

**City of Columbus
Regular Planning Commission Meeting
October 19, 2016**

The October 19, 2016 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:02 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members: James Watson, 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, and Bill Krebs; Tom Look, and Jesse Roessler.

AGENDA APPROVAL

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

APPROVAL – PUBLIC HEARING MINUTES - THURNBECK PRESERVE PRELIMINARY PLAT REQUEST ON OCTOBER 5, 2016

Motion by Watson to approve the minutes from Thurnbeck Preserve Preliminary Plat Request Public Hearing held on October 5, 2016. Second by Krebs. Motion carried.

APPROVAL – PUBLIC HEARING MINUTES - THURNBECK PRESERVE CUP FOR PUD APPLICATION ON OCTOBER 5, 2016

Motion by Krebs to approve the minutes from Thurnbeck Preserve CUP for PUD Request Public Hearing held on October 5, 2016. Second by Sternberg. Motion carried.

APPROVAL – PUBLIC HEARING MINUTES – 13405 LAKE DRIVE CUP AMENDMENT (GARAGE CONDOS) ON OCTOBER 5, 2016

Motion by Preiner to approve the minutes from 13405 Lake Drive (Garage Condos) CUP Amendment Request Public Hearing held on October 5, 2016. Second by Watson. Motion carried.

APPROVAL – PUBLIC HEARING MINUTES – 9541 152ND AVENUE IUP REQUEST (MN COLUMBIA SALES LLC) ON OCTOBER 5, 2016

Motion by Krebs to approve the minutes from 9541 152nd Avenue (MN Columbia Sales LLC) IUP Request Public Hearing held on October 5, 2016. Second by Watson. Motion carried.

APPROVAL – REGULAR PC MEETING MINUTES ON OCTOBER 5, 2016

Motion by Preiner to approve the minutes of the October 5, 2016 regular Planning Commission meeting as written. Second by Krebs. Motion carried.

PUBLIC HEARING – 190TH LANE (VACANT LOT) SHARPER HOMES VARIANCE APPLICATION (PC-126)

At this time a public hearing was held to receive testimony regarding a request for a variance from the required 75-foot shoreline lake setback to a 45-foot shoreline lake setback for the construction of a new home. The applicant is Jesse Roessler (Sharper Homes, Inc.). Separate minutes are prepared.

190TH LANE (VACANT LOT) SHARPER HOMES VARIANCE APPLICATION DISCUSSION

The Shoreland Variance Guidance submitted to the City by Kate Drewry of the DNR was noted, and the PC felt these points are covered in the Variance Checklist (below). PC members agreed that because of the riparian vegetation on the property, mitigation is not warranted.

Mursko went over the survey map of the property and pointed out the unusual peninsula of the Ordinary High Water Level (OHWL) that protrudes into the property. The DNR would not go to the outside line, eliminating the protrusion.

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? **An unusual topography.**

Question #2: How is it not like other pieces of property? **Ordinary High Water Level (OHWL) protrusion.**

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: 10/19/16
(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 16-126) for the property owned by Randy K. and Roxanne K. Schriber at 190th Lane, from the required 75-foot shoreline lake setback to a 45-foot shoreline lake setback for the construction of a new home, with a recommendation for approval based on findings that the Zoning Ordinance causes a practical difficulty. Second by Sternberg. Motion carried.

This matter will go before the City Council at their meeting on October 26th.

EXCAVATION ORDINANCE DISCUSSION

At the last meeting, Planner Johnson outlined the reason for the ordinance changes, and went over the changes in detail. As PC members had opted to revisit this discussion, Johnson asked what questions they have.

Discussion centered on Chapter 9: Excavation, Grading, Filling. Drainage was discussed at length – In what instances a drainage plan should be required, and whether or not it needs to be professionally done. The ordinance already has language that says it is the property owner’s

responsibility to ensure that their small excavation or fill meets the requirements of the local watershed management, the county or state and federal government. If someone causes a drainage problem, there are options, but it requires us to take enforcement action. The hope is to stop these problems before they occur. Mursko gave some examples of drainage issues within the community caused by one neighbor making a change that alters the drainage on another neighbor's property. Johnson proposed and **PC members agreed that language should be added to Section 9-100. Purpose., stating: No excavation, grading or filling shall increase drainage flow onto neighboring property or disrupt an existing natural drainageway.**

There was discussion about the amount designated in Section 9-101. B., where it defines excavation, grading or filling as the removal, digging, filling, rearranging or transportation of more than 100 cubic yards of earthly deposits. Any amount less than this would not require a permit. PC members discussed whether this amount should be increased. Regardless of amount, the location of the activity can also be a factor.

As an example of the scope of drainage considerations, Mursko talked about how drainage problems have been arising related to the recent increases in the allowable size of accessory buildings. Even meeting the setback requirements, when a very large building is placed 20 feet from the property line, it can cause a great alteration in water drainage. This issue may require some amendment to the accessory building language. Johnson said he thinks conditions to require a drainage plan on large accessory buildings would be a good addition to the Code.

Mursko suggested having the City Attorney look at some of the questions being raised about excavation, grading, and filling. These questions were discussed and include:

- **Should the amount of material needed to require a permit be set at 100 or 200 cubic yards?**
- **Should a setback provision be added, requiring that any excavation, grading or filling to be done less than 50 feet from an adjacent property requires a drainage plan?**
- **Do we want engineering plans when a drainage plan is required or can that be done by a layperson? Is the point to have people take a real look and think about it?**
- **If the City reviews a drainage plan, and problems arise anyway, what is the City's liability?**

The PC agreed to forward the ordinance draft to the CC with these questions, recommending consideration by the City Attorney. The PC would then like to re-visit the ordinance draft after receiving the Attorney's counsel on the questions above and any additional questions raised by the CC.

PUBLIC OPEN FORUM

There was no topic raised for discussion for Open Forum.

CITY ADMINISTRATOR'S REPORT

Mursko said she has been approached by a member of the community asking about the City's regulation of Portable On-Demand Storage (PODS). She said, she would consider them temporary storage, which, by Code, needs to be removed after 90 days, but these are relatively new and there are no current regulations in the Code. Mursko would like policy guidance on whether PODS should be considered permanent or temporary, and whether or not the City should restrict numbers, and their location (e.g. can they be in the front yard?).

Since passing the chicken ordinance, a new question has come to Mursko's attention. Someone considering purchasing a home in the City would like to keep homing pigeons. His flock must be

over 100 birds. They are used for racing, are housed in a structure, and do not require pasture. The birds are flown daily for exercise, training and racing. He would like to use his entire acreage (about 7 acres). There is an existing accessory building, which is not 75 feet from the property line. After meeting with him, Mursko feels the birds could be classified as farm animals, but a variance with several components would be required due to the difference between these pigeons and other farm fowl. For instance: there are over 100 pigeons; they are not contained on the property because they fly, requiring use of all of his acreage; and, could he be allowed to use the existing accessory building where it is located? Mursko did not know how close the neighbors are to the property being considered. The man lives in St. Paul now and is allowed to keep the pigeons there. This may come before the PC as a variance request.

Mursko reported that the tour of Bituminous Roadways Shakopee facility is scheduled for tomorrow (10/20) at 1:00 p.m. CC members are attending. Some people are meeting at City Hall at 11:30 a.m. to carpool; other are meeting at the plant at 1 p.m.

PLANNING COMMISSION MEMBERS' REPORT

No reports.

ATTENDANCE - NEXT CC MEETING

Watson is scheduled to attend the City Council meeting on October 26, 2016.

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

Meeting adjourned at 8:45 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary