

**City of Columbus**  
**Regular Planning Commission Meeting**  
**08.21.19**

The August 21<sup>st</sup>, 2019 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:00 p.m. by Chair Ron Hanegraaf at the City Hall. Present were Commission members: Kris King, Pam Wolowski, Barb Bobick and Jody Krebs; City Administrator Elizabeth Mursko; City Planning Technician Ben Gutknecht; City Planner Dean Johnson and Recording Secretary Rochelle Busch.

Also, in attendance were Mayor Jesse Preiner; City Council Members Denny Peterson, Shelly Logren and Janet Hegland; John Young, Mike and Deb Jordan, Dennis Cornelius, Rex Swanson, Mitch Zoza, Phil Hoey, Tom Palmquist, and Mark Huss.

**AGENDA APPROVAL**

*Motion* by Krebs to approve agenda as written. Second by Wolowski. Motion carried unanimously.

**APPROVAL – PLANNING COMMISSION SPECIAL MEETING MINUTES REGARDING HIGH-DENSITY MIXED-USE DISTRICT FOR THE NE QUAD ON 08.05.19**

*Motion* by Wolowski to approve the Special Meeting Minutes on 08.05.19, as written. Second by Krebs.

**APPROVAL – REHBEIN ESTATES PRELIMINARY PLAT AND CONDITIONAL USE PERMIT (CUP) RURAL RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) REQUEST (PC19-115 and 116) ON 08.07.19**

*Motion* by Krebs to approve the Public Hearing minutes for “Rehbein Estates” preliminary plat, conditional use permit for a planned unit development (PUD), as written. Second by Wolowski.

**PUBLIC HEARING – 15452 ZODIAC ST., VARIANCE REQUEST FOR A TYPE II MOUND SEPTIC SYSTEM AT ZERO INCH SEPERATION (PC19-119)**

At this time a public hearing was held to consider a variance request for a Type III mound septic system at zero-inch (0”) separation from the required twelve inch (12”) above unsaturated soil Separate minutes for the public hearing are prepared.

**15452 ZODIAC ST., VARIANCE REQUEST FOR A TYPE II MOUND SEPTIC SYSTEM AT ZERO INCH SEPERATION (PC19-119)**

Krebs directed the Commission members to review the variance check list. Chairman Hanegraaf read through the variance guidelines, all agreed the findings showed the septic site issue was from no fault of the property owner.

**City of Columbus**  
**Variance Staff Report**  
**15452 Zodiac St NE**  
**08.16.19**

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**Project Name:** A variance to allow a Type III Mound System at 0 Inches in Lieu of 12 Inches  
**Applicant:** Arthur Schwartz Jr  
**Legal Description of property:** THE S 200 FT OF N 270 FT OF E 436 FT OF SE1/4 OF NE1/4 OF SEC 20 TWP 32 RGE22, EX RD, SUBJ TO EAS OF REC  
**Property Identification #(s):** 02-32-22-24-0003  
**Property Zoning:** Rural Residential (RR) District  
**Report approved by:** Elizabeth Mursko, City Administrator

**Date of Application:** 07.17.19  
**Date Application found incomplete:** N/A  
**Materials missing:** None  
**Date Application complete:** 07.17.19  
**Date of Public Hearing:** 08.21.19  
**Date notice published:** 08.08.19  
**Date notice mailed / posted:** 08.08.19  
**60-limit for action:** 09.29.19  
**60-day extension / letter sent:** N/A

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**Project Description:**

The property owner is seeking a variance to City Code, Section 14-633 for soil treatment area required for Subsurface Sewage Treatment Systems (SSTS). Which requires the soil treatment area contain not less than 12 inches of unsaturated soil, not including any fill material that is placed in the soil treatment area. The applicant is requesting to replace the existing nonconforming SSTS with a compliant Type III mound septic system with a soil separation of 0 inches (0") and three (3) feet of clean sand lift.

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**Variance Findings:**

A variance is a legally permitted deviation from the literal requirements of the City Ordinance. Variances may be granted in instances where the landowner establishes that there are practical difficulties in complying with the Ordinance and the landowner proposes to use the property in a reasonable manner not permitted by the Ordinance. In general, variances to Chapter 14, Public Health, Wells, Sewers, and Utilities of the City Ordinance, the Building Official, in consultation with the Zoning Administrator, shall have the authority to grant administrative variances to the separation requirements. However, given the extent of the variance of the separation requirements requested, the Building Official has referred the decision to the Planning Commission, acting as the Board of Adjustment. In examining practical difficulties, pursuant to City Code Section 14-634 the City must make the following findings:

1. The landowner proposes to use the property in a reasonable manner.
2. The practical difficulty or plight of the landowner is unique to the subject property and is not created by the landowner.
3. The variance, if granted, will not alter the essential character of the neighborhood or City.
4. The terms of the variance are consistent with the Comprehensive Plan.
5. The variance, if granted, is in harmony with the purpose and intent of the Zoning Ordinance.
6. The practical difficulty is not created solely by economic considerations.

**Staff has analyzed the following variance application: A variance to allow a Type III Mound System at 0 Inches in Lieu of 12 Inches.**

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**1. The landowner proposes to use the property in a reasonable manner.**

Staff finds that the landowner proposes to use the property in a reasonable manner. The proposed Type III system is to replace the existing noncompliant SSTS. The variance will bring the property owner into compliance with the Code and allow continued use of the residence on the property.

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**2. The plight of the landowner is due to circumstances unique to the property and is not created by the landowner.**

The plight is due to circumstances unique to the property. Over 50% of the property is low-lying wetland with the remaining part of the property being low-lying yard. Due to the high-water table and topographic conditions of the lot, there is little area in which to install and replace the current SSTS. These circumstances are unique to the property and not created by the landowner.

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**3. Granting the variance is in harmony with the purpose and intent of the Zoning Ordinance.**

The City Code, section 14-631(B) acknowledges that a failing system or an SSTS that is not protective of groundwater as defined in Minn. R. part 7080-1500, shall be brought into compliance within 10 months after receiving notice from the Department.

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**4. Granting the variance is consistent with the City's Comprehensive Plan.**

Staff finds that the proposed variances is consistent with the 2040 Comprehensive Plan, which acknowledges that the high-water table and native soils make it difficult to accommodate on-site septic systems. Knowing this, it would not be unusual to allow replacement systems that bring the homeowner into compliance and better protect the health and safety of the environment and public.

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

The character of the neighborhood is a mix of > 1.5 and > 5 acre lots and a mix of low land shrubland between lots, with each lot containing its own private SSTS. The variance will not

alter the essential character of the neighborhood or the City.

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**6. The practical difficulty is not created solely by economic considerations.**

The practical difficulties necessitating the variance request are not created solely by economic considerations, but rather the topographic nature of the property and the location of existing structures.

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**Staff Recommendation:**

Staff recommends the **approval** of the application for a variance to install a Type III Mound System at 0 Inches with 3.0 feet clean sand lift in Lieu of 12 Inches separation with the following conditions:

1. The Type III System follow the design, maintenance, and mitigation standards as outlined by Minnesota Rules, chapter 7080.
2. The Type III System proposed must follow the maintenance and management plan contained in the application, dated May 23, 2019.

*Motion* by Krebs to recommend approval based on adopting the findings of fact 1-6 in the Columbus Staff Report dated 08.16.19 and the Building Official Memo dated 08.05.19 to the City Council for the variance application at 15452 Zodiac Street to install a Type III Mound System at 0 inches with 3.0 feet clean sand lift in lieu of 12 inches separation with the following two conditions:

1. The Type II System follow the design, maintenance, and mitigation standards as outlined by Minnesota Rules, chapter 7080.
2. The Type III System proposed must follow the maintenance and management plan contained in the application, dated May 23, 2019.

Seconded by King. Motion carried unanimously.

This matter will go before the City Council at their meeting on August 28<sup>th</sup>, 2019.

**PUBLIC HEARING – 14474 W FREEWAY DR. FREEWAY MINI STORAGE, VARIANCE REQUEST FROM THE REQUIRED THIRTY-FOOT FRONT YARD SETBACK FOR ACCESSORY RV STORAGE (PC19-118)**

At this time a public hearing was held to consider a variance request from the required thirty (30) foot front yard setback for accessory RV storage to allow a five (5) foot front yard setback in the C/S Commercial/Showroom zoning district. Separate minutes for the public hearing are prepared.

**14474 W FREEWAY DR. FREEWAY MINI STORAGE, VARIANCE REQUEST FROM THE REQUIRED THIRTY-FOOT FRONT YARD SETBACK FOR ACCESSORY RV STORAGE (PC19-118)**

Krebs asked if the situation was developed after the turn lane was placed in front of the property. Mursko stated that the hardship was due mostly to the turn lane and additional drainage pond area that was put in.

Krebs reiterated that this situation was out of control of the property owner and it was her belief they should allow the variance.

**City of Columbus  
Variance Staff Report  
14474 W Freeway Dr  
08.16.19**

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**Project Name:** Variance for a Reduced Front Yard Setback  
**Applicant:** Freeway Mini Storage LLC (Michael F Jordan)  
**Property Owner:** Freeway Mini Storage LLC  
**Legal Description of property:** Lot 1 BLOCK 3 PREINER FAMILY ADDITION  
**Property Identification #(s):** 25-32-22-24-0008  
**Property Zoning:** Commercial Showroom (CS) District  
**Report approved by:** Elizabeth Mursko, City Administrator

**Date of Application:** 07.24.19  
**Date Application found incomplete:** N/A  
**Materials missing:** None  
**Date Application complete:** 07.24.19  
**Date of Public Hearing:** 08.21.19  
**Date notice published:** 08.08.19  
**Date notice mailed / posted:** 08.08.19  
**60-limit for action:** 09.22.19  
**60-day extension / letter sent:** N/A

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**Project Description:**

The property owner is seeking a variance to City Code section 7A-801(D) to reduce the Commercial Showroom front yard setback of thirty (30) feet from the public right of way (ROW) for principal and accessory uses." The applicant is requesting a variance to reduce their front yard setback to five (5) feet from the ROW for the accessory use of Recreational Vehicle storage.

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**Variance Findings:**

A variance is a legally permitted deviation from the literal requirements of the City Zoning Ordinance. Variances may be granted in instances where the landowner establishes that there are practical difficulties in complying with the Zoning Ordinance and the landowner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance. The Planning Commission, acting as the Board of Adjustment, must hold a public hearing and make a recommendation on the application to the City Council. In examining practical difficulties, pursuant to City Code Section 7A-525 the Board of Adjustment and City Council must make the following findings:

1. The landowner proposes to use the property in a reasonable manner.
2. The practical difficulty or plight of the landowner is unique to the subject property and is not created by the landowner.
3. The variance, if granted, will not alter the essential character of the neighborhood or City.
4. The terms of the variance are consistent with the Comprehensive Plan.
5. The variance, if granted, is in harmony with the purpose and intent of the Zoning Ordinance.
6. The practical difficulty is not created solely by economic considerations.

**Staff has analyzed the following variance application: A variance to reduce the required front yard setback from thirty (30) feet to five (5) feet in the Commercial Showroom (CS) District.**

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**1. The landowner proposes to use the property in a reasonable manner.**

Staff finds that the landowner proposes to use the property in a reasonable manner. The proposed land use is to allow storage of customer recreational vehicles in the front yard setback along W Freeway Drive. The outdoor storage of recreational vehicles on the southerly 300 feet of Lot 1, Block 3, Preiner Family Addition is authorized by a CUP approved by City Council June 28<sup>th</sup>, 2017. The proposed storage is 0.6 miles from Coats RV Center, which operates a similar outdoor storage practice for recreational vehicles and is within the same zoning district (Commercial/Showroom).

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**2. The plight of the landowner is due to circumstances unique to the property and is not created by the landowner.**

The reduction in the front yard setback from thirty (30) feet to five (5) feet is due to circumstances not created by the property owner. Due to the topographic nature of the lot, the size of the proposed storm pond for storm water retention is being increased by 30%, which resulted in a shift of the parking area towards West Freeway Drive. Furthermore, Anoka County required a turn lane be dedicated, which resulted in an additional reduction of the front yard of ten (10) feet of right-of-way. A setback distance compliant with the City Code would require the applicant to redesign and plan the layout of the permitted outdoor storage, which may result in a loss of area for storage.

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**3. Granting the variance is in harmony with the purpose and intent of the Zoning Ordinance.**

The City Code (7A-770) acknowledges that the Commercial/Showroom district is to allow a greater variety of uses and services. Allowing the indoor and outdoor storage of customer recreational vehicles meets this district goal of mixed business uses and services.

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**4. Granting the variance is consistent with the City's Comprehensive Plan.**

The City's Comprehensive 2040 Draft Plan points out that the City of Columbus is transitioning from a traditional rural service center to a regional sales, service, and

entertainment center. It also states Columbus is home to several businesses that provide recreational and service needs, and that the Freeway Corridor is planned for larger scale retail use and service facilities. The proposed variance will allow the applicant to continue to grow its business that aligns with the shift in businesses types within the Freeway Corridor.

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

The character of the neighborhood is a mix of larger lot retail units such as Coates RV, Gander Outdoors, and Ziegler CAT, which outdoor storage of recreational vehicles as a common feature. Examining the specific lot in question, the layout is similar to other mini storage businesses in the City of Columbus, and the proposed storage is similar to that seen at other businesses that store large vehicles within the C/S zoning district. The variance, if granted, will not alter the essential character of the neighborhood or the city.

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**6. The practical difficulty is not created solely by economic considerations.**

The practical difficulties necessitating the variance request are not created solely by economic considerations, but rather the stormwater ponding requirements which caused the pond size to increase by 30%, thereby reducing the developable area on-site; and the Anoka County requirements for the dedication of an additional ten (10) feet of ROW for a turn lane, reducing the front yard.

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**Staff Recommendation(s):**

Staff recommends that the Planning Commission and City Council adopt the above findings and **approve** the application for a variance to allow the accessory use of Recreational Vehicle storage for Freeway Mini Storage LLC customers' within the thirty (30) foot setback at a reduced five (5) foot setback.

*Motion* by Bobick to recommend approval based on adopting the findings of fact 1-6 in the Columbus Staff Report dated 08.16.19 to the City Council for the variance application at 14474 W. Freeway Drive to allow the accessory use of recreational vehicle storage for Freeway Mini Storage LLC customers' from the thirty (30) foot setback to the reduced five (5) foot setback from the southerly entrance for a distance of 300 feet as shown on the site plan for the southerly outdoor parking lot only. Second by King. Vote - Motion carried unanimously.

**COTINUED PUBLIC HEARING – AMENDMENT TO CITY CODE CHAPTER 7B SIGN REGULATIONS, SECTION 7B-310, I-35 CORRIDOR LARGE OFF-PREMISE SIGNS**

At this time a continued public hearing was held to consider an amendment to Chapter 7B Sign Regulations, Section 7B-310, I-35 Corridor Large Off-Premises Signs. Separate minutes for the public hearing are prepared.

## **AMENDMENT TO CITY CODE CHAPTER 7B SIGN REGULATIONS, SECTION 7B-310, I-35 CORRIDOR LARGE OFF-PREMISE SIGNS**

Mursko advised Chairman Hanegraaf to review the Attorney's Memo dated August 21<sup>st</sup>, 2019. She recommended that the commissioners discuss any changes necessary regarding what was said during the public testimony to outline what would be presented to City Council.

The Commission members all agreed that they would not like to see any more billboards added in the freeway district, as the consensus is there are too many billboards in our area. Static billboards must have a minimum distance between of 750 feet, therefore there is no opportunity to add anymore. Billboard companies could however convert their static signs to dynamic. In that case, would have to tear down the static sign in order to rebuild a dynamic sign at the new setback of 20 feet, and a distance to the nearest dynamic sign of 3,750 feet. Krebs stated what her take away from testimony was the setback was not detrimental. King agreed with Krebs.

The consensus from the Planning Commission was they did not want any billboards on the entrance and exit ramps. The Planning Commission's intent was not to eliminate the billboard belonging to Schubert and Hoey in the CR district.

Planner Johnson recommended keeping with the 10-year IUP in order to revisit the ordinance every 10 years and keep up with changes in the community. He also recommends that if you want to enhance the aesthetic of the billboards and feel its important, he stated keep that in the ordinance. He recommended to request the attorney draft a change in the ordinance, if the intention was to allow the billboard from Schubert and Hoey to be permitted.

The commission members agreed with altering the ordinance to require more guidelines in approving an IUP for billboards. Reapplying and approval for the IUP will be void if a violation of the conditions or terms of the permit, a change in zoning regulations render the use nonconforming, subdivision of the property, or an establishment of any use other than a single-family residence or agriculture use on the property.

*Motion* by King move recommend approval to the City Council for Chapter 7B Sign Regulations, Section 7B-310, amended to allow the billboard currently standing in the CR district to remain, and all other changes to the ordinance be made as written. Second by Krebs. Votes as follows – King-Aye, Wolowski-Aye, Hanegraaf-Aye, Bobick-Ney, Krebs-Aye.

## **CONTINUED DISCUSSION – NE QUAD DESIGN STANDARDS FOR THE HIGH-DENSITY MIXED-USE DISTRICT**

Gutknecht reviewed the standards developed at the special meeting on August 5<sup>th</sup>. Mursko stated that the design standards are important at this point as there is a permit that will has been applied for, that needs guidance around this matter.

Phil Hoey voiced they had changed out fiber board for LP siding throughout the plan. Hoey indicated that the current design guidelines, can't be complied with, due to cost. Although they won't be able to use the materials listed, it will fit into what they had initially designed and what the Planning Commission members stated they desired aesthetically. Hanegraaf questioned if they will continue to own or sell the building? Hoey said he wouldn't be able to answer that. He assures that the materials that will be used are designed to last 50 plus years. He stated this will be a quality-built building. Rex Swanson addressed LP products. Proper installation is a must on this wood-based material, that can be prefinished, or site finished. Wolowski asked what the life on this type of product is. Swanson responded that its usually 30 years prefinished. The install needs to be done under specifications of the code. King stated that the City gets "one shot" at this area to make the NE QUAD look nice. Hoey responded in that is most communities goal.

Planner Johnson commented on the design standards in that brick or better is very standard. Johnson was having trouble understanding what bases the building material list was gathered from. He wondered was striking on the building, as well as what is guiding the decision on standards. He stated that the developers comment that it is too expensive should be reviewed with what the rent structure is, to determine costs.

Hoey stated all the designs, interior and exterior adds into the costs, and the rents that would be able to be supported here. He noted that the same building built in first ring suburb communities would have different design standard because the rent would support the cost of the higher design materials.

Johnson advised the commission members to look at variety product and architecture. He stated he believed the Planning Commission wanted to choose a mixed color scheme to break up the building. He noted they should decide on street side requirements, potential similar streetlights and other items to tie together the development area. This will be the foundation for subsequent builders that must continue the theme. Bobick stated she was a property manager for 30 years. She stated that the property in which they were directed to go and view from the developers for a similar feel of what they would be building had water damage, and she could see nail heads when they stated the install was screwed on. She wants to make sure they will be using a durable product that looks nice.

Preiner stated that if money is the issue, what are the different costs from LP to "dress up" materials? Amcon Representative Dennis Cornelius stated there is not a lot of materials that can bridge between LP and Nichiha paneling. The architect changed products on this building due to what Janet Hegland saw and reported on at a previous project from the developer using Hardie Board siding. He noted that the rippling, from what Bobick stated, is needed for water drainage and nail heads are used for the install on the panels. He advised that urban architecture is the market they are used to building in. He agreed on addressing the aesthetics that are important but doesn't want a project that will fail due to cost and rent.

Preiner directed his question to Planner Johnson and Planner Gutknecht on how we chose on percentages to show what we are looking for. Johnson stated to pick variety of projects and determine percentages on each. Mursko stated the ones that are appealing, are the ones that have a variety of products and architectural difference. The City wants it to look similar for the district and the development that is upcoming. They all agree they would like the look to be cohesive throughout. The table that is currently

shown a complete building built with no masonry, in which the Planning Commission has already noted they did not want.

Johnson advised to make note on what architectural features that the members would like. They should also pick the materials they like and state those are the ones that must be used.

Wolowski stated that Planner Johnson understands how to write this. She requested that he take what was said by the Commission members and compose an accurate representation of what they would like to see. Johnson stated he would take everything that was said and read through past meeting minutes, compress it into a summary and deliver, prior to the 2040 comp plan being approved.

Commission Members concluded in final discussion that September 4<sup>th</sup>, 2019 would be a workshop with City Council to go over design standards for the High Density Mixed Use District.

### **PUBLIC OPEN FORUM**

None to report

### **CITY ADMINISTRATOR'S REPORT**

None to report

### **PLANNING COMMISSION MEMBERS' REPORT**

Nothing to report

### **ATTENDANCE - NEXT CC MEETING**

Hanegraaf is scheduled to attend the City Council meeting on August 28<sup>th</sup>, 2019.

*Motion* by Krebs to adjourn. Second by Wolowski. Motion carried.

Meeting adjourned at 10:04 p.m.

Respectfully Submitted:

Rochelle Busch, Recording Secretary

