

**City of Columbus
Regular Planning Commission Meeting
August 16, 2017**

The August 16, 2017 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:01 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members: James Watson, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko, Planner Dean Johnson, City Attorney Jacob Steen, and Recording Secretary Karen Boland.

Also in attendance were City Council members Denny Peterson and Bill Krebs; Haila Maize, Vince Stevens, Jim Hoffman, Pam Olson, and Ted Flohrs.

AGENDA APPROVAL

Motion by Krebs to approve the Agenda as presented. Second by Preiner. Votes as follows: Watson – aye, Wolowski – abstain, Preiner – aye, Krebs – aye, Sternberg -- aye. Motion carried.

APPROVAL – 6550 145TH AVENUE VARIANCE REQUEST CONTINUED PUBLIC HEARING MINUTES OF AUGUST 2, 2017

Motion by Krebs to approve the minutes from the 6550 145th Avenue variance request continued Public Hearing held on August 2, 2017 as written. Second by Preiner. Votes as follows: Watson – aye, Wolowski – abstain, Preiner – aye, Krebs – aye, Sternberg -- aye. Motion carried.

APPROVAL – REGULAR PC MEETING MINUTES OF AUGUST 2, 2017

Motion by Watson to approve the minutes of the August 2, 2017 regular Planning Commission meeting as written. Second by Sternberg. Votes as follows: Watson – aye, Wolowski – abstain, Preiner – aye, Krebs – aye, Sternberg -- aye. Motion carried.

CONTINUED PUBLIC HEARING – 6550 145TH AVENUE VARIANCE REQUEST (PC-17-118)

At their August 2, 2017 meeting, PC members agreed that the public hearing and discussion of this request would be continued.

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 REQUEST DISCUSSION

Attorney Steen prepared findings to support either a decision to recommend approval or denial by the PC. PC members read these proposed findings and discussed the matter. PC members believe the current property owners knew what was in the original subdivision agreement when purchasing

their properties. They also cited the City's recent ordinance and the movement away from shared driveways.

Motion by Krebs to forward to the City Council the application for a variance (PC-17-118) 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 at 6550 145th Avenue, with a recommendation for denial based on the finding that the Zoning Ordinance does not cause a practical difficulty, and as outlined in the City Attorney's memo dated August 16, 2017 (relevant portions below). Second by Sternberg. Motion carried.

Findings to Deny Olson Variance Request

The Planning Commission finds that the applicant has not demonstrated that there are practical difficulties in complying with the zoning ordinance based on the findings below, as required under City Code Section 7A-524.

Accordingly, the Planning Commission recommends denial of the applicant's variance request to City Code Sections 7A-800.C.b, requiring that the applicant and all owners of the abutting properties enter into a maintenance agreement for the driveway; and Section 7A-800.C.b, requiring a development agreement with the City.

a. That the landowner proposes to use the property in a reasonable manner.

The landowner proposes to use the Property in a manner that is not reasonable. The Property was originally subdivided with the intent that no further subdivision is possible without the dedication of a public street. The landowner proposes to vary the provisions of Section 7A-800.C of the City Code, which are intended to be minimum standards for driveways that serve as street frontage to landlocked lots. By varying the applicable provisions, the City is effectively lowering the standards for development.

b. That the practical difficulty or plight of the landowner is unique to the subject property and is not created by the landowner.

The practical difficulty is created by the landowner's desire to not comply with the zoning code and is not unique to the Property. The applicant has requested to vary provisions of the code that are intended to be minimum prerequisites for allowing further subdivision of a parcel without direct street frontage. The applicant is seeking a variance to provisions that effectively require consent of abutting property owners. The failure to obtain consent of abutting property owners is not a circumstance unique to the Property.

c. That the variance, if granted, will not alter the essential character of the neighborhood or City.

Granting the variance will alter the essential character of the area. The Property was originally subdivided with the express intent of only ever allowing a single lot on the Property, as is evidenced by the Development and Subdivision Agreement. The variance is inconsistent with the original intent of the owners of the Property and the Hoffman Property and will alter the essential character of the area by allowing for a doubling of the density on the Property.

d. That the terms of the variance are consistent with the Comprehensive Plan.

The proposed density of one (1) dwelling unit per ten (10) acres is consistent with the density guidelines of the Rural Residential Designation in the Future Land Use Plan of the Comprehensive Plan.

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

The proposed variance is not in harmony with the purpose and intent of the City Code. City Code Section 7-800.C is intended to provide relief to property owners seeking to subdivide property where minimum standards are present and abutting property owners agree to enter into an agreement governing the maintenance of a driveway. Approving the variance would further lower the standard and would be inconsistent with the City Code.

f. That the practical difficulty is not created solely by economic considerations.

The practical difficulty is not created solely by economic considerations, but rather is the result of circumstances created by the prior owners of the Property.

This matter will go before the City Council at their meeting on August 23, 2017.

DISCUSSION – ACCESSORY BUILDING & MISCELLANEOUS ORDINANCE AMENDMENT

Steen outlined the revisions made to Chapters 14 and 7A for consideration by the PC. These changes do not require a public hearing.

Section 14-633 of Chapter 14 is to ensure that soil treatment areas are preserved. An accessory building may not be located on the second alternative for septic system treatment. Sections 14-803 and 14-804 are housekeeping items.

Motion by Sternberg to forward to the City Council the ordinance amending Chapter 14: Public Health, Wells, Sewers, and Utilities in the Columbus City Code with a recommendation for approval. Second by Wolowski. Motion carried.

PC members discussed Chapter 7A provisions pertaining to accessory-building construction, and language specific to multi-modal shipping (Conex) containers or portable on-demand storage containers (PODS). Appearance standards were discussed, with a recommendation to change the language in Section 7A-805 L. 1. to read “same or similar” instead of “harmonious” in reference to color with relation to the dwelling. L’s language outlines that Conex containers will be considered accessory buildings. The requirements specific to Conex containers are in addition to all other accessory-building requirements.

PC members noted that Section 7A-805 I. includes language stating Conex containers are to be included in the measurement of total accessory-building square footage.

PC members recommended language be added to note that Conex containers must include a slab. Placement of Conex containers was also addressed. In Section 7A-805 L. 3, PC members recommended changing language to read that no container shall be located within 50 feet of any property line.

There was discussion of stacking of Conex containers. Commercial versus residential use was discussed. Steen stated that all current provisions are applicable to residential areas.

Container design standards for residential as accessory building, temporary residential, and commercial use were discussed. For instance, temporary containers (L. 6) should not have to meet the standards outlined in L. 1. through L. 5.

PC members believe more work is needed on Chapter 7A ordinance amendments. They recommend language for higher design standards for Conex containers in residential areas. They also recommend language be developed for commercial use of Conex containers. For instance, how will design standards differ? Will stacking be allowed?

COMPREHENSIVE PLAN LAND USE DISCUSSION

Haila Maize, assistant planner, presented some numbers to the PC based on an updated land-use map. Total potential new lots at both 5 acres and 2.5 acres were roughly calculated. None of the calculations include the Freeway district, which has a separate Met Council Community Designation. The estimates assume all acres are accessible, developable, and able to be subdivided—which will not be the case. Remnant pieces were not counted. Number of home sales (all single-family dwellings) and average price between the years 2000 and 2016 were also identified.

Descriptions of the City's current Met Council designation: Diversified Rural, and the City's potential Met Council designation: Rural Residential were also presented.

City Planner Johnson pointed out that there are not a lot of communities identified as Rural Residential. Most are in Anoka County and are neighbors to Columbus.

Johnson recommends that the City's focus for the 2018 Comprehensive Plan be to try to secure this Rural Residential designation as the only standard Columbus will meet. After this designation is obtained, the details of where and how to proceed with development can be ironed out. Citizen input will be great, and likely contentious. The cost of providing more services to more people will have to be considered as growth is planned. Divisions between City officials as to the best way to obtain growth going forward, would only bog down the comp plan process now. Johnson believes the objective for the comp plan should be to establish a rationale for the Rural Residential designation and list the criteria for why it is necessary. The details of implementation can be worked out later.

PC members agreed with Johnson's recommendation: The Comp Plan should focus on securing a Rural Residential designation. As time goes on, concrete decisions about land use and City growth can be made.

PUBLIC OPEN FORUM

There was no topic raised for discussion for Open Forum.

CITY ADMINISTRATOR'S REPORT

Mursko reported that applications and building permits are still coming in, including a proposed townhome development on Howard Lake.

PLANNING COMMISSION MEMBERS' REPORT

STERNBERG COMMENT:

Sternberg reported on an article in the Forest Lake Times stating that the race track is reconsidering the building of a hotel, due to concern about the asphalt plant.

Sternberg also received a letter from Coates RV expressing their opposition to allowing Bituminous Roadways to come in at the proposed site. Mursko will enter the letter into the record.

Sternberg then asked for clarification on the subject of Open Forum. Members of the public may bring up topics for public open forum as long as the topic is not an item on the agenda or if a public hearing has been held and closed and the item is still open and pending a decision by the City Council. It was clarified that written comments may be submitted by the public and will be placed in the record, but testimony will not be taken after the public hearing is closed, as all parties involved would not be present to offer rebuttal. Applicants are entitled to due process.

ATTENDANCE - NEXT CC MEETING

Watson will attend the City Council meeting on August 23, 2017.

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

Meeting adjourned at 10:00 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary