

**City of Columbus**  
**Regular City Council Meeting**  
**01.24.18**

The 01.24.18 meeting of the City of Columbus City Council was called to order at 7:03 p.m. by Mayor Dave Povolny at the City Hall. Present were Council Members Bill Krebs, Jeff Duraine, Denny Peterson, and Mark Daly; City Administrator Elizabeth Mursko, City Attorney Bill Griffith, City Engineer Dennis Postler, and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Dan Mike, Jon Rausch, Ken Rohlf, Kent Peterson, Koby Fechner, Ryan Lake, Joe Radach, Wynn Bigham, Dennis Mars, Tony Frattalone, David Farris, Heidi Fedlacek, Paul Marney, Andy Mars, Jason Schillenay, Myron & Cindy Angel, Jay Gustafson, Barb Bobick, Don Santanni, Julia Hanson, Jackie Bussjaeger, Marlene Nordstrom, Arlen & Shelly Logren, Janet Hegland, Bill Bobick, Tom & Gerrie Olson, John Kittleson, Lynn Carver-Quinn, Norma Heurer, Jody Krebs, James Watson, Jesse Preiner, Janet Haglund, Vern Roisum, Marge Roisum, Julia Parent (Forest Lake Times).

**A. CITY COUNCIL REGULAR MEETING**

- 1. Call to Order - Regular Meeting – 7:03 P.M.**
- 2. Pledge of Allegiance**

**B. CONSENT AGENDA**

- 3. ~~Motion—Approval of the City Council Meeting Minutes 12.13.18~~**
- 4. Motion – Agenda Approval with Additions**
- 5. Motion – Pay Bills as Posted**
- 6. Motion – Approval of the Accountant (Senior) Job Description**

**Motion by Daly to approve the Consent Agenda. Seconded by Krebs. Motion carried unanimously.**

Mursko noted that under the Bituminous Roadways CUP Application discussion on the agenda, a discussion on the Preliminary Plat should be included.

**C. PRESENTATIONS**

**7. Planning Commission Report**

Commissioner Jesse Preiner gave the Planning Commission report on two (2) items, the Bituminous Roadways applications, and the Sanctuary at Howard Lake Variance request.

Bituminous Roadways Preliminary Plat and CUP applications

The first Public Hearing was for Preliminary Plat and CUP applications from Bituminous Roadways to build and operate an asphalt plant in the City. Preiner reported that 13 people spoke negatively about the application, and one (1) person spoke in favor. The Planning Commission voted 3-2 in favor of recommending the application for approval to the Council.

Duraine commented that he does not think that the asphalt plant belongs in the freeway district. Krebs replied that after doing research, visiting other asphalt plant sites, and speaking with people, he does not have a concern with the location. Mayor Povolny said that he wanted to address a concern from the public about what would happen in the case of a fire on the Bituminous Roadways property. To address that concern, he reached out to Fire Chief Alan Newman. After reviewing the Bituminous Roadways plans and specs, Newman said his only

concern is whether there is a fire hydrant with the necessary capacity near the property. Public Works Superintendent Jim Windingstad replied that there is, and it has enough capacity to handle Newman's recommendation.

City Attorney Bill Griffith commented that he will be preparing a Resolution of Approval for the two Bituminous Roadways applications, which will address concerns from the public and have a list of conditions of approval. Also, because the 60 days review period is nearing completion, the City will be sending out a notice extending the review period another 60 days.

Next, Mursko presented a map to the Council which shows public utilities in the area. Currently the property being considered for the Bituminous Roadways facility is not served by public utilities, and work will have to be done to extend services to it. In terms of the sewer system, the property would use the current sanitary sewer line and the laterals would have to be built for service. Serving the property with water will be a more involved project. So, in order to get water services to the proposed Bituminous Roadways facility, the water line must be continued along CSAH 54 and under I-35W. Mursko said that the Developer's Agreement needs to address the improvement of these utilities – including all aspects of the calendar and all aspects of the cost. Griffith added that it will be the City Council's job to determine the timing of utility connections.

Mayor Povolny then asked the applicant if they are planning to use vent condensers to mitigate odor? Kent Peterson, CEO of Bituminous Roadways, replied yes, that they have included them in their plans. Duraine asked Peterson if he will have any system in place to monitor the condition of wells in the area? Peterson said his plans do not have a system for monitoring wells. Duraine asked why the Bituminous Roadways plant in Inver Grove Heights has a well monitoring system? Peterson replied that the Inver Grove Heights plant has a large gravel pit, aggregate washing, and generally more activity than what is proposed for Columbus. He added that because there is a landfill near the Inver Grove Heights location, the community closely monitors wells in that neighborhood. Mayor Povolny asked if the Columbus location would include shingle manufacturing? Peterson replied no, that they stopped manufacturing shingles in 2012.

To finish, Griffith addressed comments from the public about two requests for appeals that were submitted to the City. The first was a letter regarding the Text Amendment to the City's Light Industrial zoning code, which asks for the City's Board of Appeals and Adjustment to take a closer look at the decision and how it was handled. Griffith said that he responded with a letter stating that this type of appeal is only heard through District Court, and not the Board of Appeals and Adjustment. He continued to say that a similar letter was submitted recently, and again the correct body to hear their request for appeal is the District Court and not the City's Board of Appeals and Adjustment.

**Motion by Peterson to direct staff to draft a resolution of approval for PC-18-103 the Bituminous Roadways Preliminary Plat application (dated 12.13.17), subject to the approval of a Developer's Agreement, and based on findings of fact and conditions 1-9 in the Planner's Memo (dated 01.18.18). Seconded by Krebs. Votes as follows: Peterson – aye; Daly – aye; Povolny – aye; Duraine – nay; Krebs – aye. Motion carries.**

Bituminous Roadways Preliminary Plat Findings of Fact:

1. The City received a preliminary plat application from Bituminous Roadways, Inc.

(“BRI”) on December 1, 2017. The application was found complete.

2. The 120-day preliminary plat review deadline is March 31, 2018.
3. The proposed 46.44-acre, 1-lot plat is located at 13345 and 13363 West Freeway Drive, legally described as part of the East Half of the Southwest Quarter of Section 36, Township 32, Range 22, lying westerly of Interstate Highway 35E, southerly of Interstate Highway 35W and easterly of West Freeway Drive [also known as CSAH 54, formerly known as CSAH 21,] (“Property”).
4. The Property currently contains two parcels and two residences. All existing structures and two existing septic systems will be removed and two existing wells will be abandoned according to County standards.
5. The Property will be served by new private sewer and water services until public sewer and water services become available.
6. The Property is currently zoned LI Light Industrial.
7. A development agreement to determine public utility phasing is required in the LI District for properties that do not abut public utilities and are not immediately served by public utilities.
8. Proposed site development includes site grading, wetland replacement, and stormwater management for a new asphalt plant, including material stockpile areas and a 4600 square feet office/lab and vehicle maintenance building.
9. Rice Creek Watershed District (RCWD) issued a “conditional” permit (CAPROC) on July 5, 2017 for original development plans prepared by BRI in the spring of 2017.
10. The current plat and development plans received by the City on December 1, 2017 are being reviewed by RCWD at this time.
11. Access to the Property is proposed via a full access location on CSAH 54 at the south end of the proposed plat. A northbound exit-only access onto CSAH 54 is also located at the north end of the proposed plat.
12. Anoka County Highway Department (ACHD) issued a letter for access requirements for the Property on June 2, 2017, reflecting original development plans prepared by BRI in the spring of 2017.
13. The current plat and development plans received by the City on December 1, 2017 are being reviewed by ACHD at this time.
14. Drainage and utility easements have been located adjacent to all property lines, and cover all stormwater ponds and wetlands.
15. Minimum one-rod buffers will be required adjacent to final wetland boundaries.
16. The Property has been identified by the City as a corridor for a trunk water main loop from the west side of I-35 to the east side.
17. There are no sidewalks or trails or other public improvements proposed within the plat.
18. The Preliminary Plat public hearing was held by the Planning Commission on January 17, 2018.

Bituminous Roadways Preliminary Plat Conditions of Approval:

1. Detailed recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney.
3. A development agreement at final plat review that determines the phasing of public sewer and water improvements to the Property, that identifies a trunk water main corridor and easement through the Property, and that requires the proper removal of the two existing residential septic systems and abandonment of the two private wells.
4. Requirements of the Anoka County Surveyor and Highway Department.
5. Requirements of Rice Creek Watershed District.
6. Permanent wetland buffer plaques at intervals determined by the City.
7. Reimbursement of all City expenses associated with plat approval.
8. Future development within the plat is subject to local ordinances and permitting requirements.
9. Requirements of the Minnesota Department of Transportation.

**Motion by Krebs to direct staff to draft a resolution of approval for PC-18-104 the Bituminous Roadways Conditional Use Permit application (dated 11.30.17) subject to the approval of a Developer's Agreement, and based on findings of fact and conditions 1-23 in the Planner's Memo (dated 01.18.18). Seconded by Peterson. Votes as follows: Peterson – aye; Daly – aye; Povolny – aye; Duraine – nay; Krebs - aye. Motion carries.**

Bituminous Roadways Conditional Use Permit Findings of Fact:

1. The City received a CUP application from Bituminous Roadways, Inc. (“BRI”) on December 1, 2017. The application was found complete.
2. The 60-day review deadline is January 30, 2018. The 120-day review deadline, if required, is March 31, 2018.
3. The CUP is for property located at 13345 and 13363 West Freeway Drive, legally described as part of the East Half of the Southwest Quarter of Section 36, Township 32, Range 22, lying westerly of Interstate Highway 35E, southerly of Interstate Highway 35W and easterly of West Freeway Drive [also known as CSAH 54, formerly known as CSAH 21] (“Property”).
4. The Property is currently zoned LI Light Industrial.
5. The 46.44-acre Property is being platted as a single lot (Lot 1, Block 1), as proposed in the Bituminous Roadways Columbus Preliminary Plat.
6. BRI proposes to construct a new asphalt plant on the Property. Preliminary details of the asphalt plant were submitted with the application materials and include, but are not limited to the following basic components:
  - Asphalt mixing drum
  - Bag house
  - Control house
  - Cold feed system & recycled feed system

- Six hot mix storage silos/loadout facilities (~70' height)
  - Four asphalt cement storage tanks (~43' height)
  - One tack oil storage tank (~36' height)
  - Secondary storage containment bunker
  - Ramps, conveyors & hoppers, road scale
  - Asphalt and concrete rubble piles (35' max height)
  - Recycled asphalt and concrete piles (35' max height)
  - Asphalt millings pile (35' max height)
  - Virgin rock and sand piles (35' max height)
  - Specialty aggregate piles (~20' height)
7. BRI also proposes to construct a 40 feet by 115 feet office/lab and vehicle maintenance building. A new well and septic system will be constructed for this use.
  8. The office/lab portion of the proposed building is approximately 19 feet tall at the peak of the gable roof and has brick veneer wainscoting and metal siding on three sides. The roof of the building is metal.
  9. The vehicle maintenance portion of the proposed building is approximately 33 feet tall at the peak of the gable roof and has two-toned (upper/lower and middle) metal panels on three sides. There are two 16' overhead doors and one 8' overhead door proposed.
  10. Site preparation for the proposed asphalt plant includes removal of existing buildings, structures and private sewer and water services; overhead electric powerline relocation; wetland replacement; stormwater ponding; bituminous surfacing for the primary plant area and office/lab building; aggregate surfacing of the stockpile areas and truck parking areas; and property access improvements.
  11. Rice Creek Watershed District (RCWD) issued a "conditional" permit (CAPROC) on July 5, 2017 for original plans prepared in the spring of 2017.
  12. The current development plans received by the City on December 1, 2017 are being reviewed by RCWD at this time.
  13. A full access on CSAH 54 is proposed at the south end of the Property. An exit-only northbound access is also proposed at the north end of the Property.
  14. Anoka County Highway Department (ACHD) issued a letter for access requirements for the Property on June 2, 2017, reflecting original plans prepared in the spring of 2017.
  15. The current development plans received by the City on December 1, 2017 are being reviewed by ACHD at this time.
  16. The proposed asphalt plant will be generally operational from April through November. Peak truck usage is estimated at approximately 250 round trips per day. Average daily truck usage (eight month operational period) is estimated at approximately 120 round trips per day.
  17. It is anticipated that approximately half of the average truck traffic will exit the Property north on CSAH 54 and approximately half will exit to the south on CSAH 54.
  18. General hours of operation are 6:00 am to 7:00 pm Monday through Saturday. Many highway, airport and commercial projects include night paving to minimize traffic congestion; so, there will be periodic nighttime operations.

19. The proposed asphalt plant will include the backhauling of concrete and asphalt rubble from job sites. Rubble will be crushed approximately two times a year for up to 5-week periods of time. There may be up to 250,000 tons of unprocessed rubble, recycled asphalt and concrete, and virgin aggregates on the Property during the construction season. Unused material stockpiles will remain on the Property during the off season.
20. Air quality emissions are regulated by the Minnesota Pollution Control Agency (MPCA) and must meet federal air quality standards. Fine sands and dust emissions in the asphalt production process are controlled by primary and secondary filtering systems. Dust generated by truck traffic will be minimized in the production loading and unloading area by paved driveway accesses and maneuvering areas. A street sweeper is kept on the Property to clean paved surfaces, including any material tracked onto CSAH 54. Dust generated in the material stockpile areas will be mitigated by watering. All trucks hauling materials to or from the Property will be covered.
21. Noise will be resulting generally from trucks and equipment used at the facility. All site activity will be required to meet daytime and nighttime noise standards. All trucks and equipment owned by BRI are retrofitted with “white noise” back-up alarms, which minimize noise. Truck movements on the site are generally drive through operations, which minimize the use of back-up alarms, including “beeping” back-up alarms which may be used on non-BRI-owned trucks unloading rubble or other aggregates.
22. Odors can be generated in asphalt facilities. Odors, like noise, dissipate with distance. The nearest residentially zoned properties in Columbus are nearly a mile to the west. Land within one mile of the Property in Lino Lakes is undeveloped “Rural” or undeveloped “Rural/Business Reserve” zoning. While odors may not be a problem, the City could request that additives be put in the asphalt cement and condensers can be placed on the vents of the asphalt cement tanks to minimize potential problems.
23. There are no existing residences that are adjacent to the Property. The nearest residence is located on the north side of I-35 W, approximately 700 feet from the nearest site improvement on the Property (concrete rubble pile). Proposed site screening includes several components:
  - A. A berm, landscaping and 6’ vinyl fence along CSAH 54 between the two access locations (9 spruce, 26 ornamental trees, and 59 shrubs).
  - B. 39 spruce trees on the southerly edge of the Property along CSAH 54 and the westerly half of the south property line.
  - C. 5 maple trees and 22 spruce trees along the east-central portion of stock pile areas.
  - D. It is also proposed that the easterly edge of the asphalt rubble pile and the northeasterly edges of the concrete rubble pile will be mulched and hydro seeded and vegetated to maintain permanent natural cover on those back slopes of the rubble piles.
24. Final equipment specifications, plant layout details, overhead powerline relocation plan, site lighting, and detailed building plans will be prepared and submitted for City approval prior to building permit issuance.
25. The Planning Commission held a public hearing on January 17, 2018 to consider the CUP application submitted by BRI.

Bituminous Roadways Conditional Use Permit Conditions of Approval:

1. The CUP is contingent upon detailed recommendations of the City Engineer.
2. The CUP is contingent upon recommendations of the City Attorney.
3. The CUP is contingent upon approval of the Bituminous Roadways Columbus Final Plat.
4. The CUP is contingent upon execution of a development agreement identifying the phasing of municipal sewer and water service extensions to the Property.
5. The CUP is contingent upon detailed plan review, including revised exterior building materials, and approval by the Building Official.
6. The CUP is contingent upon recommendations of the Anoka County Highway Department.
7. The CUP is contingent upon recommendations of the Rice Creek Watershed District.
8. Once authorized, BRI shall construct and maintain all site improvements consistent with the bound “Application for Site Plan Review and Conditional Use Permit,” dated November 30, 2017, and submitted on December 1, 2017, and as supplemented, modified and subsequently approved by the City.
9. BRI shall operate facilities on the Property in compliance with the bound “Application for Site Plan Review and Conditional Use Permit,” dated November 30, 2017, and submitted on December 1, 2017, and as supplemented, modified and subsequently approved by the City.
10. The operation of the asphalt plant must be consistent with all local, Federal, and State laws that apply to the use of the Property.
11. Approval of the CUP does not eliminate the requirement for obtaining any other permits and approvals as may be 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, water appropriation permits, and sewage treatment system permits.
12. Normal hours of operation shall be 6:00 a.m. to 7:00 p.m. Monday through Saturday, except that a facility may operate outside of those hours for a maximum of thirty days in a calendar year where such operations are necessary in order for the owner/operator of the facility to perform work under a contract related to a public road project that specifies work be performed outside the hours of 6:00 a.m. to 7:00 p.m. Monday through Saturday and/or on Sunday. The operator shall provide the zoning administrator written notice of such exception to normal hours of operation at least forty-eight (48) hours in advance of the exception. No facility operations shall be permitted on New Year’s Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day.
13. BRI shall instruct all company and contract truck drivers not to employ “engine braking” in the City of Columbus.
14. All trucks hauling materials to or from the Property shall be covered.
15. All BRI-owned trucks and equipment used on the Property shall be equipped with “white

noise” back-up alarms.

16. BRI shall retrofit asphalt cement tank vents with condensers to reduce odors. BRI shall agree to use additives in the asphalt cement, if odors from the asphalt plant are determined by the City Council to require such action.
17. Stockpiles of backhauled concrete and asphalt rubble, except back slope areas used for screening, shall be crushed and recycled at least once a year. Crushing activity shall not exceed five (5) continuous weeks of crushing at any single crushing interval.
18. Stockpiles of backhauled concrete and asphalt rubble shall not exceed one and one-half (1.5) times the amount required for annual asphalt production or reuse as base material in annual construction projects.
19. BRI shall agree to all reasonable requests by the City for dust control on the Property.
20. BRI 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.
21. BRI shall submit a listing of all substantive complaints received and complaint resolutions in writing to the City on a monthly basis
22. In the event the City Council determines that the asphalt plant 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. The City shall notify regulatory authorities that have issued licenses or permits in connection with the Conditional Use Permit of any such revocation.
23. The CUP is contingent upon the recommendations of the Minnesota Department of Transportation.

#### Sanctuary at Howard Lake Variance Application

The third Public Hearing held on January 17<sup>th</sup> was for a Variance to the Ordinary High Water Level (OWHL). The application for variance consideration is for reducing both the 150-foot OHWL setback and the 75-foot Shore Impact Zone to 50 feet. The Planning Commission voted unanimously in favor of approving the request.

**Motion by Peterson to direct staff to draft a resolution of approval for PC-18-102, the application from Howard Lake Development LLC for a variance to the 150-foot OHWL setback and the 75-foot Shore Impact Zone (dated 12.05.17), subject to a Resolution of Approval, and based on Findings of Fact and Conditions as outlined in the planner’s memo (dated 01.15.18). Seconded by Krebs. Motion carried unanimously.**

#### Sanctuary at Howard Lake Variance Request Findings of Fact:

##### A. The landowner proposes to use the property in a reasonable manner.

The proposed Sanctuary at Howard Lake is designed consistent with the Zoning Ordinance development standards established for senior citizen housing. The lot sizes, development density, wetland buffers, private street access, association management, and housing styles were approved consistent with the PUD Conditional Use Permit procedures established by the City.

The Property is impacted by a large wetland basin adjacent to Howard Lake and four other wetlands within the Property. The proposed development does not alter or impact any of the wetlands. The setback of the proposed structures on the Property to the visible shoreline ranges from 350-400 feet. There does not appear to be an aesthetic purpose in adhering to a 150-foot setback from the OHWL. Pictures of the shoreline taken near the OHWL reveal dense vegetation that precludes seeing the shoreline in the summer and barely allows visibility of the shoreline in the winter.

The proposed setback of 50 feet from the OHWL should not jeopardize water quality concerns with this development. The proposed development meets all stormwater management requirements of the City. The development will meet minimum State buffering requirements from the wetland basin adjacent to Howard Lake. As noted earlier, that wetland area abutting the visible shoreline already provides a minimum 300-foot buffer to the visible shoreline.

It should also be noted that the DNR's model ordinance allows agricultural uses with only a 50-foot setback from the OHWL. Agricultural uses typically result in increased soil disturbance and runoff relative to senior housing residential development. There would not appear to be a strong argument to require a more restrictive setback for residential use of the property when all wetland buffering and stormwater management requirements are met, particularly when the actual structure setback from the visible shoreline is a minimum of 350 feet.

**For these reasons, the applicant proposes to use the Property in a reasonable manner.**

**B. The practical difficulty or plight of the landowner is unique to the subject property and is not created by the landowner.**

The Property is irregular in shape and impacted by considerable wetlands. The wetland locations and irregular property shape create development challenges that are not created by the applicant. The Property is included in the MUSA, which requires the installation of municipal sewer and water services for any development. Extraordinary development constraints make it difficult to use the property in a reasonable manner without a reduction to the setbacks as requested.

The Sanctuary Property appears to be the only undeveloped property on Howard Lake that abuts the visible shoreline on the lake. The OHWL is located between 300 and 400 feet from the visible shoreline of Howard Lake on this Property. On other properties on Howard Lake, the OHWL is much closer to the visible shoreline. The setback of the proposed structures on the Property to the visible shoreline ranges from 350-400 feet.

The applicant had no control over the establishment of shoreland development standards that affect the Property, nor any control over the natural features affecting the Property. This Property is one of the few parcels abutting a Natural Environment Lake that has public utility availability. The applicant is also caught between conflicting State guidelines governing development. The Metropolitan Council requires a minimum density for residential development in the MUSA at three units per acre; whereas, the DNR's Natural Environment Lake shoreland standards preclude reasonable residential density opportunities for properties with public utilities.

The gross acreage of the site is 17.17 acres. The gross acreage south of the OHWL is 9.82 acres. The gross acreage south of the 150-foot OHWL setback is 6.31 acres. With the irregular shape of the property and presence of additional wetlands dispersed on the Property, the developable portions of the Property are severely diminished.

**For these reasons, the practical difficulty for use of this Property is evident, unique and not self-inflicted.**

C. The variance, if granted, will not alter the essential character of the neighborhood or City.

The Property is located in the CR zoning district. As noted earlier, the property is also designated as Suburban Residential Overlay, allowing either residential or commercial uses. All properties near the Sanctuary have the same zoning and land use designation. All area property owners have the same opportunity for a variety of development alternatives. Adjacent properties are benefited by public sewer and water systems and the neighborhood, as well as the entire “Freeway Corridor” is in transition from pre-existing nonconforming uses to more densely developed urban uses. The Sanctuary Property is located within a quarter mile of the Running Aces Harness Park and is a half mile from a proposed new interchange at Highway 97 and Interstate 35.

As noted earlier, the setback of the development from the visible shoreline or nearest users of Howard Lake is at least 350 feet. The character of the lake is not going to be altered as a result of the Sanctuary development. The existence of the large wetland basin adjacent to Howard Lake and the required stormwater management standards minimize any impacts to Howard Lake or to other adjacent properties.

**For these reasons, the proposed variance to OHWL setbacks and depth of Shore Impact Zone will not alter the essential character of the neighborhood or the City.**

D. The terms of the variance are consistent with the Comprehensive Plan.

The Comprehensive Plan is a guide for future development in the City. The plan includes an overall goal for growth management which essentially strives to balance what the City is and what the City would like to be. There are more specific goals that relate strictly to protecting the environment, such as:

- Protect high quality functioning environmental systems from unnecessary impacts of future growth and development activities.
- Maintain and enhance the natural amenities of the City for future generations to enjoy.
- Protect the surface waters and wetland areas of the City to promote aesthetic qualities, natural habitat areas, and ground water recharge.

The plan also highlights the extent of wetlands and surface waters within the City of Columbus – approximately two-thirds of the entire community. While the goals for rural housing developments are consistent with and compatible with general environmental goals, the focus for future development in the plan is based upon efficient utilization of upland areas, expansion of the City’s tax base and employment opportunities, and the establishment of urban housing.

The proposed development is consistent with several of the development-oriented goals

in the Comprehensive Plan, including:

- Provide for the orderly development of safe and efficient housing opportunities.
- Provide higher density housing alternatives in the I-35 public utility corridor.
- Provide a variety of development opportunities in the City, including rural and urban business centers.
- Promote opportunities to expand employment opportunities and the tax base in the City.
- Evaluate areas for potential future commercial and industrial expansion.
- Provide cost-effective public utilities within the I-35 corridor.
- Develop a long-term plan for the paving of all public thoroughfares in Columbus.

The proposed development is consistent with several specific development-oriented policies in the Comprehensive Plan, including:

- Limit single family attached residential development to locations within the Suburban Residential Overlay areas in the Freeway Corridor.
- Encourage the development of single family attached residential development in the Suburban Residential Overlay areas to expand life cycle housing alternatives and housing price options that do not exist in the rural residential area.
- Encourage the development of single family attached residential development in the Suburban Residential Overlay areas to provide additional housing choices for increasing employment opportunities.
- Promote the development of senior citizen housing, including assisted living and similar adult care facilities in the Freeway Corridor.
- Minimize the impacts on future residential uses due to area commercial and industrial land uses and freeway proximity.
- Maintain high design and development standards within all residential development areas.
- Coordinate affordable housing needs with the Anoka County Housing and Redevelopment Authority.
- Minimize potential incompatibilities between commercial/industrial and residential uses.
- Coordinate and promote marketing of Lake Drive and Freeway Corridor business development opportunities.
- Maximize existing investment and development opportunities within the Lake Drive business area and Freeway Corridor before expanding or establishing new business development areas.
- Maintain high design and development standards within all business development areas.

- Pursue and coordinate potential extensions of public utilities in the Lake Drive corridor with the City of Lino Lakes and the Metropolitan Council.
- Maintain a hierarchy of land uses within the Freeway Corridor, reserving land adjacent to the I-35 interchange for the highest intensity uses and land furthest from the interchange for more extensive land uses.
- Promote a pedestrian friendly development standard within the Freeway Corridor to provide internal non-vehicle access options and ensure future residential development has pedestrian access and circulation within the Freeway Corridor.

The Sanctuary Property is located within the MUSA. It is dually designated as urban commercial and residential property in the Comprehensive Plan. The proposed variances alter a shoreland dimensional standard for setbacks from the OHWL on this property. The reduced setback standard in this instance still provides for extraordinary structure setbacks from the visible shoreline on Howard Lake.

**For these reasons, the terms of the variance are consistent with Comprehensive Plan.**

E. The variance, if granted, is in harmony with the purpose and intent of the Zoning Ordinance.

The general premise for establishing zoning regulations is to protect the public health, safety and welfare. Zoning ordinances include definitions, administrative procedures, use provisions and performance standards. The Sanctuary development is consistent with every provision of the Zoning Ordinance, except the 150-foot OHWL setback requirement and the 75-foot Shore Impact Zone.

The applicant is not proposing any structures within a proposed 50-foot OHWL minimum setback area. The Shore Impact Zone will also be 50 feet. There are no proposed water-oriented structures within the development. There is an existing footpath that will enable owners within the Sanctuary development to have walking access to an inlet on the northwest portion of the Property.

Reducing the OHWL setback affects a dimensional standard in the Shoreland Management Ordinance. There are no other setback requirements in Columbus that exceed a 50-foot setback, except the 75-foot unsewered structure setback on Coon Lake and the 100-foot unsewered structure setbacks on the Tributary Rivers and Streams. The sewer structure setback for these shoreland areas is 50 feet.

Given the characteristics of the Sanctuary Property, it can be concluded that any sense of crowding at the lake front is diminished because of the extensive setback that remains from the visible shoreline. Concerns over water quality would not appear to be an issue because the development is consistent with State wetland buffer requirements and it is regulated by provisions for urban stormwater management. The natural character of the lake is protected by the existing vegetation and depth of the wetland separating the development from the visible shoreline. New residential single family housing on this property will not have a negative impact on any adjacent property values.

A concern often referenced in variance considerations regards establishing any precedents for future actions. However, variances are property-specific and each

application will be evaluated on its own merits. If the identical conditions exist on another property with the same zoning and shoreland regulations, then the issuance of a variance would be similarly justified. The fact is that there are very few circumstances that could be similar; because, there few properties with public utilities available that are affected by shoreline standards. There are also no other undeveloped properties on Howard Lake where the shoreline isn't already owned by the DNR.

**For these reasons, the variance, if granted, is in harmony with the purpose and intent of the Zoning Ordinance.**

F. The practical difficulty is not created solely by economic considerations.

Consideration for relief of zoning regulations on the Property is based on several factors, including unique property circumstances, conflicting State policies on development, and the proposed reasonable use of property. The applicant has not sought an increase in development density or the relaxation of basic development standards. The applicant has proposed a reasonable development consistent with the City's development standards for senior citizen housing.

The Property is impacted by previous policy decisions by both the City and the metropolitan council requiring the urban development of the Property to justify the installation of public utilities. Similarly, the State impacted the Property with restrictive development standards that do not necessarily apply uniformly to all properties in the City. Virtually all development is scrutinized, today, to manage costs for ever increasing regulations that affect the feasibility of land development. The applicant has proposed a development project that is consistent with the Zoning Ordinance and Comprehensive Plan and was well received by the Planning Commission and City Council.

**For these reasons, the practical difficulties that necessitate the variances are not limited to economic considerations alone.**

## **8. Public Open Forum**

Lynn Carver – Quinn 7540 152<sup>nd</sup> Lane NE

Quinn came forward to say that voting to approve the Bituminous Roadways applications was a disservice to the people of Columbus, as Council Member's constituents. She applauded certain members of the Council for being kind and treating people with respect. At this time Griffith noted that all Public Open Forum topics need to be addressing something that is not already on the agenda. Quinn finished by saying that the Council was elected to serve the residents of Columbus, and she does not believe that has happened.

## **D. STAFF AND CONSULTANT REPORTS**

### **9. Engineer Report**

Postler reported on two (2) items; a Right of Entry Agreement from Anoka County, and the City's Local Surface Water Management Plan.

Anoka County Right of Entry Agreement

Postler reported that Anoka County is requesting a Right of Entry Agreement for the CSAH 54 Relocation Project, so that they can perform soil borings on the City's property.

**Motion by Daly to approve the Anoka County Right of Entry Agreement. Seconded by**

13 OF 15

**Peterson. Motion carried unanimously.**

Local Surface Water Management Plan

The second topic raised by Postler was a Local Surface Water Management Plan (LSWMP). Cities are encouraged to update their LSWMP every ten years or so, and Columbus' was last updated in 2010. The Met Council is requesting that Columbus update theirs now since the City is also working on a Comprehensive Plan Update. Postler put together a proposal for completing the LSWMP, and is asking for approval to do so at an estimated cost of \$34,700. Postler noted that updating the LSWMP now while the Comprehensive Plan is also being updated is smart, and there are new regulations and requirements which should be addressed in this plan. He finished by saying that he would use as much data as possible from the watershed organizations to keep costs down.

Mayor Povolny asked Mursko where the money to fund this plan will come from? She replied that there is some money budgeted for it, but to pay for its entirety the City will also make use of grant funding and money in the transportation fund. Postler noted that as more development comes to Columbus, the City will be required to maintain and monitor storm water systems and this plan will help in that effort. Mursko added that Columbus has already accepted stormwater ponds for transportation projects and developments like Preiner's Preserve, and even more will be coming as new developments come to Columbus.

**Motion by Daly to direct City Engineer Dennis Postler to prepare an update to the 2010 Local Surface Water Management Plan for an estimated fee of \$34,700, as required by MN Administrative Rules, State Statutes, WMOs, and the Met Council. Seconded by Krebs. Motion carried unanimously.**

**10. Attorney Report**

City Attorney Bill Griffith had a brief report on a meeting with Minnesota Management and Budget (MMB) and Anoka County about funding for County projects in Columbus. There has been disagreement over which portions of the County projects can be reimbursed through the bonding bill. He felt confident that during the meeting the group made progress with the MMB Commissioner, and is hopeful that the language in the bill will be read flexibly, allowing the projects to go forward.

**11. Mayor and City Council Member's Report**

Mayor Dave Povolny

No report.

Council Member Daly

Council Member Daly reported that he rode along with Public Works on part of their snow plowing route the other day. He said it was very interesting, and he gives them a lot of credit for doing a great job.

Council Member Peterson

Council Member Peterson attended the most recent Sunrise Watershed Management Organization meeting. They voted to approve the budget, and will be bringing that information to the Columbus City Council for review.

Council Member Krebs

No report.

Council Member Duraine

No report.

**12. Public Works Report**

No report.

**13. Public Communications Coordinator Report**

No report.

**14. City Administrator's Report**

City Administrator Elizabeth Mursko reported that the City's procurement policy and fund transfers will be on the next City Council meeting agenda.

Mursko also noted that the workshop which was scheduled with the Forest Lake City Council for February 19<sup>th</sup> had to be cancelled because that is President's Day. They are working on finding a new date for the meeting.

Mursko continued by reminding the Council of two workshops that the City is hosting in February. On February 8<sup>th</sup> at 7:00 pm is a Freeway District workshop with property owners in that area. There is also an Open House with Anoka County on that day, from 4:30 pm to 6:30 pm, to discuss the CSAH 54 realignment project. Lastly, on February 15<sup>th</sup> at 7:00 pm is an open house for all Columbus property owners to discuss updates to the Comprehensive Plan. All meetings will be held in the Columbus City Hall.

Mursko finished by reporting that the Planning Commission meeting on February 7<sup>th</sup> is cancelled, but expects the Council and Planning Commission both to attend the February 8<sup>th</sup> meeting about the Freeway District.

**E. ANNOUNCEMENTS & REMINDERS**

**The next Planning Commission meeting is February 21, 2018 at 7:00 p.m.**

**Calendar of Meetings.**

**F. ADJOURNMENT**

**Motion by Krebs to adjourn. Seconded by Daly. Motion carried unanimously.**

**Meeting adjourned at 7:39 p.m.**

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator