

City of Columbus
Special City Council Meeting
Alternative Meeting Format
MN Statute, Section 13D.021
08.04.2022

The 08.04.22 meeting of the City of Columbus City Council was called to order at 3:07 p.m. by Mayor Jesse Preiner at the Columbus Community Center. Present were Councilmembers Robert Busch (via teleconference), Janet Hegland, Shelly Logren and Sue Wagamon (via teleconference); City Administrator Elizabeth Mursko, Public Communication Coordinator Connor Keith and Public Works Director Jim Windingstad.

Also in attendance: Tony Elden, Deb Juetten, Markum Olson (via phone) and Natalie Ryder (via teleconference)

1. **CITY COUNCIL REGULAR MEETING**
 1. Call to Order – Regular Meeting – 3:07 p.m.
 2. Pledge of Allegiance
2. **APPROVAL OF AGENDA**

Motion by Hegland to approve the agenda. Seconded by Logren. Roll call vote: Logren – aye; Hegland – aye; Wagamon – aye; Busch – aye; Preiner – aye. Motion carries.

2. **PRESENTATION**
 3. St. Clair Lakes CUP Amendment for PUD

Mursko recapped a presentation by Joshua Markum Builders at the previous evening’s Planning Commission meeting to amend the original CUP submitted by the previous developer for additional deviations under the Planned Unit Development. Mursko said Olson has developed five different floorplans for homes in the community, and all sequential houses will be different designs. Mursko said Olson has requested an amendment to the CUP to shrink garages in some floorplans from 11 feet by 22 feet to 10.5 feet by 22 feet, another to reduce some lots to a zero rear-yard setback, and a final amendment to decrease the garage setback from the curb from 30 feet to 25 feet to increase the homes’ square footage. Mursko said Olson has had the HOA re-recorded to enhance the development with multiple amenities, as it is going to handle plowing, lawncare, streetlights, garbage and road maintenance since the streets are private. Mursko shared that attic storage space has been added above the garage. Mursko said Olson is requesting the amendment to the CUP so he can get started building, as six houses have already been sold.

Hegland asked if the four homes that are going to be built on Xalapa Street abutting the existing property at 9141 Lake Drive NE are going to have their rear setbacks adjusted to zero feet. Mursko said the request being made is for the overall community and that the address map doesn’t show any proposed or existing pads. Hegland asked if there should be any concern about this variance impacting the existing Lake Drive property. Mursko said she did not know if Block 5 was going to feature a zero-foot setback. Hegland continued, asking if any of these variances would impact water runoff. Mursko

said Rice Creek Watershed District had looked at the grading and drainage plan and new civil plan, and the City Engineer also reviewed it and didn't identify any issues.

Logren asked if the map that was provided was official. Mursko said the handout is the address map and only shows house pads, which only shows the footprint where the house could be built within. Mursko said that is why the developer is requesting his amendments to be able to move the house within the pad. Preiner clarified that the proposed house wouldn't take up the entire pad. Hegland asked if the CUP amendment was allowing Olson to move the pad, or simply the house. Mursko said most of these amendments are regarding the houses along Howard Lake but doesn't know if Olson was going to alter the location of homes on the east side of Xalapa Street. Hegland expressed concern about the possibility of homes on the east side of Xalapa Street being right on the property line next to the existing property at 9141 Lake Drive NE.

Busch asked if Hegland is talking about Block 2. Logren and Hegland said they were worried about Block 5. Busch said he's worried about the rear setback for houses Nos. 1 and 2 in Section 2 butting up against the edge of the development and Outlot C and asked if the DNR has reviewed the proposal. Mursko said the DNR has cleared building up to the Outlot C property line. Hegland equated the buffer, indicated in gray on the map, as a home backing up to a park. Busch asked whether the City has ever approved of the front setbacks at the proposed 25-foot distance. Mursko said the same setback was utilized in the Preiner's Preserve development.

Mursko told Olson the City Council was hesitant about awarding the amendment without learning more about if a zero-foot rear setback would be used bordering 9141 Lake Drive NE. Olson said there will still be a back yard as platted. Mursko clarified with Olson that the only lots getting a zero-foot rear setback would be those that border Howard Lake. Mursko asked Olson if the drainage plans were still in order and met all regulations and requirements. Olson said with the exception of one elevation, all drainage calculations were exactly the same.

Motion by Preiner to approve the St. Clair Lakes CUP amendment for the PUD based on the City Planner Report Findings of Fact 1-32 subject to Conditions 1-20. Seconded by Busch. Roll call vote: Logren – aye; Hegland – aye; Wagamon – aye; Busch – aye; Preiner – aye. Motion carries.

St. Clair Lakes Amendment to 2021 Planned Unit Development Conditional Use Permit 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 5,000 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 of the 2022 amendment to the PUD CUP is to allow variations to minimum dimensional standards, including front-yard setbacks, rear-yard setback and minimum garage stall dimensions.
9. The minimum required front-yard 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 five 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 B or Outlot C. 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-foot drainage and utility easement across the rear yards of all four lots.
14. The interior side yards of all lots in all blocks include five feet of drainage and utility easements.
15. The minimum side-yard setback, building or at-grade patio, remains at five 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 Blocks 3 and 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 in width and 22 feet in depth. Model E has a stall depth of 20.3 feet. Model C has a width of 23 feet and a depth of 24 feet.
21. Minimum ordinance garage dimensions are 22 feet in width and 24 feet in 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 lawnmowers and snowblowers in the garages.
24. Joshua/Markum is also including attic storage areas above the garage in all models (generally eight feet by 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 in width and 24 feet in depth.
27. All proposed homes are single story, slab-on-grade residences.
28. The proposed building models range in livable space from 1,740 square feet to 1,591 square feet. The minimum ordinance requirement for one-story homes is a 1,000 square foot footing dimension.
29. The models range from two-bedroom to three-bedroom floor plans. The models include at-grade patios and/or interior three-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 façade of each home includes LP siding and cultured stone. The percentage of stone ranges from 36.12 percent to 51.69 percent. The minimum ordinance requirement for stone is 35 percent. 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 the proposed amendment to the St. Clair Lakes PUD CUP on August 3, 2022.

St. Clair Lakes Amendment to 2021 Planned Unit Development Conditional Use Permit Conditions:

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 May 6, 2022, and June 1, 2022; Model Home Plans A, B, C, D and E received on June 1, 2022, prepared by Litfin Design; front façade building material percentages by Litfin Design, undated; and amended homeowner association documentation received June 14, 2022.
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 requires 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 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.
4. City Council Workshop Meeting Cancelled 08-09-2022

Preiner indicated that law requires that the August 9, 2022, City Council workshop meeting cannot be held due to a state election and that it must be rescheduled. Mursko suggested either Thursday, August 11 or Thursday, August 18, but said other dates could be considered.

Wagamon requested the meeting be scheduled for August 11 as she wouldn't be available for August 18. The Council agreed to reschedule to August 11, 2022, at 5:30 p.m. Preiner asked what the topics would be. Mursko said nothing was on the agenda other than preliminary budget discussions. Busch asked when the speed study results could be discussed. Mursko said it wouldn't be until September 13. Hegland asked if a potential compliance officer could be discussed at the workshop, or if it was already part of the budget discussion. Mursko said an update on that topic could take place at this workshop. Logren asked where the City was on the Lake Drive moratorium. Mursko said the next meeting would also be in September, and the next Planning Commission meeting will conclude the discussion and result in a draft ordinance for residentially zoned business.

5. ADJOURNMENT

Motion by Preiner to adjourn. Seconded by Hegland. Roll call vote: Logren – aye; Hegland – aye; Wagamon – aye; Busch – aye; Preiner – aye. Motion carries.

Meeting adjourned at 3:41 p.m. Respectively submitted:

Connor Keith, Public Communications Coordinator