

City of Columbus
Regular Planning Commission Meeting
October 5, 2016

The October 5, 2016 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:02 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, Bill Krebs, and Jeff Duraine; Shirley Miller, Pete Neumann, Nick Neumann, Joe and Sarah Bazey, Mary Tomnitz, Roy and Laurie Wold, Gary Thielen, Kris King, Paul Peskar, Glen Yakel, Ann C., Diane Rueb, Darrell Thurnbeck, Barry Peterson, Thomas Carlisle, Mary Preiner, and Pat Preiner.

AGENDA APPROVAL

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

APPROVAL – PUBLIC HEARING MINUTES - NORTH METRO HARNESS INITIATIVE (ACES HOTEL, LLC) PRELIMINARY/FINAL PLAT REQUEST ON SEPTEMBER 21, 2016

Motion by Wolowski to approve the minutes from North Metro Harness Initiative Preliminary/Final Plat Request Public Hearing held on September 21, 2016. Second by Watson. Motion carried.

APPROVAL – PUBLIC HEARING MINUTES - TRINITY BUSINESS CONSULTING, INC. (ACES HOTEL, LLC) CUP REQUEST ON SEPTEMBER 21, 2016

Motion by Watson to approve the minutes from Trinity Business Consulting, Inc. CUP Request Public Hearing held on September 21, 2016. Second by Krebs. Motion carried.

APPROVAL – BODNAR - 18788 LEXINGTON AVENUE NE - VARIANCE REQUEST ON SEPTEMBER 21, 2016

Motion by Wolowski to approve the minutes from 18788 Lexington Avenue NE Variance Request Public Hearing held on September 21, 2016. Second by Watson. Motion carried.

APPROVAL – REGULAR PC MEETING MINUTES ON SEPTEMBER 21, 2016

Motion by Krebs to approve the minutes of the September 21, 2016 regular Planning Commission meeting as written. Second by Sternberg. Motion carried.

PUBLIC HEARINGS – THURNBECK PRESERVE PRELIMINARY PLAT APPLICATION (PC-16-122) AND THURNBECK PRESERVE CUP FOR PUD APPLICATION (PC-123)

At this time a combined public hearing was held to receive testimony regarding both a preliminary plat application request for “Thurnbeck Preserve” creating seventeen new residential lots, and for a conditional use permit request for a planned unit development (PUD) to allow varying lot sizes averaging five acres in the “Thurnbeck Preserve” seventeen lot plat. The applicant is Sherco Construction. Separate minutes are prepared.

THURNBECK PRESERVE PRELIMINARY PLAT APPLICATION AND THURNBECK PRESERVE CUP FOR PUD APPLICATION DISCUSSION

Planner Johnson pointed out that under the PUD procedure lots can be averaged. None may be under 2 ½ acres, and they must average five acres or more. This proposed development meets that standard; the average is 5.28 acres. The cul-de-sac street in the development will be approximately ¼ mile, with the large lots on the west end.

Krebs noted that the application incorrectly shows the address as Forest Lake instead of Columbus. Finding #17 re: the preliminary plat was discussed. Johnson explained that one recommendation is that no further subdivision of any lot for development be allowed. A subdivision would bring the average lot size below the five-acre average. A proposed 11-acre lot currently has a large building on it. As a farm structure there were no limits on it as an agricultural building. It would now exceed current allowable accessory building size limits on an 11-acre lot. Johnson said the City can have them cut the building down and make it consistent with current ordinance or the City can authorize it at its current size. He recommends letting it stay by acknowledging it's there because of a pre-existing non-conforming use. It is unknown if the building is structurally sound. Johnson recommends inspection by the Building Official. If this building is not sound and demolished, the property owners would go back to needing to comply with current accessory building size standards. If the building is sound and stays, owners of this lot could not add another building without a variance, since it would exceed the aggregate total of buildings.

Motion by Krebs to forward to the City Council the request for a preliminary plat, dated August 17, 2016, "Thurnbeck Preserve" creating seventeen new lots with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner's memo dated September 29, 2016. Second by Sternberg. Motion carried.

Findings of Fact

1. The City received preliminary plat and PUD (CUP procedure) applications from Sherco Construction ("Sherco"), which were found complete on September 13, 2016.
2. The 60-day PUD CUP review deadline is November 12, 2016. The 120-day preliminary plat review deadline or extended PUD CUP review deadline is January 11, 2017.
3. The proposed 96-acre plat is located in the southwest quadrant of Broadway Avenue and Furman Street, legally described as the South Half of the Southeast Quarter of Section 3, Township 32, Range 22 and part of the North Half of the Northeast Quarter of Section 10, Township 32, Range 22 ("Property").
4. There are 17 lots proposed within the development.
5. The CUP procedure is required to consider granting approval of a Rural Residential District PUD on the Property through the Planned Unit Development provisions of the City Code.
6. The minimum lot size within the plat is 2.54 acres. There are 11 lots under 5 acres in size. The average lot size is 5.28 acres.
7. The proposed plat is consistent with minimum lot area, lot averaging, minimum lot dimensions, and maximum density standards allowed by PUD.
8. Each lot identifies home and SSTS locations, consistent with area and setback dimensional standards.
9. Proposed floor elevations in the plat are based in part upon five piezometer location readings taken on May 23, 2016 and June 2, 2016.
10. Drainage and utility easements are located adjacent to all property lines and adjacent to

wetlands, consistent with Subdivision Ordinance requirements. Anoka County Ditch 35, Branch 2 generally forms the southerly border of the plat.

11. There are five stormwater ponds proposed within the plat.
12. The Property is located within the Sunrise WMO. The City is the LGA for stormwater management decisions.
13. A new cul de sac is proposed to provide access to 12 of the lots. One lot gains access from Furman Street. Four lots have access from Broadway Avenue.
14. Approximately 6.77 acres are dedicated for public right of way.
15. A letter has been received from Anoka County Transportation Division, which indicates shared access to Broadway Avenue will be required for Lots 6 & 7 and for Lots 8 & 9. The County also recommends consideration of noise attenuation for the proposed lots abutting Broadway Avenue.
16. Furman Street is a gravel road.
17. The Property is vacant with exception of an existing 19,314 square feet agricultural accessory building located on Lot 11. Based upon the acreage of Lot 11, the maximum accessory building size allowed would be 11,280 square feet.
18. The Preliminary Plat and PUD CUP public hearings were held by the Planning Commission on October 5, 2016.

Preliminary Plat Recommendation

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Thurnbeck Preserve Preliminary Plat, subject to the following:

1. Detailed recommendations of the City Engineer including, but not limited to, low floor elevation standards, stormwater management, and street improvements.
2. Title review and recommendations of the City Attorney.
3. PUD CUP approval.
4. Requirements of the Anoka County Transportation Division.
5. Requirements of the Anoka County Surveyor.
6. A subdivision development agreement that addresses public improvements within the plat, the paving of Furman Street adjacent to the plat, and future subdivision of property within the plat.
7. No further subdivision of any lot for development purposes is allowed.
8. Permanent wetland buffer plaques and stormwater ponding easement plaques at intervals determined by the City.
9. Reimbursement of all City expenses associated with plat approval.
10. Cash in lieu of park land dedication.
11. Future development within the plat is subject to all laws and permitting requirements.

Motion by Krebs to forward to the City Council the request for a conditional use permit request for a planned unit development (PUD) to allow varying lot sizes averaging five acres in the “Thurnbeck Preserve” seventeen lot plat with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner’s memo dated September 29, 2016,

and on the findings from the City Engineer dated October 2, 2016. Second by Sternberg. Motion carried.

Findings of Fact and Preliminary Plat Recommendations (see above)

PUD CUP Recommendation

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Thurnbeck Preserve PUD CUP, subject to the following:

1. The PUD CUP is contingent upon final plat approval and recording of Thurnbeck Preserve.
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 allows the exception for the oversized, existing accessory building located on Lot 11, subject to code compliance review and any recommendations by the Building Official.
5. Development of the Property must be consistent with all local, federal, and state laws that apply to the use of the Property.
6. No further subdivision of any lot for development purposes is allowed.
7. In the event the City Council determines, in its sole discretion, that the development 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. The City shall notify regulatory authorities that have issued licenses or permits in connection with the PUD CUP of any such revocation.
8. Sherco shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the CUP and PUD, including any subsequent inspection and enforcement actions.

Engineer Summary/Recommendations:

1. Driveway culverts, including sizes and elevations, should be shown for the four (two common) driveways on Broadway Avenue and the one on Furman Street.
2. City Council should decide on the method/process of paving Furman Street.
3. NWL elevations of Stormwater Ponds 1A, 1D and 2A should be adjusted based on most recent piezometer ground water elevation readings.
4. Pond 1D data should be shown in the second table of the Drainage Report.
5. Pond 5A top bank elevations need to be adjusted to contain the 100-year HWL within the pond boundaries.
6. Note 2. Under Part IV.G Final Stabilization on SWPPP Sheet C2.1 refers to meeting all requirements in Part III.D. There is no Part III.D on the plan sheet.

7. Some of the Temporary or Permanent Erosion Control items should be shown on plan sheets so that critical items listed in Notes on the SWPPP plan sheets are not missed (including silt fence, wood fiber blanket and rip rap).
8. Silt fencing should be shown adjacent to all existing wetlands where any grading activity is proposed, including storm water ponding.
9. The Emergency Over Flow (EOF) location west/southwest out of Pond 1B runs across the north side of Lot 10 in a natural low area. This area must be maintained and protected in the future (no filling allowed) across the north side of Lot 10 so that walk-out elevations of houses on Lots 1-6 and 10 maintain a minimum of 1' of freeboard above the EOF elevation.
10. All areas of existing drain tile should be placed under drainage and utility easements.
11. The existing drain tile outlet under proposed storm water Ponds 1D and 1B should be connected to proposed storm water Pond 1D.
12. More data on the existing drain tile should be acquired, such as elevations, and a recommendation from the developer's engineer or geotechnical engineer as to the potential impact to the existing measured ground water elevations in the area of not maintaining and/or disconnecting the drain tile.
13. Lowest floor elevations for houses using ground water elevations from Piezometers at Borings 6, 7 and 8 (Lots 1 – 6 and 12 – 17) shall be adjusted for the new/higher recent ground water readings.
14. Construction of each house should be closely monitored to make sure requirements of Section 7A-201 9B "Buildable Area" regarding drain tile, back fill, geotextile fabric, drainage rock, slope grades, etc. are explicitly followed.
15. Drain tile outlets should be permanently marked and protected.
16. How (under what mechanism) will the west half of Furman Street be dedicated to the City for use as a public roadway?
17. Locations of each proposed well should be shown on the site plans.

These matters will go before the City Council at their meeting on October 12th.

**PUBLIC HEARING – 13405 LAKE DRIVE (GARAGE SOLUTIONS CONDOMINIUMS)
CUP AMENDMENT APPLICATION (PC-16-124)**

At this time a public hearing was held to receive testimony regarding an amendment to an existing conditional use permit to allow a common gathering area to include a gas grill, burning pit, and sitting area. The applicant is Construction Technology, Inc. Separate minutes are prepared.

13405 LAKE DRIVE (GARAGE SOLUTIONS CONDOMINIUMS) CUP AMENDMENT APPLICATION DISCUSSION

PC members believe any lighting in the outdoor area should be shrouded. Screening was discussed. There are currently two oaks and a pine tree; one maple tree will be added to the west. The Planner and PC members expressed interest in seeing the outdoor grill area moved to the west side of the property to locate it further from neighboring residents.

Planner Johnson said the outdoor cooking is a legal issue. He would like the City Attorney to advise on 1 through 3 of the Recommendations.

Potential noise issues were discussed. Owners of the condos have 24-hour access and may bring in family members, etc. There was discussion about restricting hours for using the outdoor grill area. Owner Joseph Bazey stated that if there is a problem, the Association can deal with it. Rules can be made or fines instated. The Association is professionally managed and can be contacted 24/7. With the current key-card security system, there is a record of who comes and goes from the property at all times. PC members asked how it could be dealt with after the permit is issued if late-hour noise becomes a problem. Mursko said that if, for instance, the sheriff is called and the noise doesn't exceed MPCA noise standards and there are no standards in the permit, the sheriff can do nothing. If the sheriff found the noise exceeds standards, a complaint would be forwarded to the City. If the excessive noise is confirmed, a warning is issued to the property. It is very difficult to open a CUP if violations are taken care of. Johnson pointed out that noise standards and disturbance of the peace are two different things. You can disturb your neighbors without violating noise standards. With the number of units and owners the potential exists for a perpetual thing. PC members discussed a condition that if the City receives ongoing complaints about noise or other public nuisance, it will inform the applicant to remedy the situation through its association rules. Bazey asked if this could be worded to be specific to the outdoor area.

Motion by Krebs to forward to the City Council the request for an amendment to an existing conditional use permit to allow a common gathering area to include a gas grill, burning pit, and sitting area with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner's memo dated September 29, 2016, with revisions to Finding of Fact #6 and Recommendation #4, and the additions of Finding of Fact #14 and Recommendation #8, as noted below. Second by Watson. Motion carried.

Findings of Fact

1. The City received a CUP application from Construction Technologies, Inc. ("CTI") on September 2, 2016 and supplemented on September 20th and September 27th.
2. The 60-day CUP review deadline is November 26, 2016. The 120-day review deadline, if necessary, is January 25, 2017.
3. The "garage condominiums" are located at 13405 Lake Drive NE, legally described as Common Interest Community (CIC) No. 292 ("Property").
4. The CIC Plat and CUP were approved by the City Council on June 25, 2008.
5. The proposed CUP amendment is limited to the addition of an outdoor recreation area in the common area of the northeasterly corner of the Property.
6. The proposed recreation area is approximately 30 feet by 80 feet and includes a ~~fit~~ fire pit, outdoor kitchen, patio area with outdoor tables and seating, shrubbery, and possible horseshoe pit.
7. The proposed outdoor recreation area is approximately 200 feet directly west of the nearest

residence on the east side of Humber Street and approximately 240 feet from the neighboring residence to the northeast.

8. The property immediately to the north of the Property is occupied by Zaczkowski Trucking Services.
9. The recorded CIC Plat identifies a recorded ponding and flowage easement in the same location as the proposed outdoor recreation area.
10. Original site plans identify the SSTS area and infiltration areas located on either side of the recorded drainage easement.
11. The recorded Declaration for the Garage Solutions Condominiums (Section 15.03) prohibits any structures or landscaping in common areas without the written consent of the Association.
12. Section 17.06 of the Declaration specifically restricts “Outside storage of any items, including but without limiting the generality of the foregoing, sporting and recreational equipment, toys, outdoor cooking equipment, tools and garbage containers shall not be allowed.”
13. The CUP Amendment public hearing was held by the Planning Commission on October 5, 2016.
14. **Revision to the existing CUP conditions to include the recommendation in #4 below that if the City receives ongoing complaints with regard to the outdoor recreation area the Association will address the problems in its Rules and Regulations.**

CUP Recommendation

Based upon the above Findings of Fact, the Planning Commission should table any recommendations on the Garage Solutions Condominiums CUP Amendment until the following:

1. Inconsistencies between the proposed CUP Amendment and provisions of the Condominium Declaration are resolved.
2. Conflicts between the location of the proposed use of the Property and the recorded drainage easement are resolved.
3. Verification that the proposed outdoor recreation area does not overlap with or otherwise conflict with SSTS or required infiltration areas.
4. **Resolution of or mitigation of any issues raised at the CUP Amendment public hearing. Revision of the existing CUP conditions that if the City receives ongoing complaints with regard to the outdoor recreation area the Association will address the problem in its Rules and Regulations.**
5. Resolution of any recommendations of the City Engineer or City Attorney.
6. If resolution of the above issues cannot be satisfactorily resolved by December 1, 2016, the applicant should consider withdrawing the application or the Planning Commission should consider recommending denial of the CUP Amendment.
7. A 60-day review extension letter should be forwarded to the applicant prior to November 26, 2016.
8. **Any outdoor lighting should be downcast and shrouded.**

This matter will go before the City Council at their meeting on October 12th.

PUBLIC HEARING – MN COLUMBIA SALES (9541 152ND AVENUE NE) IUP APPLICATION (PC-16-125)

At this time a public hearing was held to receive testimony regarding a request for an interim use permit to allow the sales and service of utility and cargo trailers at 9541 152nd Avenue NE, Columbus, Minnesota. The applicant and property owners are MN Columbia Sales LLC c/o Leadership Circle LLC. Separate minutes are prepared.

MN COLUMBIA SALES (9541 152ND AVENUE NE) IUP APPLICATION DISCUSSION

There was discussion about the name on the IUP. Pete Neumann of Leadership Circle LLC asked that the permit be issued to the tenant: Trailers Plus. Mursko said that while CUPs run with the property, IUPs generally run with the property owner. She will consult the City Attorney about the name to appear on the IUP. For the purposes of a motion, she suggested the owner's name be used with language that the name on the IUP be subject to correction by the City Attorney.

Motion by Krebs to forward to the City Council the application for an interim use permit for MN Columbia Sales LLC c/o Leadership Circle LLC, subject to correction by the City Attorney, for the property at 9541 152nd Avenue NE, to allow the sales and service of utility and cargo trailers, for a period of ten (10) years, with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner's memo dated September 29, 2016, and including the understanding that all previously existing IUP conditions remain in effect. Second by Watson. Motion carried.

Findings of Fact

1. The City received an IUP application from MN Columbia Sales LLC ("MNCS") on September 1, 2016 and the application was found complete.
2. The 60-day IUP review deadline October 31, 2016. The 120-day review deadline, if necessary, is December 30, 2016.
3. MNCS has acquired the former Brinkman's trailer sales property located at 9541-152nd Avenue NE, legally described as Lot 1, Block 1, Oxford Addition ("Property").
4. The former Columbus Town Board approved the Trailerland IUP on February 9, 2005. The IUP expires in February 2017.
5. The purpose of issuing an IUP to Trailerland rather than a CUP was to allow nonconforming uses on a temporary basis within the then newly created CR Community Retail Zoning District.
6. MNCS proposes to use the property by a vendor similar to Brinkman's - TrailersPlus.
7. MNCS proposes to abide by the original conditions of the IUP.
8. MNCS is proposing to renew the current IUP or receive a new IUP "for as long as possible."
9. The IUP Amendment public hearing was held by the Planning Commission on October 5, 2016.

IUP Recommendation

Based upon the above Findings of Fact, the Planning Commission is recommending approval of the assignment of the Trailerland IUP to MNCS and an extension of the IUP term, subject to the following:

1. The amendment to the IUP shall include existing IUP conditions and the requirement for connection to the municipal sewer and water system.

2. The IUP Amendment shall be contingent upon any recommendations of the City Engineer, City Attorney, or Building Official.
3. Renewal of the IUP term could be considered for a shorter period of time than the original term, reflecting the pending update of the City's comprehensive plan and potential zoning ordinance amendments, which may better determine land use alternatives for long term use of the Property.
4. MNCS shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the IUP, including any subsequent inspection and enforcement actions.

This matter will go before the City Council at their meeting on October 12th.

EXCAVATION ORDINANCE DISCUSSION

Planner Johnson outlined the reason for the changes. The desire was to review excavation, filling, grading and mining and separate the mining out entirely to make the excavation, filling and grading parts more or less an administrative procedure. Each of these terms has been clearly defined as well.

Mining: All various districts within the zoning ordinance needed to be amended to determine where mining would be allowed. It is incorporated as an interim use, subject to the provisions of Section 7A-822. This is written as the performance standards for mineral extraction in the community. In the purpose statement the intent is outlined up front: to not lose any more buildable acreage, and to minimize the use of public roads. The very restrictive term of 12 months is included, with the possibility of extension for another 12 months, subject to approval of the CC. No application for another permit for the same property will be accepted for five years after the expiration of an IUP. Access requirements state that property on which mineral extraction may be considered must have direct access to a minor arterial or collector roadway as defined in the City's Comp Plan. Mursko and Johnson discussed the need to be cognizant of this when working on the transportation portion of the Comp Plan. The performance standards, as drafted, suggest specified hours of operation between 7 a.m. and 7 p.m. Monday through Friday, and no holidays. There is a provision for dust control. Setback standards have been included--this is a policy issue, the City can create whatever standards are wanted. Increased setbacks are included for crushers and other processing equipment. The allowed height of stockpiles is outlined. The City has no jurisdiction over air quality, noise or water quality; these must be consistent with state statutes. All practical means shall be used to eliminate vibrations. Explosions are prohibited. Weeds must be controlled. Reclamation of topsoil is outlined. Backhauling of materials is prohibited unless appropriate as part of the site reclamation plan. Performance bonds are set at \$6000 per acre under disturbance.

Excavation, Grading, Filling: Chapter 9 has been amended to cover excavation, grading and filling. Mining has been dropped from this chapter. Most of this chapter has been gutted, including interim use permits and conditions. Distinctions are made between excavation, grading, and filling. The intent is to allow these activities where they don't result in unnecessary loss of upland. Some exemptions are given. A change has been made from a fee of \$50 per permit, to \$250. PC members raised the issue of the scope of the excavation, grading or filling. In this draft, it specifies that smaller excavations of less than 100 cubic yards do not require a permit. It was felt that the CC wanted this set at 200 cubic yards or less.

Mursko clarified that if the PC agrees with the format of this draft, they would be making a motion recommending the CC call for a public hearing on it.

The PC agreed to revisit this draft ordinance at their next meeting before taking any action. Johnson concluded that the complication for grading permits has been reduced. There are a lot of requirements for mining. The intent of both is to maintain upland.

PUBLIC OPEN FORUM

There was no topic raised for discussion for Open Forum.

CITY ADMINISTRATOR'S REPORT

Mursko reported that Bituminous Roadways presented their concept plan to the CC at their last meeting. The CC would like to tour the Shakopee facility before making any determination on the concept. The company's CEO, Kent Peterson, will arrange for a tour. As business is winding down for the season, he recommended an October visit. He cannot guarantee the plant will be operating in the later evening. The CC is looking at a Tuesday or Thursday visit in the afternoon, and a meeting notice will be posted. Mursko asked PC members about their interest and availability for a tour. It would not need to be the same day as the CC, but if more than two PC member plan to go, a meeting notice must be posted. PC members suggested 10/13, 10/20 or 10/27 at 1:00 p.m. All are interested, but not yet certain of availability. Mursko will work on scheduling a date and posting a meeting notice.

The next PC meeting agenda includes a variance request for a lot on Coon Lake.

PLANNING COMMISSION MEMBERS' REPORT

KREBS COMMENT:

Krebs attended the recent concert at Running Aces and said it was lots of fun.

ATTENDANCE - NEXT CC MEETING

Wolowski is scheduled to attend the City Council meeting on October 12, 2016.

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

Meeting adjourned at 9:30 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary