

**City of Columbus  
Regular Planning Commission Meeting  
April 6, 2016**

The April 6, 2016 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 Jim Watson, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko, and Recording Secretary Karen Boland.

Also in attendance were City Council member Bill Krebs, and Mayor Dave Povolny; Jacob Foerst, Ally Deshong, John Kinghorn, Mary Montgomery, Taro Ito, Pat Preiner and Mary Preiner.

**AGENDA APPROVAL**

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

**APPROVAL – 9458 189<sup>TH</sup> AVENUE NE VARIANCE PUBLIC HEARING MINUTES OF MARCH 2, 2016**

*Motion* by Krebs to approve the minutes from the 9458 189<sup>th</sup> Ave. NE Variance Public Hearing held on March 2, 2016. Second by Preiner. Motion carried.

**APPROVAL – PREINER REZONING PUBLIC HEARING MINUTES OF MARCH 2, 2016**

*Motion* by Watson to approve the minutes from the Preiner Rezoning Public Hearing held on March 2, 2016. Second by Krebs. Motion carried.

**APPROVAL – SCHWARTZ VARIANCE PUBLIC HEARING MINUTES OF MARCH 2, 2016**

*Motion* by Preiner to approve the minutes from the Schwartz Variance Public Hearing held on March 2, 2016. Second by Watson. Motion carried.

**APPROVAL – AT&T IUP AMENDMENT PUBLIC HEARING MINUTES OF MARCH 2, 2016**

*Motion* by Krebs to approve the minutes from the AT&T IUP Amendment Public Hearing held on March 2, 2016. Second by Sternberg. Motion carried.

**APPROVAL - REGULAR PC MEETING MINUTES OF MARCH 2, 2016**

*Motion* by Preiner to approve the minutes of the March 2, 2016 regular Planning Commission meeting as written. Second by Watson. Motion carried.

**PUBLIC HEARING – 15201 ZURICH ST. NE – RUNNING ACES HARNESS PARK (RAHP) CUP AMENDMENT APPLICATION (PC-16-109)**

At this time a public hearing was held to receive testimony regarding a CUP amendment application request for RAHP - 15201 Zurich St. N.E., Columbus, MN to allow the relocation of the Recreational Camping Area from the front lot to the secure barn (stable) area. Separate minutes are prepared.

## **15201 ZURICH ST. NE – RAHP CUP AMENDMENT APPLICATION DISCUSSION**

Mursko instructed PC members that if they make a motion for approval, they need to make mention of the memos of both the Planner and Engineer, and of the RV Park Plan document on page 5 of the packet.

*Motion* by Krebs to forward to the City Council the request for a CUP amendment for 15201 Zurich Street N.E., Columbus, MN (RAHP) to allow the relocation of the Recreational Camping Area from the front lot to the secure barn (stable) area with a recommendation for approval based on the findings of fact and recommendations from the Planner’s memo dated March 30, 2016; the recommendations from the Engineer’s memo dated March 17, 2016; and acceptance of the RV Park Plan of Operation (Revised 3-2016). Second by Preiner. Motion carried.

### **Findings of Fact**

- 1) A CUP amendment application for relocation of the RV parking area was received on February 19, 2016 and supplemented on March 22, 2016.
- 2) The 60-day review deadline is May 21, 2016 and the 120-day review deadline, if needed, is July 20, 2016.
- 3) A Recreational Camping Area (RCA) for RVs was originally approved along the easterly side of the main Running Aces parking lot. This area was intended for Running Aces patrons; but, the area was never retrofitted with any sanitary sewer hookups for RVs.
- 4) Running Aces is requesting that the original RCA location be abandoned and relocated to the secured backstretch area. The RVs allowed in this area would be limited to personnel licensed by the Minnesota Racing Commission (MRC), such as groomers, trainers, riders, and owners, who would only use the RCA during racing season.
- 5) The area proposed for the RVs is along the westerly row of existing trailer parking in the backstretch area. A maximum of 25 RV hookups are proposed.
- 6) The proposed location for the relocated RCA is identified on a hand marked-up original January 27, 2006 Plan Sheet S303 (Proposed Construction and Utility Plan), hand dated “3/22/16 (v.2).”
- 7) The rules and regulations for RV occupants and visitors are included in the “RV Park Plan of Operations (Revised 3-2016),” received on March 22, 2016.
- 8) Detailed construction plans are pending for the water, sewer and electrical connections that are planned to be made available for each RV location.
- 9) Approval of the original CUP in 2004 was conditioned upon many subsequent plan reviews and approval, most of which occurred prior to the opening of Running Aces on 2008. Approved parking plans in the backstretch area included optimum parking needs and evidence for accommodation of maximum event usage. A “proof of parking” condition in the CUP is appropriate for parking improvements which have not been completed.
- 10) The Planning Commission held a public hearing on the CUP Amendment Application on April 6, 2016.

### **Recommendations**

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Running Aces RV Parking Area CUP Amendment, subject to the following conditions:

- 1) Construction plans for RV hookups must be submitted to the City Engineer and Building Official for approval and necessary permitting.
- 2) A maximum of 25 RV hookups are approved along the westerly trailer parking aisle of the backstretch area as shown on the hand marked-up original January 27, 2006 Plan Sheet S303 (Proposed Construction and Utility Plan), hand dated “3/22/16 (v.2).”
- 3) The RV plans and improvements must be consistent with State standards and permitting requirements for Recreational Camping Areas.
- 4) RV parking shall be allowed only during the racing season and regulated in a manner consistent with the Minnesota Racing Commission and according to the “RV Park Plan of Operations (Revised 3-2016),” prepared by Running Aces.
- 5) “Proof of parking” is approved by the City for approximately 102 parking stalls designated on the east sides of the easterly horse barns and the 14 spaces located north of the security gate in the backstretch area. Upon a reasonable finding of need and upon 180 days of written notice by the City, Running Aces agrees to construct additional improved parking, consistent with the “proof of parking” required.

#### **Recommendations by Engineer**

- 1) All restorations due to this construction must be performed in a timely manner and be equal to existing conditions.
- 2) There should be no direct impacts to the City’s sanitary sewer line or water main. We do request to review a more detailed layout of the proposed sanitary sewer, water, and electrical services for the proposed 25 RV spots, as well as more specific information on the proposed transformer location.

This matter will go before the City Council at their meeting on April 13th.

#### **PUBLIC HEARING – 13517 E. RONDEAU LAKE DRIVE VARIANCE APPLICATION (PC-16-110)**

At this time a public hearing was held to receive testimony regarding an application request for a variance at 13517 E. Rondeau Lake Drive, Columbus, MN (corner lot) from the required minimum 75-foot front yard setback to a 35-foot front yard setback to construct a pole framed accessory building for storage. Separate minutes are prepared.

#### **13517 E. RONDEAU LAKE DRIVE VARIANCE APPLICATION DISCUSSION**

The following questions were considered by the Planning Commission in determining whether the variance request meets the criteria to cause a practical difficulty:

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

Question: Does the proposal put property to use in a reasonable manner? **Yes.**

Finding: Do the requirements in the Zoning Ordinance prohibit the property from being used in a reasonable manner? **Yes** or No

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

Question #1: What are the unique physical characteristics of the particular piece of property? **Wetlands.**

Question #2: How is it not like other pieces of property? **Corner lot and wetland.**

Question #3: Did the landowner create the circumstances? **No.**

Examples:

- Topography
- Wetlands
- Trees
- Irregularly shaped or sized lot
- Shape or size of existing buildings
- Placement of existing structures on lot

Finding: Are the circumstances unique to the property? **Yes** or No

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

Question: Will the resulting use or structure be compatible with the underlying purpose and goals of the Zoning Ordinance? **Yes.**

Finding: The variance, if granted, will not alter the essential character of the neighborhood or City. **Agree** or Disagree?

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

Finding: The variance will not create a conflict between the Comprehensive Plan and the proposed use or structure. **Agree** or Disagree?

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

Question: Will the resulting structure be out of scale, out of place, or otherwise inconsistent with surrounding area? **No.**

Finding: The variance, if granted, will not alter the essential character of the neighborhood or City. **Agree** or Disagree?

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

Finding: Economic considerations are not the only reason for the practical difficulty. **Agree** or Disagree?

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A variance shall not be granted unless the Planning Commission makes specific findings of fact based directly on the particular evidence presented to it, and the City Council determines that these support conclusions that the standards and conditions as stated above have been met by the applicant.

Planning Commission Recommendation:	Approval: <b>04/06/16</b>
(Insert dates of action)	Denial:
City Council Action:	Approval:
	Denial:

There was discussion to clarify that, because this is a corner lot, the land along each road is considered a front yard. It was also discussed that 136<sup>th</sup> is a platted road, a standard city street. It will never be widened.

*Motion* by Preiner to forward to the City Council the application for a variance for the property at 13517 E. Rondeau Lake Drive, from the required minimum 75-foot front yard setback to a 35-foot front yard setback to construct a pole framed accessory building for storage, with a recommendation for approval based on findings that the Zoning Ordinance causes a practical difficulty. Second by Watson. Motion carried.

This matter will go before the City Council at their meeting on April 13th.

**PUBLIC HEARING – ZONING CODE AMENDMENTS – CHAPTER 7A-SENIOR HOUSING STANDARDS (PC-16-111)**

At this time a public hearing was held to receive testimony regarding amending Article VII Establishment and Purpose of Districts of the General Zoning Regulations by adding Senior Citizen Housing Design and Performance Standards. Separate minutes are prepared.

**ZONING CODE AMENDMENTS – CHAPTER 7A-SENIOR HOUSING STANDARDS DISCUSSION**

*Motion* by Watson to forward to the City Council an ordinance amending Article VII Establishment and Purpose of Districts of the General Zoning Regulations by adding Senior Citizen Housing Design and Performance Standards with a recommendation for approval. Second by Sternberg. Motion carried.

This matter will go before the City Council at their meeting on April 13th.

**CONTINUED DISCUSSION – 14461 LAKE DRIVE – EJM PIPE CUP AMENDMENT**

John Kinghorn went over a new building plan drawn up to reflect more accurately the size and location of the planned accessory building. The new plan also accurately depicts the alignment of the driveway with 145<sup>th</sup> Street. This was shown incorrectly on the previous plan. PC members were also presented with a landscape plan, building elevations for the proposed structure, and color samples.

*Motion* by Krebs to forward to the City Council the request for a CUP amendment for 14461 Lake Drive N.E., Columbus, MN for a construction contractor business (EJM Pipe) to allow for

the construction of additional lean-to buildings, a future accessory building, and the alternate location for proof of parking with a recommendation for approval based on the findings of fact and conditions from the Planner's memo dated March 31, 2016. Second by Sternberg. Motion carried.

### **Findings of Fact**

- 1) EJM received plat approval in 2009 for a lot consolidation of several parcels totaling approximately 67.8 acres, legally described as Lot 1, Block 1 Montgomery Family Addition, located at 14461 Lake Drive ("Property").
- 2) EJM also received CUP approval in 2009 to construct their company office and attached warehouse/maintenance facility on Property.
- 3) The original CUP approval included approximately 9660 square feet of office space attached to a 33,000 square feet warehouse and shop building.
- 4) The original building was approximately 32 feet high.
- 5) There was also a lean-to building approved in the 2009 CUP along the westerly and southerly lot line of the Property which abuts several pre-existing residences to the south.
- 6) After CUP approval, the site was cleared, three driveways were removed and a fourth driveway was constructed to line up with the intersection of 145<sup>th</sup> Avenue. Three separate lean-to buildings were constructed in the approximate location approved in the CUP.
- 7) Recently, a detached office building has been constructed in the approximate location of the original proposed office/warehouse building and an approximately 32,820 square feet detached warehouse building is currently under construction. The maximum height of the warehouse is 32 feet.
- 8) The office building is now a log constructed building; whereas, the warehouse remains a pre-cast insulated masonry wall structure. The westerly elevation of the warehouse building has an exposed aggregate finish. The remainder of the warehouse has a ribbed precast masonry finish.
- 9) The west elevation of the warehouse building will also have a covered service entrance facing the office building.
- 10) EJM is currently requesting the addition of a 25 feet by 150 feet lean-to building, with an attached 25 feet by 54 feet enclosed storage building, along the north property line at the easterly end of the storage yard.
- 11) The proposed lean-to and storage building will be a two-tone painted steel paneled building with metal roof, matching the existing lean-tos on the Property.
- 12) The proposed lean-to will exceed the minimum 10 feet side yard setback and is approximately 22.5 feet tall at the open end. The storage building will be approximately 23.5 feet in height.
- 13) The proposed building addition is not located within 150 feet of an existing residence and does not trigger additional screening requirements.
- 14) The Property does abut the RR District on its east boundary; however, there is well over a quarter-mile separation to the nearest residence, due to the large Crossways Lake wetland complex.
- 15) The original approved CUP site plan included 31 improved parking spaces and 55 "proof of parking" spaces located in the storage yard.
- 16) The proof of parking areas have been modified to relocate future parking where the proposed lean-to and storage building will be constructed.

- 17) The current plan identifies 30 improved parking spaces, including two handicapped accessible spaces, and 54 proof of parking spaces.
- 18) Approved stormwater improvements located west of the office building and along the wetland appear to have been completed.
- 19) The Planning Commission held a public hearing on the EJM CUP amendment of February 3, 2016.
- 20) EJM requested a delay in action to make site plan revisions, including details for a proposed storage building.
- 21) The revised site plan for EJM is dated March 14, 2016, prepared by Plowe Engineering.
- 22) The revised building elevations for the lean-to/storage building are dated March 23, 2016, prepared by Walters Buildings.
- 23) The final landscape plan is dated March 17, 2016, prepared by Plowe Engineering.

### **Conditions**

[NOTE: The relevant conditions from the 2009 CUP are retained here].

On the basis of the above Findings of Fact, the Planning Commission recommends approval of the EJM CUP amendment, subject to the following conditions for use of the Property:

- 1) Detailed recommendations by the City Engineer must be met.
- 2) Detailed recommendations by the Building Official must be met.
- 3) Recommendations of the Rice Creek Watershed District must be met.
- 4) Recommendations of the Anoka County Highway Department must be met.
- 5) All site lighting shall be downcast and shrouded.
- 6) Site signage must be approved by the City Administrator.
- 7) Landscaping shall be installed and maintained according to the landscape plan, dated March 17, 2016, prepared by Plowe Engineering.
- 8) EJM shall construct and maintain a minimum of 30 improved parking spaces, according to minimum City standards and the revised site plan, dated March 14, 2016, prepared by Plowe Engineering.
- 9) EJM has identified locations on the Property as “proof of parking” for 54 additional parking spaces. There is ample room for two additional “proof of parking” spaces, which satisfies original CUP requirements for parking, based upon the use of the Property.
- 10) EJM agrees to construct additional improved parking, consistent with the “proof of parking” required, based upon a reasonable need determined by the City and within 180 days of written notice by the City.
- 11) Outside storage of materials and equipment shall be limited to the gravel surface areas identified in the 2009 CUP.
- 12) The storage of any fuels or hazardous materials on the Property shall be consistent with State and Federal regulations.
- 13) The CUP may be revoked upon a finding by the City Council that the Property and/or use is not in compliance with the conditions of the CUP, following proper notice and a public hearing.
- 14) All construction and operations on the Property shall be consistent with all applicable local, State, and Federal laws and regulations.
- 15) No other uses, intensifications of uses, or new structures shall be allowed on the Property without formal amendment to the CUP.

- 16) There shall be no chemicals, hazardous wastes, gasses, fumes, or odors resulting from the use of the Property, except those resulting from customary use of equipment and vehicles.
- 17) EJM shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the CUP, including any subsequent inspection and enforcement actions

This matter will go before the City Council at their meeting on April 13th.

### **PUBLIC OPEN FORUM**

There was no topic raised for discussion for Open Forum.

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

Mursko reported that several recent plats have been incomplete. There will be one public hearing on a plat at the next PC meeting (4/20/16). ColumBiz will be held tomorrow morning. One topic to be discussed will be to ask local business owners if there are any particular issues they would like to see the CC look into.

Krebs asked how many projects are in the works in the City right now. Mursko said there are four new houses, and two more in the wings. She said this is getting down to the last of the inventory of lots.

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

#### **KREBS COMMENT:**

Krebs reported that MN DOT will be holding an open house at Eagle Brook Church on May 12<sup>th</sup>. She stressed the importance of encouraging legislators to support the 97 bridge project.

Mursko agreed, and added that the bridge project went to the transportation committee and has gone on to the Omnibus Bill in the House. It is not as far along in the Senate.

#### **PREINER COMMENT:**

Preiner said he and Chair Sternberg were delegates at the District 31 Republican convention last weekend. There was a good turnout, and all 17 Columbus delegates were in attendance.

#### **WATSON COMMENT:**

Watson attended and reported at the last CC meeting. The Mayor was asked and had no special instructions for the PC.

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

Krebs is scheduled to attend the City Council meeting on April 13, 2016.

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

Meeting adjourned at 8:40 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary