

**City of Columbus**  
**Regular Planning Commission Meeting**  
**November 18, 2015**

The November 18, 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 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, Bill Krebs and Jeff Duraine; Roger and Mary DuFresne, Kenneth and Mary K. DuFresne, Roger Nase, Pat Preiner, and Jon Wycistah (sp).

**AGENDA APPROVAL**

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

**APPROVAL - REGULAR PC MEETING MINUTES OF NOVEMBER 4, 2015**

*Motion* by Krebs to approve the minutes of the November 4, 2015 regular Planning Commission meeting as written. Second by Preiner. Motion carried.

**PUBLIC HEARING – LONE OAK ACRES – PRELIMINARY PLAT APPLICATION (PC-15-109)**

At this time a public hearing was held to receive testimony regarding a request for a preliminary plat, “Lone Oak Acres”, reconfiguring two parcels and creating two new lots. The applicant is Kenneth DuFresne. Separate minutes are prepared.

**LONE OAK ACRES – PRELIMINARY PLAT APPLICATION DISCUSSION**

There was discussion of challenges Mr. DuFresne raised about some of the conditions the City Engineer and Planner had in their reports. A road easement is proposed under the recommendations, to access landlocked parcels. Mr. DuFresne says this is a private field road. There will be no change that would require an easement or right-of-way. It is remaining agricultural. Planner Johnson said this is a standard review item with all plats where there is additional property, which, in this case, is landlocked. The difference here is that the parcels are owned by the same party. He doesn't object to Mr. DuFresne's reluctance in this particular situation. There are opportunities to get that access in the future if changes occur.

Mr. DuFresne pointed out that the Rice Creek Watershed has no concerns about the plat, because there is no plan to change any topography.

Mursko pointed out that the City Engineer's report indicated the applicant must show the floodplain elevation, showing that there is some floodplain on the plat. The applicant has agreed that the surveyor will put the floodplain elevation on the plat.

Drainage and utility easements were discussed. Drainage and utility easements are required along all property boundaries. These are already included along Rondeau Lake Drive and on Lot 1, Block 1, but they need to be included on the other boundaries. Johnson said these are ordinance issues and cannot be waived unless the applicant wants to apply for a variance. Standards for granting a variance were discussed. Mr. DuFresne asked about the owner's

obligations to the City if they draw in these drainage and utility easements. Johnson said that, because there are no public improvements within any of those easements, the City would never use them, with the possible exception of ditch improvements along West Rondeau and normal maintenance of the road. He said this does not give rights to any person in the public to enter the property. Mr. DuFresne asked about a pipeline that goes through two corners of the property. He wanted to know if, by putting in the utility easements, it opens them up to letting the pipeline company access the land without permission. Johnson does not believe it would, but he would defer that question to the City Attorney. Mr. DuFresne said they are willing to have the surveyor draw in drainage and utility easements.

*Motion* by Krebs to forward to the City Council the preliminary plat application for Lone Oak Acres, with a recommendation for approval based on the findings of fact and recommendations from the Planner's memo dated November 13, 2015, with the elimination of finding of fact #15 and recommendation #6, as noted below. Second by Sternberg. Planner Johnson suggested a change to recommendation #1 to include recommendations of the City Engineer be accepted "except the additional right of way to the landlocked parcels." This would be consistent with removing recommendation #6. The Planner's suggestion was adopted. Motion carried.

### **Findings of Fact**

1. The revised preliminary plat application received on October 6, 2015 was found complete for review.
2. The 120-day preliminary plat review deadline is February 3, 2016.
3. There are a total of 72.0 gross acres in the proposed plat, which is located on West Rondeau Lake Drive in Section 34, Township 32, Range 22.
4. The property is zoned RR Rural Residential and is located in the Rice Creek Watershed.
5. The property is located within the Rondeau Lake Shoreland Overlay Area and the northwesterly portion of the plat is encumbered by floodplain.
6. Existing and proposed development within the plat is consistent with the Shoreland Management Ordinance.
7. There are private ditches that drain the northerly portion of the plat from east to west and the westerly portion of the plat from north to south.
8. There are four existing parcels of record within the proposed plat, containing two occupied residences and the original farmstead (dwelling has been removed).
9. Platting of the property accomplishes lot consolidation of the three northerly parcels into two parcels with two existing homes; a 5-acre parcel for the original farmstead; and a 35-acre outlot in between.
10. The three residential lots exceed the minimum 5-acre lot area requirements (12-acre lot area average) and exceed the minimum 220 feet road frontage requirements. The outlot has sufficient street frontage and acreage for future subdivision.
11. Thirty-three feet of right-of-way is proposed to be dedicated adjacent to West Rondeau Lake Drive.
12. A twenty-foot-wide drainage and utility easement is provided adjacent to West Rondeau Lake Drive, but nowhere else on the perimeter of the plat.

13. There are 10-foot-wide interior lot line easements on Lot 1, Block 1 (original farmstead lot), but no other easements provided on any other interior lot.
14. The property owners own three quarter-quarter sections to the west of the proposed plat that are land-locked.
- ~~15. Access to the land-locked parcels is provided via an existing driveway along the south edge of the plat.~~
16. The south edge of the plat abuts the City of Lino Lakes.
17. Soil borings on Lot 1, Block 1 (original farmstead lot) provide for adequate SSTS area in redeveloping the site. An existing well on the lot is available for reuse. There are also three existing accessory structures on the proposed lot.
18. Rice Creek Watershed District has commented that the proposed plat does not trigger jurisdictional review under the Wetland Conservation Act at this time, but future subdivision or site development may trigger jurisdictional review.
19. The Planning Commission held a public hearing on the Lone Oak Acres Preliminary Plat on November 18, 2015.

### **Recommendation**

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Lone Oak Acres Preliminary Plat, subject to the following:

1. Recommendations of the City Engineer, except the additional right of way to the landlocked parcels.
2. Title review and recommendations of the City Attorney.
3. Drainage and utility easements shall be located adjacent to all lot lines consistent with requirements of the Subdivision Ordinance.
4. The 100-year flood plain shall be identified on the plat and encumbered with a drainage and utility easement, consistent with the Flood Plain Management Ordinance
5. Floodplain boundary plaques should be installed on Lot 1, Block 2 at intervals determined by the City.
- ~~6. Access to the landlocked parcels owned by the subdividers should be protected with a road easement. This could be accomplished along the south line of the plat over the existing driveway or an alternative location from West Rondeau Lake Drive through Outlot A.~~
7. 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.

This matter will go before the City Council at their next meeting, which will be held Monday, November 23rd at 7 p.m.

### **PUBLIC HEARING – CHAPTER 7F FLOODPLAIN MANAGEMENT REGULATIONS AMENDMENT (PC-15-110)**

At this time a public hearing was held to receive testimony regarding amending Chapter 7F – Floodplain Management Regulations in the Columbus City Code. Separate minutes are prepared.

## **CHAPTER 7F – FLOODPLAIN MANAGEMENT REGULATIONS AMENDMENT DISCUSSION**

*Motion* by Wolowski to forward to the City Council amendments to Chapter 7F – Floodplain Management Regulations, in the Columbus City Code, with a recommendation for approval. Second by Preiner. Motion carried.

This matter will go before the City Council at their next meeting, which will be held Monday, November 23rd at 7 p.m.

## **PUBLIC HEARING – CHAPTER 7A-800 ZONING AMENDMENT - REQUIRED RESIDENTIAL SCREENING (PC-15-111)**

At this time a public hearing was held to receive testimony regarding amending Chapter 7A – Zoning Regulations in the Columbus City Code. Separate minutes are prepared.

## **CHAPTER 7A-800 ZONING AMENDMENT – REQUIRED RESIDENTIAL SCREENING DISCUSSION**

It was noted that the 2030 Comp Plan cites coordinating and promoting marketing of Lake Drive and corridor business development opportunities, and maximizing existing investment and development opportunities within the Lake Drive business area as City objectives. The intent was that that would be a commercially developed area. She also noted that the points presented by Mr. Nase at the last meeting were taken into account, and resulted in some changes to the draft ordinance.

Planner Johnson was asked if screening requirements can be added as part of a CUP request if needed. Johnson said there are only a handful of permitted uses in any of the CI districts where the City Administrator would be making decisions based solely on this screening ordinance. The City Attorney attempted, with this ordinance, to give applicants an idea of screening expectations. He said in all CUP or other hearing procedures the City will have latitude to add conditions. When there is reasonableness to regulations communities impose, people don't usually object. When they are very unreasonable or appear to be a direct attempt to prohibit an activity, the courts don't support those decisions.

The specific items presented by Mr. Nase were discussed.

Johnson pointed out that there is a major distinction between screening and buffering.

Mursko suggested reconsidering the language in the draft that requires 95% opacity in screening. She and Johnson agreed that the 95% standard could be virtually unattainable. Most communities are in the 70% range. Eighty percent is the standard used in the City Code for residential screening for accessory buildings that are in a front yard.

*Motion* by Krebs to forward to the City Council amendments to Chapter 7A-800 Zoning Amendment – Required Residential Screening, in the Columbus City Code, with a revision of the draft, changing the language in Subsection K. 3. from “ninety-five (95) percent opaque” to “eighty (80) percent opaque”, with a recommendation for approval. Second by Preiner. Motion carried.

This matter will go before the City Council at their next meeting, which will be held Monday, November 23rd at 7 p.m.

**PUBLIC HEARING – CHAPTER 7A ZONING REGULATIONS AMENDMENT – PLANNED UNIT DEVELOPMENT (PUD) STANDARDS FOR SENIOR HOUSING IN THE SUBURBAN RESIDENTIAL (SR) DISTRICT (PC-15-112)**

At this time a public hearing was held to receive testimony regarding amending Chapter 7A – Zoning Regulations in the Columbus City Code. Separate minutes are prepared.

**CHAPTER 7A ZONING REGULATIONS AMENDMENT – PUD STANDARDS FOR SENIOR HOUSING IN THE SR DISTRICT DISCUSSION**

*Motion* by Krebs to forward to the City Council amendments to Chapter 7A Zoning Regulations – Planned Unit Development (PUD) Standards for Senior Housing in the Suburban Residential (SR) District, in the Columbus City Code, with a recommendation for approval. Second by Sternberg. Motion carried.

This matter will go before the City Council at their next meeting, which will be held Monday, November 23rd at 7 p.m.

**PUBLIC OPEN FORUM**

There was no topic raised for discussion for Open Forum.

**CITY ADMINISTRATOR'S REPORT**

Mursko gave all PC members copies of the memo from the City Engineer, prepared for the CC, which addresses the topics of determining high water table and lowest floor elevation.

The PC will meet twice in December. There are three public hearings scheduled for 12/2, and two public hearings scheduled for 12/16.

The CC will meet next week on Monday the 23<sup>rd</sup>, instead of Wednesday, because of the Thanksgiving holiday. The CC will not hold a second meeting in December.

**PLANNING COMMISSION MEMBERS' REPORT**

Nothing to report.

**ATTENDANCE - NEXT CC MEETING**

Krebs is scheduled to attend the City Council meeting on Monday, November 23, 2015.

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

Meeting adjourned at 8:55 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary