHAEL GONDEK
Mailing Address: 334 40th Ave Suite B
City: COLUMBIA HEIGHTS State: MN Zip: 55421
Daytime Phone: 612-770-0001 Cell Phone: _____
Email Address: MIKE GONDEK @ AOL.COM
Signature/Date: Michael Gondak 4-29-23

APPLICANT:

Company Name/Individual (please print): GONDEK PROPERTIES LLC
Contact Person (please print): MICHAEL GONDEK
Mailing Address: 334 - 40th Ave Suite B
City: COLUMBIA HEIGHTS State: MN Zip: 55421
Daytime Phone: 612-770-0001 Cell Phone: _____
Email Address: MIKE GONDEK @ AOL.COM
Signature/Date: Michael Gondak 4-29-23

To:
The City of Columbia Height
Community Development Department

From:
Michael Gondek
Gondek Properties LLC

1/4/2024

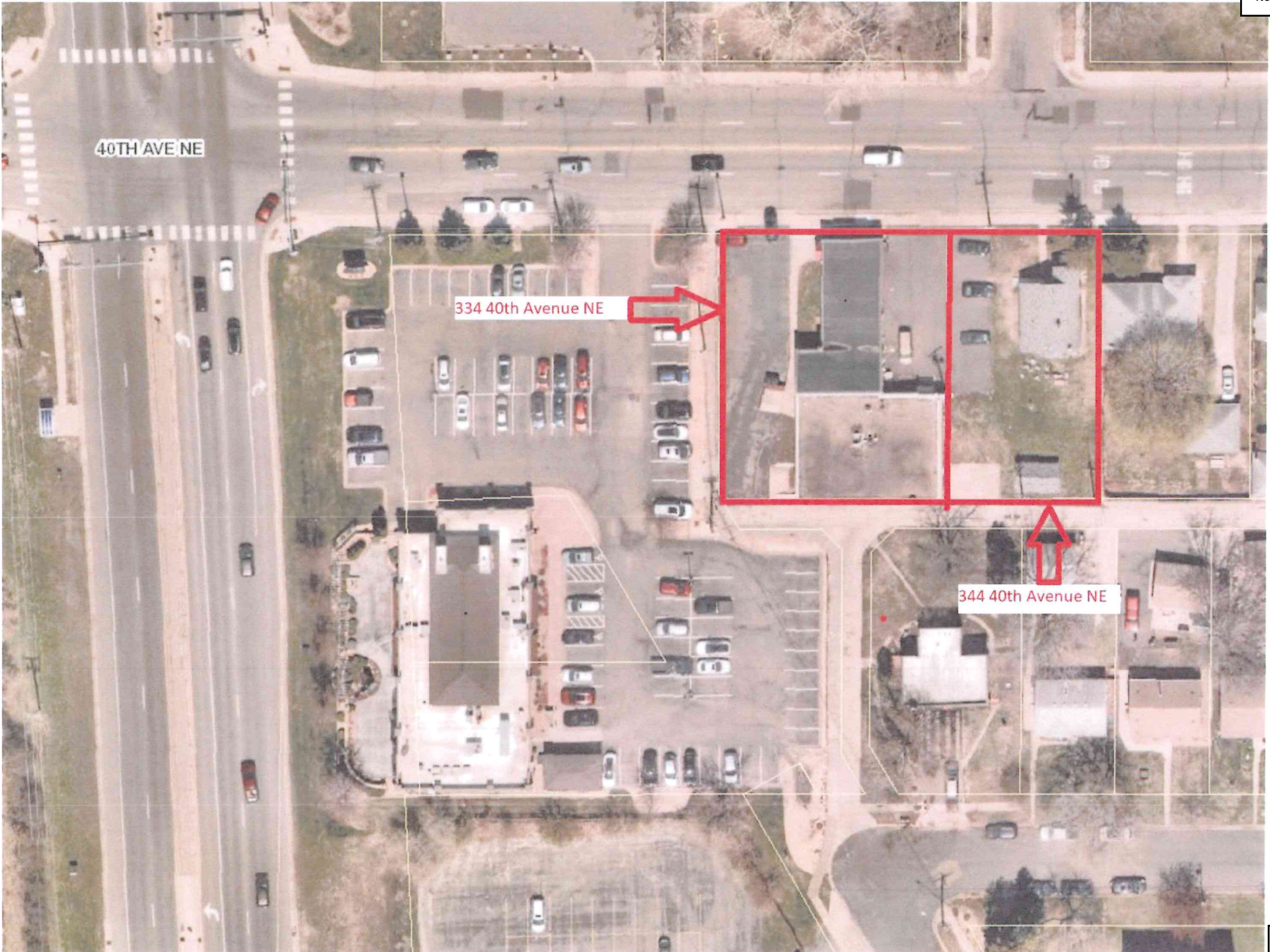
Back in the late 50's or early 60's my father John T Gondek purchase the Johnson Food Market building at 334 40th Ave to operate his Engineering and Manufacturing Company, Gondek Engineering. There was a car parking issues so my father later purchase the house next store at 344 40th Ave that became available to expand his parking lot on the west side of the 344 40th house property to enable to have employees and customers cars in his parking lot and not in the street on front of residential houses.

My father is no longer with us and now I am 81 and about to have heart surgery this spring and I want to straighten out the two property lines with legal descriptions so 334 40th Ave building will have the parking lot and remove the parking lot from the 344 40th Ave houses address.

The purpose of my request is to change the property lines making the parking lot used by the business at 334 40th Ave NE to include this as part of that property.

This will place the existing parking lot in free title to the business property that has used the parking lot the last 50 years.


Michael Gondek



CERTIFICATE OF SURVEY

FOR MICHAEL GONDEK

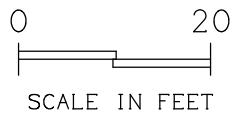
(MEASUREMENTS SHOWN IN FEET AND DECIMALS OF A FOOT)

DATE 1-18-2024

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

KURTH SURVEYING, INC.
4002 JEFFERSON ST. N.E.
COLUMBIA HEIGHTS, MN 55421
PHONE (763) 788-9769
E-MAIL: ksi@kurthsurveyinginc.com.

Russell J. Kurth, L.L.S. No. 16113
Randy L. Kurth, L.L.S. No. 20270

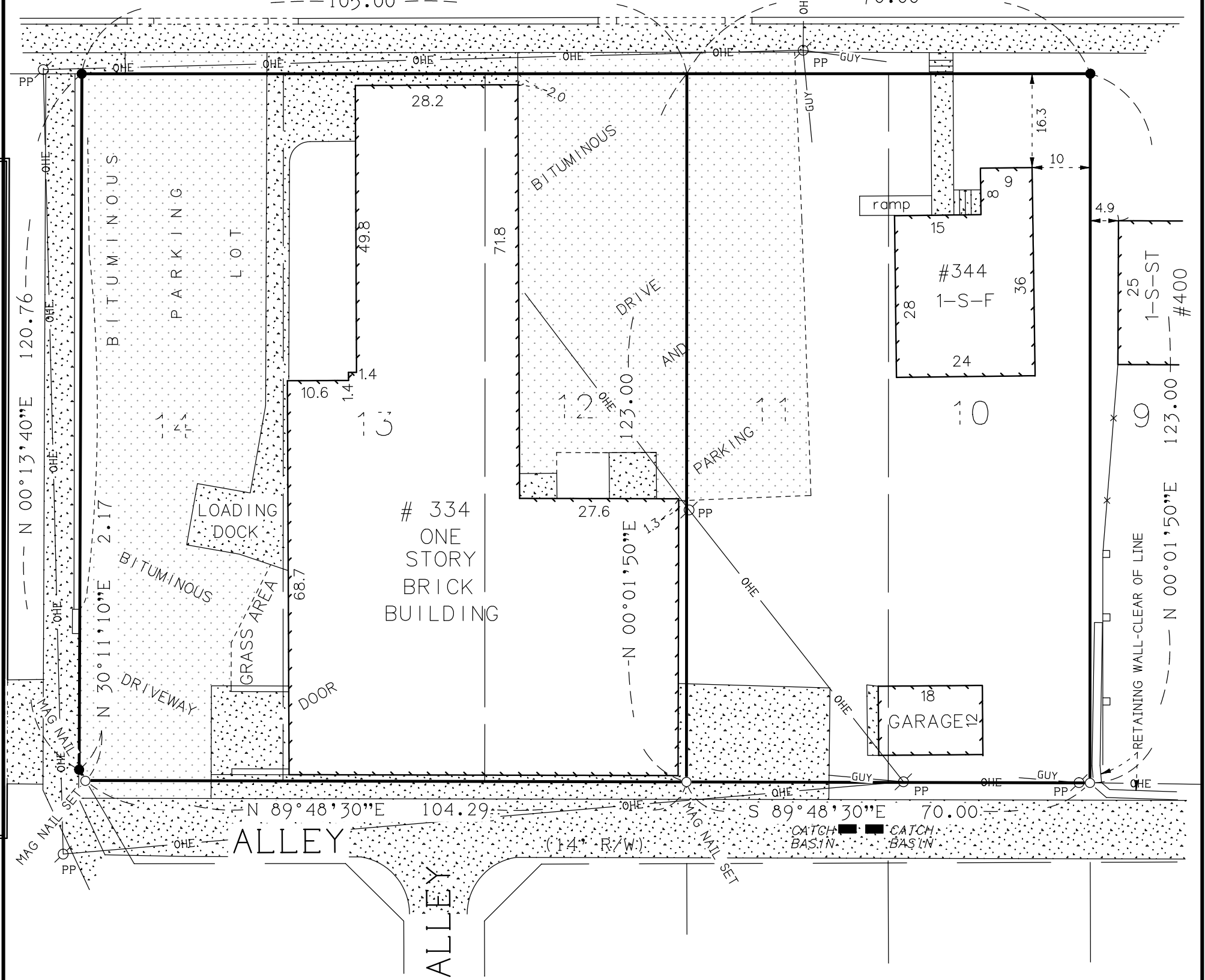


- = IRON PIPE MONUMENT SET
- = IRON PIPE MONUMENT FOUND
- ⊗ = SPIKE SET
- x— = CHAIN LINK FENCE (CLF)
- = WOOD PRIVACY FENCE (WPF)
- = POWER POLE-OVERHEAD LINES
- ▨ = CONCRETE SURFACE
- ▤ = BITUMINOUS SURFACE

40TH AVENUE N.E. (80' R/W)

N 89°51'33"E
---105.00---

N 89°51'33"E
---70.00---



EXISTING PROPERTY DESCRIPTION - #344-40TH AVENUE NE

Lot 10 and 11, Block 68, COLUMBIA HEIGHTS ANNEX TO MINNEAPOLIS, Anoka County, Minnesota.

EXISTING PROPERTY DESCRIPTION - 334-40TH AVE. NE.

Lots 11, 12, 13 and 14, Block 68, COLUMBIA HEIGHTS ANNEX TO MINNEAPOLIS, Anoka County, Minnesota.

EXISTING CONDITIONS

FOR MICHAEL GONDEK

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Russell J. Kurth, L.L.S. No. 16113
 Randy L. Kurth, L.L.S. No. 20270

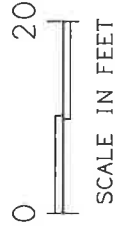
CERTIFICATE OF SURVEY

(MEASUREMENTS SHOWN IN FEET AND DECIMALS OF A FOOT)

DATE 12-12-2023

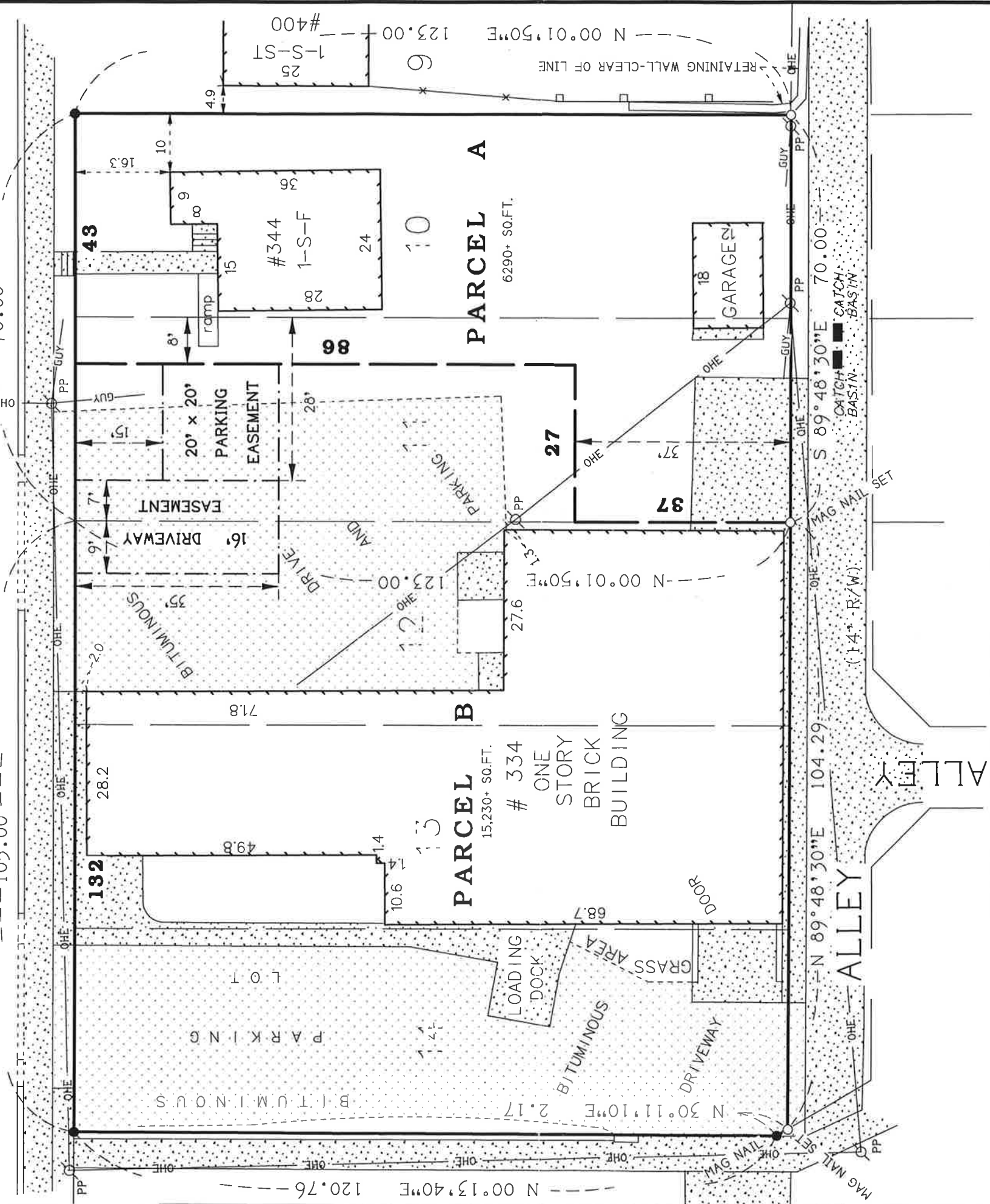
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40TH AVENUE N.E. (80' R/W)

N 89°51'33"E
 ---105.00---
 ---70.00---



PROPOSED PROPERTY DESCRIPTION - PARCEL A

Lot 10 and the west 8.0 feet of Lot 11 and the south 37.0 feet of all of Lot 11, Block 68, COLUMBIA HEIGHTS ANNEX TO MINNEAPOLIS, Anoka County, Minnesota.

Together with an easement for driveway purposes over the east 9.0 feet of the north 35.0 feet of Lot 12 and the west 7.0 feet of the north 35.0 feet of Lot 11 and also an easement for parking purposes over the west 20.0 feet of the east 28.0 feet of the south 20.0 feet of the north 35.0 feet of Lot 11, all in Block 68, COLUMBIA HEIGHTS ANNEX TO MINNEAPOLIS, Anoka County, Minnesota

PROPOSED PROPERTY DESCRIPTION - PARCEL B

That part of Lot 11 lying west of the east 8.0 feet and north of the south 37.0 feet and all of Lots 12, 13 and 14, Block 68, COLUMBIA HEIGHTS ANNEX TO MINNEAPOLIS, Anoka County, Minnesota.

Reserving and subject to an easement for driveway purposes over the east 9.0 feet of the north 35.0 feet of Lot 12 and the west 7.0 feet of the north 35.0 feet of Lot 11 and also an easement for parking purposes over the west 20.0 feet of the east 28.0 feet of the south 20.0 feet of the north 35.0 feet of Lot 11, all in Block 68, COLUMBIA HEIGHTS ANNEX TO MINNEAPOLIS, Anoka County, Minnesota

PROPOSED LOT LINE ADJUSTMENT

FOR MICHAEL GONDEK

CERTIFICATE OF SURVEY

(MEASUREMENTS SHOWN IN FEET AND DECIMALS OF A FOOT)

DATE 12-12-2023

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Russell J. Kurth, L.L.S. No. 16113
Randy L. Kurth, L.L.S. No. 20270

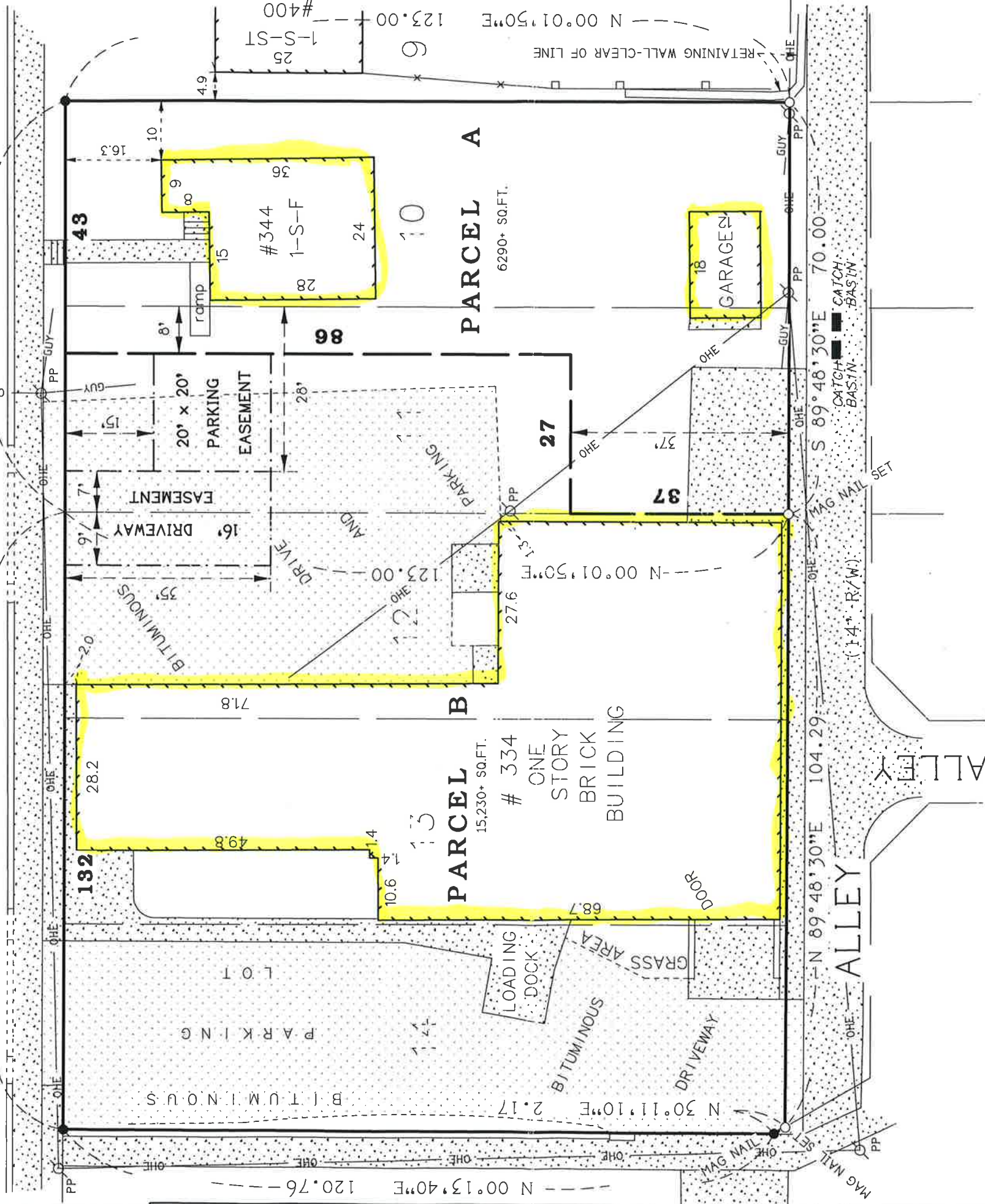
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