

City of Columbus
Regular Planning Commission Meeting
July 19, 2017

The July 19, 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, City Planner Dean Johnson, City Attorney Jacob Steen, and Public Communications Coordinator Jessica Hughes.

Also in attendance was City Council member Denny Peterson, and Deputy Mayor Bill Krebs; Norma Heuer, Dan Mike, Taro Ito of Running Aces, Kent Peterson of Bituminous Roadways, Richard Swanson, Joe Radach of Carlson McCain, Inc., Jon Rausch, Haila Maze, Pat Preiner, Mary Preiner, Mike Nelson, Mark & Jackie Kotchen, Pamela Olson, Ted Floers, Jim Hoffman, Mark Thieroff, and Vince Stevens.

AGENDA APPROVAL

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

APPROVAL – ASZMANN PRELIMINARY PLAT REQUEST PUBLIC HEARING MINUTES OF JUNE 21, 2017

Motion by Krebs to approve the minutes from the Aszmann Preliminary Plat request Public Hearing held on June 21, 2017 as written. Second by Preiner. Motion carried.

APPROVAL – BITUMINOUS ROADWAYS COLUMBUS PRELIMINARY PLAT REQUEST PUBLIC HEARING MINUTES OF JUNE 21, 2017

Motion by Krebs to approve the minutes from the Bituminous Roadways Columbus Preliminary Plat request Public Hearing held on June 21, 2017 as written. Second by Wolowski. Motion carried.

APPROVAL – BITUMINOUS ROADWAYS COLUMBUS REZONE/CUP REQUEST PUBLIC HEARING MINUTES OF JUNE 21, 2017

Motion by Krebs to approve the minutes from the Bituminous Roadways Columbus Rezone/CUP request Public Hearing held on June 21, 2017 as written. Second by Wolowski. Motion carried.

APPROVAL – FREEWAY MINI STORAGE CUP AMENDMENT REQUEST PUBLIC HEARING MINUTES OF JUNE 21, 2017

Motion by Wolowski to approve the minutes from the Freeway Mini Storage CUP Amendment request Public Hearing held on June 21, 2017 as written. Second by Krebs. Motion carried.

APPROVAL – CONSTRUCTION TECHNOLOGY CUP AMENDMENT REQUEST PUBLIC HEARING MINUTES OF JUNE 21, 2017

Motion by Preiner to approve the minutes from the Construction Technology CUP Amendment request Public Hearing held on June 21, 2017 as written. Second by Watson. Motion carried.

APPROVAL – REGULAR PC MEETING MINUTES OF JUNE 21, 2017

Motion by Krebs to approve the minutes of the June 21, 2017 regular Planning Commission meeting as written. Second by Watson. Motion carried.

CONTINUED DISCUSSION – BITUMINOUS ROADWAYS COLUMBUS PRELIMINARY PLAT AND REZONE/CUP (PC-17-111 and PC-17-112)

At their June 21, 2017 meeting, PC members agreed that discussion of these requests would be continued. Representatives Kent Peterson, CEO of Bituminous Roadways, and Joe Radach, of Carlson McCain, came forward to present updated documents to the Planning Commission.

Considered first was a revised site plan. After comments from Anoka County about access to the facility, a few changes were made. The site plan currently has two accesses to W Freeway Drive. Anoka County was concerned with traffic making left turns out of the northerly access, so they have updated plans for that access to be right turn only. Anoka County also wanted to see right and left turn lanes added to the southerly access, so those lanes have been added to the site plan. Lastly, right of way lines and sight distances were also updated based on Anoka County's comments.

Next, Radach presented a traffic study on the Bituminous Roadways trucking. The study showed that on average there would be roughly 260 trips, and on a peak day there would be 520 trips. Radach compared these numbers to a distribution center which has roughly 3,000 trips on an average day.

Peterson took this time to present information on emissions. He displayed a table of emissions numbers from Bituminous Roadways' three other locations; Minneapolis, Shakopee, and Inver Grove Heights. The table also showed the emission limits that are imposed by their permits, and noted that their actual amounts are significantly less than the limits.

Commissioner Watson asked Peterson about odors from the operation. Peterson said that the odor comes from hydrogen sulfide, and is managed in different ways. He explained that as an asphalt tank is being filled, air which contains asphalt particles (that have an odor) are pushed toward the top of the tank. Bituminous Roadways has installed condensers on their tanks that will capture these asphalt particles and send them back down into the liquid, mitigating odor coming from the tanks. Peterson also explained that they will use additives which neutralize odors as needed.

After the presentation from Peterson and Radach, Chair Sternberg took comment from the public.

Tom Snell – Executive Director, White Bear Lake Chamber of Commerce, 4751 Highway 61 N
Snell came forward to avidly support Running Aces Casino and Racetrack. He noted that over 70% of new business derives from companies that are already established in an area. His second concern was air quality for the areas of Centerville and Hugo, who are members of the White Bear Lake Chamber of Commerce and are close in proximity to Columbus. Snell's third concern was water usage. Snell asserted that certain asphalt plants use an exorbitant amount of water. He pointed out that the area has concerns about groundwater usage, and that needs to be seriously considered.

Tom Olson – 13332 Lyons Street NE

Olson began by asking what location on Lake Drive was considered for the placement of the Bituminous Roadways facility. Commissioners showed Olson a map of the Commercial Industrial district on Lake Drive. He expressed his belief that the proposed W Freeway Drive location is in the wrong type of district. Olson encouraged the Commission to consider that the City of Roseville denied Bituminous Roadways' application to build there. It is his belief that Bituminous Roadways' other facilities in the state are situated farther away from residential areas than this proposed W Freeway Drive location is. Olson suggested that a City's economic growth comes primarily from existing businesses. He concluded by saying the area surrounding this parcel of land will be greatly affected by the addition of this plant.

Taro Ito – President/CEO, Running Aces Casino and Racetrack

Ito spoke on behalf of Running Aces Casino and Racetrack. He voiced strong opposition to Bituminous Roadways building a plant in the location off W Freeway Drive. Ito pointed out that the rezoning is going against Columbus' current Comprehensive Plan. He also said that the legal precedent for asphalt plants is that they create hazardous and offensive conditions which are associated with heavy industry. Ito asserted that the rest of the country designates asphalt plants as heavy industry, and the Commercial Industrial district along Lake Drive is designed to house a heavy industry operation. Ito then asked if an Environmental Impact Study (EIS/EAW) has been requested through the Minnesota Pollution Control Agency, and if not, why? He requested that the PC include the completion of an EIS as a requirement for the developer. Next, Ito address the concern about the increase in truck traffic along W Freeway Drive. He noted that Running Aces is not against all types of traffic, but they are opposed to the number of asphalt carrying trucks that will travel in front of the Racetrack. He emphasized that asphalt carrying trucks are particularly odorous and frustrating to share the road with. The last topic raised was concern about the proposed hotel to be added to Running Aces. Ito said he will have to seriously reconsider investing roughly \$9 million into a new hotel if Bituminous Roadways builds their facility on W Freeway Drive. He noted that it is a very large investment, and the Racetrack must consider all factors that could affect development at Running Aces. Running Aces is the most beautiful location in Columbus, Ito suggested, and asked why the City is willing to jeopardize its future?

John Derus – Director, Running Aces Casino and Racetrack

Derus also spoke on behalf of Running Aces Casino and Racetrack. He started by saying that the relationship with the City of Columbus has been a good one, and Running Aces is very grateful for that. However, the business of horse racing is a delicate one. Derus explained that at any given point during racing season, there can be up to roughly \$3 million worth of horses living on their property. If the owners of these horses don't see Running Aces as an ideal place to board and race, the business will suffer. In addition, Running Aces is the largest employer in Columbus, and there is concern that if horse racing suffers then tough decisions will have to be made about the number of employees on staff. Lastly, Derus explained that the prevailing winds in the area come from the south, which would push emissions from Bituminous Roadways north to Running Aces. The concern is that emissions may collect in the air above Running Aces because of the such winds, and in turn, the potential effects on the health of horses on the property.

Dennis Nelson – 8201 20th Avenue, Lino Lakes

Nelson expressed concern about the environmental impact that adding the Bituminous Roadways facility would have on the area. He used to work in a refinery and has sensitive allergies from that

time. Nelson expressed his concern that reports of particulate levels can be manipulated to appear safer than they actually are. Nelson's secondary concern is the smell from truck traffic. He argues that the trucks from Bituminous Roadways will smell badly enough to force him to move out of the area.

Norma Heuer – 8289 20th Avenue, Lino Lakes

Heuer came forward and asked a few questions. Her first question was whether it has been looked into that the Rice Creek Watershed District has not received all of the necessary paperwork from Bituminous Roadways? Heuer's second question was whether a consultation was completed through the National Environmental Policy Act? And if so, can the report be made public? She noted that the Minnesota Pollution Control Agency states that all local governments must do all they can to prevent land uses that violate the state's noise regulations. Heuer also said she has grave concerns about the water table, and how the drinking water of Bituminous Roadways' neighbors will be affected. Heuer said that until these issues are addressed the decision about rezoning should be postponed.

John Taylor – 13518 Lyons Street NE

Taylor started by asking whether an asphalt plant should be the first thing people see when they drive into Columbus? He noted that Lino Lakes wants a buffer zone due to a residential district abutting the proposed Bituminous Roadways property. Next, he said that regardless of safety measures required by these types of plants, there is always the potential for leaks or spills. Taylor is wondering if there is a guarantee that neighbors' wells won't be contaminated? He suggested all residents in the area test their well water as soon as possible. Taylor also expressed his concern about the smell of asphalt trucks, and about toxins going into the air from the product in the trucks. He also said that he can smell an asphalt plant in Maple Grove, MN up to five miles away. Taylor then asked whether Bituminous Roadways is exempt from hooking up to City utilities? He finished by saying he does not understand why this is being pushed through, as the proposed plant would have a small number of employees, and the biggest employer in the area (Running Aces Casino and Racetrack) opposes the project.

Jon Rausch – Co-owner of Proposed Bituminous Roadways Property

Rausch came forward to speak on behalf of himself and Frank Frattalone, who could not attend the meeting. He thanked Ito for meeting with himself and Peterson and addressing concerns. In that discussion, the topic of horses living near an asphalt plant was brought up. Rausch chose to investigate this topic further. To do so he spoke with Bruce Malkerson, who lives near Canterbury Park and races horses there. His home sits roughly 50-100 yards from the edge of an asphalt plant, and he raises horses on his land. Malkerson said that his horses are winning at Canterbury and are in good health. Rausch said he will share the findings from his conversation with Running Aces Casino and Racetrack in order to provide some reference. The second topic he raised was the amount of wetlands in the area of the proposed Bituminous Roadways plant. He said that there is a very small amount of upland, which limits the amount of industry that could locate there. Rausch finished by noting that the City of Blaine is basically full, and businesses are moving up I-35 to look for new locations to develop. He does not believe that retail businesses will be looking to develop in the area of the proposed Bituminous Roadways facility, as the dynamic of retail is changing.

Jeff Meehan – Keller Williams Commercial Real Estate, representing Kent Peterson

Meehan came forward to clarify that he and Peterson spent roughly two years looking for property along Lake Drive before choosing the W Freeway Drive location. The locations for sale on Lake Drive were not large enough for the operation. Meehan and Peterson tried to purchase property that was not for sale in order to combine multiple lots together and create a parcel large enough for the Bituminous Roadways facility, however that was unsuccessful.

Marlene Nelson

Nelson spoke on the topic of property values. She is concerned that for those living near the proposed Bituminous Roadways facility, the value of their homes and property will decrease because living near an asphalt plant is not ideal.

Continued Discussion

At this time there was continued discussion amongst the PC about this topic.

PC members wanted to explain the situation with City utilities. Rezoning the property from LI Light Industrial to CI Commercial Industrial would no longer subject Bituminous Roadways to the requirement of hooking up to City utilities. The reasoning for waiving the requirement is that for the utilities to reach the proposed location, they would have to be extended under the freeway, which would result in an exorbitant cost to Bituminous Roadways. Steen clarified that the assessments on the two properties which would bear the cost of this extension will still remain against the property and need to be paid as with any other assessments.

Preiner asked if the PC would be able to require the completion of an EIS? Steen answered that the PC can only recommend an environmental review and that the City Council could require an EAW as a condition of approval based on its legislative discretion. He also clarified that the reason an environmental review has not been required is that no mandatory environmental review thresholds have been met. For example, certain particulate levels must reach a specific threshold before an environmental review is required. The Bituminous Roadways operation has not reached any of the mandatory thresholds to require an EIS or EAW. Krebs noted that the CUP Findings of Fact #11 addresses the regulation of air quality emissions based on Minnesota Pollution Control Agency requirements.

Sternberg asked what could be done to mitigate the potential for spills or leaks? Peterson said that the facility is designed with containments around their tanks which have a 110% capacity to hold any potential leaks or spills.

Krebs suggested adding a condition that trucks cannot haul on nights that Running Aces has horse racing. Peterson said that he would be okay with such a condition. Both Johnson and Steen highly recommended that this condition contain very specific language in terms of dates, time of day, etc... Johnson suggested that Bituminous Roadways and Running Aces work together to come up with the best language for that condition.

Motion by Krebs to forward to the City Council the application from Bituminous Roadways Columbus for a preliminary plat (PC-17-111) combining two lots and creating two new lots (dated 04.14.17), with a recommendation for approval based on Findings of Fact and Recommendations

for approval from the Planner's Memo (dated 06.19.17). Second by Watson. Votes as follows; Krebs – aye; Preiner – nay; Sternberg – aye; Wolowski – nay; Watson – aye. Motion carries.

Motion by Krebs to forward to the City Council the rezone application (PC-17-112) for rezoning two land parcels (46.44 acres) from LI Light Industrial to CI Community Industrial zoning (dated 04.14.17), with a recommendation for approval based on Findings of Fact and Recommendations for approval from the Planner's Memo (dated 06.19.17). Second by Watson. Votes as follows; Krebs – aye; Preiner – nay; Sternberg – aye; Wolowski – nay; Watson – aye. Motion carries.

Motion by Krebs to forward to the City Council the application (PC-17-112) for a Conditional Use Permit to construct and operate an asphalt production plant with storage and handling of various construction materials at the facility (dated 04.14.17), with a recommendation for approval based on Findings of Fact and Recommendations for approval from the Planner's Memo (dated 06.19.17), and the additional recommendation with language from the City Attorney that hauling will not take place during Running Aces Casino and Racetrack's race days. Second by Sternberg. Votes as follows; Krebs – aye; Preiner – nay; Sternberg – aye; Wolowski – nay; Watson – aye. Motion carries.

Bituminous Roadways Columbus Preliminary Plat Findings of Fact

1. The City received a preliminary plat application from Bituminous Roadways, Inc. ("BRI") on April 14, 2017 and supplemented on May 11, 2017. The application was found complete.
2. The 120-day preliminary plat review deadline is September 8, 2017.
3. The proposed 46.44-acre, 2-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 will be removed and two existing septic systems and two existing wells will be abandoned according to County standards.
5. The Property is currently zoned LI Light Industrial.
6. BRI proposes to develop a new, state of the art asphalt plant on Lot 1 (26.87 acres).
7. Site grading is proposed and stormwater management is proposed on Lot 2 (19.43 acres); however, there is currently no use or final development planned on Lot 2.
8. Access to both lots is proposed via a shared driveway at an existing driveway location on West Freeway Drive. A thirty-foot-wide easement on Lot 1 in favor of Lot 2 will be recorded separately from the proposed plat.
9. Access locations on West Freeway Drive will require approval by Anoka County.
10. The proposed plat will be served by private utilities. The Property is located within the City's sewer and water district; however, City services are currently terminated on the north side of Interstate Highway 35W. The relatively low intensity of uses planned in the plat make the use of private utility services more cost effective at this time.
11. The proposed rezoning of the Property from LI Light Industry to C/I Commercial/Industrial eliminates the requirement for connection to the public utility system at this time.

12. The two proposed lots meet minimum lot area and frontage requirements.
13. Drainage and utility easements have been located adjacent to all property lines.
14. A wetland delineation for the Property has been approved by Rice Creek Watershed District.
15. A wetland replacement plan has been submitted to Rice Creek Watershed District for action.
16. Minimum one-rod buffers will be required adjacent to final wetland boundaries.
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 June 21, 2017.

Bituminous Roadways Columbus Preliminary Plat Recommendations

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Bituminous Roadways Columbus Preliminary Plat, subject to the following:

1. Detailed recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney.
3. A legal description for the shared driveway access easement on Lot 1.
4. Approval of Property rezoning from LI Light Industrial to C/I Commercial/Industrial.
5. Requirements of the Anoka County Surveyor and Highway Department.
6. Requirements of Rice Creek Watershed District, including approval of the wetland replacement plan.
7. Permanent wetland buffer plaques at intervals determined by the City.
8. Cash in lieu of park land dedication.
9. Reimbursement of all City expenses associated with plat approval.
10. Future development within the plat is subject to local ordinances and permitting requirements.

Bituminous Roadways Columbus Rezoning Findings of Fact

1. The City received a rezoning application from Bituminous Roadways, Inc. (“BRI”) on April 14, 2017 and supplemented on May 11, 2017. The application was found complete.
2. The 60-day review deadline is July 10, 2017. The 120-day review deadline, if needed, is September 8, 2017.
3. The rezoning is for the proposed plat 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. BRI has requested the rezoning of the Property from LI Light Industrial to C/I Commercial/Industrial to remove the requirement for connecting the Property to public utilities and to allow development of the Property for an asphalt plant.
5. BRI previously received non-binding review consideration from the Planning Commission and City Council to proceed with development plans for the asphalt plant on the Property.
6. The rezoning public hearing was held by the Planning Commission on June 21, 2017.

Bituminous Roadways Columbus Rezoning Recommendations

Based upon the above Findings of Fact, the Planning Commission should recommend approval of the Bituminous Roadways, Inc. rezoning application, subject to the following:

1. The rezoning is contingent upon approval of the Bituminous Roadways Columbus Preliminary Plat.
2. The rezoning is contingent upon approval of the Bituminous Roadways, Inc. CUP.

Bituminous Roadways Columbus CUP Findings of Fact

1. The City received a CUP application from Bituminous Roadways, Inc. (“BRI”) on April 14, 2017 and supplemented on May 11, 2017. The application was found complete.
2. The 60-day review deadline is July 10, 2017. The 120-day review deadline, if needed, is September 8, 2017.
3. The CUP is for the proposed plat 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. BRI proposes to complete site grading and stormwater management improvements for the entire plat. These improvements are contingent upon approval of the wetland replacement plan and stormwater management plan by Rice Creek Watershed District.
5. BRI proposes to construct a new, state of the art asphalt plant on Lot 1. 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
 - Hot mix storage silos/loadout facilities (60’ height)
 - Asphalt cement and tack oil storage tanks (43’ max height)
 - Secondary storage containment bunker
 - Ramps, conveyors & hoppers
 - Asphalt and concrete rubble piles (50’ max height)
 - Recycled asphalt and concrete piles (50’ max height)
 - Asphalt millings pile (40’ max height)
 - Virgin rock and sand piles (40’ max height)
6. BRI also proposes to construct a 40 feet by 115 feet office/lab and vehicle maintenance building. Detailed plans for this building are not completed at this time and will require future site plan review. A new well and septic system will be constructed for this use.
7. Access to Lot 1 is proposed by a full access on the north end of the lot, which is also a

shared access with Lot 2. An exit-only access is also proposed at the south end of the lot.

8. The asphalt plant is generally operational from April through November. Peak truck usage is approximately 250 round trips per day. Average daily truck usage (eight month operational period) is approximately 120 round trips per day.
9. General hours of operation are 7:00 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.
10. The proposed asphalt plat will include the backhauling of concrete and asphalt rubble from job sites. Rubble will be crushed and screened approximately two times a year for 3-4 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.
11. 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. Dust generated in the material stockpile areas will be mitigated by watering.
12. 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.
13. 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 are not anticipated to 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 storage tanks to minimize potential problems.
14. Landscaping proposed includes 41 Black Hills Spruce (6-foot-tall planting height) along West Freeway Drive.
15. Final site plan details, such as building plans, equipment specifications and site lighting will be prepared and submitted for City review prior to building permit applications.
16. The Planning Commission held a public hearing on June 21, 2017 to consider the CUP application submitted by BRI.

Bituminous Roadways Columbus CUP Recommendations

Based upon the above Findings of Fact, the Planning Commission should recommend approval of the Bituminous Roadways Columbus CUP application, subject to the following:

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 plat approval and rezoning.

4. The CUP is contingent upon detailed plan review and approval by the Building Official.
5. The CUP is contingent upon recommendations of the Anoka County Highway Department.
6. The CUP is contingent upon recommendations of the Rice Creek Watershed District, including approval of the wetland replacement plan and stormwater management plan.
7. The CUP authorizes the use of Lot 1, Block 1 Bituminous Roadways Columbus by BRI consistent with the application submitted on April 14, 2017 and supplemented on May 11, 2017.
8. No site work is authorized until a final site plan, building details, equipment specifications, and site lighting plan are reviewed and approved by the City.
9. Once authorized, BRI shall construct and maintain all site improvements consistent with application documentation submitted on April 14, 2017 and May 11, 2017, and as supplemented, modified and subsequently approved by the City.
10. BRI shall submit a listing of all substantive complaints received and complaint resolutions in writing to the City on a monthly basis.
11. BRI shall agree to use additives to asphalt cement or to retrofit asphalt cement tank vents with condensers if odors become a persistent and the City Council requests such action.
12. BRI shall agree to reasonable on-site dust control measures recommended by the City.
13. 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.

PUBLIC HEARING – CITY VIEW ELECTRIC CUP AMENDMENT (PC-17-116)

At this time a public hearing was held to consider a request for a CUP from City View Electric to consider a request to amend a conditional use permit allowing a new 180' x 75' building on the site. Separate minutes are prepared.

CITY VIEW ELECTRIC CUP AMENDMENT DISCUSSION

City Administrator Elizabeth Mursko noted that City Staff are recommending approval of the CUP Amendment. PC members discussed the possibility of a buffer zone between City View Electric and their neighbors. Mike Nelson said that he has no problem replacing the trees that were removed from the property. Johnson suggested that the PC include a condition that the trees that were removed need to be replaced by the same or similar type of tree. PC members agreed that they would like to see condition 11 amended to say that all trees which were displaced while removing the house need to be replaced with the same or similar type of tree.

Motion by Krebs to forward to the City Council the application for an CUP amendment (PC-17-116) to allow a new 180' x 75' building on the site (dated 06.14.17), subject to Findings of Fact and Recommendations for approval, with amended language on Recommendation #11, as outlined in the Planner's Memo (dated 07.12.17). Seconded by Watson. Motion carried.

Findings of Fact

1. An application for a CUP Amendment was received by City View Electric, Inc. ("City View") on June 14, 2017 and supplemented on July 10, 2017. The application was found

- complete.
2. The 60-day review deadline is September 8, 2017. The 120-day review deadline, if extended, is November 7, 2017.
 3. City View is proposing to construct a 75 feet by 180 feet warehouse building on its property located at 14309 Lake Drive NE, legally described as Lot 1, Block 1 Kinsella Acres (“Property”).
 4. The Property is zoned C/I Commercial/Industrial.
 5. The proposed building is in addition to the office/warehouse building constructed in 2016 and three other existing warehouse buildings.
 6. The proposed warehouse building will be constructed to the north of the new office/warehouse building and connected by a new surfaced maneuvering area between the buildings.
 7. A total of eight new parking stalls are proposed.
 8. There is no new access proposed to the Property.
 9. New impervious surface area resulting from the proposed construction is approximately 0.9 acres.
 10. The proposed building will exceed all required setbacks.
 11. The proposed building has 20 feet tall sidewalls and is approximately 32.5 feet tall. There are three 14 feet by 14 feet garage doors and three service doors on the south elevation of the building.
 12. The proposed building will include sewer and water services.
 13. The foundation and framing plans submitted in the application are dated 4/24/15 and are for a 50 feet by 100 feet building.
 14. The proposed building walls are all tan colored metal panels with a 4-foot brown wainscot and brown roof, matching the color schemes of the existing office/warehouse building.
 15. The exterior building materials facing Lake Drive NE are all metal.
 16. Construction of the proposed building and parking area requires the removal of three existing structures on the Property, abandonment of an existing well, abandonment of a drain field, and removal of approximately 10 shade trees and 14 pine trees.
 17. There are also approximately 17 undisturbed existing pine trees along the north Property line, abutting an existing residence.
 18. An existing driveway on Lake Drive that was required for removal has not been completely removed, according to Anoka County standards.
 19. The Planning Commission held a public hearing to consider the CUP Amendment by City View on July 19, 2017.

Recommendations

[NOTE: The relevant conditions from the 2003, 2004, 2012, 2013, 2014 and 2015 CUPs are combined together here].

1. The 2017 CUP Amendment authorizes a 75 feet by 180 feet warehouse building addition to the Property.
2. The 2017 CUP Amendment is subject to the detailed recommendations of the City Engineer.
3. The 2017 CUP Amendment is subject to the detailed building plan and plumbing review by the Building Official.

4. The 2017 CUP Amendment is subject to the requirements of the Rice Creek Watershed District.
5. The 2017 CUP Amendment shall be developed consistent with “City View Electric Phase 2” plans prepared by Plowe Engineering, dated June 15, 2017; revised “Drainage Plan Sheet C2” by Plowe Engineering, dated July 10, 2017; “City View Electric New 75’ X 180’ Post Frame” floor plan and building elevations (preparer and date unknown); and full building plan details to be accepted by the Building Official.
6. The west elevation of the new warehouse building shall include stone wainscoting and corner treatments complementary with the existing office building design facing Lake Drive NE to meet ordinance design requirements.
7. Access to the Property shall be limited to a single access drive on the southerly portion of the Property.
8. The former northerly access on the Property shall be completely removed, according to requirements of Anoka County.
9. The existing off-site access easement on Lot 8, Will’s Addition may continue to be used on a secondary use basis.
10. The existing residence, two associated accessory buildings, residential well and drain field on the Property shall be removed according existing standards.
11. The existing pine trees along the northerly lot line of the Property ~~shall not be removed~~ which were displaced while removing the house need to be replaced by the same or similar type of tree.
12. Exterior storage of equipment and materials shall be limited to locations between the three easterly existing storage buildings and to the east of said storage buildings.
13. Equipment and material storage areas shall not occupy any parking areas, stormwater infiltration areas, wetland areas, or sewage treatment areas.
14. No filling, excavating or other land disturbances are permitted in stormwater infiltration or wetland areas without written approval by Rice Creek Watershed District and the City.
15. Routine maintenance and minor repair of company equipment and vehicles are permitted within structures on the Property.
16. Additional businesses, expansion or intensification of the proposed contractor's business from what has been presented to date, shall require an amendment to the Conditional Use Permit.
17. All exterior lighting shall be downcast, shrouded and directed away from adjacent properties and public streets.
18. All refuse must be stored in a building, trash transport (dumpster), or in covered cans. Any outdoor storage area shall be enclosed on all sides visible from adjacent property by screening, compatible with the exterior of the building, not less than two (2) feet higher than the refuse container.
19. The hours of operation for City View shall not exceed 6:00 a.m. to 6:00 p.m. Monday through Friday, with periodic use allowed on weekends and evenings.
20. Any hazardous materials used or hazardous wastes generated on the Property shall be in compliance with federal, state, and county permitting and licensing requirements.
21. City View shall be responsible for removing any waste or debris dumped on adjacent property, when evidence exists that such illegal dumping occurred via driveway accesses controlled by City View.
22. The operation of the contractor's shop must be consistent with all local, Federal, and State

laws that apply to the use of the Property.

23. In the event the City Council determines, in its sole discretion, that the contractor's shop 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.
24. City View shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the CUP, including reasonable attorneys' fees and consultant fees.
25. There must be a total of 47 paved, striped parking spaces on the Property, consistent with minimum design standards, including three signed, handicapped accessible parking spaces. The City Council has reduced the minimum number of required parking spaces, based upon the proposed use of the Property and evidence that sufficient areas exist to construct additional parking. At any time the City Council determines additional required parking is necessary, and upon one-year written notice, City View shall construct additional parking consistent with minimum ordinance design standards.
26. All buildings must be complementary in appearance with each other.
27. The CUP Amendment 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.
28. City View shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the CUP amendment, including any subsequent inspection and enforcement actions.

PUBLIC HEARING – RICHARD SWANSON REZONE/CUP

At this time a public hearing was held to consider a request for a rezone/CUP from Richard Swanson rezoning two (2) land parcels (approx.. 13 acres) from LI Light Industrial to CI Commercial Industrial zoning. Separate minutes are prepared.

RICHARD SWANSON REZONE/CUP DISCUSSION

Johnson noted that the request was somewhat out of the ordinary, because typically a rezoning request will come through with a solidified plan in place for how the parcel will be developed. In this case, the request is in anticipation of some type of development in the future, and Johnson wanted to ensure that the PC members understood that this type of rezoning is atypical. He recommended that the PC include a condition that states the rezoning of this 13-acre parcel be conditional on the approval of the Bituminous Roadways rezone/CUP application, so that both parcels are rezoned at the same time.

Motion by Watson to forward to the City Council the Swanson Rezone/CUP request (PC-17-117), rezoning two land parcels (approx. 13 acres) from LI Light Industrial to CI Commercial Industrial (dated 06.19.17), with a recommendation for unanimous approval subject to Findings of Fact and Recommendations for approval as outlined in the Planner's Memo (dated 07.13.17), with the additional condition of approval of the Bituminous Roadways Project in Columbus. Second by Sternberg. Motion carried.

Motion by Watson to include the language “13-acre parcel” in the previous motion. Second by Sternberg. Motion carried.

Findings of Fact

1. An application for a property rezoning by Richard Swanson and Kenya Cleary (“Swanson”) was received on June 19, 2017. The application was found complete.
2. The 60-day review deadline is August 18, 2017. The 120-day review deadline, if extended, is October 17, 2017.
3. Swanson is requesting the rezoning of approximately 13 acres of land from LI Light Industrial to C/I Commercial/Industrial, for property legally described as that part of the South Half of the Southwest Quarter of Section 36, Township 32, Range 22, lying easterly of the West 30 acres thereof, lying southeasterly of I-35W and lying westerly of CSAH 54, and that part of the west 30 acres of the Southwest Quarter of the Southwest Quarter of Section 36, Township 32, Range 22, lying southeasterly of I-35W (“Property”).
4. The rezoning application is in response to the similar pending rezoning application by Bituminous Roadways for approximately 46 acres lying easterly of the Property.
5. There is no specific development plan for the Property at this time.
6. Approval of the rezoning application by Swanson without a specific development plan for the Property should be viewed as premature if the rezoning application by Bituminous Roadways is not approved.
7. The Planning Commission held a public hearing to consider the rezoning application by Swanson on July 19, 2017.

Recommendations

Based upon the above Findings of Fact, the Planning Commission recommends to the City Council approval of the Swanson rezoning application, with the following conditions:

1. Recommendations of the City Attorney.
2. Approval of the proposed rezoning of the Property should be contingent upon approval of the similar 46-acre pending rezoning application, lying easterly of the Property, by Bituminous Roadways.
3. Swanson shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the rezoning application.

PUBLIC HEARING – 6550 145th AVENUE VARIANCE REQUEST

At this time a public hearing was held to consider a request from Pamela Olson for two variances from the required Sec. 7A-800 (C)(6)(b) that except where alternative agreements are approved by the City Council, all owners of abutting properties of the driveway must enter into a maintenance agreement in which the owners shall covenant to maintain a driveway (consistent with certain standards) and Sec. 7A-800 (C)(6)(c) that all owners of properties abutting by the driveway enter into a development agreement with the City, including but not limited to minimum provisions of granting a 66-foot wide right of way easement and public drainage, utility and trail easements over

the driveway to the public, as determined by the City Council for the construction of a new home. Separate minutes are prepared.

6550 145TH AVENUE VARIANCE DISCUSSION

PC members agreed to continue the public hearing to the next Planning Commission meeting on August 2nd, 2017.

Motion by Krebs to continue the public hearing on the variance application (PC-17-118) relating to a maintenance agreement and development agreement for the construction of a new home to the next Planning Commission meeting on August 2nd. Second by Sternberg. Motion carried.

COMPREHENSIVE PLAN LAND USE DISCUSSION

At this time, City Planner Dean Johnson and Hiala Maze of Bolton & Menk, presented updated land use maps to the Planning Commission to continue their Comprehensive Plan discussion. Maze explained the difference between the three maps; one is existing development in Columbus (including home based businesses), one highlights developable land in Columbus, and the third highlights developable land in Columbus that is more than 200 feet from a roadway. Johnson explained that the second map (developable land) shows roughly 4,000 acres of developable land, while the third map (developable land greater than 200 feet from a roadway) shows roughly 3,000 acres of developable land. This gives an estimate of roughly 600-800 new homes (using a 5-acre minimum).

The conversation then turned toward whether or not Columbus should move to a 2.5-acre minimum, and if so where should it be applied. Johnson encouraged the PC to consider a 2.5-acre minimum as a way to increase the City's tax base. The debate centered around whether a 2.5-acre minimum should be established throughout the entirety of Columbus or if certain areas should be chosen to establish the minimum in. Commissioners commented that choosing certain areas to establish the minimum could cause issues between neighbors. To conclude the conversation, Johnson and Maze told the Commission that they are running a little behind on the timeline for completing the Comprehensive Plan and encouraged them to spend some time thinking about this discussion before the next Planning Commission meeting. The Commissioners asked Johnson and Maze to prepare further information on what three different scenarios may look like; 5-acre minimums, 2.5-acre minimums city-wide, and spot zoning 2.5-acre minimums.

PUBLIC OPEN FORUM

There was no topic raised for discussion for Open Forum.

CITY ADMINISTRATOR'S REPORT

There was no topic raised by the City Administrator for discussion.

PLANNING COMMISSION MEMBERS' REPORT

WOLOWSKI COMMENT:

Commissioner Wolowski will be out of town for the August 2nd, 2017 Planning Commission meeting, and she is on schedule to attend the August 9th, 2017 City Council meeting. Since she will not be at the meeting on the 2nd, she is wondering if another Commissioner could take her place. Commissioner Krebs agreed to take her spot at the August 9th, 2017 City Council meeting.

ATTENDANCE - NEXT CC MEETING

Krebs will attend the City Council meeting on August 9th, 2017 in the place of Wolowski.

Motion by Sternberg to adjourn. Second by Watson. Motion carried.
Meeting adjourned at 9:43 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator