

City of Columbus
Regular Planning Commission Meeting
June 7, 2017

The June 7, 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, and Recording Secretary Karen Boland.

Also in attendance were City Council members Denny Peterson, and Bill Krebs; Amy and Troy Lund, Jeff Brown, Peter and Marti Scharbach, Stacey Jensen and Aaron Bedessem of Running Aces, Brent Kinder, Mary Kinder, Brian Kinder, Andrew Landstrom, Jon Peterson, Pat Preiner, and Jim Windingstad (7:30).

AGENDA APPROVAL

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

APPROVAL – REGULAR PC MEETING MINUTES OF APRIL 19, 2017

Motion by Wolowski to approve the minutes of the April 19, 2017 regular Planning Commission meeting as written. Second by Preiner. Motion carried.

CONTINUED DISCUSSION - 5036 197TH AVENUE NE VARIANCE (PC-17-106)

At their April 5, 2017 meeting, PC members agreed that discussion of this request would be continued after the applicant obtained a survey, and knew the exact desired location of the building placement. The applicant, Peter Scharbach, returned with that requested information. The actual variance is from the required 10-foot side yard setback for an accessory building at 5036 197th Avenue NE, to a three-foot side yard setback. Mr. Scharbach clarified that there is no overhang on the accessory building; it will have gutters.

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? **Lot size: long and narrow.**

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: (Insert dates of action)	Approval: 06/07/17 Denial:
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City Council Action:

Approval:

Denial:

Motion by Krebs to forward to the City Council the application for a variance (PC-17-106) from the required 10-foot side yard setback to a three-foot side yard setback for an accessory building at 5036 197th Avenue NE, 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 June 14th.

PUBLIC HEARING – 9218 LAKE DRIVE IUP REQUEST (PC-17-107)

At this time a public hearing was held to consider a request for an Interim Use Permit (IUP) to allow the existing concrete bunkers to remain in place on property at 9218 Lake Drive. Separate minutes are prepared.

9218 LAKE DRIVE IUP DISCUSSION:

PC members discussed omission of Finding of Fact #7 referring to a 2016 date. The request for a five-year permit was also discussed. Mursko said the City has no issues, as long as applicant agrees that things will not be added to the property (e.g. equipment, materials, etc.), and it will not be altered. The permit is strictly for the bunkers. PC members agreed that the five-year period is okay, as long as there is an added provision that makes clear the property will not be altered, and there will not be additional storage of equipment, etc. Mursko suggested asking the City Attorney to come up with some language.

Motion by Krebs to forward to the City Council the application for an IUP to allow the existing concrete bunkers to remain in place on the property at 9218 Lake Drive, with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner’s memo dated May 17, 2017, with the omission of Finding of Fact #7, a period of five years noted in Recommendation #6, and the addition of Recommendation #10 as discussed above and with language recommended by the City Attorney. Second by Preiner. Motion carried.

Findings of Fact

1. Peterson Companies, Inc. (“Peterson”) submitted an IUP application on April 7, 2017 to operate salt/sand storage for its snowplowing business at 9218 Lake Drive (“Property”). The application was found incomplete.
2. An updated IUP application, received by the City on May 2, 2017, was found complete.
3. The 60-day review period ends on July 1, 2017. The 120-day review period, if necessary, ends on August 30, 2017.
4. Peterson received an IUP on April 8, 2015 to operate salt/sand storage on the Property for its snowplowing business, which expired on May 31, 2016.
5. Peterson previously constructed two contiguous concrete walled, wood and metal framed structures, which are approximately 80 feet long and a combined width of approximately 45 feet.
6. The roofs are approximately 24 feet in height and are covered with ‘greenhouse plastic.’

- ~~7. The temporary structures were to have been removed from the Property no later than June 30, 2016.~~
8. The 2017 IUP application is similar to the 2015 IUP application.
9. The Property will be used only by Peterson employees for access to salt/sand storage for use in its snow removal business, excepting third party vendors delivering salt and sand.
10. Truck traffic during an average snow event (less than 10 inches) is estimated at approximately eight trucks per day.
11. Peak truck usage for major snow events (greater than 10 inches) is estimated at approximately ten trucks per day.
12. A front end loader and skid steer loader will be left on the Property during the snow season.
13. Except for year round site maintenance, delivery of salt and sand in the snow season, and the loading of dump trucks with salt/sand mix during snow events, no other use of the Property is proposed.
14. Access to the Property is provided via the existing gated access on Lake Drive.
15. There will be no fuels stored or dispensed on the Property and no hazardous materials will be used or stored on the Property.
16. Peterson has requested a five-year permit.
17. The Planning Commission held a public hearing on June 6, 2017 to consider the proposed Peterson IUP.

Recommendations

Based upon the above findings of fact, the Planning Commission recommends to the City Council approval of the Peterson Salt/Sand Storage Buildings IUP, with the following conditions.

1. Access to the Property is subject to jurisdiction by Anoka County.
2. Use of the Property is limited to year round site and building maintenance, year round communication tower access and maintenance, seasonal vendor unloading of bulk salt and sand, storage and blending of salt and sand, and seasonal load out of salt/sand during snow events.
3. Use of the Property for salt/sand blending, storage and load out during the snow season is limited to Peterson employees and vehicles.
4. Equipment storage on the Property shall be limited to a front end loader and skid steer loader during the snow season and during deliveries and processing of salt and sand.
5. There shall be no fuels or hazardous materials stored on the Property.
6. The term of the IUP shall be valid from the date of City Council approval until **five years after that date.**
7. The salt/sand storage buildings shall be removed from the Property and the Property shall be restored to a pre-salt/sand storage buildings condition within 30 days of the expiration of the IUP.
8. Peterson shall furnish the City with a cash escrow or letter of credit in the amount of \$50,000.00 to guarantee removal of the salt/sand structures and site restoration.
9. Peterson shall reimburse the City for its out of pocket expenses incurred in the review and approval of the IUP, including any subsequent inspection and enforcement actions.
10. **(Language to be determined by City Attorney, re: no alteration of property or addition of equipment, materials, etc.)**

This matter will go before the City Council at their meeting on June 14th.

PUBLIC HEARING – 15201 ZURICH STREET IUP REQUEST – NORTH METRO HARNESS INITIATIVE SPECIAL EVENTS (PC-17-108)

At this time a public hearing was held to consider a request for an interim use permit (IUP) in the HR District to hold events and activities at Running Aces Casino and Racetrack. Separate minutes are prepared.

15201 ZURICH STREET IUP – NORTH METRO HARNESS INITIATIVE SPECIAL EVENTS DISCUSSION

Motion by Krebs to forward to the City Council the application for an IUP in the HR District to hold events and activities at Running Aces Casino and Racetrack, with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner’s memo dated May 17, 2017, with amendment to 2017 Special IUP Finding #9, and 2017 Special IUP Recommendation #10 as noted below. Second by Preiner. Motion carried.

2017 Special IUP Findings

1. The City received an application for a Special IUP from Running Aces on April 27, 2017.
2. The 60-day review will terminate on June 26, 2017. The 120-day review, if necessary, will terminate on August 25, 2017.
3. The 2017 Special IUP application is similar to the 2012 Special IUP application.
4. There are 10 general categories of special events identified in the 2017 Special IUP application.
5. Four events (e.g., motorcycle & antique car staging events, shows [motorcycle/antique car shows and RV shows], and outdoor music) will be conducted in the main parking areas north of the card room/grandstand building.
6. Six events (e.g. expos [animal & hunting/camping expos], flea market & antique shows, Go-kart races and charity events, 5K/10K races, Halloween Hayride) will be conducted in the Barn area, with overflow parking in the north parking lots.
7. The application clearly notes that the park and ride lot will not be used on week days for any events.
8. Some of the events to be held in the north parking lot may require tents, vending, outside catering, satellite toilets, PA systems or special electrical needs.
9. Some of the events may include tents for vendors, food and beverage service. Food **service is provided by licensed food vendors**, and beverage service is provided through Running Aces’ ~~catering and~~ liquor licensing.
10. Some of the events may include PA systems.
11. Some events may require additional electrical services.
12. Some events may require satellite toilets.
13. Advanced notice must be provided to the City Building Official and Fire Marshal for any required approval for tent structures, vending, outside catering, satellite toilets, PA systems or special electrical needs.
14. Running Aces will take the responsibility of having the satellite toilets on the property if they are needed. Satellite toilets may be placed no more than 24 hours in advance of an event and must be removed within 36 hours of the event.

15. There may be overnight parking for exhibitor or vendor display vehicles, trailers, and equipment, but not overnight stays by participants. The exception to this may be RV overnight parking in accordance with Running Aces' RV policies, approved by the City.
16. Outdoor activities including any extra lighting and PA system usage will end at 11:00 p.m. and will be operated in compliance with the original Conditional Use Permit (CUP) for the race track.
17. Running Aces has identified several events that may require additional security personnel and law enforcement for "crowd" control and traffic management.
18. Running Aces has identified the need to coordinate off-site walk/run events (advance route planning and participant safety) with the City and County Sheriff.
19. Trash and recycling receptacles will be provided for each event.
20. The proposed events in the April 27, 2017 application are planned to occur between April and November, and without conflicting regular harness racing events.
21. The Interim Use Permit provisions in the Horse Racing (HR) District allow flexibility for non-date-specific events identified in the IUP, provided such flexibility is stated in the IUP and provided "proper notice is given to the City." Proper notice is currently defined as 15 business days.
22. The flexibility and implementation the City envisioned in issuing a Special IUP is elaborated in Section 7A-777E. of the City Code by requiring a Special Interim Use Permit Agreement based on the following criteria:
 - a. Site plans for each event subject to City Administrator approval;
 - b. Notification requirements and procedures for individual special events;
 - c. Sufficient security, parking and traffic control;
 - d. Plans for Site restoration and surrounding Site cleanup to be completed within 36 hours of the conclusion of each event;
 - e. Food Service is provided in accordance with permits and requirements under City, County and State regulations;
 - f. City Building Inspection of tents and temporary structures, as necessary, for each event;
 - g. Necessary limits on any amplified music regarding both level of noise and time of day; and,
 - h. Compliance with City and State laws on alcoholic beverage licenses and permits.
23. The Planning Commission held a public hearing on June 6, 2017 to consider the IUP application by Running Aces.

2017 Special IUP Recommendations

Based upon the above Findings of Fact, the Planning Commission should recommend to the City Council approval of the Running Aces Special IUP, subject to the following conditions:

1. The applicant will be allowed flexibility in the number of Events within the Event categories included in the Running Aces April 27, 2017 Special IUP application and the dates on which the Events may occur, for City Administrator review and approval, provided:

- a. Written notification from Running Aces of a specific Event is submitted to the City Administrator at least 15 business days before the Event is scheduled to take place.
 - b. The written notification includes the pre-approved description of the Event category from the Running Aces April 27, 2017 Special IUP application to the City.
 - c. The written notification includes a written summary of any activities that are a departure from the pre-approved description of the Event category from the Running Aces April 27, 2017 Special IUP application to the City.
 - d. Running Aces shall submit specific Event Site Plans to the City Administrator at least 15 business days before the Event is scheduled to take place.
2. The City Administrator shall approve the Special Event, provided the Special Event is consistent with the pre-approved description of the Event category from the Running Aces April 27, 2017 Special IUP application to the City.
 3. The City Administrator may approve the Special Event, including a departure from the pre-approved description of the Event category in the Running Aces April 27, 2017 Special IUP application to the City, provided said departure is from an activity identified on the pre-approved description of other Events approved in the Special IUP.
 4. In each Special Event approval, the City Administrator shall identify any specific security or traffic management measures that are required, and shall identify any specific building permit or electrical permit requirements and inspections that are necessary.
 5. Any Special Event request that is not a pre-approved Event category described in the Running Aces April 27, 2017 Special IUP application to the City, may be referred to the City Council for consideration and approval consistent with the provisions in Section 7A-777D. of the City Code.
 6. Each Special Event approved by the City Administrator or City Council shall be conducted consistent with the Event description in the Running Aces April 27, 2017 Special IUP application to the City, or as modified and approved by the City Administrator or City Council.
 7. The park and ride lot (identified as Lot B in the Running Aces April 27, 2017 Special IUP application) shall not be used for Special Events on weekdays.
 8. Overnight parking for Special Events shall be limited to unoccupied exhibitor or vendor vehicles, trailers, and equipment and RV parking consistent with the original North Metro Harness Initiative facility Conditional Use Permit (CUP).
 9. Any off-site Events such as 5K/10K walk/race Events shall require advanced planning and approval by the City and Anoka County Sherriff's Department.
 10. ~~Food and beverage services associated with~~ **For** any approved Special Event, **food service** shall be provided **by licensed food vendors, and beverage service shall be provided** exclusively through Running Aces' ~~food catering and~~ alcohol licenses.
 11. The use of any existing or supplemental site lighting for Special Events shall be consistent with the original North Metro Harness Initiative facility CUP and shall not be used between the hours of 11:00 p.m. and 6:00 a.m.
 12. The use of any existing or supplemental public address systems shall be consistent with the original North Metro Harness Initiative facility CUP and shall not be used between the hours of 11:00 p.m. and 6:00 a.m.

13. Animal wastes associated with an animal expo or other live animal approved Special Event shall be managed consistent with the original North Metro Harness Initiative facility CUP.
14. Uncontained wastes, litter, and debris resulting from an approved Special Event shall be properly cleaned and contained from the Running Aces site, public rights-of-way, and adjacent properties within 24 hours of the end of the Special Event. The end of the Special Event shall mean the end of public or special invitees' activities on the premises.
15. Litter and debris shall be properly cleaned and contained on a daily basis during the month-long planned Halloween Hayride event.
16. Total site restoration (e.g. removal of trash, recycling, tents, vehicles, equipment, and all other external evidence of a Special Event) shall be completed within 36 hours of the end of the Special Event.
17. All other operational aspects and conduct of Special Events shall be in compliance with the original North Metro Harness Initiative facility CUP.
18. The operation and conduct of Special Events shall be in compliance with all other local, state, and federal ordinances, rules, and laws.
19. The Term of the Special IUP shall be five years from the date of approval by the City Council, subject to annual administrative review.
20. Running Aces shall execute a Special Events Interim Use Permit Agreement with the City and provide a Special Events Interim Use Permit deposit to cover the costs associated with Event mitigation.
21. The Running Aces April 27, 2017 Special IUP application shall be attached as an Appendix to the Special IUP Agreement.

This matter will go before the City Council at their meeting on June 14th.

PUBLIC HEARING – XXXX CROSSWAYS LAKE DRIVE VARIANCE REQUEST (PC-17-109)

At this time a public hearing was held to consider a request for a variance from the required 16.5-foot wetland buffer setback to a four-foot wetland buffer setback for the construction of a new home. Separate minutes are prepared.

XXXX CROSSWAYS LAKE DRIVE VARIANCE DISCUSSION

PC members agreed that discussion of this request would be continued after the applicant gets a letter of approval from the Rice Creek Watershed. Mursko explained that while a building permit cannot be issued before CC approval of the variance request, it can be processed. The PC's next meeting is on June 21st.

PUBLIC OPEN FORUM

There was no topic raised for discussion for Open Forum.

CITY ADMINISTRATOR'S REPORT

Mursko said there will be six applications to process at the next PC meeting on June 21st. Bituminous Roadways will have a rezone, a plat, and a CUP request. Joe Bazey has a CUP request. There is a subdivision on 141st, with one new lot. There will also be a draft storage-container ordinance to discuss, and a review of the updated mapping for existing land use.

In July, Mursko said there will also be a lot of applications to process. There will be no meeting the first week in July; the only July PC meeting will be on July 19th.

Mursko added that Bituminous Roadways is proposing to be located in the triangle in the freeway district. They will subdivide to two lots: one for the asphalt plant, the other for an office.

She informed PC members that the City was approached by Mobile Mini, a national storage-container business. They would like to locate to an existing facility on Lake Drive. They store, lease, rent, and purchase storage containers.

PLANNING COMMISSION MEMBERS' REPORT

KREBS COMMENT:

Krebs said a recent trip to Hawaii was wonderful; Pearl Harbor is overwhelming and emotional.

On Saturday, April 22nd, she attended a fundraiser for Jase Erickson. It was a big success.

Krebs also said she attended the Lino Lakes Memorial Day ceremony and it was beautiful.

PREINER COMMENT:

Preiner asked Mursko about the 97 bridge project. Mursko reported there was a successful bonding bill which allocated 9 million dollars in trunk highway funds to the project. That is for the relocation of 54, the roundabout at 23, and the relocation of Hornsby Street. The City was unsuccessful in obtaining the 6.2 million dollars, because the Governor said he would not sign any bill earmarked for projects. However, Anoka County will vote on those dollars next Tuesday, June 13th. If they approve the MN DOT agreement, the 97 bridge project will move forward. This money is needed for the interchange. MN DOT has agreed to construct a new bridge deck, but does not have money for the interchange. Mursko expressed gratitude for the 9 million dollars invested into the community, and mentioned the hard work of the City's lobbyist Margaret Vesel, County Commissioner Rhonda Sivarajah, and State Representative Bob Dettmer.

WOLOWSKI COMMENT:

Wolowski said the chiropractor in her building, Dr. Ashley Rath, is leaving. She is being replaced by a husband and wife team from Oregon. Please welcome them to Columbus.

WATSON COMMENT:

Watson echoed Commissioner Krebs' statement about Hawaii.

ATTENDANCE - NEXT CC MEETING

Watson will attend the City Council meeting on June 14, 2017.

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

Meeting adjourned at 8:07 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary