

City of Columbus
Regular Planning Commission Meeting
June 21, 2017

The June 21, 2017 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:04 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, and Recording Secretary Karen Boland.

Also in attendance were City Council members Mark Daly, Bill Krebs, and Mayor Dave Povolny; Marlene and Dennis Nelson, Barb and Jim Preiner, Dan Robinson, Donna Carlson, Kate Heckaman, Dianne Aszmann, Norma Heuer, Jeff Danks, Myron Organ, Dan Mike, Taro Ito of Running Aces, Dale Peterburs, Kent Peterson of Bituminous Roadways, Richard Swanson, Joel Carlson, Jeff Meehan, Joe Radach of Carlson McCain, Inc., Frank Frattalone of Frattalone Co., Roger and Patsy Wismer, Jon Rausch, Sarah Lange of Coates RV, Ed Cary, Joe Bazey of Construction Technologies, Inc., Pat Preiner, Mary Preiner, Jim Windingstad, and Jason Rud of E.G. Rud and Sons.

AGENDA APPROVAL

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

APPROVAL – 9218 LAKE DRIVE IUP REQUEST PUBLIC HEARING MINUTES OF JUNE 7, 2017

Motion by Krebs to approve the minutes from the 9218 Lake Drive IUP request Public Hearing held on June 7, 2017 as written. Second by Watson. Motion carried.

APPROVAL – NORTH METRO HARNESS INITIATIVE SPECIAL EVENTS IUP REQUEST PUBLIC HEARING MINUTES OF JUNE 7, 2017

Motion by Wolowski to approve the minutes from the North Metro Harness Initiative special events IUP request Public Hearing held on June 7, 2017 as written. Second by Preiner. Motion carried.

APPROVAL – XXXX CROSSWAYS LAKE DRIVE VARIANCE REQUEST PUBLIC HEARING MINUTES OF JUNE 7, 2017

Motion by Krebs to approve the minutes from the XXXX Crossways Lake Drive variance request Public Hearing held on June 7, 2017 as written. Second by Sternberg. Motion carried.

APPROVAL – REGULAR PC MEETING MINUTES OF JUNE 7, 2017

Motion by Preiner to approve the minutes of the June 7, 2017 regular Planning Commission meeting as written. Second by Krebs. Motion carried.

CONTINUED DISCUSSION – XXXX CROSSWAYS LAKE DRIVE VARIANCE (PC-17-109)

At their June 7, 2017 meeting, PC members agreed that discussion of this request would be continued after the applicant received a permit from Rice Creek Watershed to determine the wetland boundary line. This application has been submitted but a permit has not yet been issued.

Mursko notified that PC that if they recommend the variance be granted, it just needs to be noted that it will be subject to wherever the wetland boundary line is determined to be.

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? **Topography. Wetlands.**

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

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: 06/21/17
(Insert dates of action)	Denial:
City Council Action:	Approval:
	Denial:

Motion by Krebs to forward to the City Council the application for a variance (PC-17-109) from the required 16.5-foot wetland buffer setback to a four-foot wetland buffer setback for the construction of a new house on Crossways Lake Drive (22-32-22-42-0001), with a recommendation for approval, subject to the official wetland boundary determination, based on findings that the Zoning Ordinance causes a practical difficulty. Second by Watson. Motion carried.

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

PUBLIC HEARING – ASZMANN PRELIMINARY PLAT REQUEST (PC-17-110)

At this time a public hearing was held to consider a request for a preliminary plat (Aszmann Addition) creating one new lot. Separate minutes are prepared.

ASZMANN PRELIMINARY PLAT DISCUSSION:

Motion by Krebs to forward to the City Council the application for a preliminary plat (Aszmann Addition) 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 June 19, 2017. Second by Sternberg. Motion carried.

Findings of Fact

1. The revised preliminary plat application was found complete for review on May 16, 2017.

2. The 120-day preliminary plat review deadline is September 13, 2017.
3. There are a total of 14.51 acres in the proposed plat, located at 6009 141st Avenue NE, in Section 28, Township 32, Range 22.
4. The property is zoned RR Rural Residential.
5. Two residential lots are proposed. There is one existing dwelling on the westerly 7.87-acre lot (Lot 1, Block 1).
6. The proposed easterly lot (Lot 2, Block 1) is 6.47 acres in size and includes adequate areas for a future home and SSTS area.
7. The density of the proposed development is one home per 7.26 acres, which is consistent with the Comprehensive Plan and Zoning Ordinance.
8. Both proposed lots exceed the minimum lot area of 5.0 acres and meet the minimum street frontage of 220 feet. All other dimensional standards and setback requirements are met.
9. Wetland delineations and floodplain illustrations are noted on the preliminary plat.
10. The proposed plat is not affected by shoreland regulations.
11. The wetland areas are protected with drainage and utility easements at least one rod beyond the delineated wetland boundaries. Drainage and utility easements are also located adjacent to all property lines.
12. The wetland delineations have been approved by Rice Creek Watershed District.
13. Wetland buffers are illustrated on the plat.
14. Shared access is proposed for the two lots via the existing driveway to Lot 1, which is partially located on Lot 2.
15. Subsequent NPDES II permits will be required for any individual site grading that exceeds one acre.
16. The Planning Commission held a public hearing on the Aszmann Addition Preliminary Plat on June 21, 2017.

Recommendations

Based upon the above Findings of Fact, the Aszmann Addition Preliminary Plat should be approved subject to the following:

1. Recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney, including a driveway maintenance agreement.
3. Recommendations of the Anoka County Survey Department.
4. Recommendations of the Rice Creek Watershed District.
5. Permanent wetland buffer plaques at intervals determined by the City.
6. Cash in lieu of park land dedication requirements.
7. Subsequent NPDES II permit(s) for any individual site grading that exceeds one acre.

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

PUBLIC HEARING – BITUMINOUS ROADWAYS COLUMBUS PRELIMINARY PLAT (PC-17-111)

At this time a public hearing was held to consider a request for a preliminary plat (Bituminous Roadways Columbus) combining two lots and creating two new lots. Separate minutes are prepared.

BITUMINOUS ROADWAYS COLUMBUS PRELIMINARY PLAT DISCUSSION

Discussion of the preliminary plat was deferred until the hearing requesting rezoning and a CUP were completed.

PUBLIC HEARING – BITUMINOUS ROADWAYS REZONE/CUP (PC-17-112)

At this time a public hearing was held to consider a request for rezoning two land parcels (46.44 acres) from Light Industrial (LI) to Commercial Industrial (CI) zoning. Separate minutes are prepared.

BITUMINOUS ROADWAYS REZONE/CUP AND BITUMINOUS ROADWAYS COLUMBUS PRELIMINARY PLAT DISCUSSION

PC members discussed traffic, access, and the vision for that area of the City. The decision was made to continue the discussion on rezoning, a CUP, and the preliminary plat. Johnson reminded PC members of the length of review periods under the law. The City has 120 days (until 9/8/17) for the preliminary plat review, and only 60 days (7/10/17) for review of the rezoning and CUP applications. The City can request an extension to 120 days. The review period will have to be extended if this discussion is to be continued. The consensus of PC members was to request this extension and continue the discussion to their meeting on July 19th.

Commissioner Preiner recused himself at this time.

PUBLIC HEARING – FREEWAY MINI STORAGE CUP AMENDMENT (PC-17-114)

At this time a public hearing was held to consider a request to amend the existing conditional use permit legal description and to allow an expansion of the mini storage facility. Separate minutes are prepared.

FREEWAY MINI STORAGE CUP AMENDMENT DISCUSSION

Mursko reminded PC members that any motion must be subject to approval of the plat. Johnson said this is one of the conditions listed in his memo. The final plat will go before the CC next week.

Motion by Krebs to forward to the City Council the request to amend the existing CUP legal description and to allow an expansion of the mini storage facility, with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner’s memo dated June 20, 2017, with the revision to Recommendation #10 discussed in the public hearing and noted below. Second by Sternberg. Motion carried.

Findings of Fact

1. The City received a CUP application from Patricia Preiner, Jesse Preiner, and Mary Preiner (“Preiner Family”) on May 25, 2017. The application was found complete.

2. The 60-day review deadline is July 24, 2017. The 120-day review deadline, if necessary, is September 22, 2017.
3. The CUP is for indoor and outdoor storage of recreational vehicles on property currently located at 14536, 14508, 14474, and 14416 West Freeway Drive, legally described Lot 1, Block 3, Preiner Family Addition [final plat approval and recording pending] (“Property”).
4. Preiner Family currently has a CUP at 14508 West Freeway Drive, approved on June 2, 2002, which contains four indoor storage buildings [current PID 25-32-22-24-0004].
5. Preiner Family currently has a CUP at 14474 West Freeway Drive, approved on September 22, 2002, which contains six indoor storage buildings [current PID 25-32-22-32-0005].
6. Preiner Family currently has an Interim Use Permit (IUP) at 14536 and 14508 West Freeway Drive, approved by the City on December 8, 2010, which allows the outdoor storage of 400 recreational vehicles [current PIDs 25-32-22-24-0004 & 25-32-22-24-0007].
7. The Preiner Family application is for a CUP amendment to allow indoor and outdoor storage of recreational vehicles on all of Lot 1, Block 3, Preiner Family Addition.
8. Currently, all of Lot 1, Block 3 is included in either a CUP or IUP for recreational vehicle storage, except the southerly 300 feet of the lot, which is currently addressed 14416 West Freeway Drive. This parcel contains a single family residence and has not previously been permitted for recreational vehicle storage.
9. There are no site plan or stormwater management details submitted with the application for any recreational vehicle storage on the southerly 300 feet of Lot 1, Block 3.
10. The Planning Commission held a public hearing on June 21, 2017 to consider the Preiner Family Freeway Storage CUP application.

Recommendations

Based upon the above Findings of Fact, the Planning Commission should recommend approval of the Preiner Family Freeway Storage CUP application, subject to the following:

1. The CUP is contingent upon final approval and recording of the Preiner Family Addition plat.
2. The CUP is contingent upon detailed recommendations of the City Engineer.
3. The CUP is contingent upon the recommendations of the City Attorney.
4. The CUP authorizes the continuation of existing uses previously permitted by CUP or Interim Use Permit (IUP) at 14474, 14508, and 14536 West Freeway Drive, including ten indoor storage buildings and outdoor storage for 400 recreational vehicles on Lot 1, Block 3, Preiner Family Addition, excepting the southerly 300 feet.
5. The CUP authorizes the outdoor storage of recreational vehicles on the southerly 300 feet of Lot 1, Block 3, Preiner Family Addition, subject to City site plan review and approval and requirements of Rice Creek Watershed District.
6. The CUP is contingent upon the rescissions of the CUP approved by the City on June 2, 2002, the CUP approved by the City on September 22, 2002, and the IUP approved by the City on December 8, 2010 affecting portions of Lot 1, Block 3, Preiner Family Addition and portions of Outlot B, Preiner Family Addition.
7. The CUP is contingent upon the rescissions of the previous CUPs and IUP approved by the City that may affect Lot 2, Block 3, Preiner Family Addition.
8. The Conditional Use Permit, once issued, may be revoked upon a finding by the City

Council that the property and/or use is not in compliance with the conditions for approval for such use, following notice and hearing.

9. All uses allowed in the CUP shall be constructed and maintained consistent with all Federal, State and local laws and regulations.
10. There shall be no **junked unlicensed** vehicles allowed on the Property and there shall be no repair of vehicles allowed on the Property.
11. Typical hours of operation on the Property are 6:30 a.m. to 10:30 p.m., seven days per week.
12. There are to be no chemicals, odors, gasses, hazardous wastes or fumes on the Property as a result of this business, excepting normal emissions and discharges associated with the operation of motor vehicles.
13. The existing residence located at 14508 West Freeway Drive shall be allowed to be used as a business manager's residence and office.
14. No other uses or intensifications are allowed on the Property without an amendment to the CUP.
15. Preiner Family shall reimburse the City for all out of pocket expenses incurred in the review and issuance of the CUP and for all ongoing inspections and enforcement actions required for the CUP.

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

Commissioner Preiner rejoined the Planning Commission at this time.

PUBLIC HEARING – CONSTRUCTION TECHNOLOGY CUP AMENDMENT (PC-17-115)

At this time a public hearing was held to consider a request to amend the existing conditional use permit to allow a five-acre expansion of the facility. Separate minutes are prepared.

CONSTRUCTION TECHNOLOGY CUP AMENDMENT DISCUSSION

It was discussed that until vacation is complete, it is uncertain what the east lot line is going to be. The PC can authorize construction of the two westerly buildings, but, at this time, cannot resolve how the other two buildings get approved.

Motion by Krebs to forward to the City Council the request to amend the existing CUP to allow a five-acre expansion of the garage solutions facility, with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner's memo dated June 21, 2017, with revision to Findings of Fact #11 and Recommendation #1 as noted below. Second by Watson. Motion carried.

Findings of Fact

1. The City received an application for a CUP Amendment from Construction Technologies, Inc. ("CTI") on May 19, 2017. The application was found complete.
2. The 60-day review deadline is July 18, 2017. The 120-day review deadline, if necessary, is September 16, 2017.
3. The CUP Amendment is for the expansion of the existing Garage Solution Condominiums on a 3.67-acre parcel adjacent to the south located at 13345 Lake Drive NE, legally

described as that part of the SE 1/4 of the SW 1/4 of Section 33, Township 32, Range 22, described as follows: commencing at a point on the centerline of CSAH 23 as the same is now laid out & constructed 255 feet north of the South line of said SW 1/4-thence North along said center line a distance of 255 feet-thence East parallel with the said South line to the East line thereof-thence South along said East line to the point of intersection with a line drawn from the point of commencement and parallel with the said South line-thence West along said parallel line to the place of beginning, except roadway subject to easement of record (“Property”).

4. CTI has acquired the Property, which contains a single family residence and outbuilding.
5. The City approved the CUP for CTI for the construction of the initial three condominium buildings on June 25, 2008, located at 13405 Lake Drive NE, and now described as “Garage Solution Condominiums Common Interest Community #292.”
6. The City approved an amendment to the CTI CUP on October 12, 2016 to allow a common outdoor gathering area.
7. CTI is proposing to subdivide the Property by the Common Interest Community (CIC) process and construct four additional 50 feet by 240 feet condominium buildings.
8. Access to the new condominiums will be from the existing condominium access on Lake Drive.
9. The site plan for the proposed condominium layout is contingent upon vacation of a portion of Humber Street NE, abutting the Property on the east.
10. The City has had preliminary discussions with CTI on the possible vacation of Humber Street; however, there have been no final agreements made at this time.
11. CTI would like consideration for the issuance of ~~a~~ building permits for the construction of the ~~two north~~ two westerly buildings, shown on the application documents.
12. The proposed design and appearance of the condominium buildings in Garage Solution Condominiums II will be identical to that of the initial building construction.
13. The initial building permit requested is for a 12,000 square feet building with seven units and a mechanical room and bathroom.
14. A landscape plan, dated May 17, 2017, identifies a planting plan along Lake Drive similar to that of the original condominium development.
15. The Planning Commission held a public hearing on June 21, 2017 to consider the Construction Technologies, Inc. CUP Amendment.

Recommendations

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Construction Technologies, Inc. CUP Amendment, subject to the following:

1. The CUP Amendment is limited to the construction of ~~one~~ the two westerly 50 feet by 240 feet condominium buildings on the Property.
2. The proposed building shall be constructed to match the quality, design and exterior appearance of the condominium buildings constructed by CTI on adjacent property to the north.
3. Issuance of a building permit is contingent upon the review and requirements of the Building Official.
4. An occupancy permit shall not be issued for the condominium building until the City has approved the site plan and CIC plat for the Property and all other requirements of the

Building Official have been met.

5. The CUP Amendment is contingent upon the requirements of Anoka County Highway Department.
6. The CUP Amendment is contingent upon the requirements of Rice Creek Watershed District.
7. The CUP Amendment is contingent upon the recommendations of the City Engineer.
8. The CUP Amendment is contingent upon the recommendations of the City Attorney.
9. The CUP Amendment is contingent upon the permitting and removal of existing structures on the property, including abandonment of the private well and septic system according to County standards.
10. CTI shall reimburse the City for all out of pocket expenses incurred in the review and issuance of the CUP and for all ongoing inspections and enforcement actions required for the CUP.
11. The existing CUP shall be amended, completely, upon approval of the site plan and CIC plat for the Property.

For future reference and modification, the existing CTI CUP has the following conditions:

1. Applicant must comply with detailed staff recommendations as outlined in memos dated May 16, 2008, May 21, 2008, June 4, 2008 and June 18, 2008.
2. The Applicant must submit building plans to be reviewed and approved by the Building Official.
3. Applicant shall submit title commitment with documents and shall comply with the title review by City Attorney.
4. Applicant shall submit building elevations with exterior design materials consistent with C/I District requirements.
5. The applicant shall dedicate 10 feet of right of way to Lake Drive and 33 feet of right of way for Humber Street, patron traffic access shall be allowed from Lake Drive until such time as Humber Street is upgraded to full width or access is acquired by the county at which time such access would be allowed to Humber Street. (Condition #5 is being clarified, and will be approved at the next city council meeting.) (See the July 23, 2008 minutes for the revised verbiage of this condition)
6. Approval of the variance by the City Council for a 48 foot front yard setback on Humber Street or a site plan modification to meet setback requirement.
7. The Applicant must install an ISTS consistent with the proposed use of the property.
8. The Applicant must remove the existing structures, well, and ISTS on the property according to applicable standards.
9. The Applicant must remove the two access locations on Lake Drive and construct a right turn lane according to Anoka County standards.
10. The Applicant must comply with the permit requirements of RCWD.
11. The Applicant must comply with landscape plans as submitted dated June 17, 2008 (As described in Findings of Fact #21 and #22).
12. The Conditional Use Permit, once issued, may be revoked upon a finding by the City Council that the property and/or use is not in compliance with the conditions for approval for such use, following notice and hearing.
13. The Applicant must abide by all local, State and Federal laws that apply to this business.

14. Any other business on this property, other than what has been stated at this point, requires the re-opening of the public hearing.
15. There are to be no chemicals, odors, gasses, hazardous wastes or fumes on the property as a result of this business.
16. Verification that the proposed outdoor recreation area does not overlap with or otherwise conflict with SSTS or required infiltration areas.
17. If the City receives ongoing complaints with regard to the outdoor recreation area, the Association will address the problems in its Rules and Regulations.
18. Resolution of any recommendations of the City Engineer or City Attorney.
19. Any outdoor lighting shall be downcast and shrouded.

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

PUBLIC OPEN FORUM

There was no topic raised for discussion for Open Forum.

CITY ADMINISTRATOR'S REPORT

Mursko said there will be three more applications to process at the next PC meeting on July 19th. She reported that there have been a number of complaints about the new development at Thurnbeck Preserve with regard to the number of trucks hauling out material. She said this much excavating was not discussed. No conditions were put in place re: dust control, haul routes, etc., because the City permitted grading, not excavating and hauling. Now the roads are finished and they want to haul on brand new roads. The project was not presented as excavating, and now there are 20-foot-deep ponds. These issues will go before the CC next week.

Mursko also noted that the new accountant for the City began employment on Monday.

PLANNING COMMISSION MEMBERS' REPORT

PREINER COMMENT:

Preiner asked Mursko if the CC should call a joint meeting to discuss the Bituminous Roadways plant. She said that is a possibility.

There was discussion about the vision for that area of the City.

If this land is rezoned, others—like Mr. Swanson's nursery--will want to be rezoned.

Johnson pointed out there are many allowed uses now under LI zoning that are relatively clean, quiet, and free of objectionable elements. Under our current ordinance, we require connection to utilities for LI. That is the only need for rezoning for Bituminous Roadways.

Traffic was discussed. The way things currently stand, there are many other uses that could generate much more traffic—even truck traffic—than this one. It is a County road with a capacity of 10,000 vehicles a day. It currently gets a little over half of that. Lake Drive gets about 7800 vehicles a day. Lake Drive is in Anoka County's projections to go to four lanes in the future.

Mr. Peterson also needs to clarify numbers. There is confusion about what is meant by round trips.

Other locations for Bituminous Roadways were discussed. A minimum of 15 acres of upland are needed.

ATTENDANCE - NEXT CC MEETING

Watson will attend the City Council meeting on June 28, 2017 in the place of Preiner.

Motion by Watson to adjourn. Second by Preiner. Motion carried.

Meeting adjourned at 10:22 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary