

City of Columbus
Regular Planning Commission Meeting
April 3, 2013

The April 3, 2013 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:00 p.m. by Chair Barbara Hvass at the City Hall. Present were Commission members Andy Anderson, Myron Organ, Pam Wolowski, Jesse Preiner, Jody Krebs, and Garth Sternberg; City Administrator Elizabeth Mursko, Engineer Larry Bohrer, Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were Anoka County Engineer Douglas Fischer, City Council members Denny Peterson, Jessie Messina and Bill Krebs, Mayor Dave Povolny, Dick and Janice Stiers, Trisha Jensen, Mary Preiner, Pat Preiner, Carol Flannery, Ron Haken, and Mark Haken.

WELCOME NEW PLANNING COMMISSION MEMBER

Hvass welcomed new Planning Commission member, Pam Wolowski.

AGENDA APPROVAL

Motion by Krebs to approve the Agenda as presented. Second by Anderson. Motion carried.

APPROVAL - REGULAR PC MEETING MINUTES OF MARCH 20, 2013

Motion by Krebs to approve the minutes of the March 20, 2013 regular Planning Commission meeting as written. Second by Anderson. Votes as follows: Sternberg – aye; Krebs –aye; Preiner – aye; Wolowski – abstain; Organ – aye; Anderson – aye; Hvass – aye. Motion carried.

PUBLIC HEARING – TOM SWENSON RESIDENTIAL ZONE BUSINESS IUP APPLICATION (PC-13-102)

At this time a public hearing was held to receive testimony regarding the request of Tom Swenson for an Interim Use Permit to operate a Residential Zone Business at 7643 Camp Three Road NE, Columbus, MN. Separate minutes are prepared.

SWENSON IUP DISCUSSION

Motion by Krebs to forward to the City Council the application of Tom Swenson for an Interim Use Permit to operate a Residential Zone Business at 7643 Camp Three Road NE, with a recommendation for approval based on the Conditions in the Resolution to go before the City Council on April 10, 2013. Second by Organ. Motion carried.

Conditions:

1. The City Council hereby issues an interim use permit (the “Permit”) to Applicant for the operation of a used car dealership (the “Residential Zone Business”) at 7643 Camp 3 Road, subject to the following terms and conditions:
 - a. The Residential Zone Business shall comply with and be subject to all of the provisions of the City’s Zoning Ordinance regarding Residential Zone Businesses, including, but not limited to, the provisions of Section 7A-806.

- b. The Permit shall be valid for a term of five (5) years from the date of this Resolution, subject to earlier expiration or revocation as otherwise provided herein.
- c. The Residential Zone Business shall be limited to the sale of used cars and light trucks (no heavy trucks or machinery) and some light repair work for the purpose of preparing vehicles for sale (e.g. changing of tires, headlights, oil). No body work, engine work, transmission work, brake work, painting, or other more intensive repair work shall be permitted in connection with the Residential Zone Business. In addition, no handling of hazardous materials, including petroleum products, shall be permitted in connection with the Residential Zone Business, except as necessary to carryout oil changes as permitted hereunder. The Property shall in no event be operated as a salvage yard.
- d. All vehicle inventory, parts, and other material or debris associated with the Residential Zone Business shall be stored indoors out of public view. All vehicle inventory shall be fully operable prior to being brought upon the Property.
- e. Absolutely no outdoor display or storage of vehicle inventory shall be permitted.
- f. Immediately upon the expiration or earlier revocation of the current Permit, the Applicant shall, at his sole expense, repair the Property to meet current City Zoning Code Regulations.
- g. The Residential Zone Business shall be operated only within the 52' by 76' barn existing on the Property. Business hours shall be limited to Monday through Saturday, from 8 a.m. to 7 p.m.
- h. The Residential Zone Business shall not generate odors, gases, hazardous waste, fumes, or other conditions that interfere with or infringe upon the quiet possession and enjoyment of surrounding properties.
- i. The Applicant shall be permitted to affix one non-illuminated wall sign not to exceed two square feet in area for the purpose of advertising the Residential Zone Business.
- j. No other business shall be conducted upon the Property.
- k. The Applicant, its employees, agents, and assigns shall comply with all local, State, and federal laws, regulations, and ordinances in the conduct of the Residential Zone Business.
- l. Prior to commencing operation of the Residential Zone Business, Applicant shall pay all costs and expenses incurred by the City in reviewing Applicant's application for the interim use permit, including reasonable attorney's fees and consultant fees.
- m. Should traffic concerns arise the City Council reserves the right to re-open the Interim Use Permit for review.
- n. The applicant is required to present a copy of the Minnesota Motor Vehicle Dealer License to the City forty-five (45) days after the approval of this resolution and each year anniversary date thereafter.
- o. Applicant must contact Anoka County Environmental Services to establish whether a permit is needed for hazardous waste disposal.

2. In the event the City Council determines, in its sole discretion, that the Residential Zone Business is not being conducted in accordance with any term or condition contained herein, the

Permit may be revoked by the City Council upon proper notice and a hearing. The City shall notify the State licensing authorities that have issued licenses in connection with the Residential Zone Business of any such revocation.

3. Applicant shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the Permit, including reasonable attorney's fees and consultant fees.

4. The Permit provided herein is issued solely for the benefit of the Applicant and may not be sold, assigned, or otherwise transferred in any manner whatsoever.

DISCUSSION/RECOMMENDATION – QUAD 35 TRANSPORTATION

City Engineer Larry Bohrer presented information gathered based on PC requests at the last meeting about the two possible road plans for the new alignment of County Road 54. He presented the two road plans as B-2 (a curvilinear alignment) and D (a straight north/south alignment). Per Anoka County projections, calculations in the right-of-way estimates presented at the last meeting were changed to use a right-of-way width of 120 feet for the length of the road. The distance between the Running Aces harness track fence and the nearest corner of the Stiers building was re-measured. This distance was confirmed to be 149 feet, as reported earlier. Based on the information gathered, including Inset A (attached) prepared by Anoka County's consultants, Bohrer and City Planner Dean Johnson believe the proposed road and right-of-way will fit between the Stiers building and Running Aces without taking the building or taking the Running Aces pylon sign.

At the last meeting Johnson relayed that in a conversation with Running Aces General Manager, Bob Farinella, it was established that the track would be willing to donate right-of-way necessary for the road, from their property, in exchange for vacating a 75-foot easement across their north parking lot. This is reflected in his calculations. His calculations have also been updated to use the same per/acre cost for right-of-way as the County. His conclusion remains that even though the right-of-way area on the straight alignment is greater than the curved, the right-of-way costs are still less. Either road alignment will work. He believes the PC should base its recommendation on which alignment will provide the greatest economic benefit to the City.

Johnson followed up with Farinella with the PC's questions for Running Aces. He received a brief e-mail response. It indicated that Running Aces may need to secure the camera tower with a fence, depending on how close the right-of-way is to the track. Farinella did not bring up any other concerns of the track. He did not, however, specifically address questions about possible relocation of the billboard, and right-of-way dedication in the event of the curvilinear road alignment.

Johnson discussed his memo on the road alignment's potential economic impact on development. With the curved alignment the City would lose approximately two acres for development. Smaller lots would also increase land lost to setbacks. In the curved alignment scenario, one of the complications gets to be access. Backage and access roads dissect the property further. Smaller, triangular properties are more difficult to market. He believes the straight alignment preserves the maximum development potential of the City's property.

Preiner asked what will trigger the funding for the new road. Johnson said relocation of County 54 isn't likely to happen until the City sells and develops property or if gambling is expanded at the racetrack. The County would then decide whether to move the new road into their 3 or 5-year construction cycle. If nothing else happened, the City would be responsible to furnish the balance of right-of-way, and the local taxpayers would be levied. It will be a general-fund expenditure.

Anderson asked why the City would keep up the old road (now West Freeway Drive). Bohrer said to allow access for existing property owners, and possibly for temporary access when accesses on Lake Drive are closed. The speed limit was also questioned. As discussed at the last meeting, Fischer explained that the County doesn't set speed limits. Since the speed limit is 50 now, it will stay 50 unless a speed-zone study shows a need for something different.

Accesses were also questioned. Fischer reiterated that under County access policy if access is available on a lower system street, that's where the County expects the access to be. The only way properties would have access to the new alignment is if the old alignment is gone entirely. In the case of Holiday, if the only access is on Lake Drive, it would be a right in/right out access, because ultimately there will be a median there. Krebs asked who determines whether a median goes in. Fischer said the County does, based on traffic studies.

Sternberg asked Bohrer about total road costs in terms of potential economic development. Bohrer said whatever improvement costs there are: buying right-of-way, road construction, etc., these costs will eventually get paid off. As a public project, the cost would be assessed over a period of 10 or 15 years. However, the real estate taxes generated from development go on indefinitely. In his opinion, the true cost gets down to which alignment provides the most long-term economic benefit to the City.

Dick Stiers of 15120 West Freeway Drive said a road through the back of his property, which also significantly narrows the southern end of the property, will diminish its value. He does not believe the cost figures, which just refer to paying right-of-way costs, address the actual cost of damage to his property. He also does not believe the watershed issues on his property have been addressed. The waterway cannot be put within ten feet of his building.

Motion by Krebs to recommend to the City Council adoption of the straight road alignment (Alignment D) with Inset A (attached). Other recommendations the PC would want the CC to consider would be that it be a two-lane road with no medians; that there are left turns in and out of properties; that there is a dissolution by the City of Old County Road 54 once the new road is in place; and that a speed analysis be done at a time closer to the start of the project. Second by Sternberg.

There was discussion about the dissolution of the old road. Krebs clarified she meant the breakdown of the whole road. Fischer commented that to move forward, the County is looking for a decision on the straight alignment or curved alignment. With regards to number of lanes and median or no median, those things need to be decided after knowing more about what traffic volumes will be, how many accesses will be needed, and what developments will be coming in. Deciding whether or not the old road will remain is a key component. He stated that the City has approval on County road projects. The County would hope there is ultimately a design that meets

the safety, traffic volume, and access needs for everybody. He doesn't know if it's in the City's best interests to say now that it be a two-lane road with no median.

Krebs said these are merely recommendations so that the CC has some kind of outline of what the PC has been looking at and thinks is important. Fischer said his preference would be to have the motion itself address only the straight alignment and getting rid of the old road. If the CC's resolution has all these specifications about how the new alignment has to look, it will make things more difficult. He pointed out that even Inset A won't look the same if the old road is gone, because there would not be an access road at the south end of the Stiers property. There are still a lot of issues that will need to be dealt with.

Anderson said he is comfortable voting for the straight alignment, but he's not comfortable with saying there won't be a median or limiting it to a two-lane road, because of the length of time before this road will be built, and not knowing now what the traffic situation might be then.

Votes as follows: Sternberg – aye; Krebs –aye; Preiner – aye; Wolowski – abstain; Organ – aye; Anderson – nay; Hvass – aye. Motion carried.

PUBLIC OPEN FORUM

Stiers asked who would get assessed for moving at least two fire hydrants into a public roadway if the old road is abandoned. Bohrer said if the road is physically removed, the City would still need to keep an easement for the utilities that are in the right-of-way now. He doesn't know if there would be any relocation of hydrants in existence. Stiers asked how a fire truck would get access if the road is removed. He doesn't want to pay for moving hydrants; he already paid for them once. Bohrer said that if something needed to be changed, for any assessment the City would have to show that there is a special benefit to the property.

CITY ADMINISTRATOR'S REPORT

Mursko brought GTS training to the attention of PC members. She recommends the "Basics of Planning and Zoning" class which will be held in Shoreview on May 15th. The CC has agreed to pay for classes for PC members in the past. PC members wishing to attend a class can let her know.

The City Council feels the Police Task Force should meet on a night from PC meetings. They are looking for 5-7 members and want to hold meetings on Tuesday evenings. They feel it may take 6-7 meetings. PC member Anderson has expressed interest, and if members know of others who are interested they can contact the City.

ATTENDANCE - NEXT CC MEETING

Wolowski is scheduled for the next CC meeting and would like to switch with another member since this has been her first PC meeting. Anderson volunteered to attend the next meeting. Wolowski will then attend the April 24th meeting in Anderson's place. Anderson will attend the City Council meeting on April 10, 2013.

PLANNING COMMISSION MEMBERS' REPORT

PREINER COMMENT

Preiner thanked City Engineer Bohrer, City Planner Johnson, and Anoka County Engineer Fischer for all the good information they provided about the road project.

ANDERSON COMMENT

Anderson had lunch with John Mastell, former PC Chair, and he sent his best wishes to all PC members.

Motion by Krebs to adjourn. Second by Preiner. Motion carried.

Meeting adjourned at 8:40 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary