

**City of Columbus**  
**Regular Planning Commission Meeting**  
**July 15, 2015**

The July 15, 2015 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 Jim Watson, 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 Members Denny Peterson and Bill Krebs; Pat Preiner, Linda Larson, Loran Larson, Joe Palumbo, Lee Lillquist, and Dan Mike.

**AGENDA APPROVAL**

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

**APPROVAL - REGULAR PC MEETING MINUTES OF JUNE 17, 2015**

*Motion* by Wolowski to approve the minutes of the June 17, 2015 regular Planning Commission meeting as written. Second by Krebs. Motion carried.

**PUBLIC HEARING –9331 W. BROADWAY AVENUE VARIANCE APPLICATION (PC-15-105)**

At this time a public hearing was held to receive testimony regarding a request for a variance for 9331 W. Broadway Avenue. The applicant and property owner is Joseph Palumbo. Separate minutes are prepared.

**9331 W. BROADWAY AVENUE VARIANCE APPLICATION DISCUSSION**

City Administrator Mursko explained that Mr. Palumbo's business was legally established by CUP; it is in compliance. Mr. Palumbo has said the new building would be for residential storage, not an expansion of his business. The existing building is for his business, as currently permitted. If an additional building were used for business expansion rather than residential storage, he would have to amend his CUP.

PC members discussed their failure to see this as a hardship. They also expressed apprehension that while neighbors do not begrudge Mr. Palumbo his rights, they have concerns about the variance request.

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?

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

**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? **There are none.**

Question #2: How is it not like other pieces of property? **It is.**

Question #3: Did the landowner create the circumstances?

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**

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**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?

Finding: The variance, if granted, will not alter the essential character of the neighborhood or City. Agree or **Disagree**? **It would be a different setback on an accessory building, closer to a lot line than the typical accessory building.**

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**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**?

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**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?

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

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**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?** **Optics and the need for extra asphalt seem to be the considerations.**

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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: Denial: <b>07/15/15</b>
City Council Action:	Approval: Denial:

*Motion* by Krebs to forward to the City Council the application for a variance for the property at 9331 Broadway Avenue, to reduce the side yard setback from the required minimum of 20 feet, with a recommendation for denial based on findings that the Zoning Ordinance does not cause a practical difficulty. Second by Preiner. Motion carried.

The recommendation for denial will go before the City Council at their next meeting, which will be held Wednesday, July 22, 2015 at 7 p.m. Mr. Palumbo asked if he will be able to speak at that meeting. Mursko said that if the Deputy Mayor recognizes him, he can allow him to speak.

**DISCUSSION:**

**Outdoor Lighting Ordinance**

Johnson presented a draft ordinance based on direction by PC members at their last meeting. All reference to commercial standards has been removed, but it is specified that outdoor lighting fixtures cannot have direct glare and cannot exceed one footcandle at a residential property line. That is part of the public nuisance provisions in the ordinance. Definitions have been added, as discussed, for “Lighting Fixtures, Outdoor,” “Lumen,” “Luminaire,” and “Luminaire, Cutoff.” In the performance standards within the zoning ordinance, it states that cutoff luminaires must be on all outdoor fixtures. The standard is to keep direct rays of light from exceeding an intensity of illumination greater than one footcandle measured at the residential property line.

In the past 4-5 years CUPs have required cutoffs. Any lights installed prior to that would be technically exempted as legally non-conforming.

The PC recommends that the CC consider the draft ordinance ready for public hearing. Mursko suggested the Council may want to table this issue or continue it until their August 12<sup>th</sup> meeting, when the Mayor will be able to attend.

**Met Council Future Meetings**

Johnson spoke to Ryan Garcia, Sector Representative with the Met Council, to discuss the City’s desire to be reclassified from urban diversified to rural residential. The only way to move this change in designation along is through the Comp Plan process. Johnson recommends a meeting

between himself, Mursko, and Garcia, Sandy Rummel, and their superior. He thinks Columbus can make a stronger case for the rural residential designation than some of the communities already under that designation. Garcia indicated that such a meeting would be best for them after Labor Day.

PC members discussed the last meeting with the Met Council, whether another meeting should include the PC, and frustration over the slow movement of the process. Johnson emphasized that he feels it's important to meet and discuss this with key Met Council staff head-on in a less formal setting, to get an accurate feel as to whether the change in designation is a real possibility. He said City staff would lay out the case for why the zoning flexibility is so critical. The details of what any zoning changes might look like would not be necessary for quite a while.

Johnson stressed that under our current designation, we will no longer meet the density standard if we want to allow development of any large pockets of land into, for example, 2.5-acre lots. The City will not be able to make changes in the zoning ordinance to reduce any lot sizes, without a change in the Comp Plan to the rural residential designation.

Even if Met Council staff say rural residential designation is a possibility, the process can't begin until the City receives its system statement from the Met Council. This document includes housing, transportation, and park issues for the City to focus on in developing their Comp Plan. The City then has three years to submit its Comp Plan for approval.

PC members brought up the White Bear Lake water deal and Highway 97 bridge issues raised at the previous meeting with Garcia and Rummel. Johnson said these issues are separate from the Comp Plan, and can be addressed outside of the Comp Plan. Zoning issues cannot.

Johnson reiterated that the City needs to work with the Met Council now to determine how we'd fit into the rural residential district designation. He suggests City staff give the Met Council reps the substance to support our cause, to show them our hardship without that change in designation. He is happy to share with PC members the materials he plans to use to support the City's case to the Met Council reps. PC members agreed, and a staff meeting will be scheduled with the Met Council reps after Labor Day.

Johnson suggested if the PC and CC want to examine and discuss potential higher-density options if given the flexibility by the Met Council, they can engage in discussions now, so zoning changes can be ready for consideration by the time the Comp Plan is due at the end of December 2018.

## **PUBLIC OPEN FORUM**

There was no topic raised for discussion for Open Forum.

## **CITY ADMINISTRATOR'S REPORT**

Mursko said that in order for the City to qualify for the League of Minnesota Cities Insurance Trust land use incentive, the PC Chair and a quorum of the City Council must complete the web-based course: *Land Use Basics: Grasping the Ground Rules*. Councilmember Duraine has completed the course, but two other Councilmembers must complete it. PC Chair Sternberg is

willing to take the course. Mursko added that all PC members are encouraged to take it. The course is free and takes ½ to 1 hour to complete. The Deputy City Clerk can be contacted if a PC member would like to sign into the course.

There are no applications for the August 5<sup>th</sup> PC meeting. PC members would like to meet for a PC workshop to discuss Comp Plan issues. Planner Johnson suggested they also discuss the existing houses in the C/I district on Lake Drive. Mursko said there are currently likely to be three applications for public hearing at the August 19<sup>th</sup> meeting.

## **PLANNING COMMISSION MEMBERS' REPORT**

### **WOLOWSKI COMMENT:**

Wolowski checked over what she will be presenting to the City Council next week.

### **ATTENDANCE - NEXT CC MEETING**

Wolowski is scheduled to attend the City Council meeting on July 22, 2015.

*Motion* by Krebs to adjourn. Second by Wolowski. Motion carried.

Meeting adjourned at 8:32 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary