



Planning Commission Meeting

February 2, 2021 6:00 p.m.
Columbia Heights City Hall
590 40th Avenue NE
Columbia Heights, MN 55421

NOTICE THAT THIS MEETING MAY BE CONDUCTED BY A COMBINATION OF IN-PERSON AND ELECTRONIC MEANS

Following a determination by City Manager Kelli Bourgeois, and emergencies declared by the United States, The State of Minnesota, and the Columbia Heights Mayor & City Council, this meeting may, pursuant to Minn. Stat. § 13D.021, occur by a combination of in-person and electronic means. In all meeting formats whether solely in-person or a combination of in-person and electronic means, members of the public who wish to attend may do so by attending in-person or by calling 1-312-626-6799 and entering meeting ID: 894 3258 3713 and passcode: 080180 at the scheduled meeting time. If there are any questions about this notice or attending/calling in to the meeting, please contact the City Clerk at (763) 706-3611.

1. Call to Order and Roll Call

2. Approve Minutes

- a. Approval of January 5, 2021 Planning Commission meeting minutes.

3. Public Hearing

- a. Minor Subdivision, Lot Line Adjustment
Bryan Behun
1209 43rd Avenue NE

4. Other Business

- a. Review purchase of 1002 40th Avenue NE
- b. Review purchase of 960 40th Avenue NE
- c. Reminder: Planning Commission meeting Tuesday, March 2, 2021, 6:00 p.m.

7. Adjourn

**MINUTES OF
PLANNING COMMISSION
JANUARY 5, 2021
6:00 PM**

The meeting was called to order at 6:03 pm by Chair Fiorendino.

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

Also present were Aaron Chirpich (Community Development Director), Shelley Hanson (Secretary), and Bob Kirmis from NAC Consultants.

APPROVAL OF MINUTES

Motion by Hoium , seconded by Novitsky , to approve the minutes from the meeting of December 1, 2020. A Roll Call vote was taken of the members. All ayes. MOTION PASSED.

PUBLIC HEARINGS

CASE NUMBER:	2021-0101
APPLICANT:	JEFF ENGLER/MPLS SAW CO.
LOCATION:	831 40TH AVENUE NE
REQUEST:	SITE PLAN APPROVAL

Chirpich explained that Minneapolis Saw Company has submitted plans for a proposed building addition to the existing commercial structure. The expansion is needed to provide additional retail and shop space. The proposed addition is a single level L-shaped design of 1,814 square feet. Section 9.104 (N) of the Zoning Ordinance requires that all new plans for development other than one and two-family residences be reviewed and approved by the Planning Commission before issuing of a building permit.

Zoning Ordinance

The subject property is located in the Central Business District, as are the south and east properties. The properties located to the west and north are located in the R2B Zoning District. The use of the property is permitted under the Central Business District as retail sales. The property meets all applicable setbacks for the property under the Central Business District zone.

Comprehensive Plan

The Comprehensive Plan guides this area for commercial uses. The proposal for a building addition with commercial business intentions is consistent with the Comprehensive Plan's goals and intent. This project follows under the following goal of the Comprehensive Plan:

Goal: Promote the reinvestment of properties in commercial and industrial sectors.

Design Guidelines

The subject property is located within the Design Guideline Overlay District and is governed by the "Central Avenue, Central Business District" standards. The Design Guidelines intend to make the City more aesthetically appealing by requiring minimum standards for new construction along Central Avenue and 40th Avenue.

The building is proposed to have stucco walls that will match/blend with the existing structure walls in color in texture with a flat roof on the new addition; the applicant is proposing two windows on the south elevation of the building. The proposed addition will match the setback of the existing building. All the proposed changes above meet the design guidelines.

Parking

City Code does not require off-street parking in the Central Business District Zoning. However, the site is proposing two new parking spots on the eastern portion of the site providing a total of 19 on-site parking spots. The parking stalls east of the building take direct access via a public alley. This is a legal non-conforming condition that is grandfathered in and is acceptable to remain. All of the parking stalls meet the City dimensional standards.

The applicant noted that the top floor had two residential units which include a one bedroom unit and a two bedroom unit. The Central Business District does require that the applicant meet the residential parking standard which will require one parking stall per bedroom. This standard requires three parking spots. This is addressed as part of the total parking count.

Signs / Landscaping

There are no proposed changes to the landscaping or signage. The proposed addition meets the requirements as required by the Design Guidelines.

Outdoor Storage

During the site inspection of the property outdoor storage was seen around the existing garage and staff recommends the elimination of outdoor storage and that storage is limited to the existing garage and the new addition storage.

FINDINGS OF FACT

Section 9.104 (N) of the Zoning Ordinance outlines four findings of fact that must be met in order for the City to approve a Site Plan. They are as follows:

- a. The Site Plan conforms to all applicable requirements of this article.
The applicable Zoning Code requirements have been met.
- b. The Site Plan is consistent with the applicable provisions of the City's Comprehensive Plan.
The Comprehensive Plan guides this area for Commercial Use. The project is consistent with the City's goal to promote growth and reinvestment in the City's commercial properties.

- c. The Site Plan is consistent with any applicable area plan.
The use is a permitted use within the Central Business district. The building addition meets the zoning requirements and Design Guidelines.

- d. The Site Plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.
The use of the property is a permitted use within the Central Business District zoning. The proposed building addition enhances the building's function and appearance. The investment in the building addition adds value to the site and will not adversely impact adjoining properties.

RECOMMENDATION

Based on the findings of this report, Staff recommends that the Planning Commission approve the Site Plan for the proposed addition to the Minneapolis Saw Company located at 831 40th Ave NE, subject to certain conditions of approval.

Questions/Comments from members:

Hoiium noted the drive aisle between the garage and the corner of the building is 16 ft 10 in. he questioned whether that was enough space, especially for an emergency vehicle. Chirpich stated it is an unusual layout but a normal drive aisle is 12 feet. He told members that the Fire Dept. had reviewed the plan and they didn't have any concerns about it. He said the building and garage were accessible from various sides so this isn't an issue.

Vargas noted there is an overhang on the garage which lessens the distance and that the closest fire hydrant is at the NW corner of the site. Again, Chirpich stated that the Fire Dept did not have any issues about the plan.

Sahnaw asked if the addition would trigger the need to bring the property into full compliance since the parking/driveway is considered legal non-conforming at present. Chirpich explained that the non-conforming aspect cannot be expanded, however the parking/drive access is not being altered, so it is ok. He went on to state that the building itself is conforming, so the addition would be allowed.

Sahnaw then questioned the exterior finish on the 40th Avenue side of the addition. He noted that the proposal states that stucco or efface would be used, so the owner was asked which one they had decided to use. The owner and his architect stated they planned on using efface. Sahnaw stated that efface was not an approved exterior finish per the Design Guidelines for the front of the building along 40th Avenue. He told members that stucco or stone would have to be used instead. Sahnaw read the excerpt from the Design Guidelines that addresses this. Efface can be used on the rear of the building, just not on the front.

Fiorendino asked the owner and his architect to come to the podium. Dennis Fahedy, Architect, said it would be difficult to match the current brick/stone look, so that is why they had planned on using the efface material. However, he and the owner agreed that if there is an issue about using efface, they can use stucco instead.

Public Hearing Opened.

There was no one present to speak on this matter.

Public Hearing Closed.

Sahnaw wanted to add a 4th condition to the Site Plan Approval that would restrict the use of efface along the 40th Avenue side. The other members agreed.

Motion by Sahnaw , seconded by Schill , to waive the reading of Resolution No. 2021-PZ01, there being ample copies available to the public. Roll Call Vote was taken. All ayes. MOTION PASSED.

Motion by Hoiium , seconded by Kaiser , to approve a Site Plan for the proposed building addition to be located at 831 40th Ave NE, and subject to the following conditions:

- 1. The building shall meet all requirements found in the Fire Code and the Building Code.*
- 2. The Building and Site Plans adhere to the building and site plans dated 12/01/2020.*
- 3. The applicant will remove the outdoor storage and confine storage to the existing garage and the proposed building addition storage.*
- 4. Stucco, or any other approved exterior finish per the Design Guidelines, must be used for the exterior finish for the side facing 40th Avenue NE.*

*A Roll Call Vote was taken: All ayes
MOTION PASSED.*

RESOLUTION NO. 2021 – PZ01

A Resolution of the Planning Commission approving a Site Plan for the proposed addition to the Minneapolis Saw Company building located at 831 40th Avenue NE, Columbia Heights, MN 55421 (PIN 35-30-24-41-0031)

Whereas, a proposal (Case 2021-0101) has been submitted by the Minneapolis Saw Company to the Planning Commission, requesting Site Plan Review from the City of Columbia Heights at the following site:

LOCATION: 831 40th Avenue NE (35-30-24-41-0031)

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING: Site Plan Review for an addition to the Minneapolis Saw Company building located at 831 40th Ave NE, Columbia Heights, MN 55421

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

Whereas, the Planning Commission has considered the advice and recommendations of City staff regarding the effect of the proposed Site Plan 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, be it resolved, the Planning Commission of the City of Columbia Heights after reviewing the proposal, accepts and adopts the following findings:

1. The site plan conforms to all applicable requirements of this article.
2. The site plan is consistent with the applicable provisions of the City's Comprehensive Plan.
3. The site plan is consistent with any applicable area plan.
4. The site plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.

Further, be it resolved, that the attached conditions, maps, and other information shall become part of this approval; and in granting this approval the City and the applicant agree that this approval 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.

CONDITIONS:

1. The building shall meet all requirements found in the Fire Code and the Building Code.
2. The Building and Site Plans adhere to the building and site plans dated 12/01/2020.
3. The applicant will remove the outdoor storage and confine storage to the existing garage and the proposed building addition.
4. Stucco, or any other approved exterior finish per the Design Guidelines, must be used for the exterior finish for the side facing 40th Avenue NE.

Passed this 5th day of January, 2021

Offered by: Hoium

Seconded by: Kaiser

Roll Call: A Roll Call vote was taken

Ayes: All ayes

Abstain:

Rob Fiorendino, Chair

Shelley Hanson, Secretary

CASE NUMBER: 2021-0102
APPLICANT: AMRISH PATEL-ROCKY'S GYM
LOCATION: 700 40TH AVE
REQUEST: ZONING ORDINANCE AMENDMENT & CONDITIONAL USE PERMIT

Chirpich stated that Amrish Patel, on behalf of Rocky's Gym, has requested approval of a Zoning Ordinance Amendment and Conditional Use Permit to accommodate the establishment of a 24-hour "boutique gym" upon a 9,375 square foot site located at 700 40th Avenue between Monroe and Quincy Streets.

The applicant plans to convert an existing 3,510 square foot building located on the site (which is presently vacant) into a health/fitness club. In this regard, the use would occupy the entire building.

The site is bordered on the north by the Greater Life Church, on the south by Huset Park, on the east by a commercial use and on the west by a single-family residential home.

The site is presently zoned LB, Limited Business which presently does not make an allowance for health or fitness clubs. As a result, the approval of a Zoning Ordinance amendment to allow the use in the LB District (as a conditional use) must precede action on the requested conditional use permit approval. Chirpich told members that any change would be setting precedence for all LB zoned properties.

According to the applicant, the gym will focus on "one on one" training and small group classes with access to cardio and weight machines. Gym members will be able to access the gym via a key fob with 24-hour surveillance. The applicant also anticipates the offering of some unique fitness classes including yoga in the adjacent park.

The applicant expects a "higher end" clientele which relies on customer service rather than volume.

COMPREHENSIVE PLAN

The Comprehensive Plan guides the majority of the 40th Avenue corridor, which includes the subject site, for "transitional development." In this regard, the Plan states the following:

Development in this area will focus on strengthening the residential character of 40th Avenue and allow for opportunities of neighborhood retail/commercial activity (50% residential/50% commercial). Commercial/retail development will consist of a mix of neighborhood service-oriented development and varying densities of residential development. These uses will enhance the pedestrian scale and provide connection between the two commercial areas. Streetscaping and amenities will be used to provide a pedestrian focus and strengthen linkages between Central and University Avenues.

ZONING ORDINANCE AMENDMENT

The subject site is zoned LB, Limited Business. The purpose of the district is as follows:

To provide appropriate locations for limited retail sales and services for the convenience of adjacent residential neighborhoods. These areas are located along collector or arterial roadways in close proximity to residential neighborhoods, arranged and designed to be a functional and harmonious part of the neighborhood, and accessible by public sidewalks or trails as well as by roadways.

The applicant had originally requested a rezoning of the subject site to GB, General Business to accommodate the proposed health/fitness club. Recognizing that the 40th Avenue corridor includes numerous single family residential uses and that the City's Comprehensive Plan specifically directs only neighborhood service uses, concern exists that the allowance of all uses allowed in the GB, General Business District could result in the establishment of future uses which could create significant compatibility concerns (i.e., automobile repair, carwashes, taprooms etc.). Further concern relates to the establishment of a spot zoning district which is generally considered a poor planning practice.

To accommodate the proposed use, Staff recommends the processing of a Zoning Ordinance amendment which would allow health and fitness clubs of a limited size within the LB, Limited Business District as a conditional use. To align with the purpose of the LB District, it is specifically suggested that the following conditions be imposed as part of conditional use permit processing: (Chirpich reviewed all the conditions)

1. The health/fitness club shall exhibit a gross floor area no greater than 4,000 square feet.
2. The use shall be served by a minor collector or higher classification roadway.
3. To the extent practical, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.
4. An appropriate transition area shall be provided between the use and adjacent property by landscaping, screening or other site improvements consistent with the character of the neighborhood.
5. The parking supply requirements of Section 9.105.L(10) shall be satisfied via off-street parking or a combination of off-street parking and off-site parking. Off-site parking shall be located no more than 400 feet from the main entrance of the use being served.
6. The City Council may establish limited business hours as a means of ensuring compatibility with surrounding uses.

A draft Zoning Ordinance amendment which would make an allowance for health/fitness clubs as a conditional use in the City's LB, Limited Business District was included in the agenda packet..

Chirpich again stated that approval of the Zoning Ordinance amendment should precede action on the conditional use permit as approval of the amendment establishes the mechanism necessary to accommodate the proposed use.

Questions/comments from members:

Fiorendino stated that right now this use is not allowed in the LB district. The City would need to approve this amendment in order to allow it.

Hoium stated that community centers, recreational centers, and brew pubs are already approved uses, so he doesn't see any problem approving this.

Chirpich said it is already an approved use in other zoning districts, but not in this one. The LB district is geared toward retail, office use, and service businesses.

Vargas stated he thinks this would be updating an old obsolete ordinance. He said times have changed and he considers this a service business which is what we want in this zoning district.

Kaiser asked if Chirpich had any insight as to why this wasn't included in the LB District before. Chirpich said he didn't know as the code was written before he started working for the City. Chirpich felt this type of business would be compatible and doesn't see it as a nuisance. He said the biggest issue is the parking requirements, but he noted it is near the ramp and two churches so a joint agreement could be made to use their parking lots.

Fiorendino asked the other members if anyone objected to this type of use.

Schill wanted clarification—Are we changing the zoning to General Business so it is a permitted use or are we making an amendment to allow this use in a Limited Business District. Chirpich responded that this is allowing Fitness Clubs into the LB classification with a CUP. Spot zoning would not be recommended.

Fiorendino stated that by approving the amendment that would require a CUP in order to operate in an LB zoned property, each future request would be handled on a case by case basis. It does not become a "permitted use".

The general consensus was they agreed to the amendment.

CONDITIONAL USE PERMIT

1. Access

Primary access to the site is proposed from the north via 40th Avenue. A secondary access from the south via an existing alley is also proposed.

To be noted is that the proposed access from 40th Avenue is a one-way route, a result of angled parking stalls which are proposed along the western boundary of the site. Thus, business patrons will need to exit the site via the alley to the south.

2. Off-Street Parking

Parking Supply. The submitted site plan illustrates a total of 14 off-street parking stalls. The Zoning Ordinance does not include a specific off-street parking supply requirement for health/fitness clubs. Rather, the Ordinance states that supply requirements are to be determined by Staff. So NAC Consultants did an analysis and according to a reference document entitled *Parking Generation* by the Institute of Transportation Engineers, a parking supply ratio of 5.9 spaces for each 1,000 gross square feet of floor area is recommended. Using this standard, a total of 21 spaces would be required of the proposed gym (5.9 x 3.51 gsf = 20.7 spaces). In this regard, a parking supply deficit of 7 spaces exists.

While plans exist to improve 40th Avenue and provide on-street parking opportunities at a future point, no off-street parking spaces presently exist adjacent to the subject site.

To address the parking supply deficit issue, it is recommended that the applicant demonstrate an ability to provide 21 off-street parking stalls should the need arise (as proof of parking). The Zoning Ordinance makes an allowance for off-site parking for commercial uses provided such parking area is located no more than 400 feet from the main entrance of the use being served. In this regard, it is recommended that the applicant pursue an off-site parking agreement with the Greater Life Church located directly north of the subject site. The City would require a written agreement be filed with Anoka County in order to memorialize it.

Parking Area Setbacks. Within LB zoning districts, the following parking area setbacks are imposed:

Front Yard:	12 feet
Side Yard:	5 feet
Rear Yard	5 feet

Existing parking areas upon the subject site extend to all lot lines. In this regard, the existing parking area is considered a legally non-conforming condition as it fails to meet the City's current parking area setback requirements. Staff made some adjustments to the owner's proposal so that vehicles would enter off 40th Avenue and park diagonally toward the building and then exit to the alley. This would eliminate less headlight glare on the residential property to the west if parking were allowed facing the fence.

Parking Stall Dimensions. According to the Ordinance, parking stalls must measure not less than 9' x 20' in size. While the proposed parking stalls illustrate the proper 9-foot width, they are shown to measure only 18 feet in depth. In this regard, the illustrated stall depths should be increased to 20 feet. To be recognized is that with such change, a drive aisle width of only 12 feet will remain. While functional for smaller and mid-size vehicles, such dimensions are expected to be problematic for larger vehicles such as full-size pick-up trucks.

Disabled Parking. According to the American Disability Act, one accessible parking space must be provided for parking facilities having 1 to 25 stalls. Therefore, as a condition of site plan approval, it is recommended that one off-street parking space be provided and so designated for use by disabled persons.

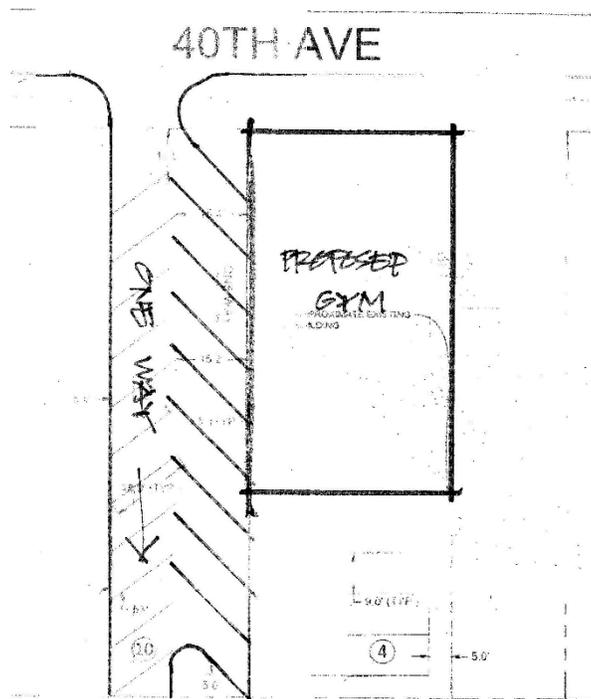
3. Business Hours

As previously indicated, the subject site is bordered on the west by a single-family home. Recognizing that the applicant has proposed a 24-hour business operation, concern exists that nighttime activities could negatively impact the adjacent single family residential use. Of specific concern is headlight glare and vehicle noise. etc. In this regard, the Planning Commission should provide specific recommendation related to the acceptability of the proposed 24-hour business operation and the need to limit business hours. Chirpich told members he had received feedback from two parties opposing the proposal. One was included in the agenda packet and he read the other one to the members.

4. Landscaping / Screening

No new landscaping has been proposed upon this subject site. Considering that the entire site is hard-surfaced, landscaping opportunities are extremely limited.

Presently, a fence exists along with west property line of the site to screen commercial activities from the neighboring residential use. If the City determines that the proposed 24-hour business operation is acceptable, it is suggested that steps be taken to minimize impacts. In this regard, consideration should be given to relocating the proposed angled parking stalls along the west façade of the building in a manner similar to that illustrated below such that the parking area drive aisle is located along the west property line and vehicle headlights face east (rather than west).



5. Design Guidelines

The subject site lies within the 40th Avenue Design District of the City's Design Guidelines. Considering that the applicant intends to utilize an existing building with no physical exterior modifications, most of the design recommendations of the Design Guidelines are not considered applicable.

Primary changes to the exterior are considered cosmetic in nature. In this regard, the following changes are proposed:

- Exterior color change to black
- New wall signage
- A mural on the west façade of the building

To be noted is that the Design Guidelines do provide recommendations related to building color. In this regard, the Design Guides state the following:

Building colors should accent, blend with, or complement surroundings. Principal building colors should consist of subtle, neutral or muted colors with low reflectance (e.g., browns, grays, tans, dark or muted greens, blues and reds). “Warmtoned” colors are encouraged because of their year-round appeal. No more than two principal colors may be used on a façade or individual storefront. Bright or primary colors should be used only as accents, occupying a maximum of 15 percent of building facades, except when used in a mural or other public art.

As indicated above, the Design Guidelines suggest subtle, neutral or muted colors with low reflectance (e.g., browns, grays, tans, dark or muted greens, blues and reds). Further, the Guidelines make an allowance for building murals such as that proposed by the applicant.

It is the opinion of Staff that the proposed building color (black) is “warm-toned” as referenced in the Design Guidelines.

FINDINGS OF FACT

Section 9.104 (H) of the Zoning Ordinance outlines certain findings of fact that must be met in order for the City to approve a conditional use permit. They are as follows:

(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.

Upon approval of the Zoning Ordinance amendment, the proposed use shall be considered a permitted conditional use in the LB, Limited Business District.

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

With conditions imposed to endure compatibility, the use will be in harmony with the purpose of the Comprehensive Plan.

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

With conditions imposed to ensure compatibility, the use will not impose hazards or disturbing influences on neighboring properties.

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

The use will not substantially diminish the use of 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.**

The use will be 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.**

The use and property upon which the use is located is 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.**

Traffic generated by the proposed use is within the capabilities of 40th Avenue which serves the subject property.

- (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.**

The use will not have a negative cumulative effect upon uses in the immediate vicinity.

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

As a condition of conditional use permit approval, the use must comply with applicable Zoning Ordinance regulations.

RECOMMENDATION

Staff recommends that the Planning Commission recommend the following to the City Council:

- A. Approval of a Zoning Ordinance amendment which makes an allowance for health/fitness clubs which do not exceed 4,000 square feet in size (gross floor area) as a conditional use in the City's LB, Limited Business District.
- B. Approval of the Conditional Use Permit for property at 700 40th Avenue (PID 35-30-24-41-0147) subject to certain conditions.

Questions/comments from members:

Fiorendino asked if the signage depicted on the drawing was the appropriate size. He said he thought it looked large. Chirpich said the signage had not been analyzed yet, nor have any plans been submitted. He said staff would make sure the signage is compliant if this moves forward.

Hoium noted that the curb cut off 40th Avenue shown on the picture of the site would interfere with the staff's proposed parking plan along the side of the building. Chirpich stated staff would take another look at that and a couple of the parking spaces may have to be moved back. Hoium said that most of the customers would probably use the street parking along 40th Avenue which could be a problem for the residences to the west. Novitsky also was concerned this may be a problem. Chirpich stated this is the primary problem for the LB District. He was asked whether a sign could be installed designating the street as residential parking only. Chirpich stated that would be something that would need to be addressed by Anoka County and the Traffic Commission.

Chirpich stated that the curb cut can't be changed since this is on a County Road. He also said that changes are planned for 40th Avenue to make it more pedestrian friendly which may restrict on street parking.

Fiorendino asked if we can require a condition that they put up a sign directing customers to park in the rear.

Sahnow favors staff's parking plan and suggested a change to the rear parking. He also thinks the fence on the west side needs replacing. He said it could possibly be more opaque and sturdy. He asked if we could make it a condition to replace it. There was a discussion regarding this since the fence possibly belongs to the homeowner to the west.

Fiorendino asked the other members if they had any issue with the business being open 24 hours. Novitsky thought the hours should be restricted-not open all night since it is next to residential area. Fiorendino agreed with that. Kaiser also agreed it should be restricted and close by midnight. He said this district is all about compromise of blending businesses and residential use and this provides that. Sahnow and Schill also agreed with this concept.

Hoium didn't see a reason to restrict the hours. He didn't feel many would access the facility during the middle of the night anyways. Vargas agreed with Hoium.

Amrish and Jeri Patel (3721 2 ½ St) are the applicants. They responded to the members main concern regarding parking. They expect that nearby residents will walk or bike to the facility. They are willing to put up signs telling customers where they can park. The Patel's said they spoke to church representatives and will get an agreement in place. They are somewhat flexible with the 24 hours of operation request. He explained there probably wouldn't be many that use the facility late at night. Mr Patel said they wouldn't staff the facility at night—that members would use their key fob for access and that security cameras would be in place. Mr Patel told members that he has not talked to the neighbor yet, but he is willing to do so and to replace the fence if the neighbor would be ok with that. He said he can't see that noise would be an issue as most people use their own headphones while working out so no loud music would be played. He said if issues arise being open 24 hours, they could adjust that. Mr Patel asked if there are other gyms that are open 24 hours in Columbia Heights. Chirpich said yes, but they are in different zoning districts. Fiorendino told the Patels that if they object to the restricted hours, they should go to the City Council and make their case as they have the final say in this matter.

Chirpich explained it is hard to come back and impose conditions on a CUP after it has been approved. He told members the hours of operation have to be decided now, that we can't change that later.

Vargas asked if we could add a condition that the CUP would be revoked if the Police are called for a specified number of calls. Chirpich said that may be difficult to enforce.

Sahnow wants to add a condition to upgrade the fence. Kaiser asked how we can do this as we shouldn't force the residential neighbor to upgrade the fence if it is theirs.

The consultant Planner, Bob Kirmis , stated it can be documented as a condition in a general manner that they try to work together to make an improvement to the fence if both parties agree. This way it is documented that the commission was concerned this may be an issue and that the subject was discussed.

Public Hearing Opened.

No one was present to speak further on this matter.

Public Hearing Closed.

Motion by Hoium , seconded by Kaiser , to waive the reading of Ordinance No. 1663, there being ample copies available to the public. Roll Call vote was taken. All ayes. MOTION PASSED.

Motion by Hoium , seconded by Schill , to recommend that the City Council approve Ordinance No. 1663, as presented. Roll Call Vote was taken.

Ayes- All ayes

Nays-

MOTION PASSED.

This will go to the City Council for the first reading January 11th.

ORDINANCE NO. 1663

AN ORDINANCE AMENDING CHAPTER 9.110 OF THE CITY CODE OF 2001 TO ESTABLISH HEALTH/FITNESS CLUBS NOT EXCEEDING 4,000 SQUARE FEET IN AREA AS A CONDITIONAL USE IN THE CITY'S LB, LIMITED BUSINESS ZONING DISTRICT

The City of Columbia Heights does ordain:

Section 1

9.110 (D)(3) of the City Code of 2001 is hereby amended to read as follows, to wit:

(2) *Conditional uses.* Except as specifically limited herein, the following uses may be allowed in the LB, Limited Business District, subject to the regulations set forth for conditional uses in § [9.104](#), Administration and Enforcement, and the regulations for specific uses set forth in § [9.107](#), Specific Development Standards:

- (a) School, vocational or business.
- (b) School, performing/visual/martial arts.
- (c) Licensed day care facility, child or adult.
- (d) Government maintenance facility.
- (e) State licensed residential care facility.
- (f) Congregate living facility, including rooming houses, group living quarters, nursing homes, senior housing, assisted living facility, traditional housing and emergency housing.
- (g) Bed and breakfast home, when accessory to a single-family dwelling.
- (h) Community center.
- (i) Recreational facility, indoor.
- (j) Recreational facility, outdoor.
- (k) Single-family dwelling, when accessory to a commercial use.
- (l) Food service, limited (coffee shop/deli).
- (m) Hospital.
- (n) Museum/gallery.
- (o) Retail sales, not exceeding 2,500 square feet in area.
- (p) Hotel or motel.
- (q) Fences greater than six feet in height.
- (r) Brewer taproom, not exceeding 2,000 barrels of malt liquor a year.
- (s) Brew pub, not exceeding 2,000 barrels of malt liquor a year.
- (t) Health/fitness clubs, not exceeding 4,000 gross square feet in area.

Section 2

9.107 of the City Code of 2001 (Specific Development Standards) is hereby amended to add the following, to wit:

Health/fitness clubs in LB, Limited Business Districts.

- (a) The health/fitness club shall not exceed 4,000 gross square feet in area.
- (b) The use shall be served by a minor collector or higher classification roadway.
- (c) To the extent practical, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.

- (d) An appropriate transition area shall be provided between the use and adjacent property by landscaping, screening or other site improvements consistent with the character of the neighborhood.
- (e) The parking supply requirements of Section 9.105.L(10) shall be satisfied via off-street parking or a combination of off-street parking and off-site parking. Off-site parking shall be located no more than 400 feet from the main entrance of the use being served.
- (f) The City Council may establish limited business hours as a means of ensuring compatibility with surrounding uses.

Section 3

9.107 of the City Code of 2001 (Specific Development Standards) is hereby amended such that the “health/fitness clubs” conditional use referenced in Section 2 above is inserted into the Section in alphabetical order.

Motion by Hoium , seconded by Kaiser , to waive the reading of Resolution 2021-XX, there being ample copies available to the public. Roll call vote was taken. All Ayes. MOTION PASSED.

Motion by Kaiser , seconded by Vargas , to recommend that the City Council approve Resolution 2021-XX, a resolution approving the conditional use permit as presented, subject to the following 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 Midnight.*
- 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 provided and so 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 be 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 pm and 6:00 am.*
- 10. All exterior lighting shall be downcast with a shielded light source as not to adversely impact neighboring residential properties.*

11. *All new site signage shall be subject to 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.*

A Roll Call vote was taken.

Ayes- All ayes.

Nays-

The following Resolution will go before the City Council at the January 11th meeting.

RESOLUTION NO. 2021-XX

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 Midnight.
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 provided and so 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 be 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 pm and 6:00 am.
10. All exterior lighting shall be downcast with a shielded light source as not to adversely impact neighboring residential properties.
11. All new site signage shall be subject to 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.

OTHER BUSINESS

The next scheduled meeting is Tuesday, February 2, 2021 at 6 pm. Chirpich told members there is one case for a minor subdivision that will be considered at this meeting.

The meeting was adjourned at 7:32 pm.

Respectfully submitted,

Shelley Hanson
Secretary



**CITY OF COLUMBIA HEIGHTS
PLANNING AND ZONING COMMISSION
PLANNING REPORT**

CASE NUMBER: 2021-0201
DATE: February 2, 2021
TO: Columbia Heights Planning and Zoning Commission
APPLICANT: Bryan Behun (on behalf of the Behun Living Trust)
LOCATION: 1209 43rd Avenue NE
REQUEST: Minor Subdivision (Lot Line Adjustment)
PREPARED BY: Bob Kirmis, Consultant City Planner

INTRODUCTION

Bryan Behun, of behalf of the Behun Living Trust, has requested approval of a Minor Subdivision, per City Code Section 9.104 (k), for property located at 1209 43rd Avenue NE.

The subject site is zoned R-2A, One and Two Family Residential and is surrounded on all sides by similarly zoned properties.

The subject property (1209 43rd Avenue NE) overlays two abutting parcels of land, both of which are owned by the applicant. The east parcel (PID 36-30-24-21-0123) measures 11,250 square feet in size and is presently occupied by a single-family home. The property is identified as Parcel A on the received certificate of survey.

The west parcel (PID 36-30-24-21-0122) measures 10,800 square feet in size and is presently vacant. The property is identified as Parcel B of the received certificate of survey.

The applicant wishes to split a nine-foot-wide portion of Parcel B and add the split portion (1,305 square feet) to the abutting Parcel A to the east.

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 R-2A zoning district.

Within R-2A Districts, a minimum lot area of 6,500 square feet is required. As a result of the proposed lot line adjustment, Parcel B will be reduced in size from 10,800 square feet to 9,135 square feet. Conversely, Parcel B will be increased in size from 11,250 square feet to 12,180

square feet. In this regard, both lots meet the minimum lot area requirements of the R-2A zoning district.

According to Section 9.109.C of the Zoning Ordinance, lots within R-2A Districts must have a minimum width of 60 feet. As shown on the submitted survey, Parcel A is proposed to be increased in width from 75 feet to 84 feet while Parcel B is proposed to be reduced in width from 72 feet to 63 feet. Both proposed lots meet the minimum lot width requirements of the R-2A District.

Driveway Setback. As shown on the existing conditions survey, a driveway which serves the existing home on Parcel A, overlays the shared lot line between the two parcels. Specifically, a six-foot driveway encroachment exists upon Parcel B which is typically an undesirable condition.

As a result of the proposed lot line adjustment, the existing driveway encroachment will be eliminated. According to the proposed subdivision survey, a three-foot driveway setback is proposed along the shared side lot line which meets the minimum parking area setback requirements imposed in the R-2A zoning district. In this regard, the proposed lot line adjustment is considered positive in that it will serve to rectify an existing nonconforming setback condition.

Easements. The proposed subdivision survey calls for the creation of a 5-foot-wide drainage and utility easement along the north property lines of Parcels A and B.

As a condition of minor subdivision approval, proposed easements and/or right-of-way dedication should be subject to review and approval by the City Engineer.

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 R-2A 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 of 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 and Zoning Commission recommend approval of the proposed Minor Subdivision for the property located at 1209 43rd Avenue NE subject to certain conditions.

Motion: Move to waive the reading of Resolution No. 2021-XX, there being ample copies available to the public.

Motion: Move that the Planning and Zoning Commission recommends that the City Council

approve the Minor Subdivision of the property located at 1209 43rd Avenue NE., 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. Proposed easements and/or right-of-way dedication shall be subject to review and approval by the City Engineer.
2. The applicant shall be responsible for the 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.

ATTACHMENTS:

Resolution No. 2021-XX

Application

Location Map

Existing Conditions Survey dated December 10, 2020

Proposed Subdivision Survey dated December 17, 2020

O & E Report

RESOLUTION NO. 2021-XX

**RESOLUTION APPROVING A MINOR SUBDIVISION
(LOT LINE ADJUSTMENT) FOR 1209 43rd AVENUE NE**

WHEREAS, a proposal (Case #2021-0201) has been submitted by Bryan Behun (on behalf of the Behun Living Trust) to the City Council requesting Minor Subdivision approval from the City of Columbia Heights at the following site:

ADDRESS: 1209 43rd Avenue NE.

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING: A Minor Subdivision for the property located at 1209 43rd Avenue NE.

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on February 2, 2021; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission 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, 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 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 1209 43rd Avenue NE. 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. Proposed easements and/or right-of-way dedications shall be subject to review and approval by the City Engineer.
2. The applicant shall be responsible for the 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.

Passed this 8th day of February, 2021.

Offered by:

Seconded by:

Roll Call:

Attest:

Mayor, Amáda Márquez Simula

Nicole Tingley, 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: 1209 43rd Ave NE and xxx 43rd Ave NE
Legal Description of property: Lengthy
PID # 1 36-30-24-21-0123 - Current House
PID # 2 36-30-24-21-0122 - Lot
Present use of property: 1209 43rd Ave - Single Family Home
Proposed use of property: xxx 43rd Ave - Buildable 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): Behun Living Trust
Contact Person (please print): Bryan Behun
Mailing Address: 1930 Ivy Lane
City: White Bear Lake State: MN Zip: 55110
Daytime Phone: N/A Cell Phone: 651-335-8590
Email Address: BryanandCathy@comcast.net

Signature/Date: Bryan Behun 01/04/2021
1/4/2021 3:21:21 PM CST

APPLICANT:

Company Name/Individual (please print): Same as Owner
Contact Person (please print): _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Daytime Phone: _____ Cell Phone: _____
Email Address: _____

Signature/Date: _____

COLUMBIA HEIGHTS

REASON FOR REQUEST *(please attach a written narrative that describes how the proposed subdivision will be comparable to those lots already existing in the immediate neighborhood. There are some platted residential lots within the City that are different than the current standards. In reviewing requests for approval of lot splits in such areas, the City is particularly interested in determining that the lots to be created will be consistent with the character of the surrounding area.*

FOR OFFICE USE ONLY

CASE NO: _____

APPLICATION REC'D BY: _____

DATE APPLICATION REC'D: _____

\$275.00 APPLICATION FEE REC'D: _____

RECEIPT NUMBER: _____

Approved by Planning & Zoning Commission on _____

Approved by City Council on _____



FOR DELORES BEHUN

CERTIFICATE OF SURVEY

(MEASUREMENTS SHOWN IN FEET AND DECIMALS OF A FOOT)

DATE 12-10-2020

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. NE.
COLUMBIA HEIGHTS, MN 55421
PHONE (763) 788-9789 FAX (763) 788-7602
E-MAIL: ksi@kurthsurveyinginc.com.

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

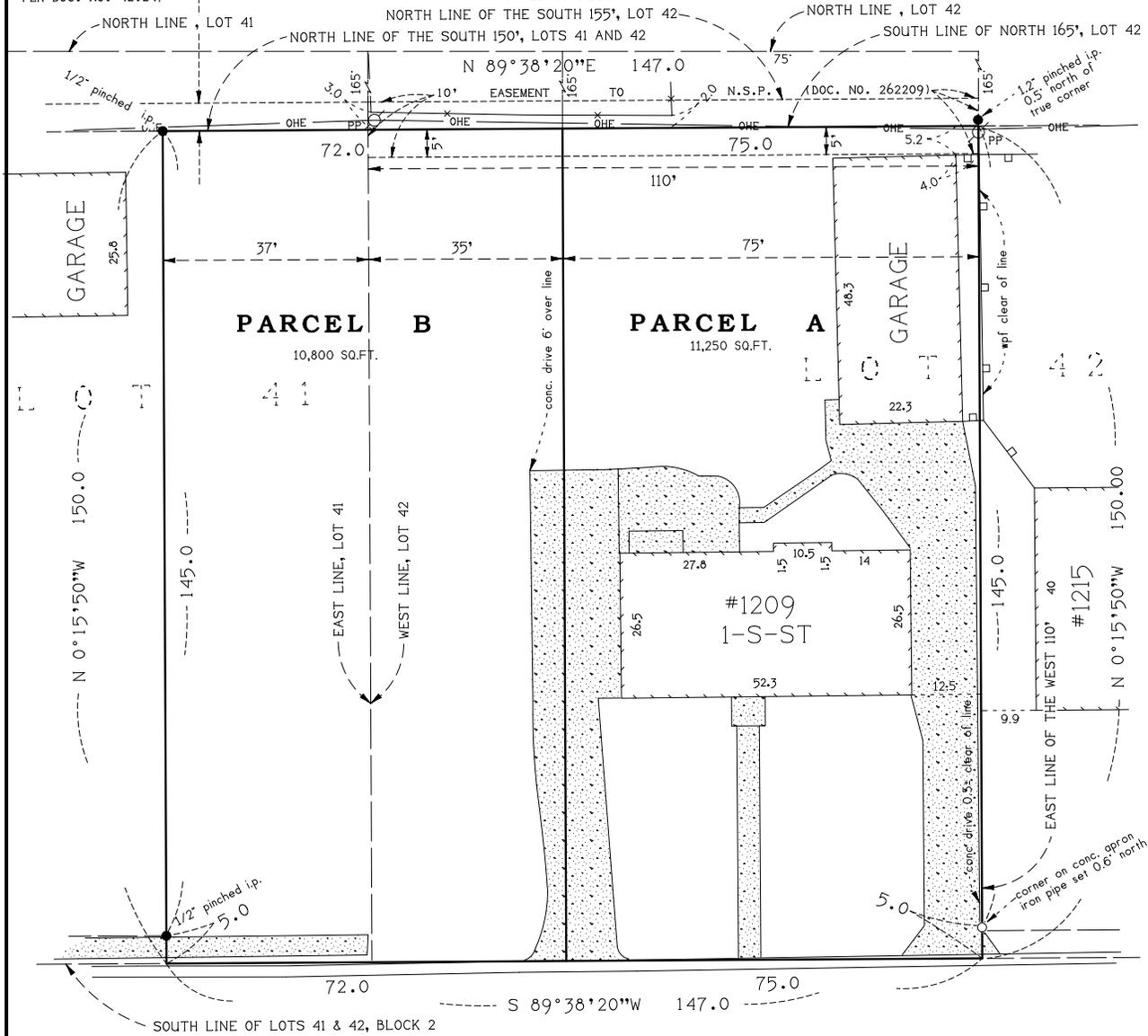
Russell J. Kurth, L.L.S. No. 16113

Randy L. Kurth, L.L.S. No. 20270

5' UTILITY EASEMENT TO COLUMBIA HEIGHTS
PER DOC. NO. 421247

0 20

SCALE IN FEET



43RD AVENUE N.E. (30' R/W PER PLAT)

EXISTING PROPERTY DESCRIPTIONS (PER COUNTY TAX DEPT.)

PARCEL A (PIN 36-30-24-21-0123)

The east 75 feet of the west 110 feet of Lot 42, Block 2, RESERVOIR HILLS, Anoka County, Minnesota, except the north 165 feet.

PARCEL B (PIN 36-30-24-21-0122)

The west 35 feet of the south 150 feet of Lot 42 and the east 37 feet of the south 150 feet of Lot 41, Block 2, RESERVOIR HILLS, Anoka County, Minnesota.

EXISTING CONDITIONS

FOR DELORES BEHUN

CERTIFICATE OF SURVEY

(MEASUREMENTS SHOWN IN FEET AND DECIMALS OF A FOOT)

REV.12-17-20

DATE 12-10-2020

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.

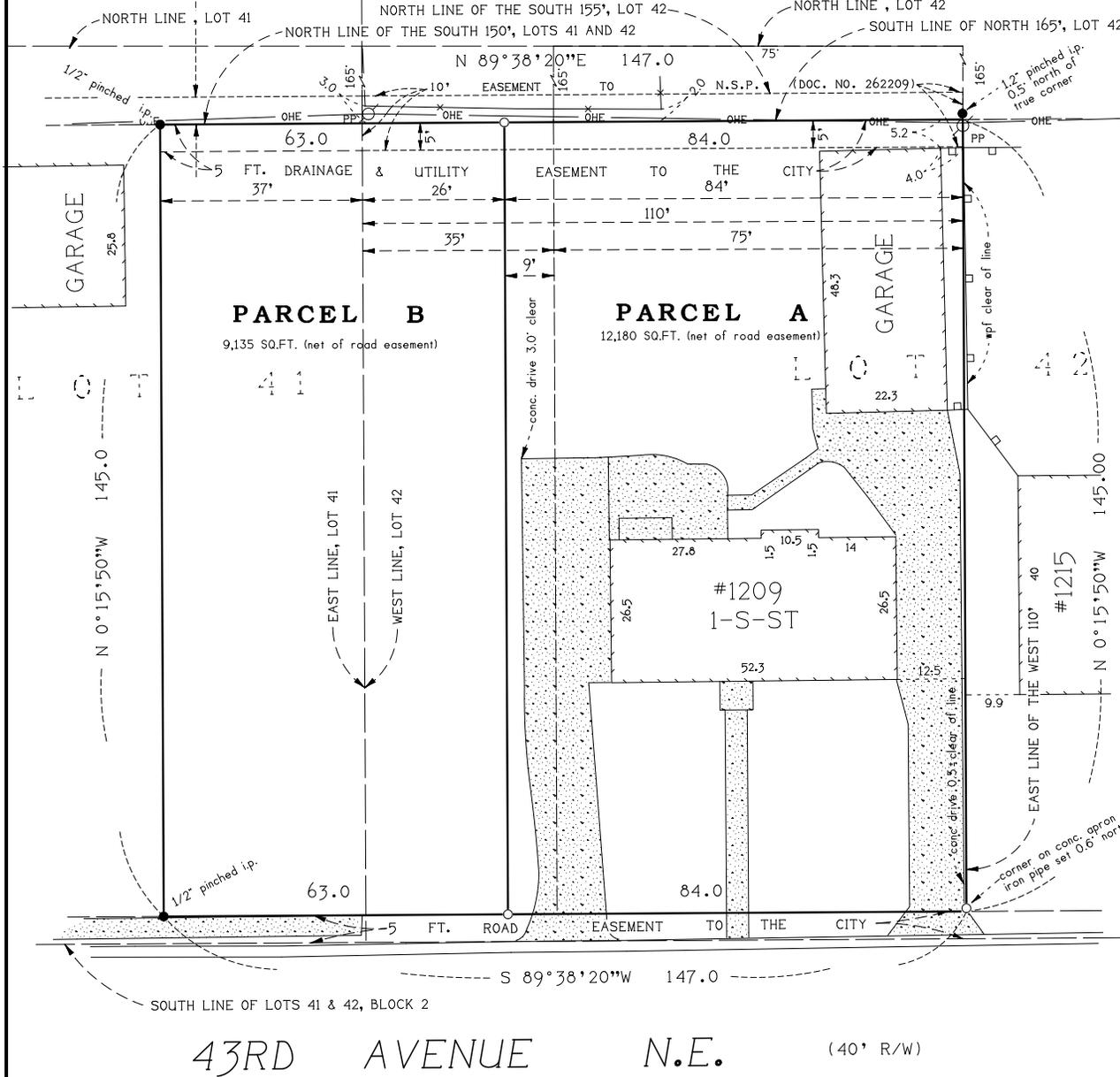
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- ▨ = CONCRETE SURFACE

Russell J. Kurth, L.L.S. No. 16113
Randy L. Kurth, L.L.S. No. 20270
5' UTILITY EASEMENT TO COLUMBIA HEIGHTS
PER DOC. NO. 421247



SCALE IN FEET



43RD AVENUE N.E. (40' R/W)

PROPOSED PROPERTY DESCRIPTION - PARCEL A

That part of east 75.0 feet of the west 110.0 feet lying southerly of the north 165 feet and the east 9.0 feet of the west 35.0 ft of the south 150 feet of Lot 42, Block 2, RESERVOIR HILLS, Anoka County, Minnesota.

Reserving and subject to an easement in favor of the City of Columbia Heights for roadway purposes over the south 5.0 feet and also over the north 5.0 feet for drainage and utility purposes.

PROPOSED PROPERTY DESCRIPTION - PARCEL B

The east 37 feet of the south 150 feet of Lot 41 and the west 26 feet of the south 150 feet of Lot 42, Block 2, RESERVOIR HILLS, Anoka County, Minnesota.

Reserving and subject to an easement in favor of the City of Columbia Heights for roadway purposes over the south 5.0 feet and also over the north 5.0 feet for drainage and utility purposes.

PROPOSED LOT LINE ADJUSTMENT

REGISTERED ABSTRACTERS, INC.

REPORT OF RECORD OWNERSHIP
AND ENCUMBRANCES

File Number: A20-12053

Legal Description: The West 35 feet of the South 150 feet of Lot 42, Block 2, and the East 37 feet of the south 150 feet of Lot 41, Block 2, Reservoir Hills, County of Anoka, State of Minnesota. Subject to restrictions and easements of record, if any
AND

The East 75 feet of the West 110 feet of Lot 42, Block 2, Reservoir Hills, except the North 165 feet thereof, according to the map or plat thereof on file and of record in the office of the Registrar of Deeds in and for the County of Anoka, State of Minnesota. Subject to easements, restrictions, reservations and encumbrances of record, if any

(Abstract Property)

PIN #: 36-30-24-21-0122 and 36-30-24-21-0123

I. Registered Abstracters, Inc. does hereby certify that as of the 12th day of November, 2020, 8 A.M., the records in the office of the County Recorder in and for Anoka County, Minnesota, discloses as grantee in the last recorded conveyance to the above captioned property by Warranty Deeds recorded on September 27, 2013, as Document No. 2069897.006 and 2069897.007 the following:

David J. Behun and Delores J. Behun, Trustees, of their successors in interest under the Behun Living Trust, dated August 29, 2013 and amendments thereto

II. The above captioned property appears to be subject to the following encumbrances:

(SEE ATTACHED DOCUMENTS)

DOCUMENT NUMBER	DOCUMENT TYPE	FILED DATE
263209	Easement	June 30, 1964
421247	Easement	January 6, 1975
1599511	Mortgage	August 31, 2001

Also subject to assessments, if any, and any easements of record.

REGISTERED ABSTRACTERS, INC.

BY 

(Authorized Signature)

File No. A20-12053

REGISTERED ABSTRACTERS, INC. CERTIFIES that it has made a search of the records in the office of the County Recorder in and for Anoka County, Minnesota, and finds no unsatisfied notices of Internal Revenue Tax Liens for the last eleven years, no unsatisfied notices of State Tax Liens, no unsatisfied notices of Federal Judgments for the last twenty years, and no Bankruptcy Proceedings filed or recorded in said office against the names hereon, between the dates set opposite the respective names, except as shown herein.

REGISTERED ABSTRACTERS, INC. FURTHER CERTIFIES that it has made a search of the Judgment Lien Docket in the following named Courts.

District Court, Tenth Judicial District, Anoka County, MN,
County Court, Tenth Judicial District, Anoka County, MN,
and finds no unsatisfied judgments appearing therein against the names hereon between the dates set opposite the respective names, except as shown hereof.

No search made as to the parties the middle initial of whose name is other than as stated below.

NAMES	DATES	
David J. Behun, Trustee	November 11, 2016	November 12, 2020
Delores J. Behun, Trustee	November 11, 2016	November 12, 2020

REGISTERED ABSTRACTERS, INC.

BY *Janif Mehlman*

(Authorized Signature)

CERTIFICATE OF REAL ESTATE TAXES

REGISTERED ABSTRACTERS, INC., CERTIFIES that it has made a search of the General Tax Books of Anoka County, Minnesota for taxes assessed against the following described lands:

Same land as described at caption hereof.

and according to the Current General Tax Books maintained by the Anoka County Treasurer for real estate taxes payable in the year 2020 are listed below:

Pin #: 36-30-24-21-0122
Municipality: Columbia Heights
Homestead Credit: Homestead
Special Assessments: NONE
TOTAL TAXES AND ASSESSMENTS: \$943.82 Paid in Full

Pin #: 36-30-24-21-0123
Municipality: Columbia Heights
Homestead Credit: Homestead
Special Assessments: NONE
TOTAL TAXES AND ASSESSMENTS: \$3,439.70 Paid in Full

and said company further certifies there are no Delinquent real estate taxes or unredeemed Tax Judgment Certificates against the above described property according to the Anoka36 County Auditor except as follows:

263209

BOOK 641 PAGE 544

KNOW ALL MEN BY THESE PRESENTS, That we, of the County of Anoka,
 in consideration of the sum of One and -- -- no/100
 Dollars (\$ 1.00) to us in hand paid by Northern States Power Company, a corporation,
 duly organized and existing under the laws of the State of Minnesota, the
 receipt whereof is hereby acknowledged, do hereby grant unto said Company, its successors and
 assigns, the right, privilege and authority to construct, operate and maintain its lines for the trans-
 mission of electrical energy, including the necessary steel-towers, poles, wires, guys, stubs and
 other fixtures over, across and upon the following described real estate, now owned by us in the
 County of Anoka, and State of Minnesota,
 to-wit:

The North 10 feet of the South 155 feet of the following
described property:

The West 110 feet of Lot 42, Block 2, Reservoir Hills,
Anoka County, Minnesota.

The rights herein granted shall include the right to engage
in standard joint use of facilities with other public utilities.

State deed tax due hereon \$1.10.

and also hereby grant unto said Company, its successors and assigns, the right, privilege and
 authority to trim or cut down any trees which may interfere with the construction, maintenance and
 operation of such lines; and do also grant unto said Company, its successors and assigns, the
 right to enter upon the above described premises at any and all times for the purposes above
 set forth.

IN WITNESS WHEREOF, We have hereunto set our hands and seal this 26
 day of June, A.D. 19 64

Witness: _____

John Behun (Seal)
 JOHN BEHUN
Margaret Behun (Seal)
 MARGARET BEHUN

ENTERED

Joseph J. ...
1964
 Auditor, Anoka County
 By ... Deputy

DEED TAX



\$1.10

421247

This Indenture, Made this 9th day of December 1974
between John Behun and Margaret Behun, husband and wife

of the County of Anoka and State of Minnesota
parties of the first part, and THE CITY OF COLUMBIA HEIGHTS, A MUNICIPAL
corporation under the laws of the State of MINNESOTA, party of the second part.

Witnesseth, That the said parties of the first part, in consideration of the sum of ONE DOLLAR AND OTHER VALUABLE CONSIDERATION DOLLARS, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Quitclaim, and Convey unto the said party of the second part, its successors and assigns, Forever, all the tract or parcel of land lying and being in the County of Anoka and State of Minnesota, described as follows, to-wit:

A public utility easement over and under and upon the south five (5) feet of the east one half (1/2) of the North one hundred sixty-five feet (165) of Lot forty-one (41), Block two (2), Reservoir Hills, according to the duly recorded map or plat thereof on file in the office of the Register of Deeds in and for the County of Anoka, State of Minnesota.

STATE DEED TAX: EXEMPT

To Have and to Hold the Same, Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said party of the second part, its successors and assigns, Forever.

In Testimony Whereof, The said parties of the first part have hereunto set their hands the day and year first above written.

In presence of
Mildred V. Carlson
Jerry P. Hedlund

John Behun
Margaret Behun

State of Minnesota,

County of Anoka

On this 9th day of December, 1974, before me, a notary public within and for said County, personally appeared

John Behun and Margaret Behun, husband and wife

In me known to be the person(s) described in, and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed



Mildred V. Carlson

Notary Public County, Minn.

My commission expires June 10, 1979

Mildred V. Carlson

My Commission Expires June 10, 1979

Prepared by the City of Columbia Heights
590 40th Ave. NE
Columbia Heights, Minnesota 55421

ENTERED

Dec. 23 1974

Charles A. Hoffmann
Auditor, Anoka County

Margaret C. ...

Register of Deeds

Minnesota Form No. 52 1000

Doc. No. 421247

QUIT CLAIM DEED

Individual to Corporation

TO
Anoka
Creston
Ascended
Creston
MAYO
WILSON

Office of Register of Deeds,
State of Minnesota.

County of Anoka

I hereby certify that the within Deed was filed in this office for record on the day of JAN 6, 1975 at 9 o'clock AM and was duly recorded in Book of Deeds, page 287

Register of Deeds
Margaret J. ...

Taxes for the year 1974, on the lands described within, paid this 10 day of ... 1974

County Treasurer

By ... Deputy

Taxes paid and Transfer entered this ... day of ... 1974

County Auditor

By ... Deputy

Return to City of Columbia Heights
590 40th Ave NE
Columbia Heights, Minnesota 55421

Recording Fee \$2.00

Register of Deeds

BOOK 1132 PAGE 283

1599511

36-30-24-21-0123
0122



STATUTORY MORTGAGE

MINNESOTA

ABSTRACT

00704//KRW02

THIS STATUTORY MORTGAGE (the "Mortgage"), made this 18th day of June, 2001, between DAVID J. BEHUN AND DELORES BEHUN, HUSBAND AND WIFE with an address at 1209 43RD AVE NE, MINNEAPOLIS, MN 55421 (collectively the "Mortgagor"), and U.S. BANK NATIONAL ASSOCIATION ND having its office at 4325 - 17TH AVENUE SW, FARGO, ND 58103 (the "Mortgagee");

WITNESSETH

To secure the payment of Eighty Thousand AND 00/100 Dollars, (\$ 80,000.00 payable on 06/18/31, under the terms of that certain note dated June 18, 2001 from DAVID J. BEHUN, DELORES J. BEHUN (collectively the "Borrower")

to Mortgagee in the amount of eighty Thousand AND 00/100 Dollars, (\$ 80,000.00) and all renewals and modifications of that note (the "Note"), together with interest thereon. If the principal amount secured by this Mortgage is less than the principal amount of the Note, then this Mortgage secures the principal balance of the Note outstanding at anytime only to the extent that the principal balance does not exceed that lesser amount secured.

The Note secured hereunder is (check one):

- A promissory note, the proceeds of which may not be readvanced following payment; or
- A revolving credit note or agreement under which advances, payments and readvances may be made from time to time, provided that the maximum principal amount which at any one time may be outstanding on the Note and may be secured by the Mortgage is \$ 80,000.00. The Mortgagee shall not be obligated to satisfy the Mortgage until all amounts outstanding on the Note have been repaid and the Mortgagor's right, if any, to obtain additional advances under the Note has been permanently terminated.

Mortgage. Mortgagor hereby mortgages to Mortgagee the tract of land lying in the County of ANOKA State of Minnesota, legally described as follows, to wit:

SEE ATTACHMENT (S) A FOR LEGAL DESCRIPTION

PROPERTY COMMONLY KNOWN AS: ANOKA COUNTY 1209 43RD AVE NE
MINNEAPOLIS, MN 55421

together with all tenements, easements, hereditaments, privileges, minerals and mineral rights, water and water rights, buildings, fixtures and improvements now or hereafter erected or located on the above-described land (hereinafter referred to as the "Mortgaged Premises").

1. Statutory Covenants. Mortgagor makes and includes in this Mortgage the Statutory Covenants and other provisions set forth in Minnesota Statutes Section 507.15 or any future Minnesota Statute providing for a statutory form of real estate mortgage and the Mortgagor covenants with the Mortgagee the following Statutory Covenants:

- (a) To warrant title to the Mortgaged Premises, subject only to LIENS AND ENCUMBRANCES OF RECORD
- (b) To pay the indebtedness as herein provided, if the Mortgagor is the Borrower.
- (c) To pay all taxes.
- (d) To keep all buildings insured against fire for an amount not less than the full replacement cost but in any event not less than the unpaid amount of the Note secured by this Mortgage and all prior mortgages (if any) and against other hazards for the amounts specified by Mortgagee for the protection of the Mortgagee, including, but not limited to, lightning, hazards under the usual extended coverage endorsement, and all other hazards and risks of direct physical loss occasioned by any cause whatsoever, subject only to the exceptions and exclusions, if any, agreed to by Mortgagee. All such policies shall name Mortgagee as loss payee under the so-called standard mortgagee clause, contain no pro rata reduction provisions and provide for not less than thirty (30) days' notice to Mortgagee of cancellation of said policy.
- (e) That the Mortgaged Premises shall be kept in repair and no waste shall be committed.
- (f) That the whole of the principal sum shall become due after default in the payment of any installment of principal or interest, or of any tax, or in the performance of any any other covenant, at the option of the Mortgagee.

2. **Additional Covenants and Agreements of Mortgagor.** The Mortgagor makes the following additional covenants and agreements with the Mortgagee:

- (a) Any award of damages under condemnation or payment in lieu thereof for injury to or the taking of all or any part of the Mortgaged Premises are hereby assigned to the Mortgagee with authority to apply the proceeds to the amounts outstanding on the Note. All such proceeds shall be applied first to accrued interest, if any, and then to the principal amount outstanding on the Note, and if the principal amount is payable in installments, said proceeds, after payment of accrued interest, shall be applied to said installments in the inverse order of their maturity.
- (b) Any proceeds of any insurance payable by reason of loss or damage to the Mortgaged Premises are hereby assigned and shall be paid to the Mortgagee with authority to apply the proceeds to the amounts outstanding on the Note. All such proceeds shall be applied first to interest, if any, and then to the principal amount outstanding, and if the principal amount is payable in installments, said proceeds after payment of accrued interest, shall be applied to said installments in the inverse order of their maturity.
- (c) Mortgagor will hold Mortgagee harmless from all costs and expenses in connection with establishing the priority of this Mortgage and if the Mortgagee becomes a party to any mechanics lien suit or other proceeding relating to the Mortgaged Premises or to this Mortgage, the Mortgagor will reimburse the Mortgagee for the Mortgagee's reasonable attorney's fee, costs and expenses in connection with said suit or proceeding.
- (d) Mortgagor will not sell, convey, mortgage, pledge, grant a security interest in, or otherwise transfer or encumber all or any part of the Mortgaged Premises or any interest therein without the prior written consent of the Mortgagee.
- (e) Mortgagor will pay the principal and interest, when due, on prior mortgages and other similar encumbrances, if any.
- (f) Mortgagor will promptly pay when due all charges for utilities or other services to the Mortgaged Premises including, but not limited to, electricity, water, gas, telephone, sanitary sewer and trash and garbage removal supplied and will, upon request of Mortgagee, provide evidence of such payment.
- (g) The insurance carrier providing the insurance described in paragraph 1 (d) above shall be subject to the approval by Mortgagee, which approval shall not be unreasonably withheld.
- (h) Mortgagee or its agent may inspect the Mortgaged Premises at any reasonable time with reasonable notice to the Mortgagor specifying reasonable causes for the inspection.
- (i) Mortgagor agrees upon Mortgagee's request to obtain and deliver at Mortgagor's expense an updated appraisal of the Mortgaged Premises in form and content and by an appraiser acceptable to Mortgagee at any time that either (a) an Event of Default shall have occurred hereunder, or (b) Mortgagee determines in its sole opinion that the security for the loan evidenced by the Note has been materially impaired in any manner, including without limitation by a change in market conditions or a change in the physical condition of the Mortgaged Premises.

3. **Payment by Mortgagee.** In case of failure by Mortgagor to pay taxes and assessments, prior liens or encumbrances, expenses and attorneys' fees as above specified, or to insure said buildings, improvements, and fixtures and deliver the policies as aforesaid, the Mortgagee may pay such taxes, assessments, prior liens, expenses and attorneys' fees and interest thereon, or obtain such insurance, and the sums so paid shall bear interest from the date of such payment at the same rate set forth in the Note, and shall be impressed as an additional lien upon the Mortgaged Premises and be immediately due and payable from the Mortgagor to the Mortgagee, and this Mortgage shall from date thereof secure the repayment of such advances with interest.

4. **Event of Default/Acceleration of Maturity.** Mortgagor agrees that at the option of the Mortgagee and in addition to Mortgagee's right to accelerate the maturity of the indebtedness secured hereby as set forth above in the Statutory Covenants, the entire remaining principal balance plus accrued interest shall become due and payable in full upon the occurrence of any of the following (each of which is herein referred to as an "Event of Default"):

- (i) A default by Mortgagor under the terms of the Note; or
- (ii) The default by Mortgagor in the performance of any other terms or covenants contained herein or in the Note or contained in any other agreement between Mortgagor and Mortgagee.

5. **Covenants and Agreements of Mortgagee.** If, and only if, this Mortgage secures the repayment of a "conventional loan" within the meaning of Minnesota Statutes, Section 47.20, then Mortgagee, in consideration of the execution and delivery of this Mortgage, hereby covenants and agrees:

- (a) To furnish Mortgagor with a conformed copy of this Mortgage and the Note, at a time no later than a reasonable time after recordation of this Mortgage;
- (b) That if Mortgagee intends to foreclose this Mortgage, it will give the Mortgagor written notice of the occurrence of an Event of Default (unless the default shall consist of the Mortgagor selling, conveying, or otherwise transferring all or any part of the Mortgaged Premises without the written consent of the Mortgagee, in which case no notice shall be required) under the terms or conditions of the Note or this Mortgage by sending the notice by certified mail to the address of the Mortgaged Premises, or the address of the Mortgagor indicated above, or such other address as the Mortgagor may subsequently designate to Mortgagee. Such notice shall contain the following provisions:
 - (i) The nature of the default by the Mortgagor;
 - (ii) The action required to cure the default;
 - (iii) A date, not less than 30 days from the date the notice is mailed, by which the default must be cured;
 - (iv) That failure to cure the default on or before the date specified in the notice may result in acceleration of the sums secured by the Mortgage and sale of the Mortgaged Premises;
 - (v) That the Mortgagor has the right to reinstate this Mortgage after acceleration; and
 - (vi) That the Mortgagor has the right to bring a court action to assert the nonexistence of a default or any other defense of the Mortgagor to acceleration and sale.

6. **Statutory Power of Sale, Waiver and Agreement.** At maturity, whether at the stated time or prior thereto by the acceleration of maturity pursuant hereto, Mortgagee (in addition to any other remedies provided for herein or which it may have at law or equity) shall have the statutory power of sale, and on foreclosure may retain statutory costs and attorneys' fees.

MORTGAGOR HEREBY: EXPRESSLY CONSENTS TO THE FORECLOSURE AND SALE OF THE MORTGAGED PREMISES BY ACTION PURSUANT TO MINNESOTA STATUTES CHAPTER 581 OR, AT THE OPTION OF MORTGAGEE, BY ADVERTISEMENT PURSUANT TO MINNESOTA STATUTES CHAPTER 580, WHICH PROVIDES FOR SALE AFTER SERVICE OF NOTICE THEREOF UPON THE OCCUPANT OF THE MORTGAGED PREMISES AND PUBLICATION OF SAID NOTICE AS REQUIRED BY LAW IN THE COUNTY IN MINNESOTA WHERE THE MORTGAGED PREMISES IS SITUATED; ACKNOWLEDGES THAT SERVICE NEED NOT BE MADE UPON MORTGAGOR PERSONALLY (UNLESS MORTGAGOR IS AN OCCUPANT) AND THAT NO HEARING OF ANY TYPE IS REQUIRED IN CONNECTION WITH THE SALE; AND EXCEPT AS MAY BE PROVIDED IN SAID STATUTES, EXPRESSLY WAIVES ANY AND ALL RIGHT TO PRIOR NOTICE OF SALE OF THE MORTGAGED PREMISES AND ANY AND ALL RIGHTS TO A PRIOR HEARING OF ANY TYPE IN CONNECTION WITH THE SALE OF THE MORTGAGED PREMISES.

7. **Miscellaneous.** This Mortgage shall be governed by and construed in accordance with the laws of the State of Minnesota. All covenants and agreements by Mortgagor in this Mortgage shall bind Mortgagor and Mortgagor's heirs, successors and assigns and shall inure to the benefit of Mortgagee and its successors and assigns, whether so expressed or not. Any forbearance by Mortgagee in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any such right or remedy. The procurement of insurance or the payment of taxes or other liens or charges by Mortgagee shall not be a waiver of Mortgagee's right to accelerate the maturity of the indebtedness secured by the Mortgage. In the event any provision hereof is determined to be unenforceable or invalid, such provision or such part thereof as may be unenforceable or invalid shall be deemed severed from this Mortgage and the remaining provisions carried out with the same force and effect as if the severed provisions or part thereof had not been made a part hereof.

MORTGAGOR(S)
David J. Behun 6/18/01
DAVID J. BEHUN Date
Delores J. Behun 6/18/01
DELORES BEHUN Date

Date

STATE OF MINNESOTA }
COUNTY OF ANOKA } SS.

The foregoing instrument was acknowledged before me this 18th day of June, 2001
by DAVID J. BEHUN AND DELORES BEHUN, HUSBAND AND WIFE

Kathleen R. Welle
Notary Public



This Instrument was Drafted
U.S. Bank
P.O. Box 2687
Fargo, ND 58108-2687

Return recorded document
U.S. Bank
Attn: Lien Perfection Dept.
P.O. Box 2687
Fargo, ND 58108-2687

Attachment "A"

David J. Behun and Dolores J. Behun

Parcel 1: The East 70 feet of the West 110 feet of Lot 42, Block 2, Reservoir Hills, except the North 165 feet thereof, Anoka County, Minnesota

Parcel 2: The East 5 feet of the West 40 feet of the South 150 feet of Lot 42, Block 2, Reservoir Hills, City of Columbia Heights, Anoka County, Minnesota

ABSTRACT

Receipt # <u>87177/213.50</u>	<input type="checkbox"/> Certified Copy Date Mailed _____
Date/Time: <u>8/31, 8:40</u>	<input type="checkbox"/> Tax Liens / Releases
Doc. Order <u>2</u> of <u>2</u>	<input type="checkbox"/> Multi-Co Doc Tax Pd
✓ by: Plns: <u>jm</u>	<input type="checkbox"/> Transfer <input type="checkbox"/> New Desc.
Recordability / Delqs: <u>dm</u>	<input type="checkbox"/> Division <input type="checkbox"/> GAC
Filing Fees: <u>\$295.00</u>	<input type="checkbox"/> Status <input type="checkbox"/> Def. Spec
Well Certificate Received this Date: Anoka County Recorder	<input type="checkbox"/> Other <input checked="" type="checkbox"/> No Change
Notes: <u>NS</u>	

DOCUMENT NO. 1599511.0 ABSTRACT

ANOKA COUNTY MINNESOTA

I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS FILED IN THIS OFFICE
 FOR RECORD ON AUG 31 2001
 AT 8:40 AM AND WAS DULY RECORDED.
 FEES AND TAXES IN THE AMOUNT OF \$218.50 PAID.

RECEIPT NO. 2001087177

~~XXXXXXXXXXXX~~ MAUREEN J. DEVINE

ANOKA COUNTY PROPERTY TAX ADMINISTRATOR/RECORDER/REGISTRAR OF TITLES
KHJ

BY _____
DEPUTY PROPERTY TAX ADMINISTRATOR/RECORDER/REGISTRAR OF TITLES



U08148025-02F B04

NO RTT/ST/RT

1 UNIT# 6622441135644743980

US Recvrd-strings

08148025

Recording Requested by &
 When Recorded Return To:
 US Recordings, Inc.
 2925 Country Drive Ste 201
 St. Paul, MN 55117



Record ID 2642122

2069897.006

WARRANTY DEED

State Deed Tax Due Herewith: \$ _____

Date: August 29, 2013

For valuable consideration, DAVID J. BEHUN, married to Delores Behun, Grantor hereby conveys and warrants to DAVID J. BEHUN AND DELORES J. BEHUN, TRUSTEES, OR THEIR SUCCESSORS IN INTEREST UNDER THE BEHUN LIVING TRUST, dated August 29, 2013, and any amendments thereto, Grantees, real property in Anoka County, Minnesota, described as follows:

See legal description attached hereto and made a part hereof as Exhibit "A"

together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: [...].)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

David J. Behun

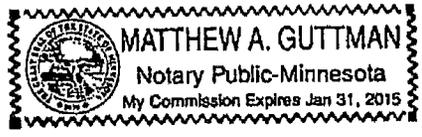
Delores J. Behun (spouse)

Consideration for this transaction is less than \$500.00.

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

This instrument was acknowledged before me on August 29, 2013, by David J. Behun and Delores J. Behun, husband and wife.

(Stamp)



MAA
(Signature of notarial officer)
Title (and Rank): Notary
My commission expires: 1/31/2015
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
Mullen & Guttman PLLC
6600 France Avenue S., Suite 210
Edina, Minnesota 55435
(612) 756-7272

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN
THIS INSTRUMENT SHOULD BE SENT TO:
David J. Behun and Delores J. Behun, Trustees of the
Behun Living Trust
1209 43rd Avenue NE
Columbia Heights, Minnesota 55421

EXHIBIT "A"

The East 75 feet of the West 110 feet of Lot 42, Block 2, Reservoir Hills, Except the North 165 feet thereof, according to the map or plat thereof on file and of record in the office of the Registrar of Deeds in and for the County of Anoka, State of Minnesota.

(Subject to easements, restrictions, reservations and encumbrances of record, if any.)

ANOKA COUNTY MINNESOTA

Document No.: 2069897.006 ABSTRACT

I hereby certify that the within instrument was filed in this
office for record on: 09/27/2013 11:05:00 AM

Fees/Taxes In the Amount of: \$52.65

JONELL M. SAWYER

Anoka County Property Tax

Administrator/Recorder/Registrar of Titles

M.L.E., Deputy

Delinquent Taxes Certified Certificate of Real Estate Value Not Required
Transfer Emered

Record ID: 2642122



2069897.007

WARRANTY DEED

State Deed Tax Due Herewith: \$ _____

Date: August 29, 2013

For valuable consideration, DAVID J. BEHUN and DELORES J. BEHUN, husband and wife, Grantors, hereby convey and warrant to DAVID J. BEHUN AND DELORES J. BEHUN, TRUSTEES, OR THEIR SUCCESSORS IN INTEREST UNDER THE BEHUN LIVING TRUST, dated August 29, 2013, and any amendments thereto, Grantees, real property in Anoka County, Minnesota, described as follows:

See legal description attached hereto and made a part hereof as Exhibit "A"

together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: [...].)
- I am familiar with the property described in this instrument and
I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

David J. Behun

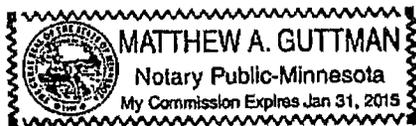
Delores J. Behun

Consideration for this transaction is less than \$500.00.

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

This instrument was acknowledged before me on August 29, 2013, by David J. Behun and Delores J. Behun, husband and wife.

(Stamp)



MAG
(signature of notarial officer)
Title (and Rank): Notary
My commission expires: 1/31/2015
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
Mullen & Guttman PLLC
6600 Francé Avenue S., Suite 210
Edina, Minnesota 55435
(612) 756-7272

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN
THIS INSTRUMENT SHOULD BE SENT TO:
David J. Behun and Delores J. Behun, Trustees of the
Behun Living Trust
1209 43rd Avenue NE
Columbia Heights, Minnesota 55421

EXHIBIT "A"

The west 35 feet of the south 150 feet of Lot 42, Block 2,
and east 37 feet of the south 150 feet of Lot 41, Block 2,
Reservoir Hills, County of Anoka, State of Minnesota.
Subject to restrictions and easements of record, if any.

U

ANOKA COUNTY MINNESOTA

Document No.: 2069897.007 ABSTRACT

I hereby certify that the within instrument was filed in this
office for record on: 09/27/2013 11:05:00 AM

Fees/Taxes In the Amount of: \$52.65

JONELL M. SAWYER

Anoka County Property Tax

Administrator/Recorder/Registrar of Titles

MLE, Deputy

Delinquent Taxes Certified Certificate of Real Estate Value Not Required
Transfer Entered

Record ID: 2642127



**CITY OF COLUMBIA HEIGHTS
PLANNING AND ZONING COMMISSION
PLANNING REPORT**

CASE NUMBER: N/A
DATE: February 2, 2021
TO: Columbia Heights Planning Commission
APPLICANT: N/A
DEVELOPMENT: N/A
LOCATION: 1002 40th Ave NE, Columbia Heights, MN 55421
REQUEST: Review the Acquisition of 1002 40th Ave NE, and Determine if it Conforms to the Comprehensive Plan
PREPARED BY: Aaron Chirpich, Community Development Director

INTRODUCTION

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 1002 40th Avenue NE, Columbia Heights, MN 55421 (the “Subject Property”) to determine if its acquisition conforms to the Comprehensive Plan of the City.

COMPREHENSIVE PLAN

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 2: Land Use, and Chapter 4: Economic Development. 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.

ECONOMIC DEVELOPMENT

Goal: Promote reinvestment in properties by the commercial and industrial sectors.

- 1. Promote high quality development and redevelopment opportunities within the community.*

RECOMMENDATION

Motion: Move to adopt Resolution 2021-PZ02, a resolution finding that the proposed acquisition of certain land for redevelopment purposes by the Columbia Heights Economic Development Authority is consistent with the City of Columbia Heights' Comprehensive Plan.

ATTACHMENTS

1. Location Map
2. Resolution 2021-PZ02

RESOLUTION NO. 2021-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.

WHEREAS, the Columbia Heights Economic Development Authority (the "Authority") proposes to purchase certain property (the "Property") located at 1002 40th Avenue NE, (PID 36-30-24-32-0042) in the City of Columbia Heights (the "City") and described on the attached Exhibit A, for the purposes of eventual redevelopment; and

WHEREAS, Minnesota Statutes, Section 462.356, subd. 2 requires the City Planning and Zoning Commission to review the proposed acquisition or disposal of publicly-owned real property within the City prior to its acquisition or disposal, to determine whether in the opinion of the Planning and Zoning Commission, such acquisition or disposal is consistent with the comprehensive municipal plan; and

NOW, THEREFORE BE IT RESOLVED, the Planning and Zoning Commission has reviewed the proposed acquisition of the Property, and has determined that the Authority's purpose is to redevelop the Property, and that the proposed acquisition is therefore consistent with the City's comprehensive plan.

BE IT FURTHER RESOLVED that this resolution be communicated to the Board of Commissioners of the Authority.

ORDER OF THE PLANNING AND ZONING COMMISSION

Passed this 2nd day of February, 2021

Offered by:

Seconded by:

Roll Call:

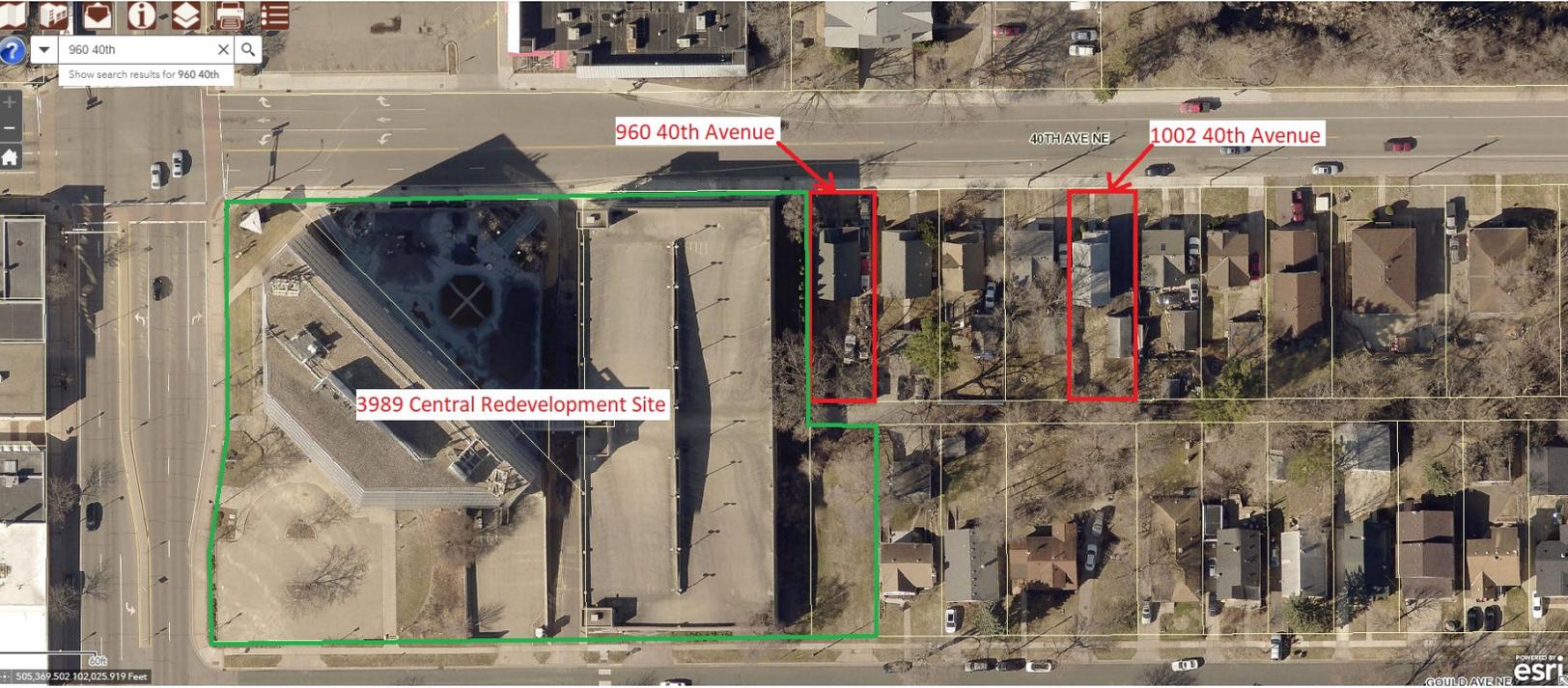
Rob Fiorendino, Chair

Attest:

Secretary

EXHIBIT A
Description of Property

LOT 19 BLOCK 6, RESERVOIR HILLS, ANOKA COUNTY, MINNESOTA



960 40th Avenue

40TH AVE NE

1002 40th Avenue

3989 Central Redevelopment Site

esri



**CITY OF COLUMBIA HEIGHTS
PLANNING AND ZONING COMMISSION
PLANNING REPORT**

CASE NUMBER: N/A
DATE: February 2, 2021
TO: Columbia Heights Planning Commission
APPLICANT: N/A
DEVELOPMENT: N/A
LOCATION: 960 40th Ave NE, Columbia Heights, MN 55421
REQUEST: Review the Acquisition of 960 40th Ave NE, and Determine if it Conforms to the Comprehensive Plan
PREPARED BY: Aaron Chirpich, Community Development Director

INTRODUCTION

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 960 40th Avenue NE, Columbia Heights, MN 55421 (the “Subject Property”) to determine if its acquisition conforms to the Comprehensive Plan of the City.

COMPREHENSIVE PLAN

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 2: Land Use, and Chapter 4: Economic Development. 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.*

ECONOMIC DEVELOPMENT

Goal: Promote reinvestment in properties by the commercial and industrial sectors.

- 1. Promote high quality development and redevelopment opportunities within the community.*

RECOMMENDATION

Motion: Move to adopt Resolution 2021-PZ03, a resolution finding that the proposed acquisition of certain land for redevelopment purposes by the Columbia Heights Economic Development Authority is consistent with the City of Columbia Heights' Comprehensive Plan.

ATTACHMENTS

1. Location Map
2. Resolution 2021-PZ03

RESOLUTION NO. 2021-PZ03

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.

WHEREAS, the Columbia Heights Economic Development Authority (the "Authority") proposes to purchase certain property (the "Property") located at 960 40th Avenue NE, (PID 36-30-24-32-0046) in the City of Columbia Heights (the "City") and described on the attached Exhibit A, for the purposes of eventual redevelopment; and

WHEREAS, Minnesota Statutes, Section 462.356, subd. 2 requires the City Planning and Zoning Commission to review the proposed acquisition or disposal of publicly-owned real property within the City prior to its acquisition or disposal, to determine whether in the opinion of the Planning and Zoning Commission, such acquisition or disposal is consistent with the comprehensive municipal plan; and

NOW, THEREFORE BE IT RESOLVED, the Planning and Zoning Commission has reviewed the proposed acquisition of the Property, and has determined that the Authority's purpose is to redevelop the Property, and that the proposed acquisition is therefore consistent with the City's comprehensive plan.

BE IT FURTHER RESOLVED that this resolution be communicated to the Board of Commissioners of the Authority.

ORDER OF THE PLANNING AND ZONING COMMISSION

Passed this 2nd day of February, 2021

Offered by:

Seconded by:

Roll Call:

Rob Fiorendino, Chair

Attest:

Secretary

EXHIBIT A
Description of Property

LOT 23 BLOCK 6, RESERVOIR HILLS, ANOKA COUNTY, MINNESOTA

