

**City of Columbus  
Regular Planning Commission Meeting  
July 23, 2013**

The July 23, 2013 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:01 p.m. by Chair Barbara Hvass at the City Hall. Present were Commission members Andy Anderson, Myron Organ, Pam Wolowski, Jesse Preiner, Jody Krebs, and Garth Sternberg; City Administrator Elizabeth Mursko, Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were City Council member Denny Peterson; Jeff, Kate and Ken Zaczkowski of Zaczkowski Trucking Services; Mickey Betz; Peggy and Barry Peterson; Mike and Rose Schaal; Pat Preiner, and Mary Preiner.

**AGENDA APPROVAL**

*Motion* by Krebs to approve the Agenda as presented. Second by Preiner. Votes as follows: Sternberg – abstain; Krebs –aye; Preiner – aye; Wolowski – aye; Organ – aye; Anderson – aye; Hvass – aye. Motion carried.

**APPROVAL - 5027/(5043) 190<sup>TH</sup> LANE VARIANCE PUBLIC HEARING MINUTES OF JUNE 19, 2013**

*Motion* by Krebs to approve the minutes from the 5027/(5043) 190<sup>th</sup> Lane Variance Public Hearing held on June 19, 2013 with a correction. She requested changing the word “I” to “It on page nine, in a quote from Mursko. Anderson raised a question regarding setback measurement. Mursko explained that when the applicant measured and applied for the variance, he measured the footprint of the building. When he came in for the building permit, nothing was matching the variance. It was discovered he had measured the footprint and not the actual most exterior point of the house. It was a 35’ house with a one-foot soffit in a 50’ lot. Mursko asked the City Council whether they felt it was still appropriate for the variance. There would still be a 5-foot setback to the side wall, but it would only be two feet from the outermost point. The CC agreed to let the variance go through. The CC did feel this should be looked at for the future. Mursko asked the Planner how this is handled in other ordinances. Do some allow for a soffit overhang to be excluded from a setback? Johnson said many community ordinances have a number of exceptions to setbacks. There are some commonly accepted protrusions (e.g. chimneys), but they should be written into the ordinance. Mursko said our ordinance doesn’t have any of those exceptions in it, so this might be something to consider. Second by Organ. Votes as follows: Sternberg – abstain; Krebs –aye; Preiner – aye; Wolowski – aye; Organ – aye; Anderson – aye; Hvass – aye. Motion carried.

**APPROVAL - 8503 178th LANE VARIANCE PUBLIC HEARING MINUTES OF JUNE 19, 2013**

*Motion* by Krebs to approve the minutes from the 8503 178th Lane Variance Public Hearing held on June 19, 2013. Second by Anderson. Votes as follows: Sternberg – abstain; Krebs –aye; Preiner – aye; Wolowski – aye; Organ – aye; Anderson – aye; Hvass – aye. Motion carried.

**APPROVAL - REGULAR PC JOINT MEETING MINUTES OF JUNE 19, 2013**

*Motion* by Krebs to approve the minutes of the June 19, 2013 regular Planning Commission joint meeting as written. Second by Organ. Votes as follows: Sternberg – abstain; Krebs –aye; Preiner – aye; Wolowski – aye; Organ – aye; Anderson – aye; Hvass – aye. Motion carried.

## **PUBLIC HEARING – ZACZKOWSKI TRUCKING SERVICES CUP APPLICATION (PC-13-106)**

At this time a public hearing was held to receive testimony regarding a CUP application for Zaczkowski Trucking Services, 13461 Lake Drive NE, Columbus, MN. Separate minutes are prepared.

## **ZACZKOWSKI TRUCKING SERVICES CUP APPLICATION DISCUSSION**

There was discussion about minimum exterior building design requirements. Options were considered for how to bring the building elevation facing Lake Drive more in line with the City standard in this area. In the CI district the ordinance requires a 50% non-metal standard for the street-facing elevation. In the past the PC has shown some flexibility with regard to interpretation of this standard along Lake Drive. Possibilities discussed included adding a sign, varying the color and/or design, moving wainscot from the 135<sup>th</sup> Street side to increase the wainscot on the Lake Drive side, etc. It was agreed that the side facing 135<sup>th</sup> Street is acceptable, since the focus will be on Lake Drive. Johnson said this is consistent with what the PC has done in the past. Johnson suggested the applicant re-submit a building elevation on Lake Drive to the PC at a future date as a condition. This would allow the process to move forward. The CC would not have to look at it a second time.

*Motion* by Anderson to forward to the City Council a recommendation for approval of Zaczkowski Trucking Services' application for a Conditional Use Permit, based on the findings of fact and recommendations in the City Engineer's letter dated July 17, 2013, and the City Planner Memo dated July 18, 2013, with a revised condition #11 that states: "The CUP is contingent upon the applicant re-submitting a building elevation plan for approval by the Planning Commission." Second by Krebs. Motion carried.

## **Findings**

- 1) Zaczkowski Trucking Services ("ZTS") submitted an application for a CUP to construct a new trucking/service facility on July 1, 2013 that was found complete.
- 2) The 60-day review deadline is August 30, 2013. The 120-day review deadline, if necessary, is October 29, 2013.
- 3) ZTS proposes to construct a freight trucking business at 13461 Lake Drive (CSAH 23), located in Section 33, Township 32, Range 22 ("Property").
- 4) The Property is zoned C/I Commercial/Industrial.
- 5) The C/I District allows contractor businesses, company-owned vehicle repair and storage as conditional uses.
- 6) There is an existing residence, outbuildings and private sewage treatment system on the Property that will be removed.
- 7) There is an existing private well on the Property that will be retained and used in the new business.
- 8) An existing Property access drive on Lake Drive will be removed. New access will be provided on the north side of the Property via 135<sup>th</sup> Avenue NE.

- 9) ZTS is proposing to construct a 7536 square feet building on the Property, including approximately 500 square feet of office area and an approximately 1536 square feet attached lean-to.
- 10) The proposed building will be accessed by a paved driveway and served by a paved 14-stall parking lot.
- 11) The proposed development also includes a larger gravel truck maneuvering and parking area.
- 12) The proposed building and parking areas exceed all minimum setback requirements in the C/I District.
- 13) The proposed site coverage or impervious surface area is approximately 31%, which is well within the 50% limitation.
- 14) The proposed office/shop building is approximately 30 feet in height, which is well within the maximum 50 feet height limit in the C/I District.
- 15) The proposed building will include steel exterior wall panels, trim and roofing. A 3-foot-high stone wainscoting adorns the west and north sides of the building facing Lake Drive and 135<sup>th</sup> Avenue.
- 16) The exterior building materials are similar to the Waldoch shop building on the north side of 135<sup>th</sup> Avenue, but they do not appear to meet the minimum non-metal surfacing standards for street facing elevations.
- 17) The shop building will be used for vehicle maintenance and parking.
- 18) There will be typical oils, lubricants, solvents and cleaners associated with vehicle maintenance. The service will be required to maintain a Very Small Quantity Generator license for hazardous wastes.
- 19) Up to 12 flatbed trailers or tractor trailer combinations will be parked in the outside truck maneuvering area at any time.
- 20) The site plan identifies a proposed SSTS drainfield area and stormwater ponding area between Lake Drive and the proposed building.
- 21) Numerous existing trees will remain on the Property after development, which exceed any new landscaping requirements.
- 22) There have been no plans submitted for site or building signage or site lighting. Site signage and lighting can be permitted administratively.
- 23) There are no wetlands or floodplain on the Property. Rice Creek Watershed District (RCWD) has reviewed the development plans and issued a conditional permit (CAPROC), dated June 26, 2013.
- 24) Anoka County will require a right-of-way permit for removal of the existing driveway onto Lake Drive.
- 25) Properties to the north, east, and south of the Property have dedicated 33 feet easements for 135<sup>th</sup> Avenue and Humber Street. Portions of 135<sup>th</sup> Avenue and Humber Street encroach on the Property. There have been no easements dedicated on the property for 135<sup>th</sup> Avenue or Humber Street.
- 26) Properties to the north and south of the Property have dedicated additional 10 feet easements to Anoka County along CSAH 23 as a part of their site development.
- 27) The City Engineer provided comments and recommendations in a letter dated July 17, 2013.
- 28) The Planning Commission held a public hearing on July 23, 2013, to consider the proposed CUP for ZTS.

## Conditions

- 1) The CUP is contingent upon final recommendations of the City Engineer.
- 2) The CUP is contingent upon final recommendations of the City Building Official.
- 3) The CUP is contingent upon final requirements of the Rice Creek Watershed District.
- 4) The CUP is contingent upon requirements of Anoka County to close the existing driveway onto Lake Drive.
- 5) The CUP is contingent upon acknowledgment by ZTS that the CUP approval does not eliminate the requirement for obtaining all other permits and approvals as required by City, watershed, county, or state laws, rules, ordinances, and policies, including but not limited to grading permits, building permits, plumbing permits, electrical permits, stormwater permits, sign permits, driveway permits, water appropriation permits, and sewage treatment system permits.
- 6) All proposed site improvements and construction shall be consistent with the CUP application accepted by the City on July 1, 2013 (except as modified by the City, county, or watershed district).
- 7) ZTS shall provide 33 feet easements to the City along 135<sup>th</sup> Avenue and Humber Street and a 10 feet easement to Anoka County along CSAH 23.
- 8) ZTS shall operate the facility in full compliance with all federal, state, and local laws, rules, regulations, and ordinances.
- 9) Hazardous wastes generated on the Property shall require licensing through Anoka County.
- 10) Any proposed site lighting or security lighting shall require plan review and approval by the City and shall include shrouded fixtures to prevent direct lighting on adjacent properties or public right-of-way.
- 11) The CUP is contingent upon **the applicant re-submitting a building elevation plan for approval by the Planning Commission.**

Hvass explained the next step in the process. This will go before the City Council at tomorrow night's meeting (7/24/13).

## PUBLIC OPEN FORUM

There was no topic raised for discussion for Open Forum.

## CITY ADMINISTRATOR'S REPORT

Mursko reported that the next meeting is August 7, 2013. She will encourage Zaczkowski to get their building elevation plan in for approval, but there is also a non-binding concept review scheduled for the Jay Brothers' property.

## PLANNING COMMISSION MEMBERS' REPORT

### STERNBERG COMMENT

Sternberg asked if there was a condition for shrouded light fixtures in the CUP for Garage Solutions.

Mursko said the fixtures are supposed to be shrouded and they are supposed to shine down. She is going to ask the building inspector to address the lighting concerns raised tonight. In relation

to other concerns raised at the hearing, nothing in the City Code regulates the type of fencing a business may use. As far as trees go, no matter what is said verbally, the only thing binding are the written conditions. We can't tell a business what to do with individual trees, but the PC could require, for instance, a line of vegetative screening between the business and a residential property. Preiner asked if we could get Garage Solutions to transplant some trees along the property line on Humber. Mursko said we can't require it after the fact. Johnson said the ordinance standard when that CUP was approved required 8 trees per acre. He asked if there are 40 trees on the property. Mursko said there are, they just aren't along Humber.

#### **KREBS COMMENT**

At the joint meeting with the City Council on June 19<sup>th</sup>, the PC was directed by the CC to look at the CI district and the rooftops, and our overlay plan. Krebs would like to put it on the agenda that the PC look into the City's Comprehensive Plan and review Section 7A, 819 in the Code book to get started. She felt the Land Use plan and PUD should be looked at.

Mursko clarified that it is the Freeway District.

Krebs also reminded members that the Relay for Life will take place in August in both Forest Lake and Stillwater. The Krebs family will be walking in the 18-hour Rivers of Hope walk in Stillwater to raise money to cure cancer.

#### **ANDERSON COMMENT**

At a future meeting Anderson feels the PC should review the issue of how a setback is measured.

#### **HVASS COMMENT**

Hvass asked why this was a CUP discussion tonight when these uses are already allowed in the CI district.

Mursko said the Freeway District has permitted uses which require only site-plan review. But on Lake Drive, because exterior storage is allowed, and there are residences mixed in, and situations that might need a few more conditions, most uses are under the CUP. The Planner concurred. He said anything with a life span of more than 20 years has to be a CUP. The CUP gives the City a lot more negotiating power. Site plans can only go with straight ordinance requirements. CUPs give the City more flexibility.

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

Wolowski is scheduled to attend the City Council meeting on July 24, 2013.

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

Meeting adjourned at 8:43 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary