

**MINUTES
CITY OF COLUMBIA HEIGHTS
PLANNING COMMISSION MEETING
TUESDAY, APRIL 02, 2024
6:00 PM**

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

Boucher noted that there were two new Commissioners and asked that they would introduce themselves.

Paul Moses introduced himself and noted that he has lived in the City for over 11 years and works at Cummins Power Generation.

Ahmed Maamiri introduced himself and explained that he moved to the City last year and was previously living in Fridley. He explained that he is a business owner and would like to bring his perspective to the Commission.

CALL TO ORDER/ROLL CALL

Commissioners present: Eric Sahnou, Tom Kaiser, Laurel Deneen, Paul Moses, Ahmed Mamiri, and John Gianoulis

Commissioners absent: Clara Wolfe

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

Chirpich explained that since President Wolfe was absent, and Vargas was no longer on the Planning Commission, there would need to be a vote for a new Vice Chair. He reordered the agenda to first consider item 3.

3. Vote for New Chair and Vice Chair (Terms from April 2024 - March 2025).

Kaiser nominated Sahnou. Deneen seconded the nomination.

Motion by Kaiser, seconded by Deneen, to nominate Eric Sahnou as Vice Chair of the Planning Commission. All ayes. MOTION PASSED.

1. Oath of Office/Introductions (Three Commissioners; April 2024 - March 2027).

Sahnou noted that the new Commissioners had already signed the Oath of Office.

2. Overview of Boards and Commissions/Orientation.

APPROVAL OF MINUTES

4. Approval of February 6, 2024 Planning Commission Meeting Minutes

Motion by Kaiser, seconded by Gianoulis, to approve the minutes from the meeting of February 6, 2024. All ayes. MOTION PASSED.

PUBLIC HEARINGS

5. Minor Subdivision (Lot Line Adjustment) 334 and 344 40th Avenue NE

Introduction: Boucher explained that 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.

Boucher reviewed the 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 38 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.

Questions/Comments from Members:

Kaiser asked if the applicant intends to expand the parking lot of the commercial property and if that was part of the scope of work.

Boucher replied that it is not the applicant's intent and instead is trying to organize everything so that there would not be any nonconformities in case he would like to sell the commercial or the residential property in the future. There are no longer term plans for this.

Deneen asked if it was a rental property or if the owner lived in the home. Boucher replied that he believed that the owner lived in the home currently.

Sahnow noted that the nonconforming property in this case is the commercial property. Boucher explained that technically both properties were nonconforming.

Sahnow asked if the pavement from the parking lot was taken off of the residential property, would the commercial property would still have enough parking to meet the Ordinance for that commercial property. Boucher replied that he did not look into that and would have to come back with the answer.

Chirpich explained the history of the property and noted that it is incomplete but at some point the commercial property owner acquired the single property because he was getting parking. He added parking to the single family property without going through the motions of the lot line adjustment. A building permit is not needed for a driveway. Thankfully, the owner has the authority to make it right.

Sahnow noted while the revised lot line meets the zoning requirements for minimum lot sizes, it seems to reduce the viability of the property if the owner would like to sell it. If the asphalt was removed and the current lot line was kept from the residential property, it would maintain a wide property line. Boucher agreed and also noted that if the parking lot was not removed it would still be nonconforming and would have a barrier.

Kaiser asked if Chirpich replied that it is a functionally obsolete property and does not have a permit use itself and is legally nonconforming. The property was conforming at the time it was built. Boucher added that since it is legally nonconforming, the property owner would not be able to expand upon the use due to the zoning use not allowing it.

Moses asked if the recommendation was to move the lot line due to not enough parking spaces. Boucher replied it was due to parking setbacks. Moses asked if the proposal was to move the lot line to the residential property so that there would be enough of a setback. Boucher agreed.

Deneen asked if the bituminous on the back of parcel A was a driveway going into a garage. Boucher replied that it was asphalt and a driveway.

Public Hearing Opened.

There were no public comments.

Public Hearing Closed.

Motion by Gianoulis, seconded by Moses, to waive the reading of the draft Resolution 2024-19, there being ample copies available to the public. All ayes. MOTION PASSED.

Motion by Deneen, seconded by Sahnou, that the Planning Commission recommends to the City Council to approve 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. All ayes. MOTION PASSED.

OTHER BUSINESS

6. Review Purchase of 4416 Central Avenue NE

Introduction: Boucher 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 by the City's Economic Development Authority (EDA), conforms to the Comprehensive Plan of the City. Therefore, the EDA has requested that the Planning Commission review the acquisition of 4416 Central Avenue NE, Columbia Heights, MN 55421 (the "Subject Property") to determine if its acquisition conforms to the Comprehensive Plan of the City.

Boucher noted The EDA has a long-standing practice of acquiring blighted single-family homes to facilitate scattered site redevelopment, and 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. Enhance the image and viability of the Central Avenue corridor while protecting and enhancing adjacent residential areas.

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

Questions/Comments from Members:

Deneen asked what about the property would be considered blighted and how did it come to the attention of the City. Chirpich replied that it is not a blighted property or poor condition but is certainly functionally absent. He added that the City has a specific redevelopment program that targets properties such as the one being discussed. The property came to the attention of the City through the owner's family since the occupant had passed away and the property got transferred to the siblings. The new owners were aware of the City's initiative and contacted the City to make Staff aware of the property. He noted that the EDA has discussed that the depths of the lots are challenging on the corridor and it is a long term strategy of acquiring the properties to create deeper commercial lots. He added that it is likely that when the Comprehensive Plan is reviewed, Staff will identify blocks or areas that could be envisioned for larger redevelopment efforts.

Buesgens explained that two Council's ago, they voted to start to try to acquire the small houses on Central Avenue for redevelopment. There were 22 houses at the time and 3-5 homes have been acquired by the City since then.

Ahmed asked if the house was ever put up for public sale. Chirpich replied that it was not.

Deneen asked what the plan was for the lot and if they were going to decommission or demo the house. Chirpich replied that it will be a vacant lot and it is still being determined on how it will get to that point. Currently, the Fire Department is working on their training exercises. The EDA has engaged with Deconstruction Services Company and will continue to work with them to determine how much value can be extracted from some of the building materials.

Buesgens noted that one of the advantages on purchasing the house is that it gives the City leverage so that it gives the City some control if a developer comes in. Kaiser expressed his gratitude for being so proactive.

Deneen stated that she likes that the City is bringing in decommission agents because sustainability is important. Gianoulis agreed.

Moses asked if Staff had received any feedback from surrounding neighbors on what they thought about the lot. Chirpich replied that Staff have engaged with the nearby multifamily property to let them know that it was coming. He added that the process with the current home owner has been well received.

Motion by Kaiser, seconded by Gianoulis, to waive the reading of Resolution 2024-PZ02,, there being ample copies available to the public. All ayes. MOTION PASSED.

Motion by Moses, seconded by Deneen, to adopt Resolution 2024-PZ02, a resolution finding that

the acquisition of certain land for redevelopment purposes by the Columbia Heights Economic Development Authority is consistent with the City of Columbia Heights' Comprehensive Plan . All ayes. MOTION PASSED.

ADJOURNMENT

Motion by Gianoulis, seconded by Moses to adjourn the meeting at 6:45 pm. All ayes. MOTION PASSED.

Respectfully submitted,

Sarah LaVoie, Administrative Assistant