

City of Columbus
Regular Planning Commission Meeting
May 20, 2015

The May 20, 2015 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:08 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 Bill Krebs, Denny Peterson, Jeff Duraine, and Mark Daly; Aaron Bedessem, Stacy Jensen, and Taro Ito of Running Aces; Chad Johnson, Jason Rud, Peg Hoffman, Mike Herzog, Mary Preiner, 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 MAY 6, 2015

Motion by Krebs to approve the minutes of the May 6, 2015 regular Planning Commission meeting as written. Second by Preiner. Motion carried.

PUBLIC HEARING – JOHNSON PRESERVES – PRELIMINARY PLAT APPLICATION (PC-15-103)

At this time a public hearing was held to receive testimony regarding a request for a preliminary plat, “Johnson Preserves”, combining several parcels and making three new lots. The applicant is Chad Johnson. Separate minutes are prepared.

JOHNSON PRESERVES – PRELIMINARY PLAT APPLICATION DISCUSSION

Planner Johnson said all information has been confirmed with Anoka County Traffic Engineering Manager Jane Rose. The City Engineer indicated everything he’s asked for has been fulfilled. In Recommendation #4, the City Attorney recommended the language be changed to read as follows: “In the event recommendations by Anoka County include elimination of the cul-de-sac adjacent to CSAH 17, the applicant must *either* apply for and be granted a variance for minimum street frontage in order to retain three buildable lots; *or the applicant must amend the plat to dedicate the cul-de-sac to the City as future right-of-way, subject to Anoka County approval and the execution of a development agreement between the applicant and the City,*”

Motion by Krebs to forward to the City Council the preliminary plat application for Johnson Preserves, with a recommendation for approval based on the findings of fact and recommendations from the Planner’s memo dated May 14, 2015, with an amendment to Recommendation #4 per the recommendation of the City Attorney, as noted below. Second by Watson. Motion carried.

Findings of Fact

1. The preliminary plat application received on March 23, 2015 was found complete for review.

2. The 120-day preliminary plat review deadline is July 21, 2015.
3. There are 89.66 gross acres in the proposed plat, which is located at 185th Avenue NE and Lexington Avenue NE (CSAH 17) in Section 31, Township 33, Range 22.
4. The property is vacant and is zoned RR Rural Residential.
5. The proposed plat is located in the Sunrise River watershed.
6. The easterly boundary of the proposed plat abuts Carlos Avery WMA. Other properties abutting the plat are currently developed for rural residential use.
7. A total of three residential lots (6.40 acres, 19.71 acres, and 57.95 acres) and one outlot (5.0 acres) are proposed. Right-of-way dedication is 0.6 acres.
8. The purpose of the proposed outlot is for the sale and attachment of the outlot to the adjacent parcel on the south side of the plat.
9. The gross density of the proposed development is approximately one home per 30 acres, which is consistent with the Comprehensive Plan and Zoning Ordinance.
10. An unimproved cul-de-sac is proposed to connect the subdivision to CSAH 17.
11. The preliminary preference of Anoka County Highway Department is to allow three private driveway accesses to CSAH 17, rather than a public road or single private access connection, because of the sharp 90 degree curve in CSAH 17 abutting the plat.
12. All three proposed lots meet the minimum 60 feet frontage requirement along the proposed cul-de-sac configuration and meet the 220 feet minimum lot width requirement.
13. Proposed building and SSTS areas are illustrated on each lot.
14. Floodplain determinations and wetland delineations need to be confirmed in the water resources review.
15. Wetlands are protected with a drainage and utility easement at least one rod beyond the illustrated wetland boundaries.
16. Drainage and utility easements are also located adjacent to all property lines (10 feet) and along public right-of-way (20 feet).
17. The proposed plat is compatible with City zoning and subdivision regulations.
18. Subsequent stormwater permits will be required for any individual site grading that exceeds one acre.
19. The Planning Commission held a public hearing on the Johnson Preserve Preliminary Plat on May 20, 2015.

Recommendation

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Johnson Preserve Preliminary Plat, subject to the following:

1. Recommendations of the City Engineer, including stormwater management and confirmation of SSTS suitability.
2. Title review and recommendations of the City Attorney.
3. Highway access and platting recommendations by Anoka County.
4. In the event recommendations by Anoka County include elimination of the cul-de-sac adjacent to CSAH 17, the applicant must **either** apply for and be granted a variance for

minimum street frontage in order to retain three buildable lots, or the applicant must amend the plat to dedicate the cul-de-sac to the City as future right-of-way, subject to Anoka County approval and the execution of a development agreement between the applicant and the City,

5. Water resources review and recommendations by Anoka Conservation District.
6. Wetland delineation approval and floodplain verification by the City.
7. Permanent wetland buffer plaques on the westerly buildable portions of Lots 1-3, installed at intervals determined by the City.
8. Cash in lieu of park land dedication requirements.
9. Future development in the plat is subject to local ordinances and permitting requirements and may be subject to additional review and permitting under the Wetland Conservation Act.
10. Subsequent stormwater permits will be required for any individual site grading that exceeds one acre.
11. Outlot A must be combined with adjacent property by July 1, 2016 or it must be combined with Lot 3 of the proposed plat.

This matter will go before the City Council at their next meeting, which will be held Wednesday, May 27th at 7 p.m.

PUBLIC HEARING – RUNNING ACES CASINO AND RACETRACK CHAPTER 7A-777B PROPOSED CODE AMENDMENT APPLICATION (PC-15-104)

At this time a public hearing was held to receive testimony regarding a request by Running Aces Casino and Racetrack to amend Chapter 7A of the Columbus City Code covering Section 7A-777B. Horse Racing Conditional Uses, and Section 7B-307G. Horse Racing District Directional Signs. Separate minutes are prepared.

RUNNING ACES CASINO AND RACETRACK – CHAPTER 7A - 777B PROPOSED CODE AMENDMENT APPLICATION DISCUSSION

Motion by Sternberg to forward to the City Council the request by Running Aces Casino & Racetrack to amend Chapter 7A of the Columbus City Code covering Section 7A - 777B. Horse Racing Conditional Uses, and Section 7B-307G. Horse Racing District Directional Signs, with a recommendation for approval based on the findings of fact and recommendations from the Planner's memo dated May 14, 2015 (I – City Code Amendments), with amendments to Findings of Fact #3 & 6, as noted below; and with changes to Draft Ordinance No. 15-02, referred to in Finding of Fact #11, from: “9. Captive raising and fishing of freshwater game fish, located within the secured race track and outdoor entertainment areas.” to “**9. Water feature, rainbow trout fee fishing, within a secure perimeter fence.**” Second by Krebs. Commissioner Preiner recused himself from the vote. Votes as follows: Krebs – aye, Wolowski – aye, Watson – aye, Sternberg – aye. Motion carried.

Findings of Fact

1. The zoning ordinance and sign ordinance amendment application received on April 23, 2015 was found complete for review.
2. The 60-day review deadline is June 22, 2015 and the 120-day review deadline, if needed, is August 21, 2015.
3. The proposed Zoning Ordinance amendment includes adding three conditional uses within the HR Horse Racing District: indoor and outdoor stage acts; on-site ~~raising and~~ fishing for game fish; and outdoor volleyball and miniature golf facilities.
4. Outdoor stage acts would be seasonal, with a portable stage located on the race track, and with seating contained within the secured outdoor entertainment area and indoor viewing areas.
5. Stage acts would also be allowed indoors on a year-round basis and include music and comedy and similar entertainment acts.
6. ~~The captive game fish raising and~~ Rainbow trout recreational fishing area would be located in a secured area attached to the building.
7. The outdoor volleyball and miniature golf facilities would be located within the secured outdoor entertainment area.
8. The proposed zoning amendments allow uses compatible with existing uses at the harness park, uses historically allowed in the area, and uses compatible with regional destination entertainment facilities.
9. The proposed Sign Ordinance amendment includes increasing the allowable directional and public information signs at the harness park from two square feet in area to 18 square feet and increasing the allowable height of directional signs and public information signs at the harness park from four feet in height to eight feet in height.
10. The proposed sign amendments are compatible with other sign regulations within the HR District and other zoning districts within the Freeway Corridor and do not create safety concerns or aesthetic issues with respect to other sign provisions in the City.
11. Draft Ordinance No. 15-02 was reviewed by the Planning Commission.
12. The Planning Commission held a public hearing on the City Code Amendment Application on May 20, 2015.

Code Amendment Recommendation

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Running Aces City Code amendments – Ordinance No. 15-02, subject to recommendations of the City Attorney.

PUBLIC HEARING – RUNNING ACES CASINO AND RACETRACK CUP AMENDMENT APPLICATION (PC-15-104)

At this time a public hearing was held to receive testimony regarding a request by Running Aces Casino and Racetrack to amend its existing conditional use permit to allow 1) indoor stage music and seasonal outdoor stage music, and 2) fishing of freshwater game fish located within a secured outdoor entertainment area. Separate minutes are prepared.

RUNNING ACES CASINO AND RACETRACK – RUNNING ACES CASINO AND RACETRACK CUP AMENDMENT APPLICATION DISCUSSION

Motion by Krebs to forward to the City Council the request by Running Aces Casino & Racetrack to amend its existing conditional use permit to allow indoor stage music and seasonal outdoor stage music, and fishing of freshwater game fish located within a secured outdoor entertainment area, with a recommendation for approval based on the findings of fact and recommendations from the Planner's memo dated May 14, 2015 (II – CUP Amendments). Second by Sternberg. Commissioner Preiner recused himself from the vote. Votes as follows: Krebs – aye, Wolowski – aye, Watson – aye, Sternberg – aye. Motion carried.

Findings of Fact

1. A CUP amendment application for indoor and seasonal outdoor stage acts was received on April 23, 2015 and found complete.
2. The 60-day review deadline is June 22, 2015 and the 120-day review deadline, if needed, is August 21, 2015.
3. A CUP amendment application for a Trout Pond was received on April 28, 2015 and found complete.
4. The 60-day review deadline is June 27, 2015 and the 120-day review deadline, if needed, is August 26, 2015.
5. The proposed stage acts and trout pond uses require an amendment to the conditional uses section of the HR Horse Racing District (applied for) and an amendment to the original North Metro Harness Initiative CUP, which was conditionally approved in 2004.
6. Proposed outdoor stage acts will be contained entirely within the existing secured outdoor entertainment areas, lying between the track and south side of the building.
7. A portable stage for music acts will be located within the secured race track, separated from patrons by existing fencing.
8. Patrons for outdoor stage acts will be confined to existing secured outdoor entertainment areas or locations within the building.
9. Capacity for outdoor stage acts will be limited to the capacity of authorized parking areas.
10. Temporary/portable lighting and PA systems will also be used in conjunction with the outdoor stage acts.
11. PA systems associated with outdoor stage acts will be used no later than 11:00 pm on any day.
12. Noise levels for the outdoor stage acts will be consistent with MPCA noise standards.
13. Outdoor vending of food and beverages will be consistent with food and beverage regulations.
14. Additional portable toilets and waste/recycling containers will be provided, as needed.
15. Additional security and traffic/parking control personnel will be provided, as needed or requested.
16. Outdoor stage acts will not interfere with live racing events or impact the park and ride lot on weekdays.
17. Running Aces management anticipate approximately six outdoor stage events per year.
18. Running Aces management will notify The City and Anoka County Sheriff's Department

- in advance of every planned outdoor stage event.
19. Indoor stage acts will be contained entirely within the existing building throughout the year and will be operated consistent with existing regulations.
 20. The proposed seasonal trout pond will be located in the existing yard area on the northwesterly side of the building.
 21. The proposed trout pond will be enclosed by new security fencing and will only be accessible to Running Aces patrons.
 22. Trout pond patrons will pay a fee to fish and to keep any fish caught.
 23. The pond will be irregular-shaped, approximately 64 feet by 50 feet in area. The depth of the pond will be approximately four feet.
 24. The pond will be artificially lined to contain water, will be fed by a new private well, and will be drained into the City's storm water system.
 25. Security and oversight within the proposed trout pond area will be provided by existing Running Aces staff and security personnel.
 26. There are no additional services or facilities anticipated to be provided in the trout pond area other than waste/recycling receptacles and possible security lighting.
 27. Accidental falls in the pond could be a concern, without preventive measures or rescue measures in place, because the slopes of the pond are steep and the plastic liner may inhibit exiting the pond without assistance.
 28. The proposed seasonal outdoor stage acts, indoor stage acts, and trout pond uses are consistent with existing harness park uses and compatible with regional destination entertainment facilities.
 29. The Planning Commission held a public hearing on the CUP Amendment Application on May 20, 2015.

CUP Recommendation

Based upon the above Findings of Fact, the Planning Commission recommends approval of the amendment to the North Metro Harness Initiative CUP for seasonal outdoor stage acts, indoor stage acts, and the trout pond, subject to the following conditions:

1. Adoption of Ordinance No. 15-02.
2. Detailed recommendations of the City Engineer.
3. Detailed recommendations of the City Attorney.
4. Detailed recommendations of the City Building Official.
5. Review and recommendations of the Fire Marshal.
6. Permitting and licensing by other jurisdictions having authority over the proposed CUP amendments including, but not limited to, Rice Creek Watershed District, Anoka County, Minnesota Department of Natural Resources, and Minnesota Department of Health.
7. Outdoor stage events shall be conducted consistent with the application materials submitted on April 23, 2015 and shall be limited to twelve event days per year.
8. The capacity for outdoor or indoor stage events shall be limited by the capacity of existing on-site parking at the harness park. Exceptions to parking limitations shall only be approved by action of the City Council.
9. Running Aces personnel shall notify the City and Anoka County Sheriff's Department at least 15 days prior to any outdoor stage event.
10. On-site security, traffic control, and parking assistance at outdoor stage events shall be

- consistent with recommendations of the City and Anoka County Sheriff's Department.
11. Outdoor or indoor stage events shall not impact weekday usage of the park and ride lot.
 12. Noise levels associated with outdoor stage events shall be consistent with Minnesota Pollution Control Agency standards.
 13. Running Aces shall submit and the City shall approve a safety plan for patrons in the trout pond area before use of the pond is approved.
 14. Additional permanent lighting in the trout pond area shall be down cast and shrouded and require plan review by the City Engineer and permitting by the Electrical Inspector.
 15. All other relevant conditions of the original CUP shall remain in effect.

Both of these matters will go before the City Council at their next meeting, which will be held Wednesday, May 27th at 7 p.m.

DISCUSSION – OUTDOOR LIGHTING ORDINANCE

Planner Johnson did not complete the draft ordinance. He will have it at the next PC meeting. Sternberg and Preiner did not locate the light meter to check lumens at lot lines of existing commercial property. They still plan to perform these tests and provide the PC with that information.

There was discussion of shrouding needs at Cemstone on Lake Drive. Johnson said this shrouding is already part of their permit conditions. He will call and request they bring the lighting into compliance.

Sternberg thinks lighting regulations should be enforced at the point of issuing an occupancy permit. Johnson said the current ordinance states lights must be downcast and shrouded, and for the past 3-4 years all CUPs and light plans include language to that effect. Sternberg suggested that a cut sheet of exterior lighting fixtures be required for City approval. He said these have become standard practice in the industry and are usually provided to the business at no extra cost. They show the photometrics and an actual picture of the light fixture.

PUBLIC OPEN FORUM

There was no topic raised for discussion for Open Forum.

CITY ADMINISTRATOR'S REPORT

Mursko reported that the McComb's report is complete. The EDA would like to hold a joint meeting with the PC at 6 p.m. on June 10th, where the report will be presented and discussed.

The July 1st PC meeting has been cancelled due to the 4th of July holiday. The PC's only meeting that month will be on July 15th. The CC will meet only once in July as well: 7/22.

PLANNING COMMISSION MEMBERS' REPORT

PREINER COMMENT:

Preiner reported that the Lowdown Newspaper ran a nice story about the Trout Tavern grand opening at Running Aces.

ATTENDANCE - NEXT CC MEETING

Watson is scheduled to attend the City Council meeting on May 27, 2015.

Motion by Krebs to adjourn. Second by Preiner. Motion carried.
Meeting adjourned at 8:47 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary