

**City of Columbus
Regular Planning Commission Meeting
March 2, 2016**

The March 2, 2016 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; Jim Faulkner, Aaron Lindeman, Alyssa Reimers of SMJ International, Mike Schwartz, Kevin Dunaway, Nathan and Kristin Whiting, Curt Nelson, Steve Matthews, Kristina Matthews, Pat Preiner and Mary Preiner.

AGENDA APPROVAL

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

APPROVAL – 13932 LAKE DRIVE NE (VERIZON WIRELESS) CUP AMENDMENT APPLICATION PUBLIC HEARING MINUTES OF FEBRUARY 17, 2016

Motion by Preiner to approve the minutes from the 13932 Lake Drive, NE (Verizon Wireless) CUP Amendment Application Public Hearing held on February 17, 2016. Second by Krebs. Motion carried.

APPROVAL - REGULAR PC MEETING MINUTES OF FEBRUARY 17, 2016

Motion by Wolowski to approve the minutes of the February 17, 2016 regular Planning Commission meeting as written. Second by Watson. Motion carried.

PUBLIC HEARING – 9458 189TH AVENUE NE VARIANCE APPLICATION (PC-16-105)

At this time a public hearing was held to receive testimony regarding a variance application request for 9458 189th Avenue N.E., Columbus, MN from the required minimum 20-foot side yard setback to a 10-foot side yard setback to construct a pole framed accessory building for storage. The applicant and property owners are Nathan and Kristin Whiting. Separate minutes are prepared.

9458 189TH AVENUE NE VARIANCE APPLICATION 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

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? **Wetlands.**

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

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.**

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:	Approval: 03/02/16
(Insert dates of action)	Denial:
City Council Action:	Approval:
	Denial:

Motion by Sternberg to forward to the City Council the application for a variance for the property at 9458 189th Avenue NE, from the required minimum 20-foot side yard setback to a 10-foot side yard setback to construct a pole framed accessory building for storage, with a recommendation for approval based on findings that the Zoning Ordinance causes a practical difficulty. Second by Watson. Motion carried.

Mursko reminded the property owner that eaves cannot extend into the 10-foot setback. This matter will go before the City Council at their meeting on March 16th.

PUBLIC HEARING – PREINER REQUEST FOR REZONING FROM CS COMMERCIAL SHOWROOM TO CR COMMUNITY RETAIL (PC-16-106)

At this time a public hearing was held to receive testimony regarding a request for rezoning of two land parcels from CS Commercial Showroom to CR Community Retail. The applicant and property owners are Mary Preiner, Pat Preiner, and Jesse Preiner. Commissioner Preiner recused himself from participation as a PC member. Separate minutes are prepared.

PREINER REQUEST FOR REZONING FROM CS COMMERCIAL SHOWROOM TO CR COMMUNITY RETAIL DISCUSSION

Motion by Krebs to forward to the City Council the request for rezoning of two parcels from CS Commercial Showroom to CR Community Retail with a recommendation for approval based on the findings of fact and recommendation from the Planner’s memo dated February 25, 2016, and recommendation for approval of the draft Ordinance 16-5 dated March 2, 2016. Second by Sternberg. Votes as follows: Krebs – aye; Wolowski – aye; Watson – aye; Sternberg – aye. Motion carried.

Findings of Fact

- 1) The City received an application on February 8, 2016 from Mary, Pat and Jesse Preiner (“Preiner”) for a property rezoning.
- 2) The 60-day review period ends on April 8, 2016 and the 120-day review period, if extended, ends on June 7, 2016.
- 3) The property in question is located in the northwest quadrant of the intersection of 147th Avenue NE and West Freeway Drive, legally described as the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section 25, Township 32, Range 22 (“Property”).
- 4) The Property is currently zoned CS Commercial Showroom and is proposed to be rezoned to CR Community Retail.

- 5) Preiner is proposing to develop the Property for senior citizen housing, which is not allowed in the CS District but is a conditional use in the CR District.
- 6) The Property is contiguous with property owned by Preiner to the west, which is currently zoned CR Community Retail.
- 7) The proposed rezoning from CS Commercial Showroom to CR Community Retail is consistent with the Columbus Comprehensive Plan.
- 8) The Planning Commission held a public hearing on March 2, 2016 to consider amending the Zoning Ordinance to rezone the Property.

Recommendation

The Planning Commission should consider recommending that the City Council approve the application for rezoning of the Preiner Property, based upon the above Findings of Fact.

Draft Preiner Rezoning Amendment 3.2.16

**ORDINANCE NO. 16-
AN ORDINANCE AMENDING CHAPTER 7A-ZONING REGULATIONS
IN THE COLUMBUS CITY CODE**

The City Council of the City of Columbus ordains the following amendment to Chapter 7A of the Columbus City Code:

SECTION I. Article VI Section 7A-600 "Official Zoning Map" of the Columbus Code is amended by rezoning the following described property from CS Commercial Showroom to CR Community Retail:

The Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section Twenty-five (25), Township Thirty-two (32) North, Range Twenty-two (22) West, Anoka County, Minnesota.

[§ 7A-600 amended by Ord. No. 16-___, effective _____, 2016.]

SECTION II. Effective Date. This Ordinance was adopted by the Columbus City Council on this ___ day of _____, 2016 and shall become effective after its publication.

David J. Povolny, Mayor

ATTEST:

Elizabeth Mursko, City Administrator

Published in the Forest Lake Times on _____, 2016.

This matter will go before the City Council at their meeting on March 16th.
At this time Commissioner Preiner rejoined the other PC members.

PUBLIC HEARING – SCHWARTZ VARIANCE APPLICATION (PC-16-107)

At this time a public hearing was held to receive testimony regarding a variance application request from Mike and Lisa Schwartz to allow access for three lots not meeting the frontage requirements of Section 7A-800.C.6 of the City Code. Separate minutes are prepared.

SCHWARTZ VARIANCE APPLICATION 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

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? **Land-locked.**

Question #2: How is it not like other pieces of property? **No road access.**

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.**

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:	Approval: 03/02/16
(Insert dates of action)	Denial:
City Council Action:	Approval:
	Denial:

Motion by Krebs to forward to the City Council the application for a variance to Section 7A-800.C.6 of the City Code to allow access for three lots not meeting the frontage requirements of that Section, with a recommendation for approval based on findings that the Zoning Ordinance causes a practical difficulty. Second by Wolowski. Motion carried.

This matter will go before the City Council at their meeting on March 16th.

PUBLIC HEARING – AT&T IUP AMENDMENT APPLICATION (PC-16-108)

At this time a public hearing was held to receive testimony regarding a request for an IUP amendment for the installation of a collocation upgrade to an existing cell tower, consisting of replacing and adding panel antennas, adding remote radio heads, adding a Raycap surge protector and associated equipment. The tower is located on City-owned Property in Columbus City Park. The applicant is AT&T. Separate minutes are prepared.

AT&T IUP AMENDMENT APPLICATION DISCUSSION

Motion by Preiner to forward to the City Council the request for an IUP amendment for the installation of a collocation upgrade to an existing cell tower, located in Columbus City Park, with a recommendation for approval based on the findings of fact and recommendations from the Planner’s memo dated February 25, 2016. Second by Sternberg. Motion carried.

Findings of Fact

- 1) The City received an application on February 8, 2016 from SMJ International, on behalf of AT&T Mobility Corporation (“AT&T”), to amend the existing communications facility IUP on City Park property located at 8762-165th Avenue NE (“Property”).

- 2) The IUP amendment application included nine plan sheets, prepared by Edge Consulting Engineers, Inc., dated February 2, 2016 (“Plan A”).
- 3) The 60-day review period ends on April 8, 2016 and the 120-day review period, if extended, ends on June 7, 2016.
- 4) The existing IUP for the 175-foot-tall communications tower and associated equipment was approved in July 2009.
- 5) The term of the IUP is coterminous with the Property lease, which essentially runs through July 2034.
- 6) The purpose of the amendment to the IUP is to allow the addition of three panel antennae, nine remote radio heads, one surge protector, and the replacement of three panel antennae on the antennae platform at the top of the monopole. There will also be miscellaneous electrical components added within the existing equipment shelter on the ground.
- 7) The Planning Commission held a public hearing on March 2, 2016 to consider amending the IUP.

Recommendations

The Planning Commission should consider recommending that the City Council approve the IUP amendment for AT&T, subject to the following conditions:

- 1) AT&T shall construct all improvements consistent with Plan A.
- 2) AT&T shall construct and maintain the communications facility consistent with all federal, state, and local laws, rules, regulations and ordinances.
- 3) The IUP is not a substitute for permits or other approvals and AT&T shall obtain all other necessary permits and approvals, including but not limited to building permits, electrical permits, and federal permits and licenses, prior to any construction.
- 4) The IUP may be revoked upon a finding by the City Council that the Property and/or use is not in compliance with the conditions of the IUP, following proper notice and a public hearing.
- 5) All other relevant conditions of the 2009 IUP shall remain in effect.

This matter will go before the City Council at their meeting on March 16th.

PUBLIC OPEN FORUM

There was no topic raised for discussion for Open Forum.

CITY ADMINISTRATOR'S REPORT

Mursko reminded members that this is the only PC meeting in March. The next PC meeting will be April 6th. As of now, there are two applications for that date. March 16th is the only meeting this month for the City Council.

PLANNING COMMISSION MEMBERS' REPORT

KREBS COMMENT:

Krebs attended the Northeast Metro Water Summit. Originally, the group's main focus was the White Bear Lake water issue. They have brought in the DNR and Met Council, and, now, she thinks it will become a broader discussion about water plans. They want to build a coalition on

water issues. She asked about requirements for a City water plan. Mursko said the Water Supply Plan is due December of 2016. At the last CC meeting, the Engineer was directed to prepare the City plan.

PREINER COMMENT:

Preiner said last night's Republican caucus at City Hall was the largest on record. He thanked City Administrator Mursko for stepping in and assisting with organization so that things ran more smoothly.

Preiner asked what dollar number should be given when people ask about the bridge project. Mursko said Anoka County has been saying \$25 million is needed for the project. She reported MN DOT has earmarked \$3.5 million to replace the 97 bridge in kind with one additional turn lane. They feel that will address safety issues. Anoka County is asking for \$25 million knowing that MN DOT is allocating \$3.5 million.

Mursko said the City is working on fine-tuning the dollar amount the City has invested in roadway and land. Seven acres have been dedicated to right-of-way and backage roads to this project. They will come up with a dollar amount the City has already put toward the project.

STERNBERG COMMENT:

Sternberg said the bridge meeting he mentioned at the last PC meeting, will be April 6 at the Centennial Branch Library in Circle Pines. He found details about it on the City Facebook page.

Mursko noted that the Anoka County meeting regarding legislative session items, including the 97 bridge, was be held March 3rd, but has been cancelled and has not yet been rescheduled.

Sternberg feels it's critical that a new bridge be built before the old is torn down, so access is not disrupted. Mursko said MN DOT has assured the City they will consider that. She believes bridge design will be the next decision to be made. The frontrunners for design are the diverging diamond and the standard diamond. She has been told the diverging diamond has a smaller deck and is less expensive. The design decision will be made jointly between the City, Anoka County, and MN DOT and FHWA.

ATTENDANCE - NEXT CC MEETING

Watson is scheduled to attend the City Council meeting on March 16, 2016.

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

Meeting adjourned at 7:55 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary