

**CITY OF COLUMBUS
PLANNING COMMISSION MEETING
INTERACTIVE TECHNOLOGY MEETING FORMAT
STATUTES SECTION 13D.021
08-03-2022**

The 08-03-2022 Planning Commission meeting for the City of Columbus was called to order at 6:32PM by Chair Ron Hanegraaf at the City Hall. Present were Planning Commission members Ron Hanegraaf, Kris King, Barb Bobick and Bob Berens, City Administrator Elizabeth Mursko, Associate Planner Frank Koenen, Planning and Zoning Permit Tech Ella Giefer, Planner Dean Johnson, and Attorney Megan Rogers.

In attendance via interactive technology were Park Construction Attorney Craig Kepler, Julie Lane, and an unidentified iPhone user.

Also, in attendance in person were Park Construction Representative Jeff Carlson, Sheila Waldoch, Barb Waldoch, John Waldoch, Donald Waldoch, Sue Wagamon, Steve Wagamon, Perry Wagamon, Roger Nase, St Clair Lakes/Joshua Markum Representative Mark Olson, Kelly Underdahl, Mayor Jesse Preiner, and Council Member Janet Hegland.

The meeting was held in an interactive technology meeting format.

1. CALL TO ORDER – REGULAR MEETING – 6:32PM

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MEETING AGENDA

Motion King to approve agenda as written. Second Bobick. Motion carried with King, Hanegraaf, Bobick, and Berens voting in favor.

4. APPROVAL OF JULY 20, 2022, PLANNING COMMISSION MEETING MINUTES

Motion Bobick to approve agenda as written. Second Berens. Motion carried with King, Hanegraaf, Bobick, and Berens voting in favor.

5. APPROVAL OF JULY 20, 2022, PUBLIC HEARING MINUTES FOR PARK CONSTRUCTION, CONDITIONAL USE PERMIT (JEFF CARLSON)

Motion King to approve agenda as written, with correction of change on Pg 10 from Sandstone to Cemstone. Second Barb.

Motion carried with King, Hanegraaf, Bobick, and Berens voting in favor.

6. APPROVAL OF JULY 20, 2022, PUBLIC HEARING MINUTES FOR 9056 BROADWAY AVE NE KENNEL, INTERIM USE PERMIT (GLEN AND SUE KOTHE)

Motion Berens to approve agenda as written. Second King. Motion carried with King, Hanegraaf, Bobick, and Berens voting in favor.

7. PUBLIC HEARING AND DISCUSSION – ST. CLAIR LAKES PLANNED UNIT DEVELOPMENT, CONDITIONAL USE PERMIT AMENDMENT

At this time a public hearing was held to consider a request for a Conditional Use Permit Amendment for a Planned Unit Development to reduce the setback from garage to curb from 30

feet to 25 feet for a 21-lot subdivision (St. Clair Lakes) in the Mixed-Use Medium Density District. Separate minutes for the public hearing are prepared.

At this time the Planning Commissioners had an open discussion regarding the St. Clair Lakes Planned Unit Development, Conditional Use Permit Amendment. Berens stated he wanted to confirm that the applicant would be in contact with the existing neighbors. Carlson described the efforts he had already made to be neighborly and confirmed that he will continue to do so.

Motion Hanegraaf to recommend approval of the St Clair Lakes PUD/CUP amendment to the City Council with #1-30 Findings of Facts and Recommendations #1-20 as noted in the staff memo provided by Dean Johnson of Resource Strategies Corporation dated 07-27-2022. Second Berens. Motion carried with King, Hanegraaf, Bobick, and Berens voting in favor.

City Staff Report from City Planner, Dean Johnson, RSC 07-27-2022

Findings of Fact

1. The City received a PUD CUP amendment application from Joshua/Markum Builders, Inc. ("Joshua/Markum") on February 4, 2022. The application was found incomplete. Upon a series of modifications and new submittals the application was found complete on July 14, 2022.
2. The 60-day review deadline is September 12, 2022. The 120-day review period, if necessary, ends on November 11, 2022.
3. The 21-lot development for association managed single family detached dwellings is legally described as Lots 1-3, Block 1, Lots 1-6, Block 2, Lots 1-6, Block 3, Lots 1-2, Block 4, Lots 1-4, Block 5, Outlot A, Outlot B and Outlot C ("Property").
4. The Property is designated Mixed Use – Medium in the 2040 Comprehensive Plan and zoned Mixed Use Medium Density Residential (MU-M).
5. The St. Clair Lakes plat and PUD CUP were approved in the summer of 2021.
6. All lots within St. Clair Lakes meet the minimum 5000 square feet lot area, but lot depths and lot widths are compact due to the extent of shoreline and wetlands impacting the overall development.
7. Joshua/Markum has acquired the rights to build all homes within the Property.
8. The purpose the 2022 amendment to the PUD CUP is to allow variations to minimum dimensional standards, including front yard setback, rear yard setback and minimum garage stall dimensions.
9. The minimum required front yard building setback throughout the development is proposed to be 25 feet from the curb of the private street (Outlot A).
10. Outlot A is 38 feet in width and the curb is located 5 feet inside of the boundary of Outlot A. The private street is 28 feet in width.
11. Municipal sewer and water serve each lot. Outlot A is encumbered by a drainage and utility easement. The City will own and maintain the trunk sewer and water lines within the private street.
12. The minimum rear yard setback will vary from block to block. The rear yards of Blocks 1-4 abut Outlot C or Outlot B. The outlots are both covered in their entirety with drainage and utility easements.
13. Block 5 abuts an existing residential dwelling and includes a 20 feet drainage and utility easement across the rear yards of all four lots.
14. The interior side yards of all lots in all blocks include 5 feet drainage and utility easements.
15. The minimum side yard setback, building or at-grade patio, remains at 5 feet.

16. The rear yards of all lots in Block 2 and the northwesterly corner of Lot 3, Block 1 abut the Shore Impact Zone (SIZ). The approved 2021 PUD CUP requires that no encroachment, grading, construction activity or vegetation disturbance is allowed in the SIZ.
17. The practical minimum rear yard setback of the lots abutting the SIZ is that distance allowing construction of the building or at-grade patio without any encroachment in, disturbance of or alteration of the SIZ.
18. The practical minimum rear yard building or at-grade patio setbacks for the remaining lots in Block 1, and all of the lots in Block 3 and Block 4, is that distance which does not permanently alter existing drainage and utility easements.
19. The practical minimum rear yard building and at-grade patio setback in Block 5 is 20 feet.
20. Joshua/Markum has submitted five building models for construction within St. Clair Lakes. Net interior garage stall dimensions are generally 21 feet width and 22 feet depth. Model E has a stall depth of 20.3 feet. Model C has a width of 23 feet and depth of 24 feet.
21. Minimum ordinance garage dimensions are 22 feet width and 24 feet depth.
22. Joshua/Markum has modified the Homeowner Association (HOA) documents to include garbage collection, lawn irrigation, lawn mowing and street and individual driveway snow plowing.
23. Joshua/Markum is requesting the smaller garage stalls because homeowners will not be required to own or store their own lawn mowers and snowblowers in the garages.
24. Joshua/Markum is also including attic storage areas above the garage in all models (generally 8 feet X 22 feet) to minimize storage needs in the garage.
25. All garages include finished, painted walls and ceilings and will include wire shelving for additional storage.
26. The minimum driveway dimensions will be consistent with ordinance minimums of 18 feet width and 24 feet depth.
27. All proposed homes are single story, slab-on-grade residences.
28. The proposed building models range in livable space from 1740 square feet to 1591 square feet. The minimum ordinance requirement for 1-story homes is a 1000 square foot footing dimension.
29. The models range from 2-bedroom to 3-bedroom floor plans. The models include at-grade patios and/or interior 3-season rooms. All interior plans are subject to potential modifications by potential homebuyer preferences.
30. All of the homes have 8:12 pitch rooflines.
31. The front facade of each home includes LP siding and cultured stone. The percentage of stone ranges from 36.12% to 51.69%. The minimum ordinance requirement for stone is 35%. The LP siding includes board & batten, lap and shake alternatives. The sides and rear of the homes include vinyl siding.
32. The Planning Commission held a public hearing for proposed amendment to the St. Clair Lakes PUD CUP on August 3, 2022.

Recommendations

The following conditions reflect an update of City Planner conditions for the approved 2021 St. Clair Lakes PUD CUP. The Planning Commission recommends approval based on Findings of Facts 1-32 and recommends approval of the amendment to the St. Clair Lakes PUD CUP, subject to the following conditions 1-20:

1. The PUD CUP is contingent upon detailed recommendations of the City Attorney.
2. The PUD CUP is contingent upon detailed recommendations of the City Engineer.
3. The PUD CUP is contingent upon review and approval of amended homeowner association

documentation and an executed subdivision development agreement.

4. The PUD CUP is contingent upon subsequent detailed residential building plan review by the Associate Planner and permitting by the City Building Official.
5. The PUD CUP is contingent upon the permitting requirements of Rice Creek Watershed District.
6. Development of the Property shall be consistent with the PUD CUP application documentation received including, but not limited to, Development Narratives received 5/6/22 and 6/1/22; Model Home Plans A, B, C, D, and E received on 6/1/22, prepared by Litfin Design; front façade building material percentages prepared by Litfin Design, undated; and amended homeowner association documentation received 6/14/22.
7. The PUD CUP authorizes the guest parking stalls to be constructed at nine feet by 18 feet dimensions and requires curbing on the perimeter of the parking surfaces.
8. The PUD CUP authorizes the reduction of the OHWL building setback from 150 feet to 75 feet, consistent with DNR Settlement Agreement, dated August 8, 2018.
9. The PUD CUP is contingent upon compliance with 2021 approved Shoreland Management Plan.
10. The minimum front yard home setback required is 25 feet from the back of the private street curb.
11. The minimum home and at-grade patio side yard setback required is five feet.
12. The minimum rear yard setbacks required shall be as follows:
 - a. Lot 3, Block 1 and Lots 1-6 Block 2 home and at-grade patio setbacks shall be the practical minimum distance from the property line that prevents any encroachment in, disturbance of or alteration of the Shore Impact Zone.
 - b. Lots 1-2, Block 1, Lots 1-6, Block 3 and Lots 1-2, Block 4 home and at-grade patio setbacks required shall be the rear property line or the practical minimum distance that does not permanently alter existing drainage and utility easements.
 - c. Lots 1-4, Block 5 home and at-grade patio minimum required setbacks shall be 20 feet.
13. The minimum garage stall dimensions shall be consistent with Model Home plans A, B, C, D and E.
14. Driveways in front of the garages shall be 18 feet by 25 feet.
15. The detached home design standards require a minimum of two trees per lot, consistent with standards in the City Code.
16. No further subdivision of any lot for development purposes is allowed.
17. No filling, excavating or other land disturbances are permitted in stormwater ponding or wetland areas or Shoreland Impact Zone without written approval by Rice Creek Watershed District, the City and/or the DNR.
18. Development of the Property must be consistent with all local, federal, and state laws that apply to the use of the Property.
19. In the event the City Council determines, in its sole discretion, that the use of the Property is not being operated in accordance with any term or condition contained herein, the PUD CUP may be revoked by the City upon proper notice and a hearing.
20. Joshua/Markum shall be responsible to reimburse the City for its out-of-pocket expenses incurred in the review and approval of the amendment to the 2021 PUD CUP, including any subsequent inspections and enforcement actions.

8. DISCUSSION – PARK CONSTRUCTION, CONDITIONAL USE PERMIT (JEFF CARLSON)

At this time a public discussion was held to consider a request for a Conditional Use Permit to permit a contractor shop consisting of an office, mechanical shop, equipment storage, material storage, and crushing activity in the Commercial/Industrial district vacant properties, PIN 33-32-22-23-0004.

Park Construction Representative Jeff Carlson was invited to speak. Carlson stated that he did not believe the 07-20-2022 Planning Commission meeting had gone well for him and said he was displeased by how it was conducted, saying that questions from staff were mostly either negative or irrelevant, and that comments given by the public during the public hearing were also negative, lengthy, and also described how he did not believe many of those complaints were valid. Carlson stated that the Commission and City Staff did not work with him to create conditions for his application. Carlson also brought up similar industrial sites in the same district and compared his company to those. Carlson further explained that in his opinion his application has met all ordinances and codes and that his company would be helpful for the City of Columbus and its citizens. Craig Kepler, Legal Council for Carlson, described to the Commissioners what a CUP was and how he believed Carlson's application fit the criteria. Kepler stated that after the 07-20-2022 hearing he was of the opinion that the Planning Commission was going to reject the application, and stated that the Commission was not allowed to reject Park Construction's application per Minnesota law. Kepler claimed he had not received help from the Commission regarding amending the proposed CUP, and that the Commission had said they would deny the application. Kepler proceeded to read portions of the City Ordinance and described how their proposed use would fit within the Commercial/Industrial District. Kepler stated he believed the City failed to do their role in this application due to their lack of suggested conditions or general help. Kepler then said that because a City Council member spoke during the public open forum at the 07-20-2022 Planning Commission meeting that there was a conflict of interest and that they wanted it noted on record that they objected to her comments. Hanegraaf stated that he didn't want to argue with them and apologized if they felt wronged during the 07-20-2022 Planning Commission meeting, and asked if they had received the staff report letter from Dean Johnson dated 07-28-2022, to which Carlson and Kepler both said they saw it in the agenda but that it had not been sent to them. Hanegraaf asked the other Planning Commission members if they had read Johnson's staff report to which they all said yes. Kepler described his interpretation of the meaning of the term 'harmonious' and stated the City did not have discretion to deny an application based on the lack of harmoniousness. King asked Rogers to give her interpretation, and Rogers responded by recommending the Commission refer to the opinions given by their professional planning staff, which is that crushing and backhauling are not permitted uses in the district. Rogers stated that the City had an obligation to review a complete application but that there is no right to amend an application mid review and that the application must be viewed as a whole. Rogers further clarified that the uses that Park applied for are from a different zoning ordinance. King stated that part of the ordinance Kepler referenced no longer existed. King described the role of the Planning Commission and how their decision-making process worked. King then apologized to Carlson and Kepler for if she or the Commission came off negative during their previous hearing. King stated that she did not believe that Park Construction's proposed use would fit into the area and that she believed they would not be harmonious with the area. Hanegraaf stated that they went through a lot of effort to research the application. Carlson began to respond but then the meeting starting experiencing technical issues and it was paused for a recess until internet connection was back.

Recess from 7:31PM-7:37PM due to technical issues.

Upon resuming the meeting Hanegraaf asked Kepler and Carlson if they had both read the staff report by Dean Johnson dated 07-28-2022 and if they had any questions about it. Kepler and Carlson indicated that they had read it. Hanegraaf asked Johnson if he had any comments he would like to make. City Hall again began experiencing technical issues and the meeting was paused.

Recess from 7:40PM-7:57PM due to technical issues.

Upon resuming Hanegraaf asked if Kepler or Carlson had any final comments before they closed the public discussion to discuss among the Planning Commission members, to which they both said no. Berens complemented Johnson on his report and stated that he did not have any additional comments. King and Bobick both said they agreed with Berens' statement. Hanegraaf stated that the recommendation by the staff report was to deny the CUP. He asked if anyone would like to make a motion of denial of the application.

Motion Hanegraaf to deny the request for a Conditional Use Permit Amendment to permit a contractor shop consisting of an office, mechanical shop, equipment storage, material storage, and crushing activity in the Commercial/Industrial district vacant properties, PIN 33-32-22-23-0004. Second Berens. Motion carried with King, Hanegraaf, Bobick, and Berens voting in favor.

Motion Hanegraaf to approve the draft Resolution #22-01 recommending denial of a Conditional Use Permit for a building trade/contractor office located at 137th Avenue NE included in the CUP application packet on Pg 66-69, resolution #22-01. Second King. Motion carried with King, Hanegraaf, Bobick, and Berens voting in favor.

9. REQUEST – PUBLIC OPEN FORUM Nothing at this time.

10. INFORMATION – PLANNING COMMISSIONER'S REPORT Nothing at this time.

11. INFORMATION – ASSOCIATE PLANNER'S REPORT

Koenen stated he was working on an issue regarding compliance with billboards but that he would give a more detailed report at the next meeting. Hanegraaf asked when Love's would open, to which Mursko said the estimate was 08-18-2022.

12. ATTENDANCE OF CITY COUNCIL MEETINGS

Berens to attend the 08-10-2022 City Council meeting.

13. MOTION TO ADJOURN Motion by Berens to adjourn. Second King. Motion carried with King, Hanegraaf, Bobick, and Berens voting in favor. Meeting adjourned 8:08 PM.

Ella Giefer

Respectfully Submitted by Recording Secretary Ella Giefer.