

**City of Columbus
Regular Planning Commission Meeting
January 18, 2017**

The January 18, 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, Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were City Council members Denny Peterson, Mark Daly and Bill Krebs; and Pam Westlund, Byron Westlund, Kris King, Paul Peskar, Emmy Robinson, Rick Robinson, Mary Preiner, Pat Preiner, and Ruth and Darwin Long.

AGENDA APPROVAL

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

APPROVAL – EXCAVATION ORDINANCE AMENDMENTS – CHAPTERS 7A & 9 - PUBLIC HEARING MINUTES OF DECEMBER 7, 2016

Motion by Wolowski to approve the minutes from the Excavation Ordinance Amendments Public Hearing held on December 7, 2016 as written. Second by Watson. Motion carried.

APPROVAL – REGULAR PC MEETING MINUTES ON DECEMBER 7, 2016

Motion by Preiner to approve the minutes of the December 7, 2016 regular Planning Commission meeting as written. Second by Watson. Motion carried.

PUBLIC HEARINGS – WOODLAND DEVELOPMENT CUP FOR PUD REQUEST (PC-17-101) AND PREINER PRESERVE PLAT REQUEST (PC-17-102)

At this time joint public hearings were held to consider a conditional use permit for a senior housing “planned unit development” (PUD) in the C/R Community Retail district, and to consider a request for a preliminary plat “Preiner’s Preserve” creating thirty new detached townhome lots with an outlot parcel in the C/R Community Retail zoning district. Separate minutes are prepared.

Commissioner Preiner recused himself at this time.

WOODLAND DEVELOPMENT CUP FOR PUD AND PREINER PRESERVE PRELIMINARY PLAT JOINT DISCUSSION

Johnson suggested a 31st lot may be possible as part of the PUD. Westlund said they will revisit that.

Johnson recommended the preliminary plat be revised to include all lots to the east. In the interest of time, it can be submitted at the same time as the final plat. What is being proposed now is subdivision by metes and bounds description. That would have to be done by deed. Mursko stressed that this typically causes all kinds of problems on the back end of the transaction. She gave several examples. Johnson stressed that the subdivision ordinance no longer allows these kinds of divisions of property by metes and bounds. The City Attorney will need to advise the CC on this. Johnson suggested language that unless the CC can waive the requirement, it be platted. Mursko said that is the process used in the past.

Pond #3 was discussed. It is not a new public improvement. Maintenance by the City would mean taxpayer's dollars spent on a private pond. If a precedent is set in this area, it could carry forward to other developments. The suggestion was made to include language that the Association reimburse the City for Pond #3 maintenance expenses.

The PC identified a number of issues regarding the preliminary plat that need to be addressed by the CC. The technical issues that need to be resolved are as follows:

- vacation of easement (Engineer's memo #1 in Summary/Recommendations),
- stormwater ponding,
- the metes and bounds decision as to whether lots will be conveyed by platting or metes and bounds, and
- resolution of low-floor elevation issue (Engineer's memo #6 in Summary/Recommendations).

PC also discussed that CC's decisions should take into consideration the Engineer's recommendations of January 17, 2017.

Motion by Krebs to forward to the City Council the Woodland Development CUP for PUD application with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner's memo dated January 13, 2017, with revisions to Finding of Fact #16, the omission of Finding of Fact #17, the omission of Recommendation #8, and the revision of Recommendation #17, all as noted below. Second by Watson. Votes as follows: Krebs-aye; Wolowski-aye; Watson-aye; Sternberg-aye. Motion carried.

Findings of Fact

1. The City received a PUD CUP application from Woodland Development ("Woodland") on October 26, 2016 and supplemented on December 13, 2016. The application was found complete. The 60-day review period ends on February 11, 2017 and the 120-day review, if necessary, ends on December April 12, 2017.
2. The CUP is required for the proposed development of senior citizen housing in the Community Retail (CR) District.
3. The PUD allows variations in dimensional standards.
4. The proposed Preiner's Preserve development is a 30-lot senior citizen detached home residential development.
5. Gross lot areas within the proposed plat range from 9,000 square feet to 53,355 square feet. The minimum lot size allowed is 5,000 square feet for association managed senior citizen housing.
6. Preiner's Preserve will include an association for lawn care and private driveway snow plowing.
7. All lots will be individually owned and all homes will be individually maintained. There are no common areas
8. Proposed minimum front yard setbacks are 25 feet. Depending on specific home plans, this could be a 5-foot exception to the minimum 30 feet garage setback, which would be allowed under the PUD.

9. There are currently four house plans included in the PUD submittal. Homes typically range in size from approximately 1,500 square feet to 1,700 square feet, with options for decks, porches and a third car garage stall.
10. Each home includes attached 2-car garages, exceeding the minimum 11 feet by 22 feet individual stall dimensions.
11. Parking areas in front of the garages can meet the minimum 18 feet by 24 feet driveway standards; although, there are no details included for individual driveways.
12. Homes are typically slab on grade but may include options for lookouts or walkouts on some lots.
13. Depending on final home plan designs, some models do not appear to meet the minimum 35% brick, stucco or stone front façade requirement.
14. The development includes new public street access for 26 lots. The public streets are 30 feet in width to the back of the curb. This dimension is adequate to allow parking on one side of the street.
15. Four lots will have access from a shared driveway off of 147th Avenue. A shared driveway access easement and maintenance agreement will be required.
16. The senior citizen detached dwelling standards include a guest parking allocation of ½ stall per unit. This requirement is met with one-sided street parking on the public streets. A minimum of two guest parking stalls should be identified on the plans and included in the shared driveway access easement and maintenance agreement.
- ~~17. There are no details submitted for any sidewalks, trails or pedestrian ways within the development. The existing Running Aces Harness Park trail along Zurich Street currently ends at the north end of the Property.~~
18. The applicant is working with Rice Creek Watershed District for permitting.
19. The PUD CUP public hearing was held by the Planning Commission on January 18, 2017.

Recommendations

Based upon the above Findings of Fact, the Planning Commission should recommend approval of the Preiner's Preserve PUD CUP, subject to the following:

1. The PUD CUP is contingent upon approval and recording of the Preiner's Preserve plat.
2. The PUD CUP is contingent upon detailed recommendations of the City Attorney.
3. The PUD CUP is contingent upon detailed recommendations of the City Engineer.
4. The PUD CUP is contingent upon subsequent detailed plan review 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, Preliminary Plat, dated 12/9/16; Civil Plan Sheets 1-20 by Hakanson Anderson, dated 12/7/16; Stormwater

Management Plan by Hakanson Anderson, dated 12/7/16; Development Narrative received on 12/13/16; and four home model designs by Durand Design and Croix Design and Drafting, undated.

7. The PUD CUP documentation is subject to modification by the City or may be modified through amendments approved by the City.
- ~~8. The PUD CUP is contingent upon the disposition of trail or sidewalk connections to the trail along Zurich Street abutting Running Aces Harness Park~~
- ~~17~~ 8. The PUD CUP is contingent upon shared driveway access easement and maintenance agreement for Lots 1-4, Block 1, including reimbursement to the City for maintenance of “Pond 3.”
9. No further subdivision of any lot for development purposes is allowed.
10. No filling, excavating or other land disturbances are permitted in stormwater ponding or wetland areas without written approval by Rice Creek Watershed District and the City.
11. Development of the Property must be consistent with all local, federal, and state laws that apply to the use of the Property.
12. 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.
13. Woodland shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the PUD CUP, including any subsequent inspection and enforcement actions.

Motion by Krebs to forward to the City Council the Preiner Preserve preliminary plat application with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner’s memo dated January 13, 2017, with revisions to Finding of Fact #4, the omission of Finding of Fact #18, the revision of Recommendations #3 and #8, and the omission of Recommendation #13, all as noted below. Second by Watson. Votes as follows: Krebs-aye; Wolowski-aye; Watson-aye; Sternberg-aye. Motion carried.

Findings of Fact

1. The City received a preliminary plat application from Woodland Development (“Woodland”) on October 26, 2016 and supplemented on December 13, 2016. The application was found complete.
2. The 120-day preliminary plat review deadline is April 12, 2017.
3. The proposed 16.69-acre, 30-lot residential plat is located between Running Aces Harness Park and 147th Avenue NE, legally described as part of the Northwest Quarter of the Northwest Quarter of Section 25, Township 32, Range 22, lying north of 147th Avenue, and part of Northeast Quarter of the Northwest Quarter of Section 25, Township 32, Range 22 (“Property”).
4. The proposed metes and bounds subdivision of the Northeast Quarter of the Northwest Quarter of Section 25, Township 32, Range 22 ~~to create the plat is procedurally incorrect; whereas, the subdivision of said parcel must be accomplished by platting.~~

5. The City also received a CUP application from Woodland to process the subdivision and development of the Property for senior citizen detached housing units through the PUD provisions of the City Code.
6. The Property is zoned Community Retail (CR), which allows senior citizen housing as a conditional use.
7. The proposed plat involves the extension of public sewer and water to all lots. Twenty-six lots are proposed to be served by new public street extensions, and four lots are proposed to be served by a shared common access drive.
8. The proposed lots range in size from 9,000 square feet to 53,355 square feet.
9. The Preliminary Plat and civil plans show different locations for the proposed house pad on Lot 9, Block 1. It appears that Lot 9, Block 1 could support two housing units.
10. The minimum lot area for association managed, detached single family homes is 5,000 square feet.
11. An association will be included in the proposed subdivision for private lawn care and snow removal of private driveways.
12. A shared access easement and private drive maintenance agreement will be required for the four lots with shared driveway access.
13. All lots will be individually owned and all homes will be individually maintained. There are no common areas.
14. Yard area and wetland area easements are consistent with the City Code.
15. There are three stormwater ponds proposed within the plat. Two ponds are required for city street drainage (Ponds 1 & 2); whereas, the third pond is required for the shared access drive serving the four lots.
16. An existing drainage and utility easement is impacted by proposed development on Lot 1, Block 2.
17. The applicant is working with the Rice Creek Watershed District for permitting.
- ~~18. There are no sidewalks or trails proposed within the plat.~~
19. The Preliminary Plat public hearing was held by the Planning Commission on January 18, 2017.

Recommendations

Based upon the above Findings of Fact, the Planning Commission should recommend approval of the Preiner's Preserve Preliminary Plat, subject to the following:

1. Detailed recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney.
3. **Ask the City Council to waive the platting of the easterly 1/4 1/4 parcel to form the east boundary of the plat. The final plat should encompass all of the Northeast Quarter of the Northwest Quarter of Section 25, Township 32, Range 22, creating outlots for remnants located on either side of 147th Avenue. [The final plat could also include the remaining Preiner property located in the Northwest Quarter of the Northwest Quarter of Section 25, Township 32, Range 22].**
4. PUD CUP approval.
5. Renaming of Yuba Street NE to Anson Street NE.

6. Consistency of the plat name and civil plans name – either “Preiner’s Preserve” or “Preiners Preserve.”
7. A subdivision development agreement.
8. A shared driveway access easement and maintenance agreement for Lots 1-4, Block 1, ~~including maintenance of “Pond 3.”~~
9. An application for a partial easement vacation for a portion of the existing drainage and utility easement encumbrance on Lot 1, Block 2.
10. Requirements of the Anoka County Surveyor.
11. Requirements of Rice Creek Watershed District.
12. Permanent wetland buffer plaques and stormwater ponding easement plaques at intervals determined by the City.
- 13. ~~Disposition of trail or sidewalk connections to the trail along Zurich Street abutting Running Aces Harness Park.~~**
14. Cash in lieu of park land dedication.
15. Reimbursement of all City expenses associated with plat approval.
16. Future development within the plat is subject to local ordinances and permitting requirements.

These matters will go before the City Council at their meeting on January 25th.

DISCUSSION – ACCESSORY BUILDING ORDINANCE

Commissioner Preiner rejoined the Planning Commission.

Mursko pointed out changes proposed to the Accessory Building ordinance. Amendments include:

- In Section 7A-805 A., per CC direction, language has been added prohibiting the use of fabric, plastic or vinyl.
- At D. 4. the intent is that if a garage is within 50 feet of the house, it is not included in the total square footage allowed for accessory buildings; if the garage is more than 50 feet from the home, its square footage is included as part of the total allowable accessory building square footage.
- At E. 4. it states, “The placement of the Accessory Building complies with the minimum well and septic requirements pursuant to Chapter 14.” This language is currently under setback exceptions, but should be part of the rule. You can’t put an accessory building on the only place available for an alternate septic site. This should be its own letter in this section, not just an exception. PC members agreed that it should be added as letter M.as accessory buildings.
- The language at L is all new. It outlines special conditions for multi-modal shipping containers or portable on-demand storage (PODS) as Accessory Buildings. Mursko said that because the ordinance was silent on this issue the City Attorney said there needs to be language to prohibit them, allow them or make them temporary.

Columbus resident, Emmy Robinson, 18334 Tulane Street, asked to speak on this issue. Ms. Robinson disagreed with the classification of the shipping containers or PODS as accessory buildings. They are temporary; they are not intended to be permanent. The purpose of the ordinance was to make accessory buildings look good. Hoop sheds and Quonsets were not allowed for this reason. The buildings need to look good and look like buildings. These containers do not.

Ms. Robinson feels if these containers are allowed, they should be regulated more than this. There should be some requirement for appearance and obstruction from view. Her main point is that these containers do not meet the definition of an accessory building, nor the purpose of the ordinance.

Resident Paul Peskar added that the ordinance says accessory buildings are to match the look and feel of the house. These containers do not.

PC members discussed feeling that these containers do not meet the vision of the ordinance or the City. They do not feel they meet any of the requirements to be classified as accessory buildings. These containers have a valid temporary use in cases of remodeling and construction. Johnson suggested a moratorium on these except for strictly temporary use. That way further study can be done. The decision in the Comp Plan may make the City more compact, creating even more of a nuisance for neighbors.

Mursko will ask the Building Official for his opinion about the definition of these, permitting, etc. The PC would like a moratorium. They would also like to see any existing containers removed, if the City Attorney determines it is possible to legally do so.

Motion by Krebs to forward to the City Council Chapter 7A, Article VIII with a recommendation for approval with language in 805-A prohibiting the use of fabric, plastic or vinyl for accessory buildings; moving the language in item E. 4 to create item M.; allowing multi-modal shipping containers or portable on-demand storage containers (PODS) as temporary only, for a period of 190 days, under a moratorium to allow future study; and omission of item I. Second by Sternberg. Motion carried.

PUBLIC OPEN FORUM

There was no topic raised for discussion for Open Forum.

CITY ADMINISTRATOR'S REPORT

Mursko said there are no applications for the next PC meeting. It will be the kick-off meeting for the Comp Plan. She does not yet know if the CC will want to sit in as well. A certain number of meetings will be dedicated to Comp Plan work, and public meetings need to be scheduled as well. The hope is to complete the Comp Plan by June 1, 2018. Planner Johnson said he intends to bring different people in to work with the City on the Comp Plan, in order to give everyone a feel for other planners. He plans to retire after completion of the Comp Plan.

Mursko added that PC members Garth Sternberg and Jesse Preiner have been reappointed to the Planning Commission.

PLANNING COMMISSION MEMBERS' REPORT

PREINER COMMENT:

Preiner said an article in the most recent Forest Lake Times says the future of the 97 bridge project looks optimistic. Mursko said the next MN DOT meeting is Friday, January 20th, and more will be known after that.

ATTENDANCE - NEXT CC MEETING

Preiner is scheduled to attend the City Council meeting on January 25, 2017, but will recuse himself. Watson, Krebs or Sternberg will attend and present in his place.

Motion by Krebs to adjourn. Motion carried.
Meeting adjourned at 9:44 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary