

City of Columbus
Regular Planning Commission Meeting
June 18, 2014

The June 18, 2014 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:00 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko, Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were City Council member Denny Peterson, John Bodger, Perry Wagamon, James and Kandice Aho, Ron and Linda Kuehl, Mark and Jackie Kotchen, and Pat Preiner.

AGENDA APPROVAL

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

APPROVAL - REGULAR PC MEETING MINUTES OF JUNE 4, 2014

Motion by Krebs to approve the minutes of the June 4, 2014 regular Planning Commission meeting as written. Second by Wolowski. Motion carried.

PUBLIC HEARING – CBS OUTDOOR BILLBOARD IUP AMENDMENT (PC-14-104)

At this time a public hearing was held to receive testimony regarding a request by CBS Outdoor Billboard, LLC, for an IUP amendment to locate a dynamic billboard sign at 13363 West Freeway Drive, Columbus, MN. Separate minutes are prepared.

CBS OUTDOOR BILLBOARD IUP AMENDMENT DISCUSSION

Planner Johnson explained that in 2001 there were three IUPs issued on the triangle property to DeLite Outdoor Advertising. CBS bought out DeLite. Those permits were issued for 20 years. The other 2 billboards were built at that time. This third billboard was never built. So, the application submitted to the City is an amendment to the original IUP to convert the third billboard from static to dynamic. The second request for amendment was to extend the term. In 2011, the applicant requested new 20-year terms, to expire in 2031. CBS is requesting the same date for the third sign after it is constructed. All will have an expiration of April 2031. All dimensional requirements of the ordinance are being met.

Motion by Krebs to forward to the City Council the application of CBS Outdoor Billboard for IUP Amendment with a recommendation for approval based on Findings of Fact 1-27 and Conditions 1-5 from the Planner's memo dated June 11, 2014, and with the addition of a sixth condition outlining sign use for the City. Second by Preiner. Motion carried.

Findings of Fact

1. CBS Outdoor, LLC ("CBS") has submitted an IUP application on property owned by MN LandSpec/I-35's Business Park LLC ("MN LandSpec"), 3205 Spruce Street, Little Canada, MN 55117, to construct a dynamic large off-premises advertising sign ("billboard").

2. The MN LandSpec property (“subject property”) is located in part of the East ½ of the Southwest ¼ of Section 36, Township 32, Range 22, and is identified as Anoka County parcel ID 36-32-22-34-004.
3. The subject property is commonly referred to as “the triangle” located between I-35 West and I-35 East.
4. The IUP application, received on May 12, 2014, was found complete.
5. The 60-day review deadline is July 11, 2014. The 120-day review deadline, if necessary, is September 11, 2014.
6. Ordinance No. 98-8 (effective date 1/21/99) established the IUP requirement for billboards.
7. The maximum IUP term for billboards was established at 20 years.
8. Ordinance No. 00-2 (effective date 2/24/00) established the Freeway Development-A (FD-A) and Freeway Development-B (FD-B) zoning districts in the 3-square mile Freeway Corridor.
9. Billboards were allowed in the FD-A and FD-B Districts by IUP.
10. Ordinance No. 00-4, adopted on April 26, 2000, established a moratorium on the issuance of IUPs for billboards for a period of one year.
11. Three billboard IUPs were issued on the subject property to DeLite Outdoor Advertising, Inc. in 2001, upon expiration of the moratorium.
12. Two billboards were constructed on the subject property in 2001.
13. The FD-A and FD-B zoning districts were rezoned to new Freeway Corridor zoning districts by Ordinance No. 03-03, effective date June 19, 2003, all of which allow billboards by IUP process.
14. MN LandSpec received City Council approval on April 13, 2011 to extend the original 20-year IUP terms for the two existing billboards to new 20-year terms. The two existing billboard IUPs terminate on April 13, 2031.
15. CBS is requesting an amendment to the IUP for the third billboard on the subject property to allow for a dynamic (electronic) billboard and to extend the term of the 2001 IUP (TB00-101) to match the terms of the two existing billboards on the subject property – April 13, 2031.
16. Ordinance No. 10-06, effective May 6, 2010, allows for dynamic billboards in the I-35 Freeway Corridor zoning districts.
17. The proposed dynamic billboard will be consistent with the prior-approved IUP sign dimensions of two 14 feet by 48 feet sign faces arranged in a “V-shape.”
18. The sign area for each billboard face is 672 square feet.
19. The height of the billboard is 45 feet. The minimum ground clearance for billboard sign is 31 feet.
20. Each billboard will be set back at least five feet from public right-of-way.
21. There are no other existing billboards on the same side of the highway, located within 750 feet of the billboard.
22. The proposed billboard is not located within 500 feet of an RR Zoning District or SR Zoning District.
23. There are no other existing dynamic signs over 200 square feet in area within 3750 feet of the proposed dynamic billboard.
24. There are no public parks, public picnic grounds, highway rest areas, historic sites, churches, or schools located within 750 feet of the proposed billboard.

25. Dynamic sign messaging will not change at intervals less than eight seconds. Electronic image changes will be instantaneous and will not include fading, scrolling or other special effects.
26. The locational and dimensional standards for the proposed dynamic billboard are consistent with current ordinance requirements.
27. The Planning Commission held a public hearing on June 18, 2014, to consider the CBS IUP application.

Conditions

1. The IUP is not a substitute for other permits and CBS shall obtain all building, electrical and other permits and approvals as required by law.
2. The dynamic billboard shall be located, constructed and operated according to the Columbus City Code and all other federal, state, and local laws, rules, ordinances, and standards.
3. The dynamic billboard shall be maintained and repaired to like-new working condition and aesthetic appearance throughout the term of the IUP.
4. CBS shall provide public service messaging opportunities consistent with requirements of the City Code.
5. The IUP shall terminate on April 13, 2031.
6. **The City and CBS shall enter into an agreement requiring CBS to reserve on a space and time available basis up to 5 hours (2250 eight-second spots) per month for public service messages for the City.**

Mursko said this will go before the City Council at their next meeting, which is June 25, 2014.

PUBLIC HEARING – 14355 LAKE DR. NE VARIANCES APPLICATION (PC-14-105)

At this time a public hearing was held to receive testimony regarding variance requests for 14355 Lake Drive NE, Columbus, MN. The applicant is James Aho; property owners are Ronald and Linda Kuehl. Separate minutes are prepared.

14355 LAKE DRIVE NE VARIANCE DISCUSSION

The following questions were considered by the Planning Commission in determining whether the variance request meets the criteria to cause a practical difficulty:

1. The landowner proposes to use the property in a reasonable manner.

Question: Does the proposal put property to use in a reasonable manner? **Yes.**

Finding: Do the requirements in the Zoning Ordinance prohibit the property from being used in a reasonable manner? Yes or **No Garages are allowed.**

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

Question #1: What are the unique physical characteristics of the particular piece of property? **The location of the house.**

Question #2: How is it not like other pieces of property? **Irregular shape of the lot.**

Question #3: Did the landowner create the circumstances? **No.**

Examples:

- Topography
- Wetlands
- Trees
- Irregularly shaped or sized lot
- Shape or size of existing buildings
- Placement of existing structures on lot

Finding: Are the circumstances unique to the property? **Yes** or No

3. Granting the variance is in harmony with the purpose and intent of the Zoning Ordinance.

Question: Will the resulting use or structure be compatible with the underlying purpose and goals of the Zoning Ordinance? **Yes.**

Finding: The variance, if granted, will not alter the essential character of the neighborhood or City. **Agree** or Disagree?

4. Granting the variance is consistent with the City's Comprehensive Plan.

Finding: The variance will not create a conflict between the Comprehensive Plan and the proposed use or structure. **Agree** or Disagree?

5. The variance if granted, will not alter the essential character of the neighborhood or City.

Question: Will the resulting structure be out of scale, out of place, or otherwise inconsistent with surrounding area? **No. It will be consistent with what's around it, and they will be using what was the previous garage footprint.**

Finding: The variance, if granted, will not alter the essential character of the neighborhood or City. **Agree** or Disagree?

6. The practical difficulty is not created solely by economic considerations.

Finding: Economic considerations are not the only reason for the practical difficulty. **Agree** or Disagree?

A variance shall not be granted unless the Planning Commission makes specific findings of fact based directly on the particular evidence presented to it, and the City

Council determines that these support conclusions that the standards and conditions as stated above have been met by the applicant.

Planning Commission Recommendation: (Insert dates of action)	Approval: 6/18/14 Denial:
City Council Action:	Approval: Denial:

There was discussion about possible ways to maintain the 20-foot side yard setback. It was noted that the house doesn't meet the side yard setback on either side. The properties surrounding the applicant's property also have setback exceptions. Furthermore, meeting the side yard setback would move the garage so far to the south that making a turn into the garage from the driveway would become impractical, as would being able to park cars in front of the garage. It was also noted that the neighbor on the side in question supports the variance.

As far as the front-yard garage, it was considered that if this building had burned within the last five years, because of statutory changes, the property owner would have had a right to request a building permit to rebuild on the same slab and not even need a variance. That is current law. The limited room on either side of the house and the location of the septic system creates a practical difficulty for placement of the garage behind the house.

PC members agreed that the garage appearance needs to be compatible with the color and style of the home's exterior.

Johnson said with an existing slab, variance approval might reference that the wall of the building be placed on the slab and not necessarily reference the footage of the exception, because of not knowing where the eave will be.

Motion by Preiner to forward to the City Council the application for variances for the property at 14355 Lake Drive NE, to allow a 13-foot side yard setback instead of the 20-foot side yard setback required by City Code with the setback for the new garage to be measured from the upright wall on the back of the slab, and to allow front-yard location for a garage instead of the side/rear yard placement required by City Code with the condition that the garage have a gable roof and is uniform in exterior style and color to the house, with a recommendation for approval based on findings that the Zoning Ordinance causes a practical difficulty. Second by Sternberg. Motion carried.

Mursko said this will go before the City Council at their next meeting, which is June 25, 2014.

DISCUSSION: BUFFER ZONES

The City Planner presented sample drafts with boilerplate language for each of the zoning districts stating that a screening and buffering plan would be required for all uses adjacent to a residential zoning district. He also included a draft for Section 7A-800, subsection K, referencing Residential Screening, stating that wherever a new use, structure, building addition, site

improvement or land use change occurs within a commercial or industrial zoned district that abuts a residential zoned district, an appropriate screening and buffering plan be required and reviewed through the CUP process.

There was discussion about balancing flexibility with letting business's know up-front what kind of screening will be expected. The difficulty is in creating a specific standard without knowing the potential nuisances/conflicts that may arise for a particular business in a particular neighborhood.

Johnson plans to go over the sample drafts with the City Attorney, and PC members agreed to revisit this issue and discuss it at a later meeting.

PUBLIC OPEN FORUM

There was no topic raised for discussion for Open Forum.

CITY ADMINISTRATOR'S REPORT

Mursko reported that there will be no PC meeting on July 2nd. At the next meeting, on July 16th, there will be three public hearings: 1) the alternative lot design ordinance, 2) vacation of a drainage and utility easement on a plat for Columbus Wild. The Board of Water and Soil resources won't accept the donation of outlots A and B with the drainage utility easements on them, so a vacation of those easements is being requested, and 3) a CUP amendment from City View Electric to add a second building. She believes it is a warehouse.

Mursko also reported that one of the goals coming out of the BR&E program was to have a business directory on the City website. The business directory has been created and it is now available on an opt-in basis.

Brand new codified ordinance books are being put together and should be available by the July 16th meeting.

PLANNING COMMISSION MEMBERS' REPORT

Nothing to report.

ATTENDANCE - NEXT CC MEETING

Daly was scheduled to attend the City Council meeting on May 28, 2014. Due to his absence at this meeting, Preiner volunteered to take his place.

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

Meeting adjourned at 8:47 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary