

**MINUTES OF
PLANNING COMMISSION
FEBRUARY 2, 2021
6:00 PM**

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

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

Members absent: Sahnaw and Fiorendino

Also present were Aaron Chirpich (Community Development Director), Shelley Hanson (Secretary), new employee Alicia Apanah, and Council Liaison John Murzyn.

APPROVAL OF MINUTES

Motion by Hoium , seconded by Novitsky , to approve the minutes from the meeting of January 5, 2021. A Roll Call vote was taken of the members. All ayes. MOTION PASSED.

PUBLIC HEARINGS

CASE NUMBER:	2021-0201
APPLICANT:	BRYAN BEHUN
LOCATION:	1209 43RD AVENUE NE
REQUEST:	MINOR SUBDIVISION, LOT LINE ADJUSTMENT

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

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

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

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

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

ISSUES AND ANALYSIS

Lot Requirements. In consideration of the minor subdivision application, a determination should be made that the newly created lots meet the minimum lot area and width requirements of the applicable R-2A zoning district.

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

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

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

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

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

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

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

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

FINDINGS OF FACT

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

1. ***The proposed subdivision of land will not result in more than three lots.***
The proposed subdivision will result in two conforming lots.
2. ***The proposed subdivision of land does not involve the vacation of existing easements.***
No vacation of existing easements will occur as a result of the minor subdivision.
3. ***All lots to be created by the proposed subdivision conform to lot area and width requirements established for the zoning district in which the property is located.***
Both newly created lots will conform to the lot width and lot area requirements of the applicable R-2A zoning designation.
4. ***The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.***
The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.
5. ***The property has not previously been divided through the minor subdivision provisions of this article.***
The subject property has not previously been subdivided via a minor subdivision process.
6. ***The proposed subdivision does not hinder the conveyance of land.***
The proposed subdivision will not hinder the conveyance of land.
7. ***The proposed subdivision does not hinder the making of assessments or the keeping of records related to assessments.***
The proposed subdivision is not expected to hinder the making of assessments or the keeping of records related to assessments.
8. ***The proposed subdivision meets all of the design standards specified in Section 9.115.***
As a condition of minor subdivision approval, all applicable design standards of Section 9.115 of the Zoning ordinance must be satisfied.

Staff review finds that the proposed Minor Subdivision (lot line adjustment) application meets the requirements of the Zoning Ordinance. As a result, Staff recommends that the Planning and Zoning Commission recommend approval of the proposed Minor Subdivision for the property located at 1209 43rd Avenue NE subject to certain conditions.

Questions/comments from members:

The members all agreed this request was straightforward and meets the requirements for a subdivision.

Public Hearing Opened.

John Rockwell, Realtor was present through Zoom and is the representative/broker for the owner. However, there were no questions of the applicant.

No one else was present to speak on this matter.

Public Hearing Closed.

Motion by Hoium , seconded by Novitsky , to waive the reading of Resolution No. 2021-XX, there being ample copies available to the public. A roll call vote was taken. All ayes. MOTION PASSED.

Motion by Hoium , seconded by Novitsky , that the Planning and Zoning Commission recommends that the City Council approve the Minor Subdivision of the property located at 1209 43rd Avenue NE., subject to certain conditions of approval that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:

- 1. Proposed easements and/or right-of-way dedication shall be subject to review and approval by the City Engineer.*
- 2. The applicant shall be responsible for the filing the approved subdivision with the Anoka County Recorder's Office. The approved minor subdivision shall become invalid if the subdivision is not filed with the Anoka County recorder's Office within one year of the date of City Council approval.*

A roll call vote was taken. All ayes. MOTION PASSED.

The following Resolution will go to the City Council on February 8, 2021.

**RESOLUTION NO. 2021-XX
RESOLUTION APPROVING A MINOR SUBDIVISION
(LOT LINE ADJUSTMENT) FOR 1209 43rd AVENUE NE**

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

ADDRESS: 1209 43rd Avenue NE.

LEGAL DESCRIPTION: On file at City Hall.

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

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

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed Minor Subdivision upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas; and

NOW, THEREFORE, BE IT RESOLVED, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia Heights, the City Council of the City of Columbia Heights adopts the following findings:

1. The proposed subdivision of land will not result in more than three lots.
2. The proposed subdivision of land does not involve the vacation of existing easements.
3. All lots to be created by the proposed subdivision conform to lot area and width requirements established for the zoning district in which the property is located.
4. The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.
5. The property has not previously been divided through the minor subdivision provisions of this article.
6. The proposed subdivision does not hinder the conveyance of land.
7. The proposed subdivision does not hinder the making of assessments or the keeping of records related to assessments.
8. The proposed subdivision meets all of the design standards specified in Section 9.115.

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

CONDITIONS ATTACHED:

The Planning Commission approves the Minor Subdivision for 1209 43rd Avenue NE. subject to certain conditions of approval that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:

3. Proposed easements and/or right-of-way dedications shall be subject to review and approval by the City Engineer.
4. The applicant shall be responsible for the filing the approved subdivision with the Anoka County Recorder's Office. The approved minor subdivision shall become invalid if the subdivision is not filed with the Anoka County recorder's Office within one year of the date of City Council approval.

OTHER BUSINESS

1. Review Purchase of 1002 40th Avenue NE - (Chirpich reviewed Items #1 & 2 together)

Chirpich stated Pursuant to State Statue, Section 462.356, Subdivision 2, the Planning and Zoning Commission (the “Planning Commission”) in and for the City is required to review and ultimately determine that the proposed acquisition of real property by the City’s Economic Development Authority (EDA), conforms to the Comprehensive Plan of the City. Therefore, the EDA has requested that the Planning Commission review the acquisition of 1002 40th Avenue NE, Columbia Heights, MN 55421 (the “Subject Property”) to determine if its acquisition conforms to the Comprehensive Plan of the City.

COMPREHENSIVE PLAN

The EDA has a long standing practice of acquiring blighted single-family homes to facilitate scattered site redevelopment, and the proposed acquisition of the Subject Property responds to several goals and policies adopted in the Comprehensive Plan. Specifically, in Chapter 2: Land Use, and Chapter 4: Economic Development. Below are the specific goals and policies from the Comprehensive Plan that directly and indirectly correlate to the conformity of the proposed acquisition.

LAND USE AND REDEVELOPMENT

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

ECONOMIC DEVELOPMENT

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

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

Questions from members:

Chirpich was asked if the EDA had a plan for these properties. Chirpich told members that the EDA still needs to purchase the three houses in between these two properties (960 and 1002 40th) to make a larger piece of property to work with. Once that is accomplished then it would probably all be redeveloped for medium density housing . In the meantime, public works will rework the alley access to the existing homes and possibly do some storm water improvements by installing a filtration system, and staff will see that the two properties are cleaned up as they are adjacent to the new Alatus development.

Motion by Hoium , seconded by Novitsky, to adopt Resolution 2021-PZ02, a resolution finding that the proposed acquisition of certain land for redevelopment purposes by the Columbia Heights Economic Development Authority is consistent with the City of Columbia Heights’ Comprehensive Plan. A roll call vote was taken. All ayes. MOTION PASSED.

RESOLUTION NO. 2021-PZ02

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

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

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

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

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

ORDER OF THE PLANNING AND ZONING COMMISSION

Passed this 2nd day of February, 2021

Offered by: Hoium
Seconded by: Novitsky
Roll Call: All ayes

Thomas Kaiser, Acting, Chair

Attest:

Secretary

EXHIBIT A **Description of Property**

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

2. Review Purchase of 960 40th Avenue NE

Pursuant to State Statue, Section 462.356, Subdivision 2, the Planning and Zoning Commission (the “Planning Commission”) in and for the City is required to review and ultimately determine that the proposed acquisition of real property by the City’s Economic Development Authority (EDA), conforms to the Comprehensive Plan of the City. Therefore, the EDA has requested that the Planning Commission review the acquisition of 960 40th Avenue NE, Columbia Heights, MN 55421 (the “Subject Property”) to determine if its acquisition conforms to the Comprehensive Plan of the City.

COMPREHENSIVE PLAN

The EDA has a long standing practice of acquiring blighted single-family homes to facilitate scattered site redevelopment, and the proposed acquisition of the Subject Property responds to several goals and policies adopted in the Comprehensive Plan. Specifically, in Chapter 2: Land Use, and Chapter 4: Economic Development. Below are the specific goals and policies from the Comprehensive Plan that directly and indirectly correlate to the conformity of the proposed acquisition.

LAND USE AND REDEVELOPMENT

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

ECONOMIC DEVELOPMENT

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

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

There were no further questions since this was discussed with the previous item.

Motion by Hoiium , seconded by Novitsky , to adopt Resolution 2021-PZ03, a resolution finding that the proposed acquisition of certain land for redevelopment purposes by the Columbia Heights Economic Development Authority is consistent with the City of Columbia Heights' Comprehensive Plan. A roll call vote was taken. All ayes. MOTION PASSED.

RESOLUTION NO. 2021-PZ03

A RESOLUTION FINDING THAT THE ACQUISITION OF CERTAIN LAND FOR REDEVELOPMENT PURPOSES BY THE COLUMBIA HEIGHTS ECONOMIC DEVELOPMENT AUTHORITY IS CONSISTENT WITH THE CITY OF COLUMBIA HEIGHTS' COMPREHENSIVE PLAN.

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

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

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

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

ORDER OF THE PLANNING AND ZONING COMMISSION

Passed this 2nd day of February, 2021

Offered by: Hoium

Seconded by: Novitsky

Roll Call: All ayes

Thomas Kaiser, Acting Chair

Attest:

Secretary

EXHIBIT A
Description of Property

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

The next scheduled meeting is Tuesday, March 2, 2021 at 6 pm. However, there are no cases to consider, so the next meeting for members to schedule will be April 6, 2021 at 6 pm.

Motion by Hoium, seconded by Novitsky to adjourn the meeting at 6:16 pm. A Roll Call vote was taken. All ayes. MOTION PASSED.

Respectfully submitted,

Shelley Hanson
Secretary