



# PLANNING COMMISSION

City Hall—Council Chambers, 3989 Central Ave NE

Tuesday, February 06, 2024

6:00 PM

## AMENDED AGENDA

**AGENDA AMENDED ON 2/6/2024 TO REFLECT:  
CORRECTIONS IN OCTOBER 24, 2023 MEETING MINUTES  
CORRECTIONS TO THE RECOMMENDATION AND MOTION IN  
ITEM #6**

### ATTENDANCE INFORMATION FOR THE PUBLIC

Members of the public who wish to attend may do so in-person, by calling **1-312-626-6799** and **entering meeting ID 810 9064 1596** or by Zoom at <https://us02web.zoom.us/j/81090641596>. For questions please call the Community Development Department at 763-706-3670.

### CALL TO ORDER/ROLL CALL

#### 1. Election of Planning Commission Officers

MOTION: Move to elect \_\_\_\_\_ as Chair of the Planning Commission.

MOTION: Move to elect \_\_\_\_\_ as Vice Chair of the Planning Commission.

MOTION: Move to elect \_\_\_\_\_ as Secretary/Treasurer of the Planning Commission.

### APPROVE MINUTES

#### 2. Approve October 24, 2023 Planning Commission Meeting Minutes.

**MOTION:** Move to approve the Planning Commission Meeting Minutes of October 24, 2023 **as amended**.

### PUBLIC HEARINGS

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

**MOTION:** Move to waive the reading of draft Resolution No. 2024-011, there being ample copies available to the public.

**MOTION:** Move to recommend that the City Council approve Resolution No. 2024-011, vacating the sanitary sewer easement at 1650 40th Avenue NE as presented.

**MOTION:** Move to waive the reading of draft Ordinance No. 1691, there being ample copies available to the public.

**MOTION:** Move to recommend that the City Council approve draft Ordinance No. 1691, vacating the roadway easements at 1650 40th Avenue NE and 3987 Johnson Street NE as presented.

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

**MOTION:** Move to waive the reading of Draft Ordinance No. 1692, there being ample copies available to the public.

**MOTION:** Move to recommend that the City Council approve Draft Ordinance No. 1692, establishing a new proposed roadway easement at 1650 40th Avenue NE and 3987 Johnson Street NE as presented.

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

**MOTION:** Move to waive the reading of draft Resolution No. 2024-012, there being ample copies available to the public.

**MOTION:** Move to recommend that the City Council approve Resolution No. 2024-012, a Variance allowing a five foot, five inch, encroachment into the front yard setback of 1650 40th Avenue NE.

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

**MOTION:** Move to waive the reading of draft Resolution No. 2024-013, there being ample copies available to the public.

**MOTION:** Move to recommend that the City Council approve draft Resolution No. 2024-013, authorizing the proposed amendment of the 2040 Comprehensive Plan per the staff report and recommending the City proceed with sending the amendment to the Metropolitan Council.

**OTHER BUSINESS**

**7. Review Purchase of 675 37th Avenue NE**

**MOTION:** Move to waive the reading of Resolution 2024-PZ01, there being ample copies available to the public.

**MOTION:** Move to adopt Resolution 2024-PZ01, a resolution finding that the acquisition of certain land for redevelopment purposes by the City of Columbia Heights is consistent with the City of Columbia Heights' Comprehensive Plan.

**ADJOURNMENT**

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

AGENDA SECTION	CALL TO ORDER/ROLL CALL
MEETING DATE	FEBRUARY 6, 2024

ITEM:	Election of Planning Commission Officers	
DEPARTMENT:	Community Development	BY/DATE: Andrew Boucher, City Planner, 2/1/24

**BACKGROUND:**

Officer Elections are held on an annual basis. In order for a member to be considered for an officer position, they must be nominated by another Planning Commission member or nominate themselves. The election process will go as follows:

**1. A Chairperson will be elected.**

- Commission members provide all nominations for Chairperson of the Planning Commission.
- A vote is taken and counted individually for each nominated member.
- The member with the most votes is declared the Chairperson of the Planning Commission by the Staff Liaison.

**2. A Vice Chairperson will be elected.**

- Commission members provide all nominations for Vice Chairperson of the Planning Commission.
- A vote is taken and counted individually for each nominated member.
- The member with the most votes is declared the Vice Chairperson of the Planning Commission by the Chairperson.

**3. A Secretary/Treasurer will be elected.**

- Commission members provide all nominations for Secretary/Treasurer of the Planning Commission.
- A vote is taken and counted individually for each nominated member.
- The member with the most votes is declared the Secretary/Treasurer of the Planning Commission by the Chairperson.

<b>RECOMMENDED MOTION(S):</b>
MOTION: Move to elect _____ as Chair of the Planning Commission.
MOTION: Move to elect _____ as Vice Chair of the Planning Commission.
MOTION: Move to elect _____ as Secretary/Treasurer of the Planning Commission.



## PLANNING COMMISSION

City Hall—Council Chambers, 3989 Central Ave NE

Tuesday, October 24, 2023

6:00 PM

### MINUTES

The meeting was called to order at 6:01 pm by Chair Sahnaw.

#### CALL TO ORDER/ROLL CALL

Commissioners present: Eric Sahnaw, Tom Kaiser, Laurel Deneen, Clara Wolfe, and John Gianoulis

Absent: Mike Novisky, Mark Vargas, Stan Hoium

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

#### APPROVE MINUTES

**1. Approve July 5, 2023 Planning Commission Meeting Minutes.**

*Motion by Deneen, seconded by Kaiser, to approve the minutes from the meeting of July 5, 2023. All Ayes. MOTION PASSED.*

**Approve October 3, 2023 Planning Commission Meeting Minutes.**

*Motion by Deneen, seconded by Gianoulis, to approve the minutes from the meeting of October 3, 2023. All Ayes. MOTION PASSED.*

#### PUBLIC HEARINGS

**2. Zoning Ordinance Amendment to Allow Limited Retail Sales in the Light Industrial (I-1) and General Industrial (I-2) Districts**

Introduction: Boucher stated Timothy M. LaCroix of LaCroix Law, PLLC representing Southern Anoka Community Assistance, Inc. has made an application for a zoning text amendment and is proposing limited retail sales as permitted uses in the Light (I-1) and General Industrial (I-2) Zoning districts. It is subject to required findings for zoning amendments per 9.104(F).

Boucher noted that Timothy M. LaCroix of LaCroix Law, PLLC representing Southern Anoka Community Assistance, Inc. (SACA), has requested approval of a Zoning Ordinance Amendment to accommodate the establishment of retail sales in the Light Industrial (I-1) and General Industrial (I-2) Districts. The applicant currently operates a food shelf (warehousing/distribution) upon a 6,825 square foot site located at 627 38th Avenue NE (at the intersection of 38th Avenue NE and Jefferson Street NE) and intends to relocate to a new site at 3905 California Street NE (west of Main Street NE and north of 39th Avenue NE), both of which are zoned for Light Industrial (I-1).

Boucher stated retail sales have been limited, in the Industrial Districts, to motor vehicle part stores, pawnshops, and retail services where appointments are required (tattoos, body piercing, automobile repair). SACA previously operated a thrift store/retail component which was not a permitted use and has been discontinued. The applicant plans to relocate and repurpose an existing 24,500 square foot industrial building located on the site (previously occupied by “Lamott Properties LLC”) into a food shelf and thrift store. The proposed retail sales would be limited to products manufactured, processed, or delivered in bulk and repackaged for sale on the site, so long as the sales area does not exceed 20% of the gross floor area of the principal building and shall adhere to the performance standards set forth in Section 9.106.

Boucher added that the subject site (3905 California Street NE) is bordered on the north and west by industrial uses, Lomanki Park on the south, and on the east by single family dwellings. The other subject site (627 38th Avenue NE) has industrial property to the north, park and open space to the east, and the remainder of the property is surrounded by residential.

Boucher stated both sites are zoned I-1, Light Industrial which currently does not make an allowance for general retail sales; as a result, the approval of a Zoning Ordinance Amendment to allow “limited retail sales” in the I-1 and I-2 Districts (as a permitted use) is required for the operation of the thrift store component. To be noted is that the requested Zoning Ordinance change would apply to all properties located within I-1, Light Industrial and I2, General Industrial Zoning Districts.

Boucher mentioned minor exterior modifications to the existing site and building entrance are proposed with the building entrance reconfigured for accessibility purposes from California Street to the northern end of the property through the parking lot. New signage should also be anticipated as part of the site redevelopment.

Boucher reviewed the required findings as follows:

- (a) The amendment is consistent with the comprehensive plan. With general development standards imposed to endure compatibility, the amendment will be in harmony with the purpose of the Comprehensive Plan.
  - a. Saca’s existing and future facilities are identified, the properties are zoned for Light (I-1) and General Industrial (I-2).
- (b) The amendment is in the public interest and is not solely for the benefit of a single property owner. The addition of limited retail sales as a use is applicable to multiple industrially zoned properties and is not solely for the benefit of a single property owner.
  - a. The Industrial Districts include businesses such as Zuccaro’s Product (retail) Minneapolis Mark (manufacturing/retail service component), Ruff Love Dogs (kennel), Total Export Inc. (professional services), Columbia Heights Recycling (City service).

- (c) Where the amendment is to change the zoning classification of a particular property, the existing use of the property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification. Retail services and sales are currently allowed in the Light and General Industrial Districts by way of pawnshops, motor vehicles parts stores, and brewer taprooms all of which are more intense uses generating more business activity and traffic than the proposed addition of limited retail sales. Additionally, the retail uses allowed in these districts are typically complimentary of the other uses allowed.
- (d) Where the amendment is to change the zoning classification of a particular property, there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its current zoning classification. The amendment is not to change the zoning classification of a particular property, but to accommodate a use that is already allowed in different forms but for the same purpose of providing

Boucher explained that the applicant is not proposing a zoning re-classification but an expansion to the uses allowed in the Industrial Districts and reflecting the uses that allow for retail sales or services in greater intensities than what is purposed.

Boucher explained to accommodate the proposed use, the applicant has requested the processing of a Zoning Ordinance amendment which would allow “limited retail sales” as a permitted use in the I-1, Limited Industrial District, and I-2, General Industrial District.

Boucher stated to be noted is that “retail sales” are presently allowed in all the City’s Commercial zoning districts as permitted uses in the General Business (GB) and Central Business District. “Limited retail sales” are also allowed in the Limited Business as a conditional use (but does not have specific development standards besides limiting the retail area square footage to 2,500 sq. ft.).

Boucher stated it is the opinion of Staff that limited retail sales can compatibly exist within I-1 and I-2 Districts provided various precautions are taken to address potential adverse impacts. While the Zoning Ordinance presently includes performance standards, Staff recommends that such standards be expanded to address potential adverse impacts to the residential uses in a more comprehensive manner. In this regard, the following Zoning Ordinance modifications are recommended by Staff:

1. A new definition defining “limited retail sales” and to provide clarity regarding the scope and intensity of retail sales which read as follows (new/additional conditions recommended by Staff are in bold):

***RETAIL SALES, LIMITED (LIMITED RETAIL SALES). Retail sales of products manufactured, process, or delivered in bulk and repackaged for sale on the site, provided that the sales area does not exceed 20% of the gross floor area of the***

***principal building and must adhere to the performance standards set forth in section 9.106.***

2. A new use, Retail Sales, Limited added to the list of Permitted uses described in Section 9.111(D) I-1, Light Industrial District (2) and (E) I-2, General Industrial District (2):

***(z) RETAIL SALES, LIMITED***

Recommendation: Approval of the Zoning Ordinance Amendment which makes an allowance for limited retail sales as defined as a permitted use in the City's I-1, Light Industrial District, and I-2, General Industrial District.

Questions/Comments from Members:

Sahnaw asked how the 20% the gross floor area of the building was determined. He also asked how rezoning compared to other neighboring cities on how they zone.

Boucher replied that Staff have not looked to see what other cities are doing and instead looked at what retail uses were allowed and what densities they were allowed. Chirpich added that Staff looked at the City of New Hope and found that they applied a 20% threshold in their industrial district.

Deneen asked ?? \*Mic off

Chirpich replied that there have been complaints on lack of parking on the site. The site will expand the parking considerably and do not plan to expand the thrift store operation. He added that it will work in a parking demand perspective.

Boucher stated that the gross floor area is some of the gross horizontal areas of several floors measured to the outside of the exterior walls. The building footprint is how the gross floor area is determined.

Boucher explained that the Planning Commission was not approving a development request but that it was a zoning text amendment. The applicant would still need to apply for building permits.

Applicant Timothy LaCroix introduced Dave Rudolph. Mr. Rudolph stated most of the people coming to the thrift store are coming to the food shelf.

Public Hearing Opened.

Larene St. Gabriel-Dargay, City resident, stated surrounding neighbors do not use SACA. Many neighbors have expressed concerns to her about not wanting SACA moving into their neighborhood. She added that neighbors do not understand why SACA needs to move locations if it is working in the current location. She asked why the location needs to be

moved. She added that many neighbors believe that more crime is going to move into the area.

Mr. LaCroix explained that the primary reason for moving is due to the increased need in the community. There is also an increased need for parking and space. He noted that the majority of people who use SACA services are working people who need supplemental help to make ends meet. There has not been a history of increased crime due to SACA. SACA is already planning on moving and that the zoning fits the current location.

Boucher explained that Staff had a development review committee which included public works, community development, the fire department and the police department. Captain Markham reviewed the crime issues that are already present and believes there is more crime due to it not being a busy area and there is more cover for crime. Increasing activity in the area could actually lower the potential of crime.

Chirpich added that they discussed ways they could activate the nearby park.

Ms. St. Gabriel-Dargay expressed her concerns that neighbors were not being heard and that surrounding neighbors have voiced their concerns about crime.

Polly Philblad, City resident, stated that SACA has influenced her life and she had an opportunity to volunteer there. She explained she also used the services at SACA and they helped her during a difficult time in life.

Public Hearing Closed.

*Motion by Wolfe, seconded by Deneen, to waive the reading of the draft Ordinance amendment No. 1690, there being ample copies available to the public. All ayes. MOTION PASSED.*

*Motion by Deneen, seconded by Wolfe, to recommend that the City Council approve draft Zoning Ordinance Amendment No. 1690 as presented. All ayes. MOTION PASSED.*

**DRAFT**

**ORDINANCE NO. 1690**

**AN ORDINANCE AMENDING CHAPTER 9.111 OF THE CITY CODE OF 2005 TO ESTABLISH LIMITED RETAIL SALES AS A PERMITTED USE IN THE CITY'S I-1, LIGHT INDUSTRIAL ZONING DISTRICT, AND I-2, GENERAL INDUSTRIAL ZONING DISTRICT**

The City of Columbia Heights does ordain:

**Section 1**

**The definition of the term “Retail Sales, Limited,” as provided in Section 9.103 of the City Code of 2005, is hereby established to read as follows:**

**RETAIL SALES, LIMITED (LIMITED RETAIL SALES).** Retail sales of products manufactured, process, or delivered in bulk and repackaged for sale on the site, provided that the sales area does not exceed 20% of the gross floor area of the principal building and must adhere to the performance standards set forth in section 9.106.

## **Section 2**

**9.111 (D)(3) of the City Code of 2005 (I-1 District Permitted Uses) is hereby amended to read as follows, to wit:**

(2) *Permitted uses.* Except as specifically limited herein, the following uses are permitted within the I1, Light Industrial District:

- a) Community center.
- b) Government office.
- c) Government maintenance facility.
- d) Government protective service facility.
- e) Public park and/or playground.
- f) Recreational facility, indoor.
- g) Recreational facility, outdoor.
- h) Automobile and motorcycle repair, major.
- i) Automobile and motorcycle repair, minor.
- j) Laboratory, medical.
- k) Office
- l) Studio, radio or television.
- m) Assembly, manufacturing and/or processing.
- n) Freight terminal.
- o) Maintenance facility.
- p) Office/showroom.
- q) Office/warehouse.
- r) Printing and/or publishing.
- s) Self-service storage facility.
- t) Warehousing and/or distribution.
- u) Pawnshops.
- v) Tattoo shops.
- w) Body piercing shops.
- x) Motor vehicle parts store.
- y) Brewer taproom.
- z) *Retail sales, limited*

## **Section 3**

**9.111 (E)(3) of the City Code of 2005 (I-2 District Permitted Uses) is hereby amended to read as follows, to wit:**

- (2) *Permitted uses.* Except as specifically limited herein, the following uses are permitted within the I2, General Industrial District:
- a) Community center.
  - b) Government office.
  - c) Government maintenance facility.
  - d) Government protective service facility.
  - e) Public park and/or playground.
  - f) Recreational facility, indoor.
  - g) Recreational facility, outdoor.
  - h) Automobile and motorcycle repair, major.
  - i) Automobile and motorcycle repair, minor.
  - j) Laboratory, medical.
  - k) Office
  - l) Studio, radio or television.
  - m) Assembly, manufacturing and/or processing.
  - n) Freight terminal.
  - o) Maintenance facility.
  - p) Office/showroom.
  - q) Office/warehouse.
  - r) Printing and/or publishing.
  - s) Self-service storage facility.
  - t) Warehousing and/or distribution.
  - u) Pawnshops.
  - v) Tattoo shops.
  - w) Body piercing shops.
  - x) Motor vehicle parts store.
  - y) Brewer taproom.
  - z) *Retail sales, limited*

**Section 4**

This Ordinance shall be in full force and effect from and after 30 days after its passage.

(insert signature box)

**OTHER BUSINESS**

**3. Review Purchase of 3851 Central Avenue NE.**

Chirpich stated it is required that when the EDA acquires property, to address the acquisitions with the Planning Commission to ensure compliance with the Comprehensive Plan. The property is located in the Central Business District. The goal is to provide

mechanisms for successful redevelopment of vacant lands and targeted areas within the community. This is done through enhancing the image and visibility of the Central Avenue corridor which protecting and enhancing adjacent residential areas. It will encourage infill development that demonstrates compatibility with existing neighborhood characteristics in terms of quality, design, building height, placement, scale and architectural quality. The EDA's intent is demolition for redevelopment. There are no immediate plans for the corner but it will likely be a larger land assembly over a period of years to acquire additional adjacent properties. It is currently zoned commercial.

Questions/Comments from Members:

Sahnow asked if the fire department would be burning down the building. Chirpich replied that the fire department would be using the buildings for training.

Kaiser asked if the previous uses of the buildings were out of use since the EDA has already completed the purchases. Chirpich replied that the homes are vacant.

*Motion by Kaiser, seconded by Deneen, to waive the reading of the Resolution 2023-PTZ06, there being ample copies available to the public. All ayes. MOTION PASSED.*

*Motion by Wolfe, seconded by Gianoulis, to adopt Resolution 2023-PZ06, a resolution finding that the acquisition of certain land for redevelopment purposes by the Columbia Heights Economic Development Authority is consistent with the City of Columbia Heights' Comprehensive Plan. All ayes. MOTION PASSED.*

**RESOLUTION NO. 2023-PZ06**

**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 3851 Central Avenue NE, (PID 36-30-24-33-0011) 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's Planning 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 Commission, such acquisition or disposal is consistent with the comprehensive municipal plan; and

**NOW, THEREFORE BE IT RESOLVED**, the Planning 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 COMMISSION**

(insert signature box)

**4. Review Purchase of 3853 Central Avenue NE.**

Chirpich explained that the same presentation for item 3 applies for item 4.

*Motion by Deneen, seconded by Kaiser, to waive the reading of the Resolution 2023-PZ05, there being ample copies available to the public. All ayes. MOTION PASSED.*

*Motion by Gianoulis, seconded by Wolfe, to adopt Resolution 2023-PZ05, a resolution finding that the acquisition of certain land for redevelopment purposes by the Columbia Heights Economic Development Authority is consistent with the City of Columbia Heights' Comprehensive Plan. All ayes. MOTION PASSED.*

**RESOLUTION NO. 2023-PZ05**

**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 3853 Central Avenue NE, (PID 36-30-24-33-0159) 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's Planning 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 Commission, such acquisition or disposal is consistent with the comprehensive municipal plan; and

**NOW, THEREFORE BE IT RESOLVED**, the Planning 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 COMMISSION**

(insert signature box)

**ADJOURNMENT**

*Motion by Wolfe, seconded by Kaiser to adjourn the meeting at 6:40 pm. All ayes. MOTION PASSED.*

Respectfully submitted,

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Alicia Howe, Administrative Assistant





AGENDA SECTION	PUBLIC HEARINGS
MEETING DATE	FEBRUARY 6, 2024

ITEM:	Vacation of Existing Utility Easement and Proposed Ordinance Vacating Roadway Easements Serving 1650 40 <sup>th</sup> Avenue NE and 3987 Johnson Street NE	
DEPARTMENT:	Community Development	BY/DATE: Andrew Boucher, City Planner, 2/6/24

**CASE NUMBER:** 2024-PZ01

**APPLICANT:** City of Columbia Heights

**DEVELOPMENT:** Vacation of easements serving 1650 40<sup>th</sup> Avenue NE and 3987 Johnson Street NE

**LOCATION:** 1650 40th Avenue NE and 3987 Johnson Street NE

**REQUEST:** Easement Vacation

**PREPARED BY:** Andrew Boucher, City Planner

#### INTRODUCTION:

At the beginning of 2023, the property owner of 1650 40<sup>th</sup> Avenue NE approached staff regarding the replacement of an existing attached garage with a larger garage which would abut or encroach upon an area of the site which lies within an existing utility easement. The property owner informally requested an easement/partial easement vacation in April 2023, but the City required additional review.

Upon further review, staff determined that the City would be the applicant and responsible for hiring a firm to conduct the survey work. Some of the existing easements were found to include an undeveloped alley and a roadway easement that is misaligned with the road that was constructed and new easements. A contract for surveying services was executed with Pioneer Engineering to conduct a survey, prepare an existing (Exhibit A) and proposed conditions (Exhibits B and C), and provide descriptions for the proposed vacation as well as the new easements.

Attached are the legal descriptions of these easements to be vacated and the descriptions of the new easements to be recorded per Exhibits A and B. Once approved, the City is responsible for filing the vacations and recording the new easements with Anoka County.

#### ZONING ORDINANCE

The Zoning Ordinance requires the Planning Commission to hold a public hearing on the application for the vacation of a street, alley, or other public right-of-way and submit its recommendation to the City Council. The subject properties are zoned residential, 1650 40<sup>th</sup> Avenue NE is R-2A (One/Two Family Residential) and 3987 Johnson Street NE is R-2B (Built-as-Duplex). The surrounding area is zoned residential, with Parks and Open Space to the west of the subject properties.

#### COMPREHENSIVE PLAN

The City's 2040 Comprehensive Plan guides the subject sites as "Low Density Residential" as well as the surrounding area with "Park" space to the west and "Institutional" guiding to the north.

Staff Review

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

FINDINGS OF FACT

Section 9.104 (J) of the Zoning Ordinance outlines certain findings of fact that must be met in order for the City to grant approval for an easement vacation. The findings are as follows:

The City Council shall make each of the following findings before vacating a street, alley, or other public right-of-way:

- a) No private rights will be injured or endangered as a result of the vacation.

*This is correct.*

- b) The public will not suffer loss or inconvenience as a result of the vacation.

*This is correct.*

RECOMMENDATION

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

**Motion:** Move to waive the reading of Resolution No. 2024-011, there being ample copies available to the public.

**Motion:** Move to recommend that the City Council approve Resolution No. 2024-011, vacating the sanitary sewer easement at 1650 40<sup>th</sup> Avenue NE subject to the following conditions:

- 1. The City shall be responsible for providing legal descriptions of all easements that are subject to be created. Said descriptions are subject to review by the City Attorney.
- 2. The City shall be responsible for filing the easements vacations and proposed easements with the Anoka County Recorder’s Office.

RECOMMENDED MOTION(S):
<b>MOTION:</b> Move to waive the reading of draft Resolution No. 2024-011, there being ample copies available to the public.
<b>MOTION:</b> Move to recommend that the City Council approve Resolution No. 2024-011, vacating the sanitary sewer easement at 1650 40 <sup>th</sup> Avenue NE as presented.

RECOMMENDATION

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

**Motion:** Move to waive the reading of Draft Ordinance No. 1691, there being ample copies available to the public.

**Motion:** Move to recommend that the City Council approve Draft Ordinance No. 1691, vacating the roadway easements at 1650 40<sup>th</sup> Avenue NE and 3987 Johnson Street NE subject to the following conditions:

1. The City shall be responsible for providing legal descriptions of all easements that are subject to be created. Said descriptions are subject to review by the City Attorney.
2. The City shall be responsible for filing the easements vacations and proposed easements with the Anoka County Recorder’s Office.

RECOMMENDED MOTION(S):

MOTION: Move to waive the reading of Draft Ordinance No. 1691, there being ample copies available to the public.

MOTION: Move to recommend that the City Council approve Draft Ordinance No. 1691, vacating the roadway easements at 1650 40<sup>th</sup> Avenue NE and 3987 Johnson Street NE as presented.

- ATTACHMENT(S):**
- Draft Resolution No. 2024-011
- Draft Ordinance No. 1691
- [Applicant Narrative](#)
- [Application](#)
- [Site Location Map](#)
- [Letter to Neighbors](#)
- [Public Hearing Notice](#)
- [Easement Vacation Legal Descriptions](#)
- [Proposed Easement Legal Descriptions](#)
- Exhibit A (Existing Conditions)
- Exhibit B (Proposed Easement and Road Vacation)
- Exhibit C (Proposed Road Easement)

**RESOLUTION NO. 2024-011**

A resolution of the Planning Commission for the City of Columbia Heights, Minnesota, recommending City Council approve an easement vacation for property located in the City of Columbia Heights, Minnesota, legally described as:

Sanitary Sewer Easement per Document No. 177165, as graphically depicted in Exhibits A and B, attached Pioneer Engineering Land Title Survey.

**WHEREAS**, a proposal (Planning Case #2024-01) has been submitted by the City of Columbia Heights to the City Council requesting an easement vacation at the following site:

**ADDRESS:** 1650 40<sup>th</sup> Avenue NE  
Columbia Heights, MN 55421

**THE CITY SEEKS THE FOLLOWING:** Easement vacation per Code Section 9.104.-(J), of the above legally described easement.

**WHEREAS**, the Planning and Zoning Commission held an informal public hearing as required by the City Zoning Code on February 6, 2024;

**WHEREAS**, the City Council will hold a formal public hearing as required by the City Zoning Code on February 12, 2024;

**WHEREAS**, the Planning Commission has considered the advice and recommendations of staff regarding the effect of the proposed easement vacation 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 Planning Commission of the City of Columbia Heights makes the following:

**FINDINGS OF FACT**

1. No private rights will be injured or endangered as a result of the vacation.
2. The public will not suffer loss or inconvenience as a result of the vacation.

**FURTHER, BE IT RESOLVED**, that the attached plans, maps, and other information shall become part of this easement vacation; and in granting approval the City and the property owner agree that the easement vacation shall become null and void if the resolution is not recorded with Anoka County within one (1) calendar year after the approval date, subject to petition for renewal.

**CONDITIONS OF APPROVAL**

1. The City shall be responsible for providing legal descriptions of all easements that are subject to be created or amended as a result of the easement vacation. Said descriptions are subject to review by the

City Attorney. Once approved, the City shall be responsible for recording the newly created or amended easements with the Anoka County Recorder's Office.

2. The City shall be responsible for recording the easement vacations and proposed easements with the Anoka County Recorder's Office.

**ORDER OF COUNCIL**

Passed this 6<sup>th</sup> day of February, 2024

Offered by:

Seconded by:

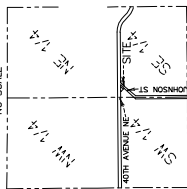
Roll Call:

Attest:

\_\_\_\_\_  
Eric Sahnnow, Chair

\_\_\_\_\_  
Andrew Boucher, City Planner

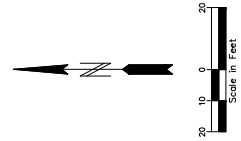
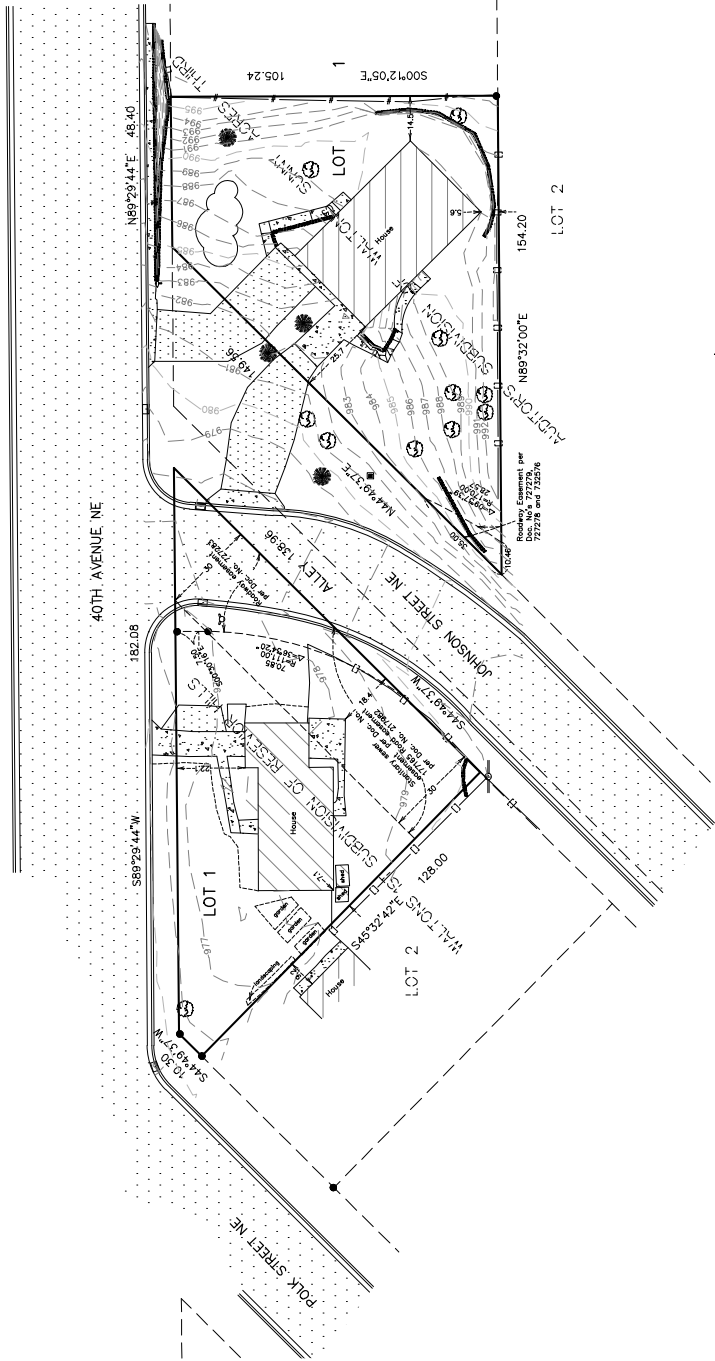
## VICINITY MAP



SECTION 36, TWP. 30, RGE. 24  
 ANOKA COUNTY, MINNESOTA  
 LOCATION MAP - - -  
 NO SCALE

SHEET INDEX:

- SHEET 1: EXISTING CONDITIONS  
SHEET 2: PROPOSED CONDITIONS  
SHEET 3: PROPOSED EASEMENT AND ROAD VACATION EXHIBIT  
SHEET 4: PROPOSED ROAD EASEMENT EXHIBIT



Property description per Commitment for Title Insurance commitment no. DC231432 dated May 15th, 2023 at 8:00 a.m. issued by Old Republic National Title Insurance Company:

Parcel 1:  
Lot 1, Block 1, Walton's First Subdivision of Reservoir Hills, Anoka County, Minnesota.

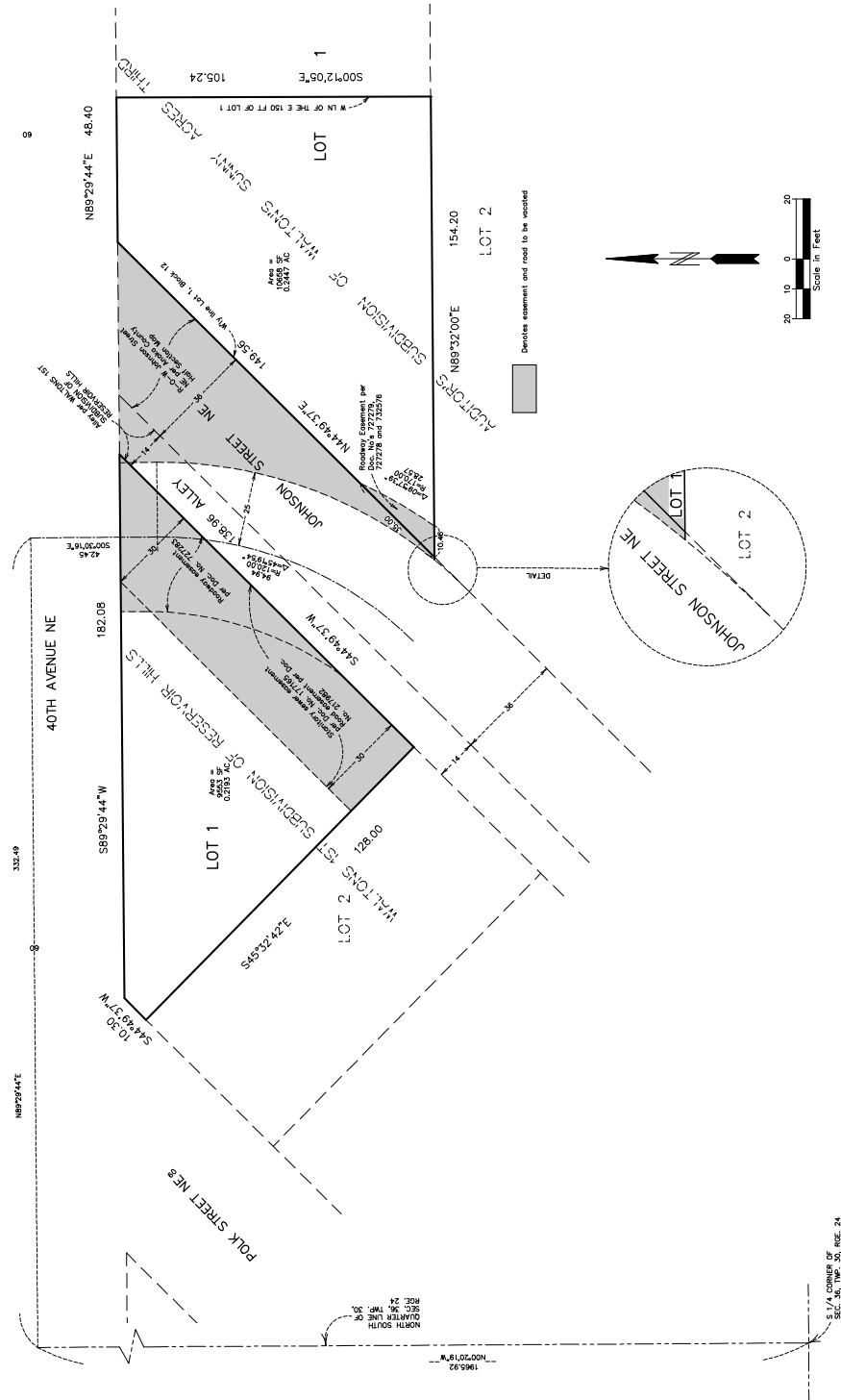
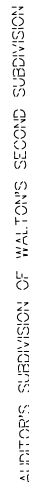
Parcel 2:  
Lot 1, Block 12, Auditor's Subdivision of Walton's Sunny Acres Third Addition, except the East 150 feet thereof and except the West 36 feet measured at right angle to Southeasterly line of platted alley lying adjacent and Northwesterly of said lot, Anoka County, Minnesota.

\* Only easements which were supplied by client and appear in Schedule B of the Commitment for Title Insurance issued by Old Republic National Title Insurance Company file no. DC231432 dated May, 15th, 2023 at 8:00 a.m. are shown. No other search for recorded or unrecorded easements was made by the surveyor as part of this survey.

### LEGEND

- Decorative iron pipe**
- Decorative window**
- Decorative door**
- Decorative ventilation box**
- Decorative ventilation box**
- Decorative ventilation box**
- Decorative railing wall C**
- Decorative railing wall D**
- Decorative fence (cable type)**
- Decorative fence (solid type)**
- Decorative fence (wood)**
- Decorative staircase**
- Decorative shutters**

# Exhibit B



**ORDINANCE NO. 1691**

**AN ORDINANCE PROPOSING VACATION OF ROADWAY, ALLEY, AND RIGHT-OF-WAY EASEMENTS PER 9.104 OF THE CITY CODE OF 2005 SERVING PROPERTIES LOCATED AT 1650 40<sup>TH</sup> AVENUE NE AND 3987 JOHNSON STREET NE.**

The City of Columbia Heights does ordain:

**Section 1**

The proposed legal descriptions for the easement and road vacations are as described and graphically depicted per Exhibits A, B, and C:

All of the roadway easement as described in document numbers 727279, 727278 and 732576

All of the Alley as delineated and dedicated on WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS, Anoka County contiguous with the southeasterly line of Lot 1, Block 1, said WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS, that lies easterly of a line parallel with and 25 feet easterly of the following described line:

Commencing at the south quarter corner of Section. 36, Township 30, Range. 24, said Anoka County, thence North 00 degrees 20 minutes 19 degrees West assumed bearing along the north south quarter line of said Section. 36, 1965.92 feet; thence North 89 degrees 29 minutes 44 seconds East, 332.49 feet to the point of beginning; thence South 00 degrees 30 minutes 16 seconds East, 42.45 feet; thence southwesterly along a tangential curve concave to the west, 94.94 feet, with a central angle 45 degrees 19 minutes 54 seconds and a radius of 120.00 feet.

All of the roadway easement as described in document number 727283, Anoka County, Minnesota

All of Johnson Street Northeast lying westerly and northwesterly of the westerly line of Lot 1, Block 12, AUDITOR'S SUBDIVISION OF WALTON'S SUNNY ACRES THIRD, Anoka County, Minnesota, lying north of the westerly extension of the south line of said Lot 1, and lying easterly of a line parallel with and 25 feet easterly of the following described line: Commencing at the south quarter corner of Section. 36, Township 30, Range. 24, said Anoka County, thence North 00 degrees 20 minutes 19 degrees West assumed bearing along the north south quarter line of said Section. 36, 1965.92 feet; thence North 89 degrees 29 minutes 44 seconds East, 332.49 feet to the point of beginning; thence South 00 degrees 30 minutes 16 seconds East, 42.45 feet; thence southwesterly along a tangential curve concave to the west, 94.94 feet, with a central angle 45 degrees 19 minutes 54 seconds and a radius of 120.00 feet.

**Section 2**

This Ordinance shall be in full force and effect from and after 30 days after its passage.

First Reading:

Offered by:

Seconded by:

---

Roll Call:

Second Reading:

Offered by:

Seconded by:

Roll Call:

Date of Passage:

---

Amáda Márquez Simula, Mayor

Attest:

---

Sara Ion, City Clerk/Council Secretary

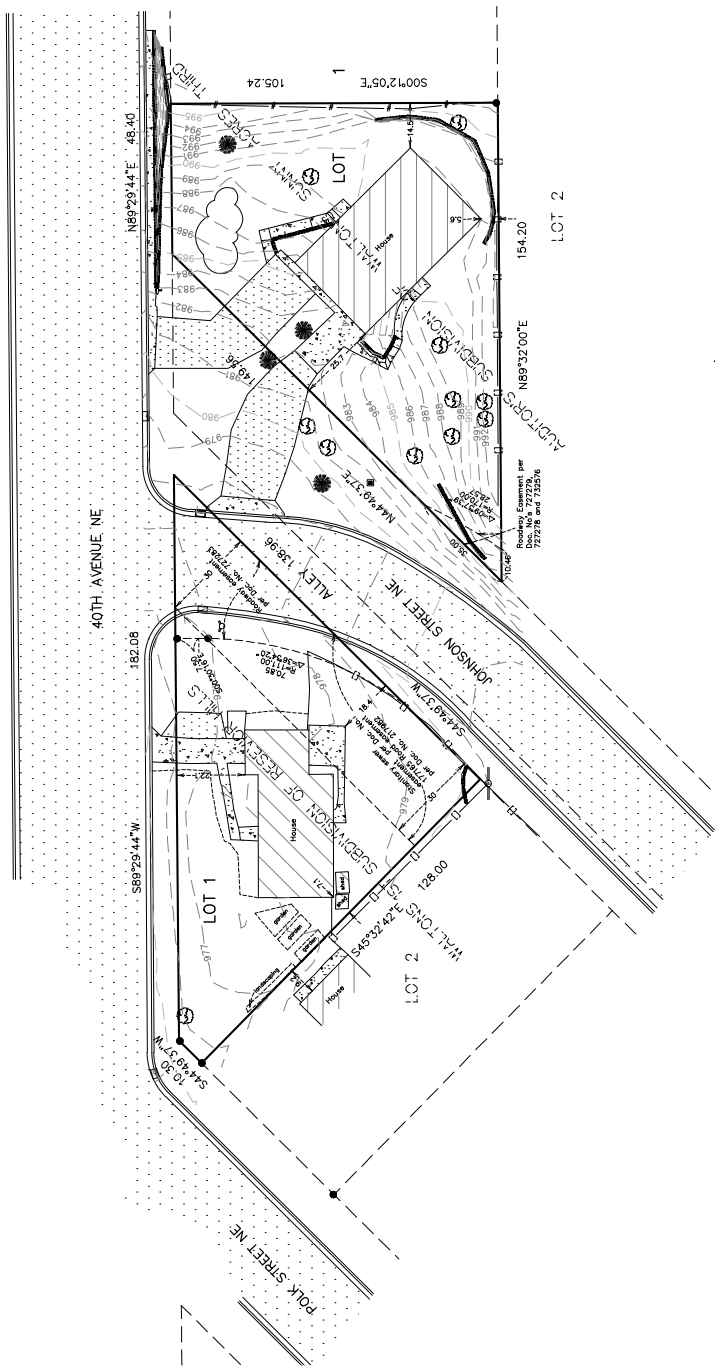
SECTION 36, TWP. 30, RGE. 24  
 ANOKA COUNTY, MINNESOTA  
 LOCATION MAP - --  
 NO SCALE

# EXHIBIT A

**SHEET INDEX:**

SHEET 1: EXISTING CONDITIONS  
 SHEET 2: PROPOSED CONDITIONS  
 SHEET 3: PROPOSED EASEMENT AND ROAD VACATION EXHIBIT  
 SHEET 4: PROPOSED ROAD EASEMENT EXHIBIT

AUDITOR'S SUBDIVISION OF WALTON'S SECOND SUBDIVISION

















Property description per Commitment for Title Insurance commitment no. DC231432 dated May 15th, 2023 at 8:00 a.m. issued by Old Republic National Title Insurance Company:

Parcel 1:  
Lot 1, Block 1, Walton's First Subdivision of Reservoir Hills, Anoka County, Minnesota.

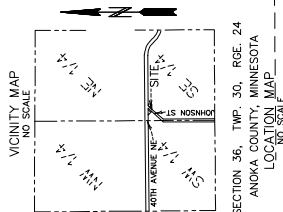
Parcel 2:  
Lot 1, Block 12, Auditor's Subdivision of Walton's Sunny Acres Third Addition, except the East 150 feet thereof and except the West 36 feet measured at right angle to Southwesterly line of platted alley lying adjacent and Northwesterly of said lot, Anoka County, Minnesota.

Only easements which were supplied by client and appear in Schedule B of the Commitment for Title Insurance issued by Old Republic National Title Insurance Company file no. DC23432 dated May, 15th, 2023 at 8:00 a.m. are shown. No other search for recorded or unrecorded easements was made by the surveyor as part of this survey.

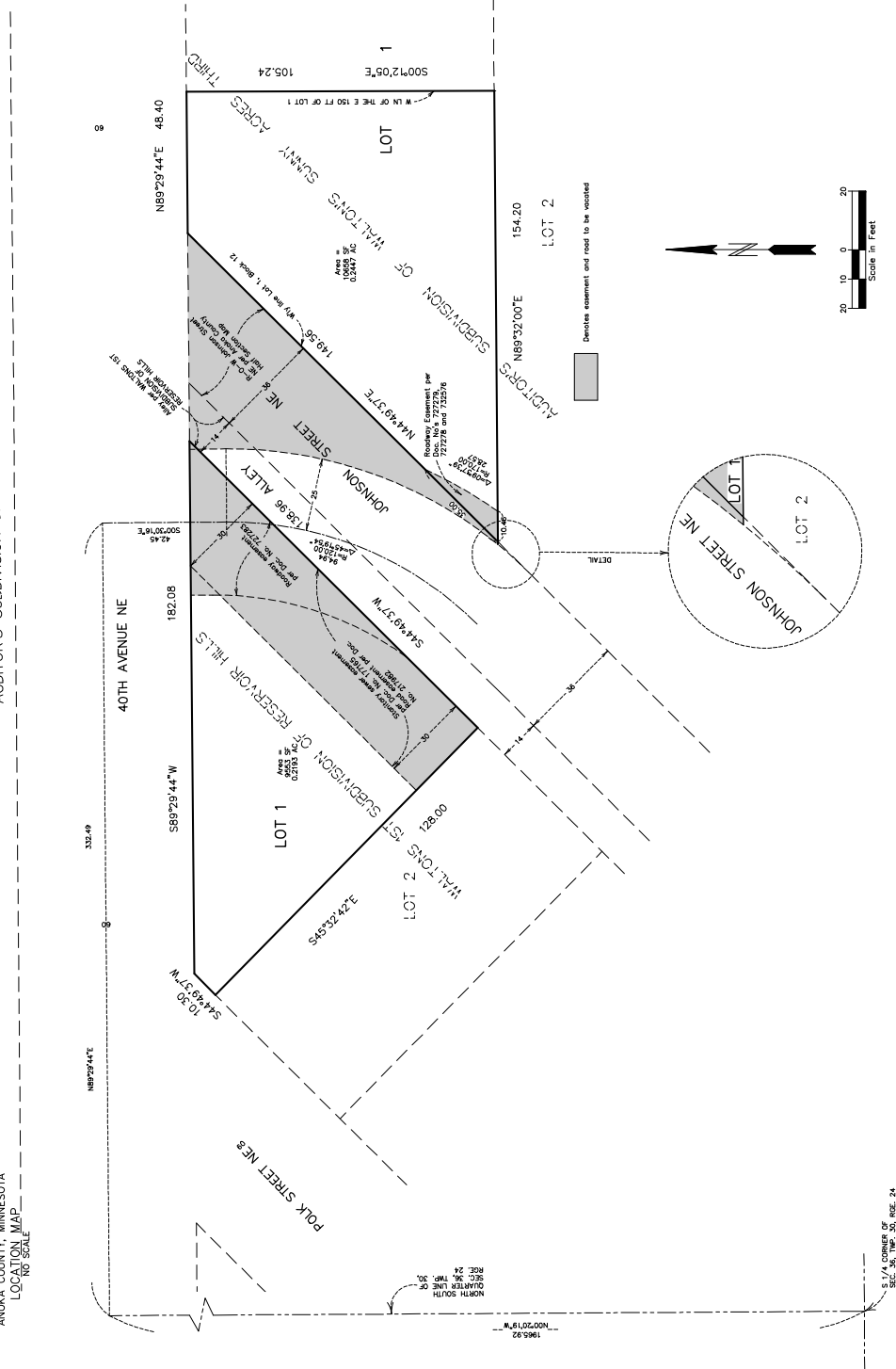
LEGEND

- |   |   |  |  |
|---|---|--|--|
|  | Denotes iron pipe                         |  |  |
|  | Denotes hydrant                           |  |  |
|  | Denotes valve                             |  |  |
|  | Denotes transmission line                 |  |  |
|  | Denotes electric line                     |  |  |
|  | Denotes telephone line                    |  |  |
|  | Denotes underground well                  |  |  |
|  | Denotes well built for oil, gas, or other |  |  |
|  | Denotes existing tree C                   |  |  |
|  | Denotes existing tree D                   |  |  |
|  | Denotes fence (Grade 100)                 |  |  |
|  | Denotes fence (wood)                      |  |  |
|  | Denotes concrete                          |  |  |
|  | Denotes shoreline                         |  |  |

# Exhibit B



## AUDITOR'S SUBDIVISION OF WALTON'S SECOND SUBDIVISION



### Proposed Description for Easement and Road Vacation.

All of the roadway easement as described in document numbers 77279, 77278 and 73276

All of the alley as delineated and dedicated as WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS, Anoka County, Minnesota, and the southeasterly line of Lot 1, Block 1, said WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS, that line southeasterly of a line parallel with and 25 feet easterly of the following described line:

Connecting at the south quarter corner of Section 36, Township 30, Range 24, said Anoka County, thence North 00 degrees 20 minutes 19 degrees West measured bearing along the north south quarter line of said Section 36, 1965.52 feet; thence North 89 degrees 29 minutes 44 seconds East, 332.49 feet; thence South 89 degrees 29 minutes 44 seconds West, 1965.52 feet; thence South 89 degrees 29 minutes 44 seconds West, 332.49 feet; thence southeasterly along a tangential curve concave to the west, 94.94 feet, with a central angle 45 degrees 19 minutes 54 seconds and a radius of 120.00 feet.

All of the solitary sewer easement as described in document number 77165, Anoka County, Minnesota

All of the roadway easement as described in document number 77283, Anoka County, Minnesota

All of Johnson Street Northeast (also westerly and southeasterly of the westerly line of Lot 1, Block 12, AUDITOR'S SUBDIVISION OF WALTONS SUNNY ACRES THIRD, Anoka County, Minnesota, along north of the westerly extension of the south line of said Lot 1, and lying easterly of a line parallel with and 25 feet westerly of the following described line: Connecting at the south quarter corner of Section 36, Township 30, Range 24, said Anoka County, thence North 00 degrees 20 minutes 19 degrees West measured bearing along the north south quarter line of said Section 36, 1965.52 feet; thence North 89 degrees 29 minutes 44 seconds East, 332.49 feet; thence South 89 degrees 29 minutes 44 seconds West, 1965.52 feet; thence South 89 degrees 29 minutes 44 seconds West, 332.49 feet; thence southeasterly along a tangential curve concave to the west, 94.94 feet, with a central angle 45 degrees 19 minutes 54 seconds and a radius of 120.00 feet.



The city had a 30 ft easement prior to the construction of Johnson Street. They used part of the property for Johnson the other 30 ft has been maintained as our property. The city has agreed to give us 20 ft in order for us to build a garage on our side. Lawn 10 ft will remain w/ the city for use for maintenance of road & such. This is formal application for the vacation.

# COLUMBIA HEIGHTS

Community Development Department  
590 40<sup>th</sup> Ave. NE, Columbia Heights, MN 55421

## STREET, ALLEY OR EASEMENT VACATION APPLICATION ORDINANCE NO. 9.104 (J)

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: 1650 40<sup>th</sup> Ave NE Columbia Hts  
Anoka County Property Identification Number (PIN#): \_\_\_\_\_  
Legal Description of Street, Alley, or Easement to be vacated: The city has easment on 30 ft of property - Making Easement for 20 city 1650 10  
Type of Vacation (street, alley and/or public easement): Side Lane

### PROPERTY OWNER (As it appears on property title):

Name (please print): April Lebeck  
Mailing Address: 1650 40<sup>th</sup> Ave NE  
City: Columbia Hts State: MN Zip: 55421  
Daytime Phone: 612 232 0087 Cell Phone: Same  
E-mail Address: hotnot62@hotmail.com  
Signature/Date: [Signature]

### APPLICANT:

Company Name (please print): City of Columbia Heights  
Contact Person (please print): Andrew Boucher  
Mailing Address: 3989 Central Ave NE  
City: Columbia Heights State: MN Zip: 55421  
Daytime Phone: 763-706-3673 Cell Phone: \_\_\_\_\_  
Email Address: aboucher@cityofcolumbiaheights.mn.gov  
Signature/Date: [Signature] 1-2-2024

# COLUMBIA HEIGHTS

Item 3.

Community Development Department  
590 40<sup>th</sup> Ave. NE, Columbia Heights, MN 55421

## STREET, ALLEY OR EASEMENT VACATION APPLICATION ORDINANCE NO. 9.104 (J)

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: 3987 Johnson St NE  
Anoka County Property Identification Number (PIN#): 36-30-24-42-0085  
Legal Description of Street, Alley, or Easement to be vacated: All of the roadway easement as described in document nos 727279, 727278, + 732576, all of alley as delineated + dedicated on Watkins 1<sup>st</sup> Subdivision of Hennepin Hills  
Type of Vacation (street, alley and/or public easement): Alley/Street

### PROPERTY OWNER (As it appears on property title):

Name (please print): Samiha Rifai  
Mailing Address: 608 37th Ave NE  
City: Minneapolis State: MN Zip: 55421  
Daytime Phone: 612-805-4724 Cell Phone: 612-805-4724  
E-mail Address: rifa0003@yahoo.com

Signature/Date: Samiha Rifai 11/3/2023

### APPLICANT:

Company Name (please print): City of Columbia Heights  
Contact Person (please print): Andrew Boucher  
Mailing Address: 3989 Central Avenue NE  
City: Columbia Heights State: MN Zip: 55421  
Daytime Phone: 763-706-3673 Cell Phone: \_\_\_\_\_  
Email Address: aboucher@cityofcolumbiheights.mn.gov

Signature/Date: Andrew Boucher 1-2-24

# Anoka County Parcel Viewer

Item 3.



## Parcel Information:

36-30-24-42-0103  
1650 40TH AVE NE  
COLUMBIA HEIGHTS  
MN 55421

Plat: WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS

Approx. Acres: 0.21

Commissioner: MANDY MEISNER

## Owner Information:

THOMPSON, KAREN  
1650 40TH AVE NE  
COLUMBIA HEIGHTS  
MN  
55421



**CITY OF COLUMBIA HEIGHTS  
PLANNING COMMISSION**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Planning Commission of the City of Columbia Heights will conduct a public hearing in the City Council Chambers at 3989 Central Avenue Northeast on Tuesday, February 6<sup>th</sup>, 2024, at 6:00 p.m. The order of business is as follows:

A request for Easement Vacation was submitted by the City related to easements serving the properties, 1650 40<sup>th</sup> Avenue NE (PID: 36-30-24-42-0103) and 3987 Johnson Street NE (36-30-24-42-0085). The City intends to vacate easements serving 1650 40<sup>th</sup> Avenue NE: the sanitary sewer easement (doc. No. 177165), roadway easements (doc. No. 217982 and 727283), and the alley described per Waltons 1<sup>st</sup> Subdivision of Reservoir Hills. Additionally, the City intends to vacate the roadway easements serving 3987 Johnson Street NE per doc. No. 727279, 727278, and 732576. The City is vacating these easements and proposing new easements to serve the subject properties that accurately reflect the current roadway configuration.

Per Code Section 9.104 (J) of the Zoning Ordinance the Planning Commission is required to hold a public hearing on the Vacation application, and submit findings to the City Council.

Notice is hereby given that all persons having an interest will be given an opportunity to be heard. For questions, contact Andrew Boucher, City Planner, at (763) 706-3673. If you cannot attend the meeting, but would like to provide input, you can submit correspondence via email to [aboucher@columbiaheightsmn.gov](mailto:aboucher@columbiaheightsmn.gov) or by mail at:

City of Columbia Heights  
3989 Central Avenue NE  
Columbia Heights, MN 55421

City of Columbia Heights | *Community Development Department*

3989 Central Avenue NE, Columbia Heights, MN 55421 ▪ Ph: 763-706-3670 ▪ Fax: 763-706-3671 ▪

[www.columbiaheightsmn.gov](http://www.columbiaheightsmn.gov)

## NOTICE OF PUBLIC HEARING

Date of Hearing: Tuesday, February 6, 2024

Subject: Public Hearing Notice – Easement Vacations

Subject Property: 1650 40<sup>th</sup> Avenue NE (PID: 36-30-24-42-0103)  
3987 Johnson Street NE (PID: 36-30-24-42-0085)

Dear Resident/Affected Property Owner:

The City of Columbia Heights has made an application for a vacation of easements serving the properties located at 1650 40<sup>th</sup> Avenue NE (PID: 36-30-24-42-0103) and 3987 Johnson Street NE (36-30-24-42-0085). Section 9.104 (F) of the Zoning Ordinance requires the Planning Commission to hold a public hearing and provide a recommendation that the City Council approve or deny the application. The City intends to vacate the easements serving these properties including an easement for an alley that was never constructed and propose new easements that accurately reflect the current roadway configuration.

You are receiving this notice because the property that you own (Affected Property), and/or reside in, is located within 350 feet of the Project Site (1650 40<sup>th</sup> Avenue NE or 3987 Johnson Street). **The Planning Commission of the City of Columbia Heights will hold a Public Hearing on this matter on Tuesday, February 6, 2024 at 6:00 p.m. at the City Hall, located at 3989 Central Avenue NE.** A full copy of the application is on file at City Hall and is available for review upon request.

You are welcomed and encouraged to participate in the Public Hearing for this matter by attending the February 6, 2024 Planning Commission meeting. If you cannot attend the meeting, but would like to provide input, you can submit correspondence via email to [aboucher@columbiaheightsmn.gov](mailto:aboucher@columbiaheightsmn.gov) or by mail at:

City of Columbia Heights  
Attn: Community Development  
3989 Central Avenue NE  
Columbia Heights, MN 55421

You can also participate in the meeting live and online by using Zoom at the login link below or call-in:

### Join Zoom Meeting Online

[www.zoom.us](https://www.zoom.us)

Meeting ID: **810 9064 1596**

### Dial-in for Zoom Meeting

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

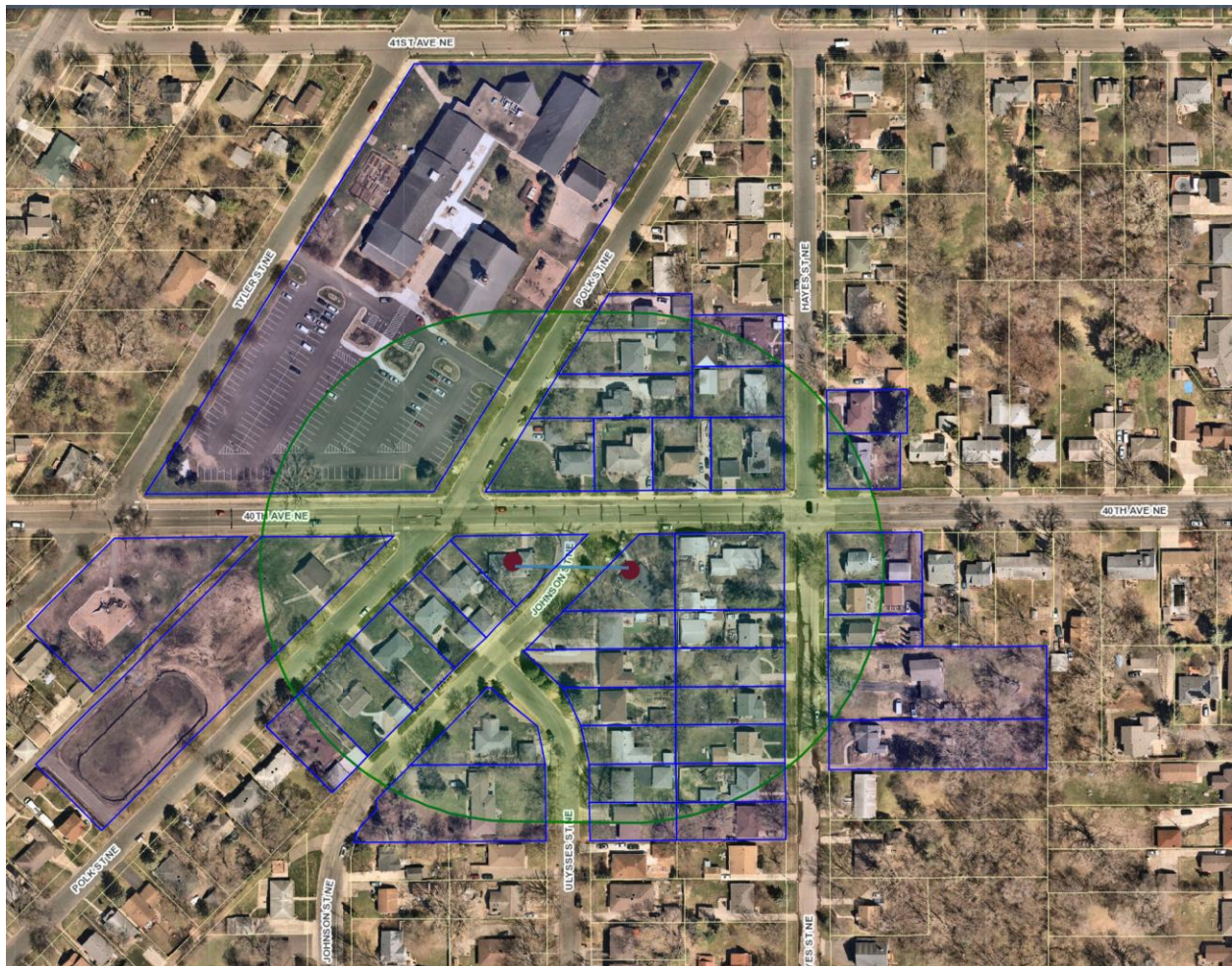
If you have any questions about this proposal, please do not hesitate to contact the City of Columbia Heights

Sincerely,

Andrew Boucher  
Community Development Planner, City of Columbia Heights

**\*\* Landowners (Commercial and Residential):** If you do not reside on the Affected Property, located 350 feet from the Subject Property, it is your responsibility to share this notice with your tenants. This notice should be posted in a public place on your property or mailed directly to the tenants residing or leasing space on the Affected Property.

### -SUBJECT PROPERTY LOCATIONS-



Proposed Descriptions for Easement and Road Vacations:

All of the roadway easement as described in document numbers 727279, 727278 and 732576

All of the Alley as delineated and dedicated on WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS, Anoka County contiguous with the southeasterly line of Lot 1, Block 1, said WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS, that lies easterly of a line parallel with and 25 feet easterly of the following described line:

Commencing at the south quarter corner of Section. 36, Township 30, Range. 24, said Anoka County, thence North 00 degrees 20 minutes 19 degrees West assumed bearing along the north south quarter line of said Section. 36, 1965.92 feet; thence North 89 degrees 29 minutes 44 seconds East, 332.49 feet to the point of beginning; thence South 00 degrees 30 minutes 16 seconds East, 42.45 feet; thence southwesterly along a tangential curve concave to the west, 94.94 feet, with a central angle 45 degrees 19 minutes 54 seconds and a radius of 120.00 feet.

All of the sanitary sewer easement as described in document number 177165, Anoka County, Minnesota

All of the roadway easement as described in document number 727283, Anoka County, Minnesota

All of Johnson Street Northeast lying westerly and northwesterly of the westerly line of Lot 1, Block 12, AUDITOR'S SUBDIVISION OF WALTON'S SUNNY ACRES THIRD, Anoka County, Minnesota, lying north of the westerly extension of the south line of said Lot 1, and lying easterly of a line parallel with and 25 feet easterly of the following described line: Commencing at the south quarter corner of Section. 36, Township 30, Range. 24, said Anoka County, thence North 00 degrees 20 minutes 19 degrees West assumed bearing along the north south quarter line of said Section. 36, 1965.92 feet; thence North 89 degrees 29 minutes 44 seconds East, 332.49 feet to the point of beginning; thence South 00 degrees 30 minutes 16 seconds East, 42.45 feet; thence southwesterly along a tangential curve concave to the west, 94.94 feet, with a central angle 45 degrees 19 minutes 54 seconds and a radius of 120.00 feet.

Proposed Description for Roadway Easement:

An easement for roadway purposes lying over under and across all that part of Lot 1, Block 1, WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS, according to the recorded plat thereof, Anoka County, Minnesota that lies within a 50 foot strip, its centerline described as follows:

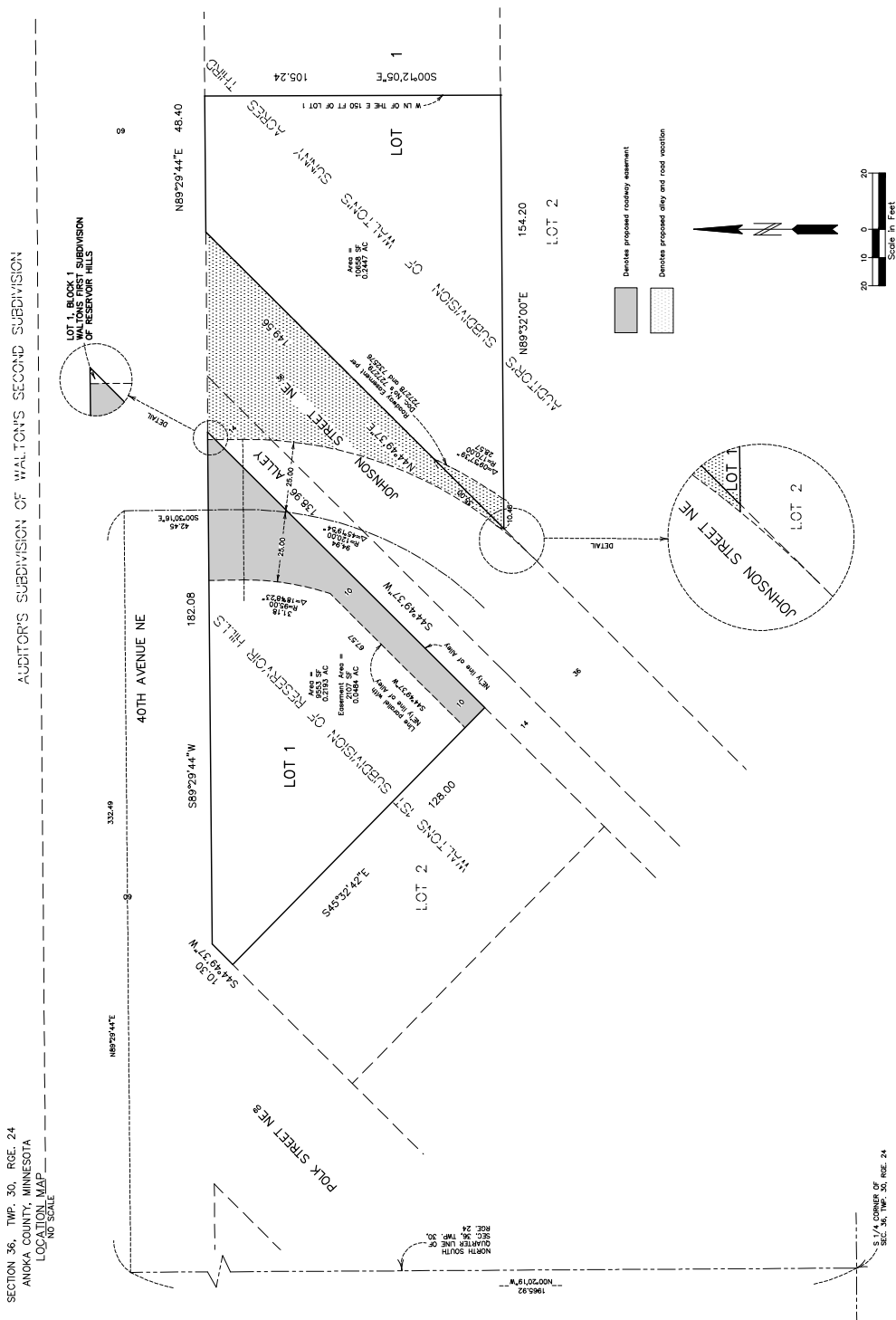
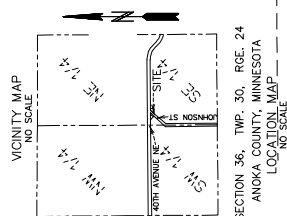
Commencing at the south quarter corner of Section. 36, Township 30, Range. 24, said Anoka County, thence North 00 degrees 20 minutes 19 degrees West assumed bearing along the north south quarter line of said Section. 36, 1965.92 feet; thence North 89 degrees 29 minutes 44 seconds East, 332.49 feet to the point of beginning; thence South 00 degrees 30 minutes 16 seconds East, 42.45 feet; thence southwesterly along a tangential curve concave to the west, 94.94 feet, with a central angle 45 degrees 19 minutes 54 seconds and a radius of 120.00 feet.

Together with all that part of said Lot 1 except the previously described 50 foot strip that lies southeasterly of a line 10 feet northwesterly of and parallel with the northeasterly line of the Alley adjacent to said Lot 1 as delineated and dedicated on said WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS.





# Exhibit C





AGENDA SECTION	PUBLIC HEARINGS
MEETING DATE	FEBRUARY 6, 2024

ITEM:	Proposed Utility and Roadway Easements Serving 1650 40 <sup>th</sup> Avenue NE and 3987 Johnson Street NE	
DEPARTMENT:	Community Development	BY/DATE: Andrew Boucher, City Planner, 2/6/24

**CASE NUMBER:** 2024-PZ04

**APPLICANT:** City of Columbia Heights

**DEVELOPMENT:** Proposed easement serving 1650 40<sup>th</sup> Avenue NE and 3987 Johnson Street NE

**LOCATION:** 1650 40th Avenue NE and 3987 Johnson Street NE

**REQUEST:** Proposed Easement

**PREPARED BY:** Andrew Boucher, City Planner

#### INTRODUCTION:

At the beginning of 2023, the property owner of 1650 40<sup>th</sup> Avenue NE approached staff regarding the replacement of an existing attached garage with a larger garage which would abut or encroach upon an area of the site which lies within an existing utility easement. The property owner informally requested an easement/partial easement vacation in April 2023, but the City required additional review.

Upon further review, staff determined that the City would be the applicant and responsible for hiring a firm to conduct the survey work. Some of the existing easements were found to include an undeveloped alley and a roadway easement that is misaligned with the road that was constructed and new easements. A contract for surveying services was executed with Pioneer Engineering to conduct a survey, prepare graphic depictions of existing (Exhibit A) and proposed conditions (Exhibit B), and provide descriptions for the proposed vacation (Exhibit C) as well as the new easements.

Attached are the legal descriptions of these easements to be vacated and the descriptions of the new easements to be recorded per Exhibits B and C. Once approved, the City is responsible for filing and recording the new easements with Anoka County.

#### ZONING ORDINANCE

As the easement vacations and proposed easement for these properties is not related to a replat and is more of an administrative correction to reflect the actual location of the right-of-way, staff considered an easement vacation to be the most applicable process to adhere to. The Zoning Ordinance requires the Planning Commission to hold a public hearing on the application for the vacation of a street, alley, or other public right-of-way and submit its recommendation to the City Council. The subject properties are zoned residential, 1650 40<sup>th</sup> Avenue NE is R-2A (One/Two Family Residential) and 3987 Johnson Street NE is R-2B (Built-as-Duplex). The surrounding area is zoned residential, with Parks and Open Space to the west of the subject properties.

#### COMPREHENSIVE PLAN

The City’s 2040 Comprehensive Plan guides the subject sites as “Low Density Residential” as well as the surrounding area with “Park” space to the west and “Institutional” guiding to the north.

**Staff Review**

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

**FINDINGS OF FACT**

Section 9.104 (J) of the Zoning Ordinance outlines certain findings of fact that must be met in order for the City to grant approval for a proposed easement. The findings are as follows:

The City Council shall make each of the following findings before vacating or proposing a street, alley, or other public right-of-way:

- a) No private rights will be injured or endangered as a result of the proposed roadway easement.

*This is correct.*

- b) The public will not suffer loss or inconvenience as a result of the proposed roadway easement.

*This is correct.*

**RECOMMENDATION**

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

**Motion:** Move to waive the reading of Draft Ordinance No. 1692, there being ample copies available to the public.

**Motion:** Move to recommend that the City Council approve Draft Ordinance No. 1692, establishing a new proposed roadway easement serving the properties at 1650 40<sup>th</sup> Avenue NE and 3987 Johnson Street NE subject to the following conditions:

- 1. The City shall be responsible for providing legal descriptions of all easements that are subject to be created. Said descriptions are subject to review by the City Attorney.
- 2. The City shall be responsible for filing the easements vacations and proposed easements with the Anoka County Recorder’s Office.

<b>RECOMMENDED MOTION(S):</b>
<b>MOTION:</b> Move to waive the reading of Draft Ordinance No. 1692, there being ample copies available to the public.
<b>MOTION:</b> Move to recommend that the City Council approve Draft Ordinance No. 1692, establishing a new proposed roadway easement at 1650 40 <sup>th</sup> Avenue NE and 3987 Johnson Street NE as presented.

---

Draft Ordinance No. 1692

[Applicant Narrative](#)

[Application](#)

[Site Location Map](#)

[Letter to Neighbors](#)

[Public Hearing Notice](#)

[Easement Vacation Legal Descriptions](#)

[Proposed Easement Legal Descriptions](#)

Exhibit A (Existing Conditions)

Exhibit B (Proposed Easement and Road Vacation)

Exhibit C (Proposed Road Easement)

**ORDINANCE NO. 1692**

**AN ORDINANCE PROPOSING A ROADWAY EASEMENT PER 9.104 OF THE CITY CODE OF 2005 SERVING PROPERTIES LOCATED AT 1650 40<sup>TH</sup> AVENUE NE AND 3987 JOHNSON STREET NE.**

The City of Columbia Heights does ordain:

**Section 1**

The proposed roadway easement is legally described and graphically depicted in Exhibit C as follows:

An easement for roadway purposes lying over under and across all that part of Lot 1, Block 1, WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS, according to the recorded plat thereof, Anoka County, Minnesota that lies within a 50 foot strip, its centerline described as follows:

Commencing at the south quarter corner of Section. 36, Township 30, Range. 24, said Anoka County, thence North 00 degrees 20 minutes 19 degrees West assumed bearing along the north south quarter line of said Section. 36, 1965.92 feet; thence North 89 degrees 29 minutes 44 seconds East, 332.49 feet to the point of beginning; thence South 00 degrees 30 minutes 16 seconds East, 42.45 feet; thence southwesterly along a tangential curve concave to the west, 94.94 feet, with a central angle 45 degrees 19 minutes 54 seconds and a radius of 120.00 feet.

Together with all that part of said Lot 1 except the previously described 50 foot strip that lies southeasterly of a line 10 feet northwesterly of and parallel with the northeasterly line of the Alley adjacent to said Lot 1 as delineated and dedicated on said WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS.

**Section 2**

This Ordinance shall be in full force and effect from and after 30 days after its passage.

First Reading:

Offered by:

Seconded by:

Roll Call:

Second Reading:

Offered by:

Seconded by:

Roll Call:

Date of Passage:

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Amáda Márquez Simula, Mayor

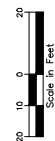
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Attest:

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Sara Ion, City Clerk/Council Secretary

AUDITOR'S SUPERVISION OF WALTON'S SECOND SUBDIVISION



The city had a 30 ft easement prior to the construction of Johnson Street. They used part of the property for Johnson the other 30 ft has been maintained as our property. The city has agreed to give us 20 ft in order for us to build a garage on our side. Lawn 10 ft will remain w/ the city for use for maintenance of road & such. This is formal application for the vacation.

# COLUMBIA HEIGHTS

Community Development Department  
590 40<sup>th</sup> Ave. NE, Columbia Heights, MN 55421

## STREET, ALLEY OR EASEMENT VACATION APPLICATION ORDINANCE NO. 9.104 (J)

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: 1650 40<sup>th</sup> Ave NE Columbia Hts  
Anoka County Property Identification Number (PIN#): \_\_\_\_\_  
Legal Description of Street, Alley, or Easement to be vacated: The city has easment on 30 ft of property - Making Easement for 20 city 1650 10  
Type of Vacation (street, alley and/or public easement): Side Lane

### PROPERTY OWNER (As it appears on property title):

Name (please print): April Lebeck  
Mailing Address: 1650 40<sup>th</sup> Ave NE  
City: Columbia Hts State: MN Zip: 55421  
Daytime Phone: 612 232 0087 Cell Phone: Same  
E-mail Address: hotnot62@hotmail.com  
Signature/Date: [Signature]

### APPLICANT:

Company Name (please print): City of Columbia Heights  
Contact Person (please print): Andrew Boucher  
Mailing Address: 3989 Central Ave NE  
City: Columbia Heights State: MN Zip: 55421  
Daytime Phone: 763-706-3673 Cell Phone: \_\_\_\_\_  
Email Address: aboucher@cityofcolumbiaheights.mn.gov  
Signature/Date: [Signature] 1-2-2024

# COLUMBIA HEIGHTS

Item 4.

Community Development Department  
590 40<sup>th</sup> Ave. NE, Columbia Heights, MN 55421

## STREET, ALLEY OR EASEMENT VACATION APPLICATION ORDINANCE NO. 9.104 (J)

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: 3987 Johnson St NE  
Anoka County Property Identification Number (PIN#): 36-30-24-42-0085  
Legal Description of Street, Alley, or Easement to be vacated: All of the roadway easement as described in document nos 727279, 727278, + 732576, all of alley as delineated + dedicated on Waymons 1<sup>st</sup> Subdivision of Hennepin Hills  
Type of Vacation (street, alley and/or public easement): Alley/Street

### PROPERTY OWNER (As it appears on property title):

Name (please print): Samiha Rifai  
Mailing Address: 608 37th Ave NE  
City: Minneapolis State: MN Zip: 55421  
Daytime Phone: 612-805-4724 Cell Phone: 612-805-4724  
E-mail Address: rifa0003@yahoo.com

Signature/Date: Samiha Rifai 11/3/2023

### APPLICANT:

Company Name (please print): City of Columbia Heights  
Contact Person (please print): Andrew Boucher  
Mailing Address: 3989 Central Avenue NE  
City: Columbia Heights State: MN Zip: 55421  
Daytime Phone: 763-706-3673 Cell Phone: \_\_\_\_\_  
Email Address: aboucher@cityofcolumbiheights.mn.gov

Signature/Date: Andrew Boucher 1-2-24

# Anoka County Parcel Viewer

Item 4.



## Parcel Information:

36-30-24-42-0103  
1650 40TH AVE NE  
COLUMBIA HEIGHTS  
MN 55421

Plat: WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS

Approx. Acres: 0.21

Commissioner: MANDY MEISNER

## Owner Information:

THOMPSON, KAREN  
1650 40TH AVE NE  
COLUMBIA HEIGHTS  
MN  
55421



**CITY OF COLUMBIA HEIGHTS  
PLANNING COMMISSION**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Planning Commission of the City of Columbia Heights will conduct a public hearing in the City Council Chambers at 3989 Central Avenue Northeast on Tuesday, February 6<sup>th</sup>, 2024, at 6:00 p.m. The order of business is as follows:

A request for Easement Vacation was submitted by the City related to easements serving the properties, 1650 40<sup>th</sup> Avenue NE (PID: 36-30-24-42-0103) and 3987 Johnson Street NE (36-30-24-42-0085). The City intends to vacate easements serving 1650 40<sup>th</sup> Avenue NE: the sanitary sewer easement (doc. No. 177165), roadway easements (doc. No. 217982 and 727283), and the alley described per Waltons 1<sup>st</sup> Subdivision of Reservoir Hills. Additionally, the City intends to vacate the roadway easements serving 3987 Johnson Street NE per doc. No. 727279, 727278, and 732576. The City is vacating these easements and proposing new easements to serve the subject properties that accurately reflect the current roadway configuration.

Per Code Section 9.104 (J) of the Zoning Ordinance the Planning Commission is required to hold a public hearing on the Vacation application, and submit findings to the City Council.

Notice is hereby given that all persons having an interest will be given an opportunity to be heard. For questions, contact Andrew Boucher, City Planner, at (763) 706-3673. If you cannot attend the meeting, but would like to provide input, you can submit correspondence via email to [aboucher@columbiaheightsmn.gov](mailto:aboucher@columbiaheightsmn.gov) or by mail at:

City of Columbia Heights  
3989 Central Avenue NE  
Columbia Heights, MN 55421

City of Columbia Heights | *Community Development Department*

3989 Central Avenue NE, Columbia Heights, MN 55421 ▪ Ph: 763-706-3670 ▪ Fax: 763-706-3671 ▪

[www.columbiaheightsmn.gov](http://www.columbiaheightsmn.gov)

## NOTICE OF PUBLIC HEARING

Date of Hearing: Tuesday, February 6, 2024

Subject: Public Hearing Notice – Easement Vacations

Subject Property: 1650 40<sup>th</sup> Avenue NE (PID: 36-30-24-42-0103)  
3987 Johnson Street NE (PID: 36-30-24-42-0085)

Dear Resident/Affected Property Owner:

The City of Columbia Heights has made an application for a vacation of easements serving the properties located at 1650 40<sup>th</sup> Avenue NE (PID: 36-30-24-42-0103) and 3987 Johnson Street NE (36-30-24-42-0085). Section 9.104 (F) of the Zoning Ordinance requires the Planning Commission to hold a public hearing and provide a recommendation that the City Council approve or deny the application. The City intends to vacate the easements serving these properties including an easement for an alley that was never constructed and propose new easements that accurately reflect the current roadway configuration.

You are receiving this notice because the property that you own (Affected Property), and/or reside in, is located within 350 feet of the Project Site (1650 40<sup>th</sup> Avenue NE or 3987 Johnson Street). **The Planning Commission of the City of Columbia Heights will hold a Public Hearing on this matter on Tuesday, February 6, 2024 at 6:00 p.m. at the City Hall, located at 3989 Central Avenue NE.** A full copy of the application is on file at City Hall and is available for review upon request.

You are welcomed and encouraged to participate in the Public Hearing for this matter by attending the February 6, 2024 Planning Commission meeting. If you cannot attend the meeting, but would like to provide input, you can submit correspondence via email to [aboucher@columbiaheightsmn.gov](mailto:aboucher@columbiaheightsmn.gov) or by mail at:

City of Columbia Heights  
Attn: Community Development  
3989 Central Avenue NE  
Columbia Heights, MN 55421

You can also participate in the meeting live and online by using Zoom at the login link below or call-in:

### Join Zoom Meeting Online

[www.zoom.us](https://www.zoom.us)

Meeting ID: **810 9064 1596**

### Dial-in for Zoom Meeting

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

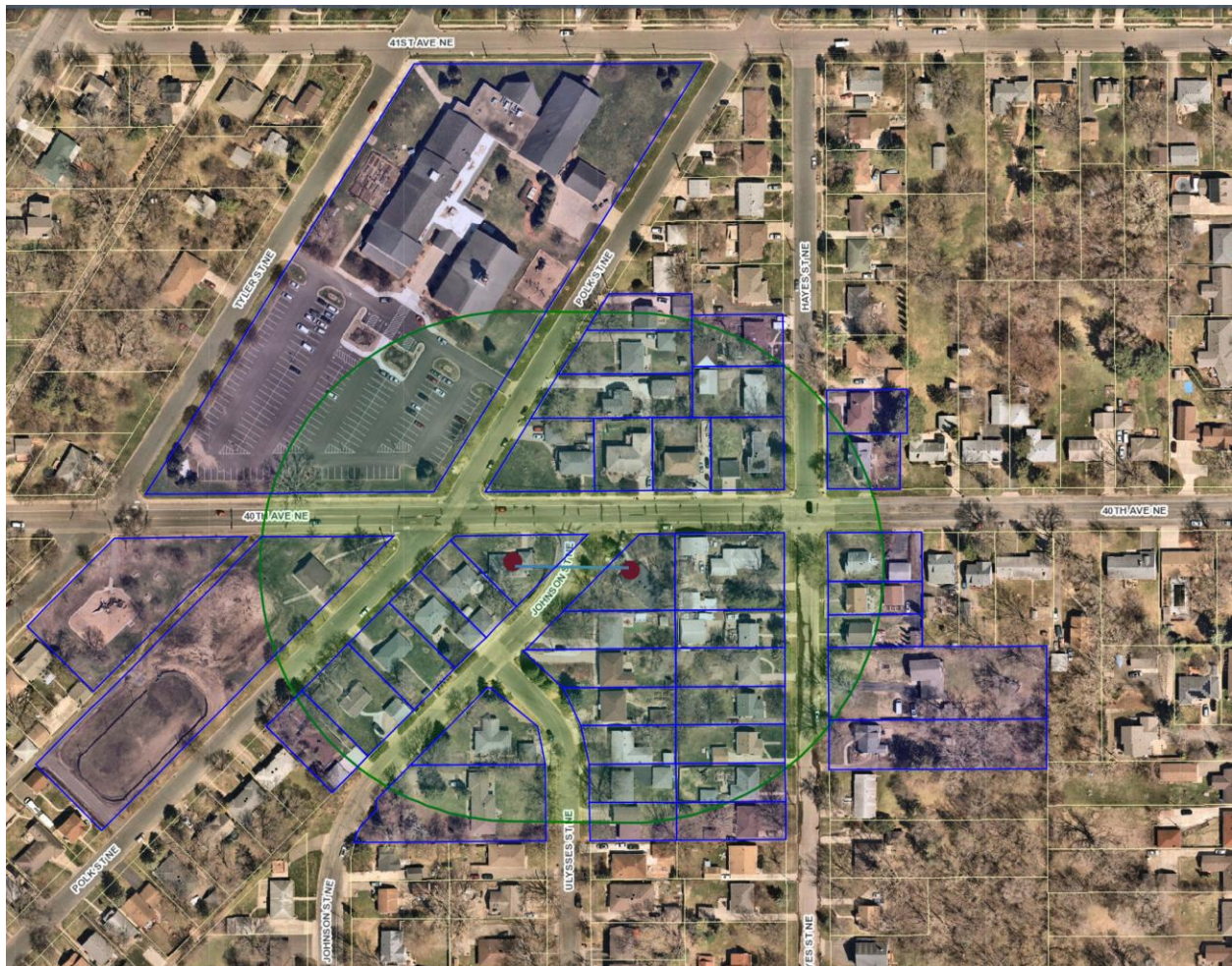
If you have any questions about this proposal, please do not hesitate to contact the City of Columbia Heights

Sincerely,

Andrew Boucher  
Community Development Planner, City of Columbia Heights

**\*\* Landowners (Commercial and Residential):** If you do not reside on the Affected Property, located 350 feet from the Subject Property, it is your responsibility to share this notice with your tenants. This notice should be posted in a public place on your property or mailed directly to the tenants residing or leasing space on the Affected Property.

### -SUBJECT PROPERTY LOCATIONS-



Proposed Description for Roadway Easement:

An easement for roadway purposes lying over under and across all that part of Lot 1, Block 1, WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS, according to the recorded plat thereof, Anoka County, Minnesota that lies within a 50 foot strip, its centerline described as follows:

Commencing at the south quarter corner of Section. 36, Township 30, Range. 24, said Anoka County, thence North 00 degrees 20 minutes 19 degrees West assumed bearing along the north south quarter line of said Section. 36, 1965.92 feet; thence North 89 degrees 29 minutes 44 seconds East, 332.49 feet to the point of beginning; thence South 00 degrees 30 minutes 16 seconds East, 42.45 feet; thence southwesterly along a tangential curve concave to the west, 94.94 feet, with a central angle 45 degrees 19 minutes 54 seconds and a radius of 120.00 feet.

Together with all that part of said Lot 1 except the previously described 50 foot strip that lies southeasterly of a line 10 feet northwesterly of and parallel with the northeasterly line of the Alley adjacent to said Lot 1 as delineated and dedicated on said WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS.

Proposed Descriptions for Easement and Road Vacations:

All of the roadway easement as described in document numbers 727279, 727278 and 732576

All of the Alley as delineated and dedicated on WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS, Anoka County contiguous with the southeasterly line of Lot 1, Block 1, said WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS, that lies easterly of a line parallel with and 25 feet easterly of the following described line:

Commencing at the south quarter corner of Section. 36, Township 30, Range. 24, said Anoka County, thence North 00 degrees 20 minutes 19 degrees West assumed bearing along the north south quarter line of said Section. 36, 1965.92 feet; thence North 89 degrees 29 minutes 44 seconds East, 332.49 feet to the point of beginning; thence South 00 degrees 30 minutes 16 seconds East, 42.45 feet; thence southwesterly along a tangential curve concave to the west, 94.94 feet, with a central angle 45 degrees 19 minutes 54 seconds and a radius of 120.00 feet.

All of the sanitary sewer easement as described in document number 177165, Anoka County, Minnesota

All of the roadway easement as described in document number 727283, Anoka County, Minnesota

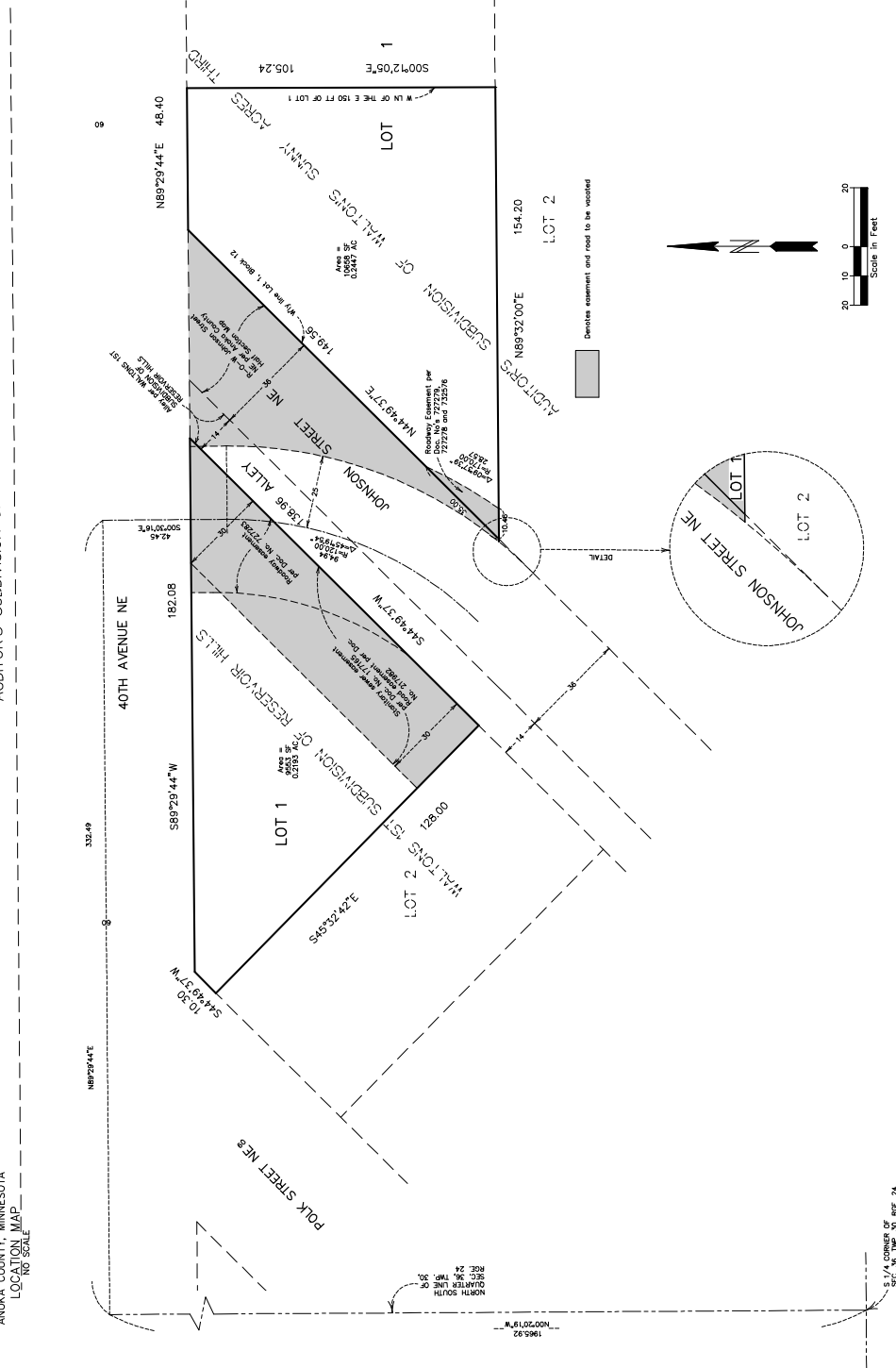
All of Johnson Street Northeast lying westerly and northwesterly of the westerly line of Lot 1, Block 12, AUDITOR'S SUBDIVISION OF WALTON'S SUNNY ACRES THIRD, Anoka County, Minnesota, lying north of the westerly extension of the south line of said Lot 1, and lying easterly of a line parallel with and 25 feet easterly of the following described line: Commencing at the south quarter corner of Section. 36, Township 30, Range. 24, said Anoka County, thence North 00 degrees 20 minutes 19 degrees West assumed bearing along the north south quarter line of said Section. 36, 1965.92 feet; thence North 89 degrees 29 minutes 44 seconds East, 332.49 feet to the point of beginning; thence South 00 degrees 30 minutes 16 seconds East, 42.45 feet; thence southwesterly along a tangential curve concave to the west, 94.94 feet, with a central angle 45 degrees 19 minutes 54 seconds and a radius of 120.00 feet.



VICINITY MAP  
NO SCALE

40TH AVENUE NE  
15TH AVENUE NE  
SITE

SECTION 36, TWP. 30, RGE. 24  
ANOKA COUNTY, MINNESOTA  
LOCATION MAP



1001

A vertical scale bar labeled "Scale in Feet". It has markings at 20, 0, 10, and 20. The bar is divided into segments: a black segment from 20 to 0, a white segment from 0 to 10, and a black segment from 10 to 20.

AGENDA SECTION	PUBLIC HEARINGS
MEETING DATE	FEBRUARY 6, 2024

ITEM:	Variance for Attached Garage in Residential Front Yard within Front Yard Setback Encroachments		
DEPARTMENT:	Community Development	BY/DATE:	Andrew Boucher, City Planner, 2/6/24

**CASE NUMBER:** 2024-PZ02

**APPLICANT:** April Leaveck and Karen Thompson

**DEVELOPMENT:** Residential Variance for 1650 40<sup>th</sup> Avenue NE to allow for an attached garage to encroach into front yard setback.

**LOCATION:** 1650 40th Avenue NE

**REQUEST:** Variance (Residential)

**PREPARED BY:** Andrew Boucher, City Planner

#### INTRODUCTION:

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

April Leaveck and Karen Thompson are requesting a Variance for a proposed attached garage to be located at 1650 40<sup>th</sup> Avenue NE. The applicant is proposing to construct an addition to the standard garage which measures out to 567 square feet in size on the east side of the home. The applicant seeks a variance for the following:

1. Variance to allow the attached garage to be constructed and located with a front yard setback less than 25 feet. City Code Section 9.109 (C) stipulates a 25-foot front yard setback for residential buildings.

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

Thus, the site's north lot line, along 40<sup>th</sup> Avenue NE is considered the front and subject to a minimum required building setback of 25 feet. The west lot line is subsequently considered a side lot line, from which a minimum 5-foot building setback is required. The required setback from Johnson Street NE is subject to a 10-foot setback along the same street. The attached garage is proposed to be located 20.4 feet from the north front

property line, the same distance as the existing principal structure encroaches upon the front yard setback. The structure and proposed addition are within the principal structure building line in the front yard and does not increase the encroachment towards the setback beyond what the original structure does.

## ZONING ORDINANCE

The Zoning Ordinance requires the Planning Commission to hold a public hearing on the application for the variance and submit its recommendation to the City Council. The subject property is zoned R-2A (One/Two Family Residential) and the surrounding area is zoned residential, with Parks and Open Space to the west of the subject properties. The use of the property as a residential home complies with the Zoning Code and is otherwise code compliant.

## COMPREHENSIVE PLAN

The City's 2040 Comprehensive Plan guides the subject sites as "Low Density Residential" as well as the surrounding area with "Park" space to the west and "Institutional" guiding to the north. The proposed garage is consistent with the goals and intent of the Comprehensive Plan.

## Staff Review

Staff has reviewed the variance materials and the building permit application submitted including floor plans, applicant narrative, and site plan illustrating the proposed size and location of the new garage and its relation to adjacent properties and structures as well as the existing and proposed easements described in the easement vacation associated with this property.

## FINDINGS OF FACT

Section 9.104 (G) of the Zoning Ordinance outlines required findings of fact that must be met for the City to grant approval for a Variance. The findings are as follows:

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

- (a) Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.

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

- (b) The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.

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

- (c) The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.

*This is correct.*

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

*This is correct. The Comprehensive plan calls for reinvestment, renovation, and modernization of the City's single-family housing stock.*

- (e) The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

*This is correct. The granting of this Variance will result in a new, functioning two car garage for the property that will enhance the overall functionality and aesthetic of the site. This will provide more adequate on-site parking and will contribute to the improved value of the neighborhood.*

## RECOMMENDATION

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

**Motion:** Move to waive the reading of Resolution No. 2024 – 012, there being ample copies available to the public.

**Motion:** Move to recommend that the City Council approve Resolution No. 2024-012, a Variance for a residential property allowing for a five foot, five inch encroachment into the front yard setback subject to the following conditions:

1. All construction shall comply with the Minnesota State Residential Code.
2. All construction shall comply with the Minnesota State Energy Code.
3. All construction shall comply with the Minnesota State Plumbing Code.
4. All construction shall comply with the Minnesota State Mechanical and Fuel Gas Code.
5. Storm water runoff from the new construction shall be directed to the street. Runoff cannot pass onto adjacent properties.
6. The existing single stall garage located on the site shall be removed.
7. All construction shall comply with applicable local and state codes.
8. Stormwater runoff from the new construction shall be directed to the street. Runoff cannot pass onto adjacent properties.
9. The new attached garage shall be set back a minimum of 20.4 feet from the northern property line and meet all other applicable setback requirements.
10. A Certificate of Survey and Elevation Plans shall be submitted as part of the Building Permit Application for the construction of the proposed attached garage.
11. The total building coverage, including the principal structure and all accessory structures, shall not exceed 35%.
12. The distance between the proposed attached garage doors and the front lot line shall be no less than 20 feet.

13. The proposed attached garage shall be provided with a hard-surfaced access driveway, no less than 12 feet in width, to an adjacent public street, and shall be no less than 20 feet by 20 feet in size.
14. The proposed attached garage shall not be located within any utility or drainage easement.

**RECOMMENDED MOTION(S):**

**MOTION:** Move to waive the reading of draft Resolution No. 2024-012, there being ample copies available to the public.

**MOTION:** Move to recommend that the City Council approve Resolution No. 2024-012, a Variance allowing a five foot, five inch, encroachment into the front yard setback of 1650 40<sup>th</sup> Avenue NE.

**ATTACHMENT(S):**

- Draft Resolution
- Applicant Narrative
- Application
- Site Location Map
- Letter to Neighbors
- Public Hearing Notice
- Exhibits

## RESOLUTION NO. 2024-012

A resolution of the Planning Commission for the City of Columbia Heights, Minnesota, recommending approval of a Variance for the property located in the City of Columbia Heights, MN;

**Whereas**, a proposal (Planning Case # 2024-PZ02) has been submitted by Karen Thompson and April Leaveck to the Planning Commission requesting approval of a Variance at the following location:

ADDRESS: 1650 40<sup>th</sup> Avenue NE (PID 36-30-24-42-0103)

LEGAL DESCRIPTION:

WALTONS 1ST SUB OF RES HILLS, CITY OF COLUMBIA HEIGHTS LOT 1, BLK 1, WALTONS 1ST SUB OF RESERVOIR HILLS-EX EASE OVER NELY 30 FT-

THE APPLICANT SEEKS THE FOLLOWING:

1. Variance to allow the attached garage to be constructed and located with a front yard setback less than 25 feet. City Code Section 9.109 (C) stipulates a 25-foot front yard setback for residential buildings.

**Whereas**, the Planning Commission held a public hearing as required by the City Zoning Code on February 6, 2024;

**Whereas**, the Planning Commission has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variances upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concern related to traffic, property values, light, air, danger of fire, and risk to public safety, in the surrounding area;

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

## FINDINGS OF FACT

1. Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.

2. The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classifications.
3. The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.
4. The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.
5. The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

### **CONDITIONS**

1. All construction shall comply with the Minnesota State Residential Code.
2. All construction shall comply with the Minnesota State Energy Code.
3. All construction shall comply with the Minnesota State Plumbing Code.
4. All construction shall comply with the Minnesota State Mechanical and Fuel Gas Code.
5. Storm water runoff from the new construction shall be directed to the street. Runoff cannot pass onto adjacent properties.
6. The existing single stall garage located on the site shall be removed.
7. All construction shall comply with applicable local and state codes.
8. Stormwater runoff from the new construction shall be directed to the street. Runoff cannot pass onto adjacent properties.
9. The new attached garage shall be set back a minimum of 20.4 feet from the northern property line and meet all other applicable setback requirements.
10. A Certificate of Survey and Elevation Plans shall be submitted as part of the Building Permit Application for the construction of the proposed attached garage.
11. The total building coverage, including the principal structure and all accessory structures, shall not exceed 35%.
12. The distance between the proposed attached garage doors and the front lot line shall be no less than 20 feet.
13. The proposed attached garage shall be provided with a hard-surfaced access driveway, no less than 12 feet in width, to an adjacent public street, and shall be no less than 20 feet by 20 feet in size.
14. The proposed attached garage shall not be located within any utility or drainage easement.

Passed this 6<sup>th</sup> day of February, 2024

Offered by:  
Seconded  
by:  
Roll Call:

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Eric Sahnou, Chair

Attest:

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Andrew Boucher, City Planner

# COLUMBIA HEIGHTS

Community Development Department  
590 40<sup>th</sup> Ave. NE, Columbia Heights, MN 55421

## VARIANCE APPLICATION (RESIDENTIAL) ORDINANCE NO. 9.104 (G)

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: 1650 40<sup>th</sup> Ave. NE Columbia Hts.  
Legal Description: Waltons 1<sup>st</sup> Sub of Res Hill City of Columbia Heights Lot 1, Walton 1<sup>st</sup> Sub of Reservoir

Present use of property Home  
Proposed use of property Home Garage

### PROPERTY OWNER (As it appears on property title):

Name: April S. Leaveck + Karen Thompson  
Mailing Address: 1650 40<sup>th</sup> Ave NE  
City: Columbia Heights State: MN Zip: 55421  
Daytime Phone: 612 232 0082 Cell Phone: 612 232 0082  
E-mail Address: a.leaveck@faulpsych.com  
Signature/Date: April Leaveck 01/19/2024

### APPLICANT:

Company Name (please print): \_\_\_\_\_  
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 describing the Variance being requested. The narrative should fully explain the hardship (s) that justifies variation from the strict application of the Code. The terms "hardship" or "undue hardship" typically refer to physical characteristics of the property, such as shape, soil conditions, or topography. Neither mere inconvenience, nor reduction in value alone, is sufficient to justify a variance. The inability to put property to its highest and best use is not considered a hardship or practical difficulty. The problem that justifies the variance must be caused by conditions unique to the property and beyond the control of the applicant. The applicant cannot create the condition that requires the variance.)*

## FOR OFFICE USE ONLY

**CASE NO:** \_\_\_\_\_

**APPLICATION REC'D BY:** \_\_\_\_\_

**\$250.00 APPLICATION FEE REC'D:** \_\_\_\_\_

**DATE APPLICATION REC'D:** \_\_\_\_\_

**RECEIPT NUMBER:** \_\_\_\_\_

Approved by Planning & Zoning Commission on \_\_\_\_\_

Approved by City Council on \_\_\_\_\_

The city had a 30 ft easement prior to the construction of Johnson Street. They used part of the property for Johnson the other 30 ft has been maintained as our property. The city has agreed to give us 20 ft in order for us to build a garage on our side. Lawn 10 ft will remain w/ the city for use for maintenance of road & such. This is formal application for the vacation.

# Anoka County Parcel Viewer

Item 5.

**Parcel Information:**

36-30-24-42-0103  
1650 40TH AVE NE  
COLUMBIA HEIGHTS  
MN 55421

Plat: WALTONS 1ST SUBDIVISION OF RESERVOIR HILLS

Approx. Acres: 0.21

Commissioner: MANDY MEISNER

**Owner Information:**

THOMPSON, KAREN  
1650 40TH AVE NE  
COLUMBIA HEIGHTS  
MN  
55421



City of Columbia Heights | *Community Development Department*

3989 Central Avenue NE, Columbia Heights, MN 55421 ▪ Ph: 763-706-3670 ▪ Fax: 763-706-3671 ▪

[www.columbiaheightsmn.gov](http://www.columbiaheightsmn.gov)

## NOTICE OF PUBLIC HEARING

Date of Hearing: Tuesday, February 6, 2024

Subject: Public Hearing Notice – Variance (Residential)

Subject Property: 1650 40<sup>th</sup> Avenue NE (PID: 36-30-24-42-0103)

Dear Resident/Affected Property Owner:

The City of Columbia Heights has received an application from April S. Leaveck and Karen Thompson of 1650 40<sup>th</sup> Avenue NE for a Residential Variance to allow for a five (5) foot encroachment into the 25 foot front yard building setback. Section 9.104 (G) of the Zoning Ordinance requires the Planning Commission to hold a public hearing and provide a recommendation that the City Council approve or deny the application. The property owners intend to build an addition onto their house of which there is a portion that presently encourages into the front yard setback.

You are receiving this notice because the property that you own (Affected Property), and/or reside in, is located within 350 feet of the Project Site (1650 40<sup>th</sup> Avenue NE). **The Planning Commission of the City of Columbia Heights will hold a Public Hearing on this matter on Tuesday, February 6, 2024 at 6:00 p.m. at the City Hall, located at 3989 Central Avenue NE.** A full copy of the application is on file at City Hall and is available for review upon request.

You are welcomed and encouraged to participate in the Public Hearing for this matter by attending the February 6, 2024 Planning Commission meeting. If you cannot attend the meeting, but would like to provide input, you can submit correspondence via email to [aboucher@columbiaheightsmn.gov](mailto:aboucher@columbiaheightsmn.gov) or by mail at:

City of Columbia Heights  
Attn: Community Development  
3989 Central Avenue NE  
Columbia Heights, MN 55421

You can also participate in the meeting live and online by using Zoom at the login link below or call-in:

### Join Zoom Meeting Online

[www.zoom.us](https://www.zoom.us)

Meeting ID: **810 9064 1596**

### Dial-in for Zoom Meeting

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

If you have any questions about this proposal, please do not hesitate to contact the City of Columbia Heights Community Development Division at (763) 706-3673.

Sincerely,

Andrew Boucher  
Community Development Planner, City of Columbia Heights

**\*\* Landowners (Commercial and Residential):** If you do not reside on the Affected Property, located 350 feet from the Subject Property, it is your responsibility to share this notice with your tenants. This notice should be posted in a public place on your property or mailed directly to the tenants residing or leasing space on the Affected Property.

### -SUBJECT PROPERTY LOCATIONS-



**CITY OF COLUMBIA HEIGHTS  
PLANNING COMMISSION**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Planning Commission of the City of Columbia Heights will conduct a public hearing in the City Council Chambers at 3989 Central Avenue Northeast on Tuesday, February 6<sup>th</sup>, 2024, at 6:00 p.m. The order of business is as follows:

A request for a Residential Variance was submitted by the owners of 1650 40<sup>th</sup> Avenue NE (PID: 36-30-24-42-0103), April Leaveck and Karen Thompson, to the City requesting to allow a five (5) foot encroachment into the required 25 foot front yard residential building setback.

Per Code Section 9.104 (G) of the Zoning Ordinance the Planning Commission is required to hold a public hearing on the Variance application, and submit findings to the City Council.

Notice is hereby given that all persons having an interest will be given an opportunity to be heard. For questions, contact Andrew Boucher, City Planner, at (763) 706-3673. If you cannot attend the meeting, but would like to provide input, you can submit correspondence via email to [aboucher@columbiaheightsmn.gov](mailto:aboucher@columbiaheightsmn.gov) or by mail at:

City of Columbia Heights  
3989 Central Avenue NE  
Columbia Heights, MN 55421



AGENDA SECTION	PUBLIC HEARINGS
MEETING DATE	FEBRUARY 6, 2024

ITEM:	Review and Authorization of an Amendment to the 2040 Comprehensive Plan		
DEPARTMENT: Community Development		BY/DATE: Andrew Boucher, City Planner, 2/6/24	

**CASE NUMBER:** 2024-PZ03

**APPLICANT:** City of Columbia Heights

**DEVELOPMENT:** N/A

**LOCATION:** N/A

**REQUEST:** Comprehensive Plan Amendment

**PREPARED BY:** Andrew Boucher, City Planner

#### INTRODUCTION:

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

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

Initial work has included evaluating the redevelopment site and neighborhood context through internal staff meetings and workshops in the form of a Joint Session of the Planning Commission and City Council on November 16, 2023. The Joint Session allowed for some consensus to be reached regarding the core land use and design elements that have been established thus far, these core elements include the following:

- Scale high density residential towards Central Avenue and lower density housing such as townhomes near Sullivan Lake
- Street designs that incorporate stormwater management features

- Integrate public/private spaces
- Focus on Sullivan Lake and expansion of Sullivan Lake Park as existing community assets
- Improve Sullivan Lake water quality
- Targeted residential density of 450-600 units
- Limited commercial/retail development

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

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

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

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

## RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve Resolution No. 2024 -013, authorizing the amendment to the 2040 Comprehensive Plan to be submitted to the Metropolitan Council:

**Motion:** Move to waive the reading of Resolution No. 2024-013, there being ample copies available to the public.

**Motion:** Move to recommend that the City Council approve draft Resolution No. 2024-013, authorizing the proposed amendment of the 2040 Comprehensive Plan per the staff report and recommending the City proceed with sending the amendment to the Metropolitan Council.

**RECOMMENDED MOTION(S):**

**MOTION:** Move to waive the reading of draft Resolution No. 2024-013, there being ample copies available to the public.

**MOTION:** Move to recommend that the City Council approve draft Resolution No. 2024-013, authorizing the proposed amendment of the 2040 Comprehensive Plan per the staff report and recommending the City proceed with sending the amendment to the Metropolitan Council.

**ATTACHMENT(S):**

- Draft Resolution
- Notice to Adjacent Communities and Affected Agencies
- Public Hearing Notice
- Community Engagement Summary
- Preferred Concept
- Consultant Memo and Attachments

**RESOLUTION NO. 2024-013**

**A resolution of the Planning Commission for the City of Columbia Heights, Minnesota, recommending City Council to approve and authorize the proposed amendment to the 2040 Comprehensive Plan per the staff report and recommending the City proceed with submitting the amendment to the Metropolitan Council.**

**Whereas**, Minnesota Statutes section 473.864 requires each local governmental unit to review and, if necessary, amend its entire comprehensive plan and its fiscal devices and official controls at least once every ten years to ensure its comprehensive plan conforms to metropolitan system plans and ensure its fiscal devices and official controls do not conflict with the comprehensive plan or permit activities that conflict with metropolitan system plans; and

**Whereas**, the City Council, Planning Commission, and the City Staff have prepared a proposed Comprehensive Plan Amendment to update the 2040 Comprehensive Plan, as authorized through Resolution 2018-96, intended to meet the requirements of the Metropolitan Land Planning Act and Metropolitan Council guidelines and procedures; and

**Whereas**, the Planning Commission has considered the proposed Comprehensive Plan Amendment and all public comments, and thereafter submitted its recommendations to this Council; and

**Whereas**, the City conducted a public hearing on February 6, 2024 relative to the adoption of the proposed Comprehensive Plan Amendment; and

**Whereas**, Minnesota Statutes section 473.858 requires a local governmental unit to submit its proposed comprehensive plan amendment to the Metropolitan Council following recommendation by the planning commission and after consideration but before final approval by the governing body of the local governmental unit.

**Whereas**, based on its review of the proposed Comprehensive Plan Amendment and staff recommendations, the Planning Commission is ready to recommend City Council approval of its proposed plan amendment to the Metropolitan Council for review pursuant to Minnesota Statutes section 473.864; and

**NOW THERE, BE IT RESOLVED BY THE PLANNING COMMISSION OF COLUMBIA HEIGHTS, MINNESOTA, AS FOLLOWS:**

1. Staff is directed by recommendation of the Planning Commission to distribute said Comprehensive Plan Amendment to the City Council for authorization at the February 26, 2024 meeting pursuant to Minnesota Statutes section 473.864 and the City proceed with sending the amendment to the Metropolitan Council.

Passed this 6<sup>th</sup> day of February, 2024

Offered by:

Seconded

by:

Roll Call:

\_\_\_\_\_  
Eric Sahnou, Chair

Attest:

\_\_\_\_\_  
Andrew Boucher, City Planner

## Andrew Boucher

---

Good morning,

The City of Columbia Heights intends to amend its Comprehensive Plan to reguide roughly 12-acres of land (formerly the Medtronic Office) located just east of Sullivan Lake Park at the southwest corner of 53<sup>rd</sup> Ave and Central Ave (State Hwy 65). Under the proposed plan, the property would be reguided from Commercial, which allows a variety of retail, services, and office uses at a Floor Area Ratio (FAR) of 0.50 to 2.0; to Transit Oriented Development (TOD), which allows a mix of retail, office, and higher density residential uses at 25 to 50 units per net acre - 1.0 to 3.0 FAR.

Attached is:

1. A location map.
2. An aerial photo.
3. A copy of the Commercial and TOD land use descriptions.
4. A current land use guidance map of the area.
5. A proposed land use guidance map of the area.
6. A graphic providing the proposed site description; and site drawings.

This email is intended to provide you an opportunity to review and comment on this proposed amendment. This notice is also intended to meet the City's obligation to notify adjacent communities and affected agencies of the proposed amendment and provide you 60 days to review this proposed amendment and submit any written comments.

Please notify me via e-mail if you intend to submit written comments, or if you will have no comments. Your prompt attention to this is greatly appreciated so that we may continue with submission of our amendment to the Metropolitan Council in a timely manner.

Thank You,

## Natalie Strait

SHE/HER  
PLANNER

[NATALIE@HKG1.COM](mailto:NATALIE@HKG1.COM) | (608) 322-0877



800 WASHINGTON AVE N, #103

MPLS, MN 55401



**CITY OF COLUMBIA HEIGHTS  
PLANNING COMMISSION**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Planning Commission of the City of Columbia Heights will conduct a public hearing in the City Council Chambers of City Hall at 3989 Central Avenue NE on Tuesday, February 6<sup>th</sup>, 2024 at 6:00 p.m. The order of business is as follows:

The Planning Commission will review an amendment to the 2040 Comprehensive Plan and make a recommendation to the City Council. Section 9.104 (B) (4) (5) of the Zoning Ordinance, requires that the Planning Commission review, hold public hearings, and prepare recommendations on any changes to the City's Comprehensive Plan.

Notice is hereby given that all persons having an interest will be given an opportunity to be heard. For questions, contact Andrew Boucher, City Planner, at (763) 706-3673.

**CONCEPT 1 - TOTALS**

- 12,000 SF of Commercial/Retail
- 440 +/- High Density Housing Units
- 38 +/- Rowhouse Townhome Units

"Access around 53rd and Central is already difficult with the amount of traffic in the area. 53rd being the only access to the property would be too difficult for residents to come and go as they please especially with the traffic light being so near the property".

"Utilize some of the mixed use space closest the lake as a community center or expansion of the park"

"Keep lake loop trail"

FUTURE BRT STOP  
stormwater  
s, 72 units +/-)

Mixed use at northwest corner with apartments and liner residential around a parking structure (6 stories, 216 units +/- of apartments; 80 units +/- of liner residential at 4 stories)

"Would want to make sure the retail space could be mostly filled. And filled with retail that is a mix of useful/convenience business and one's that make the neighborhood more exciting/appealing."

"Stormwater Street Amenity"

Small, stand-alone apartment building (4 stories, 72 units +/-)

"Stormwater Street Amenity"

"Take out townhomes and expand park"

Townhomes (38 units +/-)

Existing Trail

Central Avenue NE

SULLIVAN LAKE

51st Avenue NE

**Which Concept do you prefer?**

49%

Concept 1

51%

Concept 2

**Concept 1 Feedback Notes (Ranked by overall mentions)**

- Too much residential intensity/too dense (23)
- Much more of the area should be commercial/retail and mixed use (9)
- More focus on protecting/expanding the parkland - lots of animals and birds spotted/living along this lake, concern for existing wildlife (8)
- Concerned about environmental impact of dense development (5)
- Traffic/roundabout concerns on 53RD (5)
- Need a community center - more community-focused use (4)
- Like the waterfront restaurant (as long as pond is maintained) (3)
- Like the concept as is (3)
- Right amount of density (2)
- No more HDR, townhouses/rowhouses okay (2)
- Too much commercial/business space (2)
- I don't like this concept (2)
- Like the stormwater features (2)
- Lack of adequate parking (2)
- No more rentals (1)
- Need Senior Living (1)
- Streets seem to narrow as proposed (1)
- Design for ADA and diversity (1)
- Need a grocery store in the area (1)
- No parking shown for restaurant/poor access (1)
- Can school support this level of density? (1)
- Concern about noise pollution (1)

**CONCEPT 2 - TOTALS**

- 6,000 SF of Commercial/Retail
- 456 +/- High Density Housing Units
- 79 +/- Rowhouse Townhome Units

"Needs much more commercial development, especially along 53rd Avenue NE. This is the last large commercial parcel in Columbia Heights and it is close to the freeway. Too much residential intensity. Purchase US Bank property for sale to add Central Avenue access, and get right-of-way access at 52nd Avenue NE and Central Avenue to connect to the traffic light and connect existing trail to Central Avenue."

"If we make this property residential, we need to consider the times and the needs of our residents today. Many extended families and multiple families are already living together. Buildings that are mostly 1 and 2 bedroom apartments are falling incredibly short of the real needs of people today. Consider housing that would be acceptable for 8-10 people because they are already making this work today."

**SULLIVAN LAKE**

"I like this one better. The stormwater features and green spaces seem more appropriate and better designed. More housing instead of business space. It'll be more of a "walkable" community instead of another shopping area."

"This is my preferred concept due to the addition of the park feature. Having a moderate sized feature could allow for the city to host community events at Sullivan Lake Park, lessening the burden on Huset Park, which currently hosts nearly all community festivals. . Trails may also need to be widened where applicable. Tree planting within the development will be critical to allow the new site to better blend into the park and create a habitat transition zone."

Mixed use at northwest corner with apartments and liner residential around a parking structure (6 stories, 336 +/- units)

"MORE HOUSING and RETAIL ON CENTRAL? A city needs to find a balance between housing and retail to limit OVERCROWDING of people. You are overcrowding Central Avenue with people and traffic. Not well-thought out city planning at all, especially when the city is aware of the traffic issues already existing on Central Avenue."

"Stormwater Street Amenity"

"Stormwater Street Amenity"

Medium, stand-alone apartment building (4 stories, 120 units +/-)

Townhomes (55 units +/-)

Sullivan Lake Park

Park Pavilion/Restaurant with Food Trucks

Overlook

Stormwater Pond

Stormwater Along Streetscape

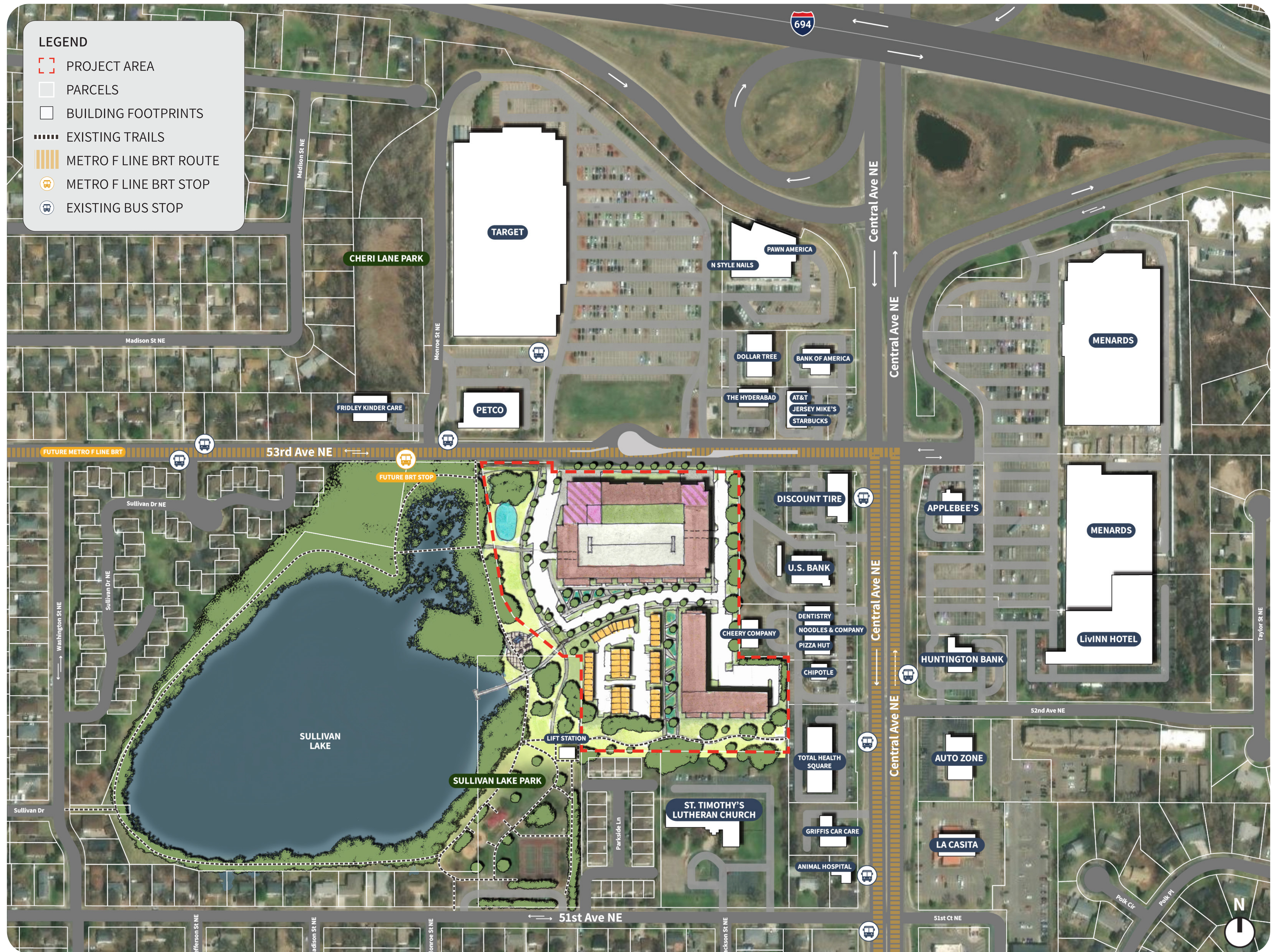
Parking Structure

51st Avenue NE

Sullivan Lake Park

**Concept 2 Feedback Notes (Ranked by overall mentions)**

- Too much residential intensity/too dense (19)
- Like this one more because of park design/expand the park more (11)
- I prefer this concept over the other (8)
- Needs more commercial/retail/mixed use (7)
- Concerned about more traffic (5)
- Like the stormwater/water designs throughout (4)
- Need a community center - more community-focused use/amenities (4)
- Concerned about environmental impact of dense development/impact to wildlife (4)
- I don't like this concept (3)
- Expand the park more (3)
- Like food truck and restaurant feature (2)
- Need Grocery Store (2)
- Limit commercial/retail development (2)
- Like the high-density housing (2)
- I like this concept (1)
- Like precedent photos more on this concept (1)
- Streets seem to narrow as proposed (1)
- No more rental properties (1)
- Why not considering green uses like nature center? (1)
- Can school support this level of density? (1)





# Memo | Comprehensive Plan Amendment



**To:** Aaron Chirpich and Andrew Boucher, City of Columbia Heights

**From:** Brad Scheib and Natalie Strait Consulting Planners, HKGi

**Subject:** Comprehensive Plan Amendment Medtronic Site

**Meeting Date:** February 6, 2024

## Background

After Medtronic put its Sullivan Lake Campus on the market in December 2022, City staff spent the next several months collaborating with the listing broker to provide guidance on potential parameters for redevelopment of the site. As staff received inquiries from developers, it was expressed that the City's 2040 Comprehensive Plan land use guidance limited the site to commercial use with the assumption that Medtronic would remain the primary user. To provide specific guidance for the property, the City is initiating a Comprehensive Plan Amendment to allow for other uses.

This process is not the result of any specific single development proposal and no developers have made any official land use applications at this time. When an official application is received, depending on the specifics of the application, separate public engagement and hearings will be facilitated per city code and development processes.

## Site Context

The twelve-acre (523,156 square foot) site is located along Sullivan Lake Park in the southeast quadrant of Central Ave (State Highway 65) and 53<sup>rd</sup> Ave NE. The site currently consists of an approximately 135,000 square foot, three-story commercial office building and an approximately 200,000 square foot surface parking lot. The parcel has frontage on 53<sup>rd</sup> Ave to the north where there are two access points. The City of Fridley is just to the north across 53<sup>rd</sup> Ave. Residential and institutional uses are adjacent to the south. The property is guided commercial in the current Comprehensive Plan, and was previously an office for the medical device company



# Comprehensive Plan Amendment

Medtronic. The parcel is in the General Business zoning district and fully within the 1,000 ft Shoreland overlay district of Sullivan Lake.

## Plan Changes

This comprehensive plan amendment proposes three primarily changes to the Comprehensive Plan:

- » Transit Oriented Development (TOD) land use text description
- » Change in the site's future land use designation from Commercial to TOD and Area of Opportunity identified
- » Modifications to the city's 2040 population and household forecasts

These changes are informed by the recent concept planning conducted over the last four months, reviewed by Council and PC on November 16, 2023, presented with refinements at an open house on January 9, 2024 and subject of online review over the month of January. The concept planning includes a mixed-use development pattern with a variety of housing types at moderate to higher densities, retail and service-oriented neighborhood scale commercial spaces oriented towards major street corridors, green space/open space that compliments the adjacent Sullivan Lake Park. In order to facilitate a development pattern with a sufficient enough density that makes redevelopment feasible, while supporting investment in BRT transit along Central Avenue, changes to the text of the TOD Land Use category are necessary. The following text from the Comprehensive Plan describes the TOD Land Use category and proposed changes:

## Land Use Category Text Change

### *Transit-Oriented Development*

(25 to ~~50-65~~ units per net acre—~~1.0 to 3.0 FAR~~)

*Transit-Oriented Development land use areas, which typically includes a mix of retail, office, and higher density residential uses (~~anticipated 70~~85% residential/~~30~~15% commercial ~~mix~~), are located along Central Avenue due to the frequency of transit service along this corridor. Density ranges ~~are slightly higher than high density, and~~ depend on the size of the site and type of mixed use proposed are the highest density land use patterns. ~~More importantly, t~~The density ranges for this land use category are consistent with the 2040 Transportation Policy Plan's recommended density ranges for land uses located along high-frequency bus corridors (existing and planned).*

*To support activity and transit use in these areas, a supportive pedestrian environment is critical. Buildings should be designed at a pedestrian-scale, with landscaping and façade features that create an interesting and attractive pedestrian experience. Transit Oriented Development in Columbia Heights will focus on the commuting needs of its residents. Therefore, a higher percentage of service-oriented commercial/retail development, in combination with high density residential development, will be necessary both to support frequent transit service and to create*

# Comprehensive Plan Amendment

convenient services and destinations for transit users. [Service-oriented commercial/retail development within mixed-use projects should generally orient towards major street corridors or prominent open space amenities.](#) Redevelopment of these areas will also provide the opportunity for pedestrian links to other parts of the community and improvement of the overall pedestrian and bicycle circulation system, an important community amenity. Discussion of how this land use district will address the City's goals and policies is provided in the following section, Areas of Opportunity.

## Future Land Use Change and Area of Opportunity

The proposed amendments to the comprehensive plan include a change to the Future Land Use plan from Commercial to Transit Oriented Development (TOD) for the 12.01 acre Medtronic site. The land use change will result in the following development magnitude:

Land Use	Existing Building Square Feet	Current Site	Proposed	Proposed Use
Commercial	135,000 sq. ft.	Manufacturing/Office structure with large surface parking lot	16,000-20,000 sq. ft.	Service oriented commercial / retail
Residential	-	-	440 Apt Units  50 Townhomes  490 Total new housing units	Mix of higher density housing units  Multi-story vertical oriented housing  Attached rowhouse/townhomes

- » Total Site Area 12.01 acres/ 523,156 sq. ft.
- » Existing Conditions 100% commercial guidance
- » Proposed Conditions 100% TOD
  - TOD development assumptions 85% High Density Residential 15% Commercial retail
  - Residential density 25-65 units per acre

# Comprehensive Plan Amendment

- Commercial retail sq. ft. varies but limited to ground floor and oriented toward adjacent major street corridors
- Additional public and semipublic greenspace features provide key site amenities and land use transitions to adjacent parklands and lower density residential uses

The Comprehensive Plan includes a section of the plan with the subheading “Areas of Opportunity” describing key areas of the community where changes are anticipated. Four areas are identified. This amendment will add the project area as “Area 5 – Former Medtronic Site at 53<sup>rd</sup> Avenue”. The attached concept and notations provide the description of the land use pattern for the site.

## Forecast Amendment and Subsequent Technical Changes

The land use change and resulting projected development will necessitate technical changes related to wastewater, trip generation, and other key plan elements. These tables spread throughout the plan will be updated and associated implementation measures identified based on the impacts. Any necessary improvements will be development driven or completed in conjunction with other planned infrastructure improvements.

## Process

In order for the City to amend its Comprehensive Plan, a public hearing is required to be held by the Planning Commission and a recommendation forward to the Council. The plan must also be submitted to affected jurisdictions including adjacent communities, school districts, watershed commissions, county and state agencies. These agencies are to be allowed to review the amendment and provide comment to the city prior to the City submitting the plan to the Metropolitan Council. Following review by the City Council, the plan amendments is submitted to the Metropolitan Council for review of its compatibility and conformity with the regional system plans. Upon a favorable review by the Metropolitan Council the City Council must adopt the amendment.

## Attachments

1. Project area / location map
2. Future Land Use Amendment Map
3. Proposed Concept Graphic

## Project Area Location Map



# Proposed 2040 Planned Land Use

-  Low Density Residential

 Medium Density Residential

 High Density Residential
-  Transitional Development

 Commercial

 Institutional
-  Transit Oriented Development

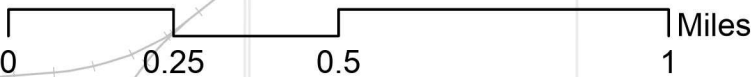
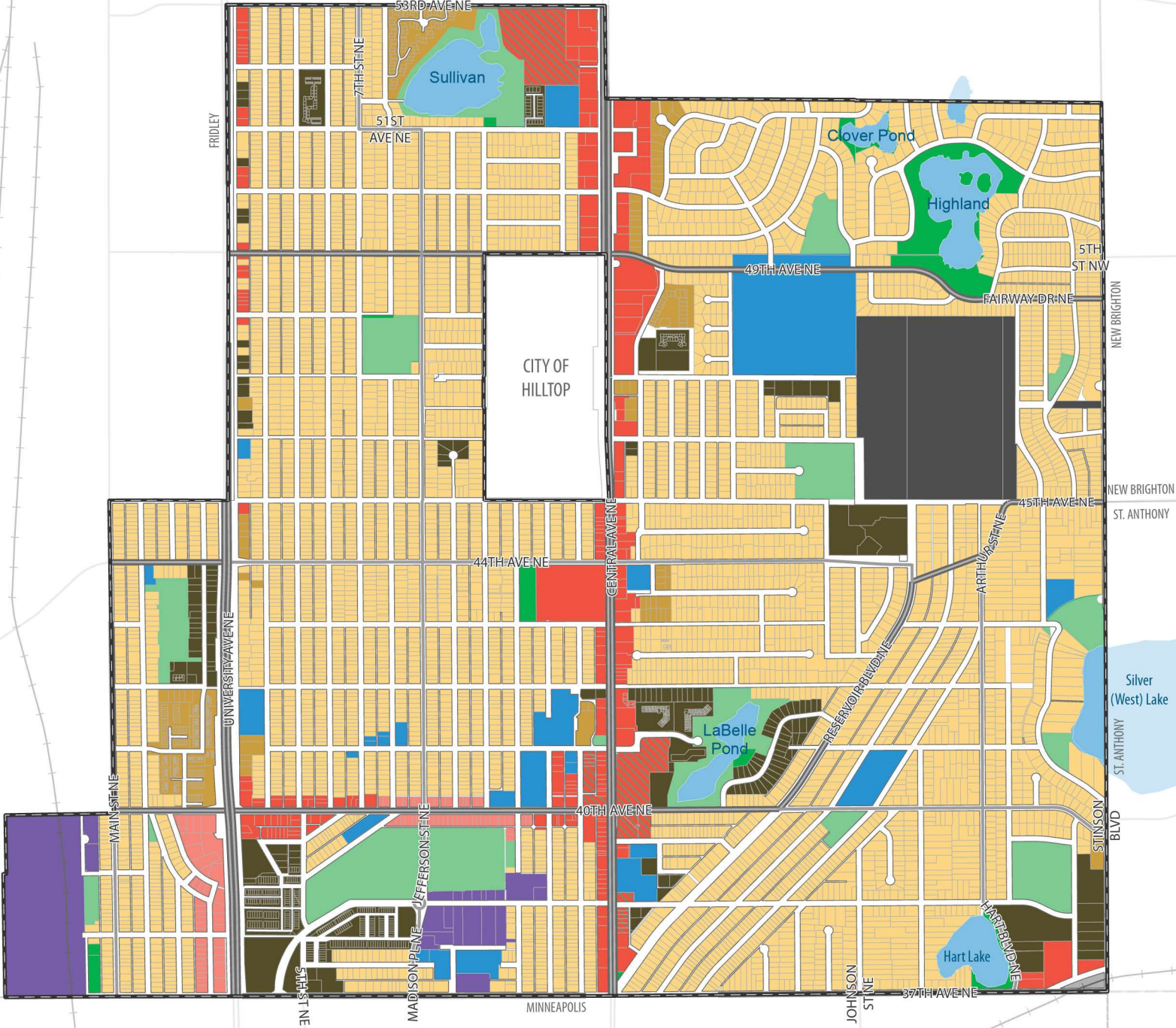
 Industrial

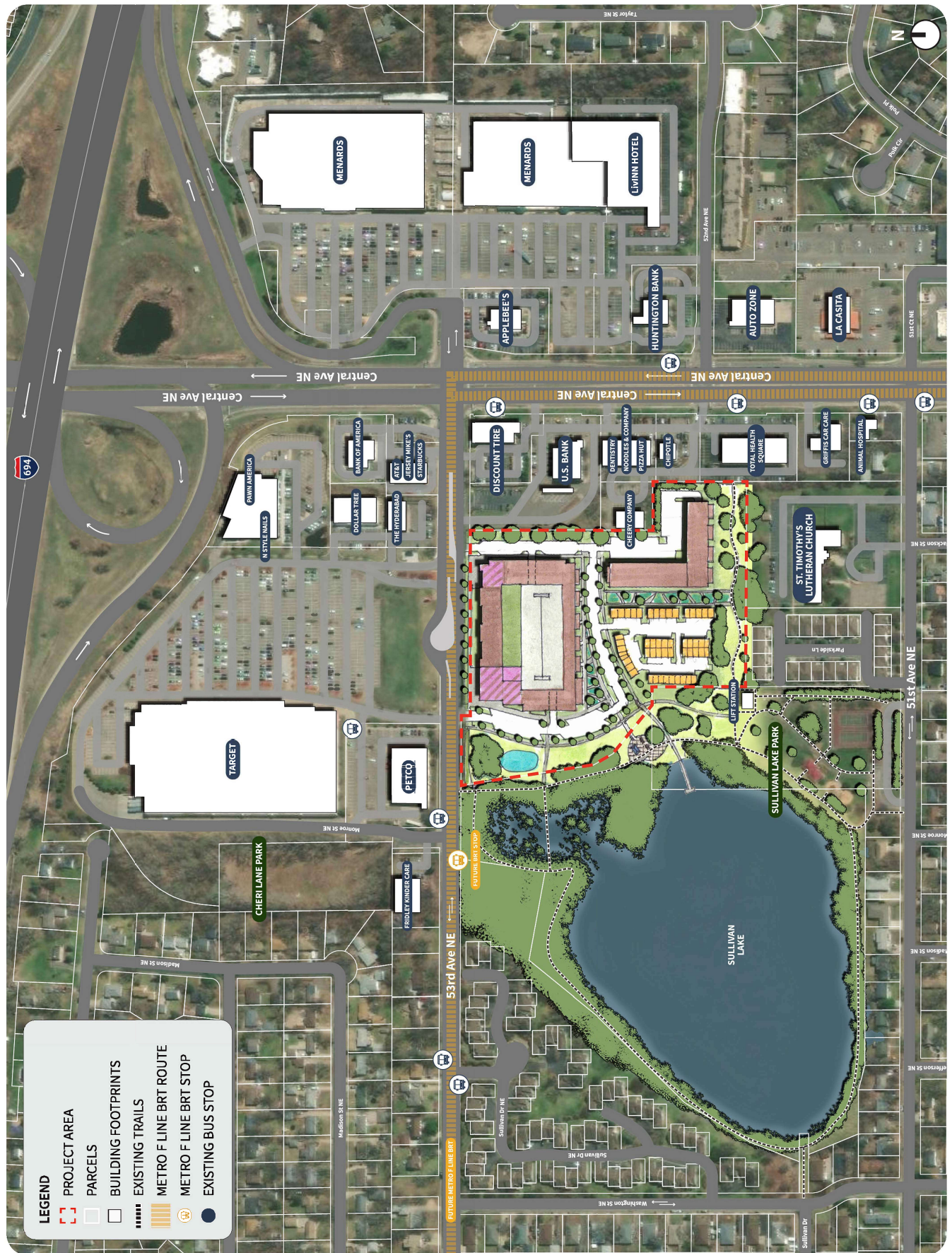
 Railway
-  Park

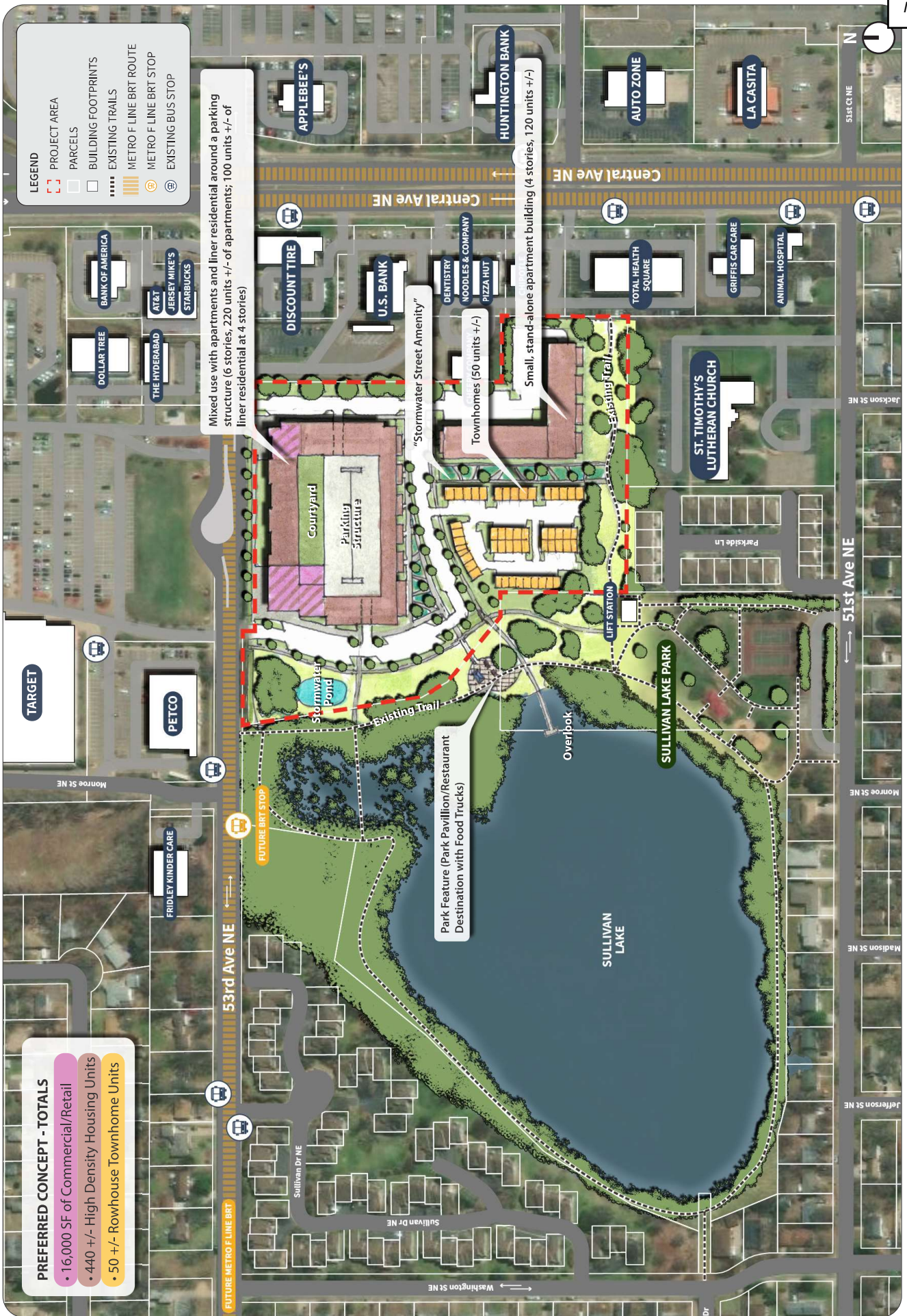
 Open Water

 ROW

 MPLSWW







AGENDA SECTION	OTHER BUSINESS
MEETING DATE	FEBRUARY 6, 2023

ITEM:	Review Purchase of 675 37th Avenue NE		
DEPARTMENT: Community Development		BY/DATE: Aaron Chirpich, CD Director/Assistant City Manager – 02/01/2024	

**CASE NUMBER:** N/A

**APPLICANT:** N/A

**DEVELOPMENT:** N/A

**LOCATION:** 675 37th Avenue NE

**REQUEST:** Review the acquisition of 675 37th Avenue NE, and determine if it conforms to the City's Comprehensive Plan

**PREPARED BY:** Aaron Chirpich, Community Development Director/Assistant City Manager

#### **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 conforms to the Comprehensive Plan of the City. Therefore, staff has requested that the Planning Commission review the acquisition of 675 37th Avenue NE, Columbia Heights, MN 55421 (the "Subject Property") to determine if its acquisition conforms to the Comprehensive Plan of the City.

#### **COMPREHENSIVE PLAN:**

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

#### **LAND USE AND REDEVELOPMENT**

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

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

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

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

## RECOMMENDATION

Move to adopt Resolution 2024-PZ01, a resolution finding that the proposed acquisition of certain land for redevelopment purposes by the City of Columbia Heights is consistent with the City of Columbia Heights' Comprehensive Plan.

### RECOMMENDED MOTION(S):

**MOTION:** Move to waive the reading of Resolution 2024-PZ01, there being ample copies available to the public.

**MOTION:** Move to adopt Resolution 2024-PZ01, a resolution finding that the acquisition of certain land for redevelopment purposes by the City of Columbia Heights is consistent with the City of Columbia Heights' Comprehensive Plan.

### ATTACHMENT(S):

- Resolution 2024-PZ01
- Location Map

**A RESOLUTION FINDING THAT THE ACQUISITION OF CERTAIN LAND FOR REDEVELOPMENT PURPOSES BY THE CITY OF COLUMBIA HEIGHTS IS CONSISTENT WITH THE CITY OF COLUMBIA HEIGHTS’ COMPREHENSIVE PLAN.**

**WHEREAS**, the City of Columbia Heights (the “City”) proposes to purchase certain property (the “Property”) located at 675 37th Avenue NE, (PID 35-30-24-43-0018) in the City of Columbia Heights, as described on the attached Exhibit A, for the purposes of eventual redevelopment; and

**WHEREAS**, Minnesota Statutes, Section 462.356, subd. 2 requires the City’s Planning 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 Commission, such acquisition or disposal is consistent with the comprehensive municipal plan; and

**NOW, THEREFORE BE IT RESOLVED**, the Planning Commission has reviewed the proposed acquisition of the Property and has determined that the City’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 City Council for the City of Columbia Heights.

**ORDER OF THE PLANNING COMMISSION**

Passed this 6th day of February, 2024

Offered by:

Seconded by:

Roll Call:

Chairperson

Attest:

Secretary

### Description of Property

Item 7.

COLUMBIA HEIGHTS ANNEX TO MINNEAPOLIS, ANOKA COUNTY, MINNESOTA S 63 FT OF W 10.5 FT OF LOT 8  
S 63 FT OF LOTS 9 THRU 17 S 63 FT OF LOT 18(EX THE W .5 FT) LOTS 42 THRU 50 & THE VACATED ALLEY  
LYING N OF THE W LINE OF LOT 42 EXTENDED TO THE E LINE OF LOT 50EXTENDED ALL IN BLK 88 COL HGTS  
ANNEX TO MPLS, CNTY OF ANOKA, STATE OF M N

# 675 37th Avenue

Item 7.



## Parcel Information:

35-30-24-43-0018  
675 37TH AVE NE  
COLUMBIA HEIGHTS  
MN 55421

Plat: COLUMBIA HEIGHTS ANNEX TO MINNEAPOLIS

Approx. Acres: 1.64

Commissioner: MANDY MEISNER

## Owner Information:

WILLIAMS, ROBERT A  
3828 CENTRAL AVE NE  
COLUMBIA HEIGHTS  
MN  
55421

