

**City of Columbus  
Regular Planning Commission Meeting  
September 21, 2016**

The September 21, 2016 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:01 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members: James Watson, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko, Planner Dean Johnson, Public Communications Coordinator Jessica Hughes, and Recording Secretary Karen Boland.

Also in attendance were City Council members Denny Peterson and Bill Krebs; John and Julie Seibert, Russ Hanes, Pavel Bodnar, Michelle Mauch, and Mike Hursh.

**AGENDA APPROVAL**

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

**APPROVAL – PUBLIC HEARING MINUTES - BLAKE DRILLING – PRELIMINARY/FINAL PLAT REQUEST ON SEPTEMBER 7, 2016**

*Motion* by Wolowski to approve the minutes from Blake Drilling Preliminary/Final Plat Request Public Hearing held on September 7, 2016. Second by Watson. Motion carried.

**APPROVAL – PUBLIC HEARING MINUTES - BLAKE DRILLING – CUP REQUEST ON SEPTEMBER 7, 2016**

*Motion* by Watson to approve the minutes from Blake Drilling CUP Request Public Hearing held on September 7, 2016. Second by Krebs. Motion carried.

**APPROVAL – REGULAR PC MEETING MINUTES ON SEPTEMBER 7, 2016**

*Motion* by Krebs to approve the minutes of the September 7, 2016 regular Planning Commission meeting as written. Second by Wolowski. Motion carried.

**PUBLIC HEARING – NORTH METRO HARNESS INITIATIVE (ACES HOTEL, LLC) PRELIMINARY/FINAL PLAT APPLICATION (PC-16-120)**

At this time a public hearing was held to receive testimony regarding a preliminary/final plat application request for “North Metro Harness Initiative Plat 2” creating one new lot. The applicant is Trinity Business Consulting, Inc. (John F. Seibert). Separate minutes are prepared.

**NORTH METRO HARNESS INITIATIVE (ACES HOTEL, LLC) PRELIMINARY/FINAL PLAT APPLICATION DISCUSSION**

As part of the application, findings and comments were received from City Engineer Dennis Postler in support of the Planner’s findings.

*Motion* by Krebs to forward to the City Council the request for a preliminary/final plat “North Metro Harness Initiative Plat 2” creating one new lot with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner’s memo dated September 15, 2016. Second by Watson. Motion carried.

## **Findings of Fact**

1. The City received a preliminary plat application from Trinity Business Consulting, Inc. on behalf of North Metro Harness Initiative, LLC (“NMHI”) on August 25, 2016 and supplemented on August 30, 2016. The application was found complete.
2. The 120-day preliminary review deadline is December 28, 2016.
3. The proposed 99-acre, two lot plat is located between Zurich Street and CSAH 54, legally described as Lot 1, Block 1, North Metro Harness Initiative (“Property”).
4. Proposed Lot 2 (0.89 acres) is being created for a hotel site. Proposed Lot 1 (98.49 acres) is the remainder of Block 1, the Running Aces Harness Park (“RAHP”).
5. The City also received a Conditional Use Permit application from NMHI to process the subdivision of the Property and development of a hotel on the Property through the Planned Unit Development provisions of the City Code.
6. Proposed Lot 2 is surrounded by Lot 1; but, it’s northerly lot line is located within the existing RAHP driveway access and parking area.
7. A Reciprocal Easement Agreement is proposed between the owners of Lot 1 and Lot 2 to guarantee private access to public streets, shared parking, and public utilities.
8. Required drainage and utility easements are located adjacent to the exterior property lines of Lot 1, but not adjacent to Lot 2.
9. An existing 10-inch water main loop around the existing RAHP building will be relocated to the east of the proposed hotel building site and provide service to the hotel.
10. Sanitary sewer service will extend to the west side of the hotel building from an existing 8-inch sewer line, currently located on the south side of the RAHP building.
11. A wet retention pond is being proposed on the northeast side of the track in the location of an existing infiltration basin.
12. The applicant has submitted stormwater management and civil plans to Rice Creek Watershed District (“RCWD”) on August 22, 2016 for permitting.
13. The Preliminary Plat public hearing was held by the Planning Commission on September 21, 2016.

## **Recommendations**

Based upon the above Findings of Fact, the Planning Commission should recommend approval of the North Metro Harness Initiative Plat 2 Preliminary Plat, subject to the following:

1. Detailed recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney.
3. CUP and PUD approval.
4. A Reciprocal Easement Agreement.
5. Requirements of the Anoka County Surveyor.
6. Requirements of Rice Creek Watershed District.
7. Reimbursement of all City expenses associated with plat approval.
8. Future development within the plat is subject to local ordinances and permitting requirements.

This matter will go before the City Council at their meeting on September 28th.

## **PUBLIC HEARING – TRINITY BUSINESS CONSULTING, INC. (ACES HOTEL, LLC) CUP APPLICATION (PC-16-121)**

At this time a public hearing was held to receive testimony regarding a conditional use permit application for a planned unit development (PUD) to include a hotel. The applicant is Trinity Business Consulting, Inc. (John Seibert). Separate minutes are prepared.

## **TRINITY BUSINESS CONSULTING, INC. (ACES HOTEL, LLC) CUP APPLICATION DISCUSSION**

*Motion* by Krebs to forward to the City Council the request for a conditional use permit for a planned unit development (PUD) to include a hotel with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner's memo dated September 15, 2016. Second by Sternberg. Motion carried.

### **Findings of Fact**

1. The City received a CUP/PUD application from Trinity Business Consulting, Inc. on behalf of Aces Hotel, LLC ("AH") on August 25, 2016 and supplemented on September 2, 2016. The application was found complete.
2. The 60-day review period ends on November 1, 2016 and the 120-day review, if necessary, ends on December 31, 2016.
3. The CUP and PUD are required for the proposed construction of a four-story, 74-room hotel ("Project") on the proposed Lot 2, Block 1, North Metro Harness Initiative Plat 2 plat ("Property").
4. Hotels are a conditional use in the Horse Racing (HR) District, subject to a planned unit development.
5. The Property is approximately 38,759 square feet in area.
6. The minimum lot area in the HR District is 20 acres. The minimum setbacks in the HR District are front yard - 30 feet, side and rear yard - 10 feet. The maximum structure height is 50 feet.
7. The Project is consistent with front yard setback requirements; but, it does not meet minimum side or rear setbacks and it exceeds the maximum height requirement.
8. The purpose of a PUD is to allow variations in conventional dimensional standards in exchange for higher design standards and unique development considerations.
9. The Project is unique in that it is complementary in relationship, design and ownership with Running Aces Harness Park ("RAHP").
10. A Reciprocal Easement Agreement between North Metro Harness Initiative, LLC ("NMHI") and AH will allow shared private access to public streets, shared parking, and shared access to public utilities.
11. The Project will require redevelopment of portions of the approved RAHP.
12. Development of the Project will result in complementary design features of RAHP and the proposed Running Aces Hotel. The Project will also result in complementary security provisions for the hotel and RAHP.
13. Running Aces Hotel will be separated from the RAHP building by about 15 feet; but, the buildings are proposed to be connected by an enclosed hallway or vestibule.
14. The first and second floor hotel footprints are approximately 13,500 square feet in area. The third and fourth floor areas are approximately 12,000 square feet.
15. The Running Aces Hotel will be a franchise of GrandStay Hospitality, LLC.
16. The hotel will include a continental breakfast area, indoor swimming pool and whirlpool, exercise room, hard wired and wireless internet, and guest laundry. A center hallway, single

elevator and stairwells at each end of the building provide access within the hotel to common areas and guest rooms.

17. Gaming and liquor sales are not proposed within the hotel.
18. Public access to the hotel will include a conventional covered entry to the lobby and guest registration area. Access from the hotel to the outdoor patio area, to the RAHP building, and to the race track area will be secured.
19. Guest rooms include standard king, double queen, king suites, and extended stay suites with kitchenettes. At least three handicapped accessible units are proposed.
20. The Running Aces Hotel is designed to complement the existing RAHP building. The first floor exterior is brick, while the remaining floors are primarily multi-colored EIFS walls, similar to the color schemes of the RAHP building. There are also brick endcaps or pillars on most corners of the hotel, which extend to the roof line.
21. The main parapet of the hotel is approximately 45 feet in height. Accent parapets on three sides of the building extend to a height of approximately 56 feet.
22. RA is requesting construction of the footings and foundation for the hotel upon approval of the CUP/PUD and preliminary plat. The proposed opening of the hotel is planned for the 2017 racing season.
23. The landscape plan for the hotel includes a wide variety of deciduous and coniferous trees, ornamental trees, shrubs and flowers.
24. A stormwater management plan and civil plan set was submitted to Rice Creek Watershed District ("RCWD") on August 22, 2016 for permitting.
25. The Planning Commission held a public hearing on the CUP and PUD on September 21, 2016.

## **Recommendations**

Based upon the above Findings of Fact, the Planning Commission should recommend approval of the Aces Hotel, LLC CUP and PUD, subject to the following:

1. The CUP and PUD are contingent upon approval and recording of the North Metro Harness Initiative Plat 2 plat.
2. The CUP and PUD are contingent upon detailed recommendations of the City Attorney.
3. The CUP and PUD are contingent upon detailed recommendations of the City Engineer.
4. The CUP and PUD are contingent upon detailed plan review and approval by the City Building Official.
5. The CUP and PUD are contingent upon detailed plan review and approval by the Fire Marshall.
6. Development of the Property is subject to the permitting of Rice Creek Watershed District.
7. Development of the Property shall be consistent with the CUP/PUD application documentation received including, but not limited to, Civil Plan Sheets 01 through 14, prepared by Widseth Smith Nolting, dated August 2016; Stormwater Report by Widseth Smith Nolting, dated August 22, 2016; Site Plan (AS1), Exterior Elevations (A2.1-A2.2), and Landscape Plan (LS1) by Truman Howell Architects, dated 8/30/16; and Hotel Project narrative received on 8/31/16.
8. The CUP/PUD documentation is subject to modification by the City or may be modified through amendments approved by the City.
9. The CUP and PUD are contingent upon a Reciprocal Easement Agreement between North

- Metro Harness Initiative, LLC and Aces Hotel, LLC.
10. The CUP and PUD are contingent upon a Development Agreement between Aces Hotel, LLC and the City.
  11. No filling, excavating or other land disturbances are permitted in stormwater infiltration or wetland areas without written approval by Rice Creek Watershed District and the City.
  12. The proposed wet pond retention area proposed near the northeast corner of the race track shall not interfere with the proposed plans by Anoka County for the relocation of CSAH 54.
  13. All exterior lighting shall be shrouded and directed away from adjacent properties and public streets and shall be reviewed and approved and approved by the City Engineer and Building Official prior to installation.
  14. Signage on the Property requires administrative review and permitting by the City.
  15. All refuse and recyclables must be stored within the hotel or other structure approved by the City until the day of refuse or recycling collection.
  16. The operations on the Property must be consistent with all local, federal, and state laws that apply to the use of the Property.
  17. In the event the City Council determines, in its sole discretion, that the use of the Property is not being operated in accordance with any term or condition contained herein, the CUP and PUD may be revoked by the City upon proper notice and a hearing. The City shall notify regulatory authorities that have issued licenses or permits in connection with the CUP of any such revocation.
  18. AH shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the CUP or PUD, including reasonable attorneys' fees and consultant fees.
  19. AH shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the CUP and PUD, including any subsequent inspection and enforcement actions.

This matter will go before the City Council at their meeting on September 28th.

**PUBLIC HEARING – BODNAR - 18788 LEXINGTON AVENUE NE - VARIANCE APPLICATION (PC-16-119)**

At this time a public hearing was held to receive testimony regarding a variance application request for 18788 Lexington Avenue N.E., Columbus, MN, from the required side or rear yard placement to a front yard location for an accessory building (stable). The applicant and property owners are Pavel and Alena Bodnar. Separate minutes are prepared.

**BODNAR - 18788 LEXINGTON 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

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**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? **House placement at back of property.**

Question #2: How is it not like other pieces of property? **House placement at back of property, and wetlands.**

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

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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? **Yes.**

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

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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? **No.**

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?

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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:	Approval: <b>09/21/16</b>
(Insert dates of action)	Denial:
City Council Action:	Approval:
	Denial:

Mursko asked for clarification as to the type of building the stable will be. Mr. Bodnar said it will be a pole building, using 6 by 6 posts wrapped, most likely, with wood.

*Motion* by Krebs to forward to the City Council the application for a variance for the property owned by Pavel and Alena Bodnar at Lexington Avenue NE, from the required side or rear yard placement to a front yard location for an accessory building (stable), 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 September 28th.

### **BITUMINOUS ROADWAYS, INC. CONCEPT PLAN**

Kent Peterson, CEO and owner of Bituminous Roadways, presented a concept plan for bringing an asphalt business to Columbus, to serve their northern suburb customers. The company is seeking feedback from the PC on whether they think this type of business would fit in the community, and where in Columbus it would be best suited. Both Mursko and Johnson said the asphalt plant would be an acceptable use in the commercial industrial (CI) district along Lake Drive.

PC members asked about odors from this type of business. Peterson said the odors come from bulk storage tanks. Carbon filters can be used to reduce odors.

Inventory, noise, and crushing were discussed. Crushing would be done twice a year for about two weeks per time. Mursko said the City does not get noise complaints on other businesses about crushing. Johnson noted that noise and odor standards come from the federal government.

Peterson said they would be looking at a minimum of ten acres. He said they expect between 120-240 truck trips per day to be generated by the business.

Peterson said the season runs from mid-April through mid-to-late-November. They are not operational in the winter. Normal hours are 7 a.m. to 7 p.m., but they would want allowance for a certain amount of days for work outside of those hours. Johnson said that can be included in a permit.

Peterson estimated 50% of their customers are private, commercial work. The other 50% is public work: streets, schools, etc. The plant they foresee in Columbus would be similar to plants currently

operating in Inver Grove Heights and Shakopee. There is another plant in south Minneapolis that abuts residential property. That plant is on only two acres of land.

Offices, storage, equipment, a lab, and a stall for maintenance and repair would be located on the site. There would be on-site oil tank storage. Each tank holds 30,000 gallons and is approximately 60 feet tall. Peterson estimated the maximum height of on-site equipment would be 75 feet. The height of stockpiled materials was estimated to be 50 feet. As a reference, Johnson noted that Cemstone is 100 feet high. He pointed out that the City has no domain over fire safety.

PC members discussed property by the freeway as a possible location. That is currently zoned light industrial (LI) and, under that designation, this business may not fit. Johnson expressed concern that outdoor storage requirements may not be met in that area. When considering Lake Drive, PC members recommended the east side of that road.

Johnson stated that Bituminous Roadways has a very good reputation.

When asked for their feedback, PC members agreed they are open to the concept, and suggested looking at the freeway property or the east side of Lake Drive as a possible location.

### **PUBLIC OPEN FORUM**

There was no topic raised for discussion for Open Forum.

### **CITY ADMINISTRATOR'S REPORT**

Mursko introduced new Public Communications Coordinator Jessica Hughes.

Absentee voting begins Friday, September 23<sup>rd</sup>, and runs until Election Day, November 8<sup>th</sup>.

The Tribute for the Troops car show and raffle will be held at Running Aces on September 24<sup>th</sup>.

Mursko also reported that Cal Bahr, district GOP candidate for the MN House of Representatives, will be at the next CC meeting on September 28<sup>th</sup>, to talk about transportation projects.

### **PLANNING COMMISSION MEMBERS' REPORT**

#### **KREBS COMMENT:**

Krebs commented that the Fall Fest went well; Lorie Lemieux did a great job.

#### **STERNBERG COMMENT:**

Sternberg reported that the Columbus Lions' Club is holding a membership drive at City Park on Saturday, September 24<sup>th</sup>.

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

Sternberg is scheduled to attend the City Council meeting on September 28, 2016.

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

Meeting adjourned at 8:22 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary