

City of Columbus
Regular Planning Commission Meeting
October 4, 2017

The October 4, 2017 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: James Watson, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko; Planner Dean Johnson; City Attorney Jacob Steen; and Recording Secretary Karen Boland.

Also in attendance were City Councilmembers Denny Peterson, Bill Krebs, Jeff Duraine, and Mayor Dave Povolny (7:55); Jay Gustafson, Jeannine Sachs, Tom Musil, Mike Meath, Tracie Wilson, Taro Ito, Jim McComb, Arlen and Shelly Logren, Janet Hegland, George Schwalbe, Roger Person, Hon Siow, Peggy and Barry Peterson, Mickey Betz, Peg Hoffman, Jeff Meehan, Ken Rohlf, Bridget Mas (sp?), Frank Frattalone, Kent Peterson, Tom Olson, Ken Zaczkowski, Kate Zaczkowski, Jeff Danks, Chuck Plowe, Paula Cammarata, Susan Mulvihill, Tom and Pat Scherber, John Miller, Wayne Lund, Kathleen Lund, Myron and Cynthia Angel, Barbara Olson, Dennis and Marlene Nelson, Josh Weinzetl, Sean Skubitz, Pete and Erin Yankowiak, Richard Belle Isle, Kath Joyce, Andrew Landstrom, Hannah Kachel, Wendy Beck, Brian Hansen, Gary Pisca (sp?), Dan Burt, Jeff Joyer, Dennis and Denise Lund, Norma Heuer, John Derus, Jon Rausch, Richard and Jeanne Lemberger, Jeff Hafferman, Pat Preiner, and Mary Preiner.

AGENDA APPROVAL

Sternberg stated that Public Open Forum would be moved to come before the public hearings on the agenda. *Motion* by Krebs to approve the Agenda as amended. Second by Preiner. Motion carried.

APPROVAL – HUMBER ESTATES PRELIMINARY AND FINAL PLAT REQUEST PUBLIC HEARING MINUTES OF SEPTEMBER 20, 2017

Motion by Wolowski to approve the minutes from the Humber Estates preliminary and final plat request Public Hearing held on September 20, 2017 as written. Second by Watson. Motion carried.

APPROVAL – 13957 LAKE DRIVE CUP REQUEST PUBLIC HEARING MINUTES OF SEPTEMBER 20, 2017

Motion by Krebs to approve the minutes from the 13957 Lake Drive CUP request Public Hearing held on September 20, 2017 as written. Second by Watson. Motion carried.

APPROVAL – REGULAR PC MEETING MINUTES OF SEPTEMBER 20, 2017

Motion by Preiner to approve the minutes of the September 20, 2017 regular Planning Commission meeting as written. Second by Krebs. Motion carried.

PUBLIC OPEN FORUM

The Chair was asked if the public would be allowed to speak or ask for clarification with regard to the asphalt plant. Sternberg explained that the asphalt plant is part of a continued discussion among PC members on a text amendment to the City zoning ordinance. If it goes forward, a public hearing will be announced and held, and public testimony would be taken at that time. City

Attorney Jacob Steen clarified that after the PC makes a recommendation to the CC, the CC will set a public hearing. The date for that public hearing will be published and noticed in advance, and then take place at the Planning Commission level. At that point there will be an opportunity to speak and give testimony.

No other topic was raised at Public Open Forum.

PUBLIC HEARING – SANCTUARY AT HOWARD LAKE PRELIMINARY PLAT AND CUP/PUD REQUEST (PC-17-120)

At this time a public hearing was held to consider a request for a preliminary plat and a request for a CUP for a senior housing PUD within the preliminary plat “Sanctuary at Howard Lake” creating 26 new detached townhome lots in the C/R Community Retail zoning district. Separate minutes are prepared.

SANCTUARY AT HOWARD LAKE PRELIMINARY PLAT AND CUP/PUD REQUEST DISCUSSION

Planner Johnson explained waivers related to this development. In a couple of instances regarding the location of a home’s patio in relation to the wetlands, he is recommending the City reduce the minimum one-rod buffer depth from the wetland to be no closer than 15 feet from a structure. In some cases, that may be a 6 or 7-foot waiver. There may also be an encroachment on one of the private driveways. He is recommending that as part of the PUD, where these types of dimensional standard waivers can be considered, the City would be adjusting the depth of that wetland buffer. His interpretation is that the City has the authority to do that as part of the PUD provisions of City ordinance.

There is also a setback provision in the shoreland management ordinance of 150 feet from the ordinary high-water level. The ordinary high-water level for each lake is established by the DNR. It is set fairly consistent with the primary wetland elevation that abuts the development. Johnson stated that the 150-foot setback requirement creates a practical difficulty in this case. The property could not be developed and meet that standard. That would normally require a variance, but it is part of the authority under the PUD provisions to waive that standard through the CUP process which also includes public notice and hearing. That standard has been waived to no less than 50 feet from wetland area. They will be 300-400 feet from the actual water level itself.

The lot sizes for all properties are consistent with minimum standards for senior association-managed detached homes, per ordinance. No requirements are being waived for side-yard or front-yard variations. There is a 30-foot setback from the garage-side of the house and a 20-foot setback from the living-side of the home. That is to guarantee adequate space in front of the garage to park a vehicle. Most lots meet that standard, but several are at a minimum of 26 feet. This could result in a longer vehicle hanging out into the private street. This would not be allowed if the street were public, but it is a private street. Parking stalls and guest parking areas meet standards in the ordinance.

Johnson’s written recommendations indicate that if it is determined that this interpretation of the PUD provisions is not appropriate, a variance would need to be pursued.

Steen said the PUD ordinance does allow for various provisions within the Code. He’d recommend the Attorney draft findings re: variances for the CC.

Motion by Krebs to forward to the City Council the application for a conditional use permit for a senior housing Planned Unit Development (PUD) “Sanctuary at Howard Lake” creating 26 new

detached townhome lots in the C/R zoning district on the property west of 9141 Lake Drive with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner's memo dated September 29, 2017, and including, as a condition, direction to the City Attorney to draft variance findings. Second by Sternberg. Motion carried.

Findings of Fact

1. The City received a PUD CUP application from Three Home Rental, LLC ("Three Home") on August 2, 2017 and supplemented on August 18, 2017. The application was found complete.
2. The 60-day review period ends on October 17, 2017 and the 120-day review, if necessary, ends on December 16, 2017.
3. The Property is zoned Community Retail (CR).
4. The CUP is required for the proposed development of senior citizen housing in the Community Retail (CR) District.
5. The PUD allows variations in dimensional standards.
6. The proposed plat lies within the Shoreland Overlay District. Howard Lake is classified as a Natural Development Lake. Allowable uses within the Shoreland Overlay District are synonymous with the underlying zoning district.
7. The structure setback requirements for Natural Development Lakes are 150 feet. The apparent or visible shoreline of Howard Lake is approximately 400 feet from proposed improvements; however, the Ordinary High Water Elevation (OHWL) has been established at an 889 feet elevation.
8. Three Home is requesting a reduction in the OHWL setback of 150 feet to 50 feet, which is comparable to the setback requirement of General Development Lakes, rivers and streams and which can be considered under the PUD CUP.
9. The proposed plat is also subject to the provisions of the Floodplain Management District and a 100-year flood elevation determination.
10. The proposed Sanctuary at Howard Lake development is a 26-lot senior citizen detached home residential development.
11. The development includes public utilities and private street access for the lots. The public streets are 25 feet in width to the back of the curb.
12. One large common area lot (12.9 acres) covers the street and utility corridors, wetland areas, and ponding areas and is entirely encumbered with drainage and utility easements.
13. Gross residential lot areas within the proposed plat range from 5,122 square feet to 13,744 square feet. The minimum lot size allowed is 5,000 square feet for association managed senior citizen housing.
14. The Sanctuary at Howard Lake will include an association for lawn care, private street and common area maintenance.
15. All lots will be individually owned and all homes will be individually maintained.
16. Proposed minimum front yard setbacks are 26 feet. This is a 4-foot exception to the minimum 30 feet garage setback, which would be allowed under the PUD.
17. The proposed minimum rear yard setback on a number of lots is less than the minimum 25 feet required, which would be allowed under the PUD CUP. All lots with exceptions to the

- minimum rear yard setback abut a common area rather than another lot or adjacent property
18. There are currently three slab-on-grade house plans included in the PUD submittal. The homes range in size from an approximately 1390 square feet one level home to an approximately 2090 square feet two-level home. Each home has an at-grade patio deck at the rear of the home.
 19. The senior citizen detached home design standards require a minimum 35% brick, stucco or stone on the front façade.
 20. Each home includes attached 2-car garages, meeting the minimum 11 feet by 24 feet individual stall dimensions.
 21. Parking areas in front of the garages exceed the minimum 18 feet by 24 feet driveway standards.
 22. The senior citizen detached dwelling standards include a guest parking allocation of ½ tall per unit. This requirement is met with 14 guest parking stalls illustrated. There are also emergency vehicle back-up spaces provided near the end of the southwesterly street and the northwesterly street.
 23. The proposed guest parking stall dimensions of 9 feet by 18 feet are less than the required 10 feet by 20 feet standard, which would be allowed by the PUD CUP.
 24. There are no sidewalks proposed within the development; however, a trail access to Howard Lake within the common area is proposed.
 25. There are two stormwater ponds proposed within the development which are required for private street drainage.
 26. On at least two lots the wetland buffer easements are within 10 feet of the proposed residences. The wetland buffer easement also impacts a portion of an individual driveway.
 27. The applicant has submitted an application to the Rice Creek Watershed District for permitting.
 28. Anoka County Transportation Division has submitted comments on the proposed plat. A west bound turn lane and east bound bypass lane are required, along with tree clearing for site distance improvements
 29. The PUD CUP public hearing was held by the Planning Commission on October 4, 2017.

Recommendations

Based upon the above Findings of Fact, the Planning Commission should recommend approval of the Sanctuary at Howard Lake PUD CUP, subject to the following:

1. The PUD CUP is contingent upon approval and recording of the Sanctuary at Howard Lake plat.
2. The PUD CUP is contingent upon detailed recommendations of the City Attorney.
3. The PUD CUP is contingent upon detailed recommendations of the City Engineer.
4. The PUD CUP is contingent upon review and approval of homeowner association documentation and an executed subdivision development agreement.
5. The PUD CUP is contingent upon subsequent detailed plan review and permitting by the City Building Official.
6. The wetland buffer depth shall be reduced to a minimum of 15 feet from any residential structure and to eliminate wetland buffer encroachments on any private driveway.

7. The OHWL setback for principal structures shall be reduced from 150 feet to 50 feet. [Note: if it is determined that the modification of this dimensional standard by PUD is not allowable, an application for a variance must be submitted to the City.]
8. The low floor elevation of the residences must be at least two feet above the 100-year regional flood elevation.
9. The PUD CUP is contingent upon the permitting requirements of Rice Creek Watershed District.
10. The PUD CUP is contingent upon the permitting requirements of Anoka Transportation Division.
11. Development of the Property shall be consistent with the PUD CUP application documentation received including, but not limited to, Preliminary Plat, dated 8/18/17; Civil Plan Sheets C1.1 through C5.2 by Plowe Engineering, dated 8/15/17; Street and Utility Profiles by Plowe Engineering, dated _____; Development Narrative received on 8/18/17 and updated on 8/27/17; and three home model designs by Inspire Architects, dated 8/18/17.
12. The PUD CUP documentation is subject to modification by the City or may be modified through amendments approved by the City.
13. The senior citizen detached home design standards require a minimum 35% brick, stucco or stone on the front façade.
14. No further subdivision of any lot for development purposes is allowed.
15. No filling, excavating or other land disturbances are permitted in stormwater ponding or wetland areas without written approval by Rice Creek Watershed District and the City.
16. Development of 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 PUD CUP may be revoked by the City upon proper notice and a hearing.
18. Three Home shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the PUD CUP, including any subsequent inspection and enforcement actions.

Motion by Krebs to forward to the City Council the application for a preliminary plat “Sanctuary at Howard Lake” creating 26 new detached townhome lots in the C/R zoning district on the property west of 9141 Lake Drive with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner’s memo dated September 29, 2017, including specific recommendations from the City Engineer’s memo dated October 4, 2017. Second by Watson. Motion carried.

Findings of Fact

1. The City received a preliminary plat application from Three Home Rental, LLC (“Three Home”) on July 28, 2017 and supplemented on August 18, 2017. The application was found complete.
2. The 120-day preliminary plat review deadline is December 16, 2017.
3. The proposed 17.04-acre, 27-lot residential plat is located north of Lake Drive NE and west of Zurich Street NE, legally described as part of the Northwest Quarter of the Northwest Quarter of Section 24, Township 32, Range 22, lying north of CSAH 23, (“Property”).

4. The proposed subdivision involves the platting of an existing 13.73-acre parcel and an existing 3.31-acre parcel.
5. The City also received a CUP application from Three Home to process the subdivision and development of the Property for senior citizen detached housing units through the PUD provisions of the City Code.
6. The Property is zoned Community Retail (CR), which allows senior citizen housing as a conditional use.
7. The proposed plat lies within the Shoreland Overlay District. Howard Lake is classified as a Natural Development Lake. Allowable uses within the Shoreland Overlay District are synonymous with the underlying zoning district.
8. The structure setback requirements for Natural Development Lakes are 150 feet. The apparent or visible shoreline of Howard Lake is approximately 400 feet from proposed improvements; however, the Ordinary High Water Elevation (OHWL) has been established at an 889 feet elevation.
9. Three Home is requesting a reduction in the OHWL setback of 150 feet to 50 feet, which is comparable to the setback requirement of General Development Lakes, rivers and streams and which can be considered under the PUD CUP.
10. The proposed plat is also subject to the provisions of the Floodplain Management District and a 100-year regional flood elevation determination.
11. The proposed plat involves the extension of public sewer and water within the development. Twenty-six residential lots are proposed to be served by 25-foot-wide private streets.
12. One lot is a common lot containing all common access drives, ponding areas, and wetlands. An association will be included in the proposed subdivision for lawn care, street maintenance and stormwater management.
13. The residential lots range in size from 5,122 square feet to 13,744 square feet, exceeding the minimum individual lot area requirement of 5,000 square feet.
14. All lots will be individually owned and all homes will be individually maintained.
15. The minimum side yard setback of five feet is met.
16. The proposed minimum front yard setback (garage door) on the majority of lots is 26 feet, which will require a waiver from the 30 feet standard under the PUD CUP.
17. The minimum 18 feet by 24 feet driveway parking standard in front of the garage is exceeded.
18. The guest parking area standard of one half stall per lot is exceeded.
19. The proposed minimum rear yard setback on a number of lots is less than the minimum 25 feet required, which also will require a waiver under the PUD CUP. All lots with exceptions to the minimum rear yard setback about a common area rather than another lot or adjacent property.
20. Individual lots have 10 feet front and rear yard drainage and utility easements and 5 feet side yard drainage and utility easements.
21. There are two stormwater ponds proposed within the plat which are required for private street drainage.
22. The common area lot, Lot 27, is entirely encumbered with drainage and utility easements.
23. The minimum one rod wetland buffer easement is illustrated adjacent to all wetlands. On at least two lots, the wetland buffer easements are within 10 feet of the proposed residences. Wetland buffer easements also impact a portion of an individual driveway.

24. The applicant has submitted an application to the Rice Creek Watershed District for permitting.
25. Anoka County Transportation Division has submitted comments on the proposed plat. A west bound turn lane and east bound bypass lane are required, along with tree clearing for site distance improvements.
26. There are no sidewalks proposed within the plat; however, a trail access to Howard Lake within the common area is proposed.
27. There are no street lights proposed within the development.
28. The Preliminary Plat public hearing was held by the Planning Commission on October 4, 2017.

Recommendations

Based upon the above Findings of Fact, the Planning Commission should recommend approval of the Sanctuary at Howard Lake Preliminary Plat, subject to the following:

1. Detailed recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney.
3. PUD CUP approval.
4. A subdivision development agreement.
5. A reduction in the wetland buffer depth to a minimum of 15 feet from any residential structure and to eliminate wetland buffer encroachments on any private driveway.
6. A reduction in the OHWL setback from 150 feet to 50 feet. [Note: if it is determined that the modification of this dimensional standard by PUD is not allowable, an application for a variance must be submitted to the City.]
7. The low floor elevation of the residences must be at least two feet above the 100-year regional flood elevation.
8. Homeowner association documentation for private street, ponding and common area maintenance.
9. A street light and stop sign shall be installed at the intersection of the private street and Lake Drive NE.
10. Requirements of the Anoka County Surveyor.
11. Requirements of the Anoka Transportation Division.
12. Requirements of the Rice Creek Watershed District.
13. Permanent wetland buffer plaques at intervals determined by the City.
14. Cash in lieu of park land dedication.
15. Reimbursement of all City expenses associated with plat approval.
16. 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 October 11, 2017.

PUBLIC HEARING – 6939 135th AVENUE CUP AMENDMENT AND VARIANCE REQUEST (PC-17-123)

At this time a public hearing was held to consider a request to amend the existing conditional use permit at 6939 135th Avenue NE to allow the addition of an accessory building to the site and a

variance from the required sanitary septic system connection (existing on site) to a holding tank for the new accessory building. Separate minutes are prepared.

6939 135th AVENUE CUP AMENDMENT AND VARIANCE REQUEST DISCUSSION

Mursko pointed out the difficulties of having commercial property adjacent to residential property. Staff tries to inform and negotiate, to balance ability to do business with the ability of residential neighbors to enjoy their property.

Hours of operation were discussed. No hours of operation were included in the original CUP. Trucks must leave the shop by 4 a.m. for common 5 a.m. job start. Before leaving the yard, trucks must be hooked up, started and go through their 10-15 minute DOT inspection. The horn is supposed to be honked as part of the inspection, but this is not typically done due to the neighbors. They return between 4-6 p.m. usually. The neighbors in attendance disputed this information, saying they hear trucks running even earlier in the morning hours and arriving later. Because of work on the existing building, the trucks are staying hooked up to their trailers outside, which is probably adding to noise, but that will get better, according to Zaczkowski.

There will be a total of 18 trucks. Ten are to be housed in the new building, eight in the existing building. The new building will be heated and insulated, and is where trucks will be started.

Mursko noted that the public hearing notice addressed the addition of the building, but did not specify expansion of the business.

There was lengthy discussion of neighbors' complaints about noise and lights, and ways to alleviate those issues. City staff have attempted to settle a dispute involving truck mufflers. Zaczkowski says the trucks in question have new mufflers and pictures have been provided to the City; neighbors say there has been no change. Zaczkowski has also said no neighbors have ever met with her directly about their complaints; she always hears from the City. She said on-site cameras have not supported some of the complaints.

Screening was discussed. Mursko said the most effective noise screening is wooden fencing; for lights, berms have been found to be most effective. Combinations of fencing, berms and coniferous trees were discussed. The lights on the trucks are estimated to be 9-10 feet high. It may be possible to swivel the lights down while in the yard, especially in early or late hours. Johnson pointed out that there is no room to create a significant berm. Steen recommended some specificity in screening conditions. A fence of at least eight feet was discussed. The current swale on the part of the property nearest residential neighbors creates a berm of approximately two feet. Johnson suggested a condition that the property owner submit a detailed screening plan, within 30 days, for approval. It should have teeth and minimize noise and light impact on adjacent residents. There could be a deadline for completion of the approved plan.

Motion by Krebs to forward to the City Council the application to amend an existing conditional use permit at 6139 135th Avenue NE to allow the addition of an accessory building with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner's memo dated September 29, 2017, with the revision of Recommendation #6 and the addition of Recommendation #14 regarding a screening plan, as noted below. Second by Watson. Motion carried.

Findings of Fact

1. An application from Zaczkowski Trucking Services ("ZTS") for a CUP amendment to construct an accessory building and remodel the existing trucking/service building was

received by the City on September 11, 2017 and supplemented on September 27, 2017. The application was found complete.

2. The 60-day review deadline is November 26, 2017. The 120-day review deadline, if necessary, is January 25, 2018.
3. ZTS proposes to construct an approximately 39 feet by 127 feet accessory building at its existing business located at 13461 Lake Drive NE (“Property”).
4. The original CUP for ZTS was approved by the City Council on July 24, 2013.
5. The Property is zoned C/I Commercial/Industrial.
6. The C/I District allows contractor businesses, company-owned vehicle repair and storage as conditional uses.
7. ZTS also proposes to remodel the existing building by enclosing the lean-to on the south side of the existing building and remodeling office space.
8. Removal of the existing Property access drive on Lake Drive was a condition of the original PUD.
9. The proposed new accessory building has five overhead doors accessed from the parking area to the north and will be used primarily for vehicle storage.
10. The proposed new accessory building is designed to be complimentary in the architectural style and appearance of the existing building.
11. An approximately 8 feet by 8.5 feet bathroom is attached to the westerly side of the accessory structure.
12. ZTS has requested a variance to allow the bathroom to be serviced by a holding tank and regular pumping rather than connecting it to the existing drain field.
13. The proposed accessory building is located approximately 53.5 feet from the south property line. This location will cover an existing drainage swale and require a realignment of the drainage swale, necessitating the removal of existing trees on the south side of the building. A slight relocation of the accessory building to the north and/or west may avoid modifying existing drainage patterns.
14. The proposed remodeling of the existing building includes the enclosure of the existing 60 feet by 24 lean-to on the south side building and a remodeling of existing office space within the building.
15. Rice Creek Watershed District has concluded that the proposed building addition and remodeling on the Property do not require additional permitting at this time.
16. There are no wetlands or floodplain on the Property.
17. The proposed CUP amendment does not require additional parking.
18. The Planning Commission held a public hearing on October 4, 2017, to consider the proposed CUP amendment for ZTS.

Recommendations

[NOTE: The relevant conditions from the 2013 CUP and 2017 CUP Amendment are combined together here].

Based upon the above Findings of Fact, the Planning Commission recommends to the City Council approval of the Zaczkowski Trucking Services (ZTS) 2017 CUP Amendment, with the following conditions:

1. The CUP is contingent upon final recommendations of the City Engineer.

2. The CUP is contingent upon recommendations of the City Attorney.
3. The CUP is contingent upon final recommendations of and permitting by the City Building Official.
4. The CUP is contingent upon the requirements of the Rice Creek Watershed District.
5. The CUP is contingent upon requirements of Anoka County to close the existing driveway onto Lake Drive.
6. The CUP is contingent upon the approval of a variance to allow the bathroom attached to the 2017 building addition to be serviced by a holding tank and regular pumping, **or a determination that a bathroom is not required.**
7. The CUP is contingent upon acknowledgment by ZTS that the CUP approval does not eliminate the requirement for obtaining all other permits and approvals as required by City, watershed, county, or state laws, rules, ordinances, and policies, including but not limited to grading permits, building permits, plumbing permits, electrical permits, stormwater permits, sign permits, driveway permits, water appropriation permits, and sewage treatment system permits.
8. All proposed site improvements and construction shall be consistent with the CUP application accepted by the City on July 1, 2013 and the amended CUP application accepted by the City on September 27, 2017 (except as modified by the City, county, or watershed district).
9. ZTS shall operate the facility in full compliance with all federal, state, and local laws, rules, regulations, and ordinances.
10. Hazardous wastes generated on the Property shall require licensing through Anoka County for proper management and disposal.
11. Any existing or proposed site lighting or security lighting shall include downcast, shrouded fixtures to prevent direct lighting on adjacent properties or public right-of-way.
12. 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 may be revoked by the City upon proper notice and a hearing.
13. ZTS shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the CUP, including any subsequent inspection and enforcement actions.
14. **ZTS shall submit a landscape/fencing/screening plan, with a minimum 10-foot screening, to meet the requirement of minimizing the impact of noise and light on neighboring residential property. This plan is to be submitted to the City within 30 days of approval of the CUP amendment, and is to be completely implemented by ZTS no later than June 1, 2018.**

This matter will go before the City Council at a special meeting on October 10, 2017. The time for that meeting has not yet been determined.

CONTINUED DISCUSSION AND RECOMMENDATION – ORDINANCE AMENDING CHAPTER 7A TO ALLOW AND REGULATE ASPHALT/CONCRETE PRODUCTION FACILITIES

City Attorney Steen pointed out this is a City-initiated standard text amendment. He said the PC can recommend approval of the proposed amendment, denial of the proposed amendment, or can direct Staff to do more research or provide additional information.

Planner Johnson went over the specifics of the proposed amendment.

Wolowski stated that after extensive review of all the information and facts presented, she does not believe the asphalt plant fits in the City's Comprehensive Plan. She reminded those present that PC members are not elected officials, and are appointed to keep the City in line with the Comprehensive Plan and to adhere to the vision put forth by the City. She doesn't believe the asphalt project fits in current zoning, and does not fit in the vision of the freeway district that was set forth to the PC. She believes it would negatively and directly affect the community on a daily basis. She cited a traffic report provided by Bituminous Roadways, saying it indicates that peak traffic is 60 trucks/hour or one truck/minute.

Motion by Wolowski to forward to the City Council the draft ordinance amending Chapter 7A to allow and regulate asphalt/concrete production facilities with a recommendation for denial. Second by Preiner.

Krebs stated that the CC has directed the PC to complete the text amendment. Wolowski stated that she does not believe this is the direction the PC should be heading. She believes the PC's job is to go forward with what best fits the City's Comprehensive Plan. She doesn't believe this fits the vision that has been presented to the PC. She believes as elected officials, the CC needs to make this decision based on their constituents. Krebs stated that the PC is appointed to do the finding of facts and present them to the CC. She believes the PC's job is to complete the text amendment, as directed by the CC. Sternberg stated that it is a valid option for the PC to recommend denial of the text amendment. Steen clarified that the PC's options are to recommend approval of the language, recommend denial of the language or to recommend forwarding the language to the CC with no recommendation.

After some confusion about the intent of the motion, Wolowski restated her motion:

Motion by Wolowski to forward to the City Council the draft ordinance amending Chapter 7A to allow and regulate asphalt/concrete production facilities with a recommendation for denial.

Steen clarified that this is a City-initiated text amendment; the CC initiated the text amendment. Second by Preiner.

Votes as follows: Krebs – nay; Preiner –aye; Wolowski – aye; Watson – nay, with the right to present the Council with personal opinion; Sternberg - aye. Motion carried.

CONTINUED DISCUSSION – ORDINANCE AMENDING CHAPTER 7A – RESIDENTIAL ACCESSORY BUILDINGS

City Attorney Steen went over the most current draft language per the PC's recommendations and direction given to the PC by the CC.

Motion by Watson to forward to the City Council the draft ordinance amending Chapter 7A regarding Residential Accessory Buildings, including allowing and regulating multi-modal shipping (Conex) containers or portable on-demand storage (PODS) containers as accessory

buildings. Second by Preiner. Votes as follows: Krebs – aye, Preiner –aye, Wolowski – aye, Watson – aye, Sternberg - nay. Motion carried.

CITY ADMINISTRATOR'S REPORT

Nothing to report.

PLANNING COMMISSION MEMBERS' REPORT

Nothing to report.

ATTENDANCE - NEXT CC MEETING

Sternberg will attend the City Council meeting on October 11, 2017.

Motion by Krebs to adjourn. Second by Sternberg. Motion carried.
Meeting adjourned at 10:02 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary