

City of Columbus
Public Hearing – Zaczkowski Trucking Services, CUP Application (PC-13-106)
13461 Lake Drive NE
July 23, 2013

The July 23, 2013 Public Hearing to receive testimony regarding the request of Zaczkowski Trucking Services for a Conditional Use Permit at 13461 Lake Drive NE, Columbus, MN was called to order at 7:10 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.

Hvass: Next we will have a Public Hearing and discussion of 13461 Lake Drive NE, a conditional use permit application, pages 1-11 and enclosures. And first we will ask our recording secretary to read the notice as it appeared in the newspaper.

Notice was read at this time.

Hvass: Thank you. Who is here for this? Who's going to present for this conditional use permit? Somebody from the audience? Come forward. Sit here at the table. You can pull up another chair. Okay, state your names, and address.

Zaczkowski, Kate: Kate Zaczkowski. My home address?

Hvass: You, you'll need to speak up, because the microphones don't amplify. All they do is record for the secretary.

Zaczkowski, Kate: Okay.

Hvass: Could you say it again?

Zaczkowski, Kate: Kate Zaczkowski.

Hvass: Okay.

Zaczkowski, Jeff: Jeff Zaczkowski.

Hvass: Okay.

Zaczkowski, Ken: Ken Zaczkowski.

Hvass: Okay.

Mursko: All together they make up Zaczkowski Trucking.

Hvass: Okay. Tell us what's going on?

Zaczkowski, Jeff: Well, we're a small family-owned trucking company that's currently operating out of Blaine. Um, two garages right off 242 Main Street, and we are looking to find a new home. Um, our, our current area is getting crowded in by lots of new development and, uh, we just think it'd be best to, to move a little farther out, um, find a nice lot that has some privacy to it. And we're going to put up a 100 by 60 shop with an office, um, with a gravel parking area for some trailers. Um, we operate mostly local. We have 10-12 trucks. Um, fairly small operation. And that's, um, that's about the size we've been for the last, you know, 15-20 years. My dad's been driving for 30...how many years?

Zaczkowski, Ken: 40.

Zaczkowski, Jeff: Forty years. So, um, yeah, I guess that's about it.

Zaczkowski, Kate: A point I'd like to make is, right now the way our business operates is, the garages are in one location and I'm in another. So this'll be consolidating the trucks and trailers and drivers and the office all in one, so, that's really good for our business. So I'm excited for that part, to actually be where the drivers come in and out. So, that'll really help.

Mursko: In looking at your agenda packet, you have several pieces of material. You have the application. There's a short narrative. There's some, um, color rendering, and there's also a site plan. And, just to give you an idea of where this is located, I've kind of changed the orientation of the site plan for you to give you a perspective. (Referring to overhead) Um, this is Lake Drive, and this is 135th Avenue, and behind it is Humber Street. So there is right-of-way all the way around it. Um, currently there is a home on this property, and I know that it is referred to as 13461 Lake Drive, but that address will go away, and their new address will be a 135th address. So we will re-address this property once the building is built. But, looking at the site diagram, they are looking at closing the access on Lake Drive, and, this is, again, 135th, and they are matching up the driveways, because there is a building, um, Waldoch, they own and rent that building to two, two tenants. And, my understanding is, the blackened area is blacktop and this is your, this is your gravel area, and this is their new building. To also give you a little perspective, um, south of here—or I should say—yeah, it is south of here—this is Garage Solutions, the, um condominiums. So, on either side you have commercial businesses. But to the east of here, you do have some residential homes. So, with that, I'll turn it over to Dean. He has prepared the Planner's report for you.

Johnson: What would you like me to go over? Do you want a blow by blow description or ask questions, what's your preference?

Preiner: A brief blow by blow.

Johnson: A brief description? Uh, I think Elizabeth has covered this, and Jeff pretty much described what the business or the make-up of the property would look like. We met with the Zaczkowskis maybe 5-6 months ago? Shorter than that? It's a pretty quick turnaround. Um, and have worked well I think. They asked all the right questions. We talked about access. We talked about issues on 135th and Humber. I'll, I'll just point out quickly as noted in here. The property to the north is the Waldoch office warehouse building. That was probably one of your more recent conditional use permits on Lake Drive. Um, they provided easements on Humber on that property and ended up dedicating along Lake Drive, an extra ten feet to the County. Um, Elizabeth mentioned Joe Bazy condominium storage to the south. They provided a ten feet additional easement to the County on Lake Drive. And there previously was no easement on Humber from that property, and they provided 33 feet to the City.

We would be looking at the same situation. If you can look at the drawing that's up on the wall or what's in your packet. Portions of 135th, as well as Humber, actually encroach on this property and it's, in part, because it's really the only one here that has not provided easements for either 135th or Humber. And so the road is, right now, wholly located in the north 33 feet of a typical 66-foot driveway. If, if you've went down this area prior to the meeting, the trees are literally right in the middle of the street. We do need some improvements as this entire area continues to improve. While Elizabeth mentioned there are properties both to the northeast, east, and southeast of this site, they are all zoned commercial. So we would anticipate at some point in the future there's going to be a, a change in that. The City's going to have to upgrade that road, um, and we need the rights-of-way. And so I've described easement requirements. It's not our responsibility to get the easement for the County. Uh, but I'm guessing when they look at an access permit to close the existing drive, the County will bring that up. I'd like to head it off and simply say they're probably going to ask for another 10 feet. Um, all of the setback requirements would take into account the 10 feet along Lake Drive, the 33 feet on the other two streets, so there are no setback issues on any property sites, including granting of those easements to the City for additional rights of way.

There is, as I think Jeff mentioned, a 60 by 100 feet building which includes about 500 square feet of office space. There's also a partially enclosed lean-to. I don't know if you could pick that out from the drawings or not. Um, I think one side of this is, is not enclosed, but it would be for any of the miscellaneous storage that's on the property. Otherwise, as far as I know, the only other outside storage would be, uh, flat beds, trucks, or occasional pull-rigs parked in that open area. Um, there are plans that the City Engineer reviewed for storm water, and he's got a separate memo to you. At the time I was finishing that by the deadline and, uh, getting it to Lorie for your packets, I was able to read Larry's recommendations and he pretty much cites all the things I did. Uh, we, we need some road easements. He was, uh, he indicated there aren't details. We'll need details on a new sub-surface treatment system for the property. They are going to use an existing well, but he indicated that the storm water is okay from his perspective. It's consistent with City ordinances. They'll have to actually obtain a permit from Rice Creek. Uh, there was a copy of a CAPROC from Rice Creek Watershed District in your packet, and so, we do have a preliminary permit. I don't expect any surprises. Site coverage is about 30%. So that's well within the 50%, even though we can modify that standard. Um, there are a lot of trees existing on the property. I mentioned in the right-of-way improvements and ultimately in some street improvements that would be done, we're going to need to take some of those trees down that are right adjacent to the road. Um, but it clearly exceeds the requirements here. There would be no additional

landscaping required on the basis of the amount of landscaping that's already on the property. And, you may recall, we don't have a foundation planting requirement anymore, and so, this clearly is consistent with that.

The warehouse, uh, this is personal shop space. They're not doing any kind of commercial repair work on vehicles, so this is, this is a company service building. Based on our most lax parking standards which relate to warehousing, there's plenty of parking for the 500 feet of office space in balance of which is just the shop or the business itself.

The only item that I referenced on here with regard to City standards, we have in the commercial industrial district a 50% non-metal standard for street-facing elevations of the buildings. You've got some drawings that were included in your packet. Uh, we don't have very many corner buildings. I think you've got, well, uh, in addition to 135th, you've got, what's the next one? 145th? That's the only other intersection on this whole road. Uh, we did not have a dual standard on the Waldoch building to the north. So that south facing building from what I recall, doesn't have the wainscoting, but the west facing on Lake Drive does. Don's building has considerably shorter sidewalls—about 12 feet—and these are 18 feet. And, so, with three feet wainscoting and not that many window, or, in this case, for a service building, hardly any overhead doors, uh, we're not, we're not really close to that standard, so, somewhere you need to discuss how you want to address that.

I don't know that there's really anything else I would mention. Again, we met with the Zaczkowskis early on. They took all of the advice that we had suggested. They've laid out the site plan very well, and outside of some details-- obviously, the building official needs to review detailed plans, and we'll need to get details on a new, uh, private sewer system, uh, it's pretty straightforward. So, I'm happy to answer any questions you may have.

Hvass: Planning Commission members, do you have questions?

Krebs: I, Madam Chair, if I could...

Hvass: Go ahead Jody.

Krebs: Um, just on 22 for the signage. As long as they meet the standards of the City they can just go ahead and do signage and then have it administratively processed...

Johnson: Well, they should come in, they should come in and get a permit.

Krebs: But, I mean they won't have to come in front of us again.

Johnson: They don't have to come in.

Krebs: They can just go ahead and do their signage once they get their...

Johnson: And, and the site lighting, we did not discuss that in advance and I know Elizabeth, well, obviously we've got a special meeting tonight so we were trying to accommodate the timeframe of this for closing on the property and so forth. And it's not uncommon in conditional use permits that we don't have—because they're not applying for a building permit today—we

don't have things all in place. And so, administratively, the City Engineer would review any site lighting. I mentioned here, if there are parking lot standards or wall lights, they've got to be downcast. We don't have direct lighting permitted, uh, on either side. But, uh, those can be done administratively in the future.

Krebs: And have you all been able to read the findings of fact and recommendations that we've seen tonight? Have you been able to look over them?

Zaczkowski, Jeff: Yes.

Zaczkowski, Kate: Yes.

Hvass: The memo from Dean.

Zaczkowski, Jeff: Yes.

Krebs: Okay. Do you guys have any questions or anything that you feel is not reasonable or anything like that?

Zaczkowski, Jeff: Um, not really. I mean I, right now I think the, as far as the lighting goes we plan on just putting lighting on the building on three sides: um, the front facing Lake Drive, the side facing north, and then the east side. There'll be lighting on the building. But I don't think we plan on putting any lighting in the yard or the parking lot.

Johnson: And we don't have a requirement that you have to have lot lighting. It's so, any, any, you know, instead of a wall-pack where the bulb is visible, they've just got to be shrouded down, that's all. And so it's not that big of an issue. Um, and a lot of times this is the last thing that people come forward with: Gee, we need a sign and we need some lights here. And, and, those can be done administratively.

Hvass: Andy?

Anderson: I, I have a question. In your application you indicate that it says, trucks will leave the yard primarily between 4 a.m. and 6 a.m. And your trucks are exiting on 135th, and I'm wondering if there's a problem, because on Humber Street it is residential. And I'm wondering if those hours would be of concern to the people that live there. You're running diesel trucks and they're not real quiet at 4:00 in the morning.

Zaczkowski, Jeff: Yeah. It, um, ...

Anderson: Is it, is there a possibility of changing the, that morning timing or is that set in stone?

Zaczkowski, Jeff: Well that, those hours are our hours that our drivers need to leave in order to make it to the places they need to be to get loaded, so those, yeah, I guess...

Zaczkowski, Kate: Our customers open at 5 a.m., so that's why we would have to leave the yard at 4 to go load to get a delivery to a place by 3 p.m., so, we, we're expected to be there at 4, at 4 to 5 a.m. in the morning to start loading for the day.

Unidentified: And how many trucks are we talking about, that are leaving at 4?

Zaczkowski, Kate: Maybe 8 to 10. That seems high to me. A lot of our owner operators park at home. We have our three trucks.

Zaczkowski, Jeff: Currently the garages that are operating currently, we only have four, five, four or five trucks that are leaving that property. Maybe plan on adding two. Um, they don't all leave at the exact same time. Um, and the driver is actually facing the commercial property. There won't be headlights, you know, facing into someone's home. We plan on leaving up as many trees around the perimeter of that property as we can. I'm a big tree lover. My house is surrounded by 100-year oak trees. And I want to keep as many of those trees up as we possibly can, just to cut down on, you know, they'll be great for cutting down on glare, noise, dust, um...

Wolowski: Madam Chair.

Anderson: Can I ask another question before you?...this is related to...

Wolowski: Mine is as well.

Anderson: Okay. You're exiting on 135th...

Mursko: Correct. That's 135th. (referring to overhead) It's across the driveway from...

Anderson: Okay. Where's Humber?

Mursko: Humber...

Krebs: Back. Way in the back.

Anderson: Way up there. So, actually your exit is closer to Lake Drive than it is to Humber.

Zaczkowski, Jeff: That's correct.

Anderson: It's better than...it's not even half-way. It, it's probably ¼ into the lot is your exit.

Zaczkowski, Jeff: Yup.

Anderson: So, I am disturbed, I am concerned with the neighbors and the noise, and I think that's something that should be considered, but, it probably isn't going to be a serious issue if you're exiting where that black area is on the map, and Humber is way up at the top.

Zaczkowski, Jeff: I wouldn't think so, because we, we currently have houses, brand new houses, how far from our garages right now? Probably less, probably less than that.

Zaczkowski, Ken: 400 feet.

Zaczkowski, Jeff: 3-400 feet. No trees. Nothing. It's an open field.

Anderson: Okay.

Zaczkowski, Jeff: And I don't think we've had a single complaint yet?

Anderson: Okay. Okay, that's good.

Zaczkowski, Kate: Our trucks are muffled. There's no straight pipe, so they're not obnoxiously loud or anything like that.

Anderson: Yeah. But diesel engines...

Zaczkowski, Jeff: We just idle. It's just idling around the yard, you know. Our guys, they drive nice and slow and take it easy. You know, they're pretty courteous, considerate.

Anderson: Okay. Thank you.

Hvass: Pam?

Wolowski: Um, with the diesel trucks in the winter...I have been familiar with a situation where you have to, um, let them run before you go. Would you anticipate starting any earlier than 4 in the winter? Having trucks idling in the yard that may cause any concerns with the neighbors?

Zaczkowski, Ken: Uh, usually, you know, you know when they're sitting inside in a warm garage you don't have to leave them idle at all.

Wolowski: Okay.

Zaczkowski, Ken: You, you hook up and go basically. Right.

Wolowski: All right. Thank you.

Hvass: Myron.

Organ: Uh, do you have any night workers?

Zaczkowski, Ken: Night workers?

Organ: Let's say a mechanic that's there over night working on a vehicle or anything like that?

Zackowski, Ken: Oh, no. No.

Organ: And you know we have an engine brake rule in Columbus? Jake brake, or whatever you want to call it.

Zackowski, Jeff: Yeah. Okay.

Organ: That's, that'll tee people off more than anything else, is some cowboy coming down the road: Brrrrr. Brrrrr.

Zackowski, Jeff: No, we don't have any guys like that.

Anderson: Good. Great.

Hvass: Planning Commission are there other questions?

Organ: Do any truck washing?

Zackowski, Ken: Yeah.

Zackowski, Jeff: Some. Some. Um, we mostly do it in the garage, not on the lawn.

Wolowski: What are you hauling?

Zackowski, Ken: In summer time usually outside, but...

Zackowski, Jeff: We, uh, we have mostly flatbeds. We haul steel.

Zackowski, Kate: And building materials and concrete. So anything from scaffolding to pipe to concrete barrier to steel coils, sheet coil—or sheets too.

Anderson: But this, this steel and so on belongs to customers that you're hauling for.

Zackowski, Kate: Mm-hmm. Distributers...

Anderson: You don't own any of this?

Zackowski, Kate: No.

Anderson: Okay.

Hvass: Are there other questions? Myron?

Organ: Any full loads that'll sit on the premises for an extended period of time, or is it pretty much in and out?

Zackowski, Kate: At times.

Zackowski, Ken: Mostly, one day at the most. We bring 'em home at night if we get loaded at night. And then they're gone in the morning, so...

Anderson: You're, you're basically transporting customers' equipment, goods, or whatever.

Zackowski, Kate: To job sites or...manufacturers.

Anderson: Yeah. Job sites. Materials. Okay.

Hvass: If there's no further questions of the Planning Commission, I'm going to open the meeting to the public. Is there anyone from the public that wishes to make comment, ask questions?

Unintelligible comment.

Hvass: You'll have to step forward so that we can hear you.

Schaal: I'm Rose Schaal. We own the property, um, just across the street on Lake Drive.

Mursko: Down here.

Schaal: Right.

Mursko: Okay.

Schaal: What is that indicated there between Lake Drive and their pavement, that rectangle? What is that?

Mursko: It's the, their septic system.

Schaal: Oh, that was the septic. Okay.

Mursko: The new septic system.

Zackowski, Kate: We have a copy of that.

Mursko: A copy of...?

Zackowski, Kate: The septic.

Mursko: Oh you do, okay.

Anderson: Of the new septic system.

Schaal: I have another question. When is that driveway closed off? Is it closed off—the one on Lake Drive—before you, as you're building, like right away, or are you going to need access to that until it's all complete?

Zaczkowski, Jeff: I think the, the first thing that will be done is the, the new driveway will be built, yes.

Schaal: So as you're building all of your building offices, the other driveway is not used?

Zaczkowski, Jeff: No. No I don't think it'll be used, used much at all, especially during the construction

Schaal: Are you keeping all the trees that are along the Lake Drive property? Those frontage, the, the trees that are there now?

Zaczkowski, Jeff: The ones by the house that are...

Schaal: Yes.

Zaczkowski, Jeff: We'll definitely try and keep as many of those as possible, but as far as the tree in the front parking lot and the septic and that area there, most of those will have to come down, as you can see, there's...there's a, um, sediment, sediment pond there, and the parking lot and the septic.

Schaal: Okay. Then the, I guess the only other thing I'm concerned about is the lighting on the building, that it be shrouded. Because I know on the, um, mini-storage that's next to us, it was supposed to be shrouded too, but it, it shined all over our backyard.

Unidentified: And so does Joe's. None of that is shrouded.

Schaal: It's supposed to be, and it was discussed, and it was agreed, but it's not.

Multiple unidentified.

Hvass: Please, only one person speak at a time.

Schaal: So, that was what it was supposed to be for the mini-storage, but, what I'm saying is, it's not. And I want to make sure that it is shrouded.

Hvass: Is there anybody else?

Peterson, P.: Yup. I'm Peggy Peterson, and this is my husband Barry. We live on Humber, and we welcome the Zaczkowskis, 'cause they're so respectful to the homeowners. Um, my concern is the fencing. Right in front of us we have this chain-link fence, which is fine, but it's barbed wire. I feel like I live in a prison back there. You drive down Humber, it's barbed wire. Cross onto 135th, it's barbed wire. So, and they're willing to not do that, so, I mean, you know, they're saving trees. Joe cut them all down. And, you know, we've lost trees because he cut over 500 trees down, and now it's created this open space and field, which, when we get a storm, it just blows. So my husband and I have literally lost three 100-foot pine trees because of that. And, you know, we've got this barbed wire fence in front of us, and, like she said, the lighting is also supposed to be shrouded. Well, Joe's is not. It's very bright. So, um, you know, I know we're not here for that, but I'm just saying I appreciate them saying they'll have the lower lighting, and will save as many trees as they can, and keeping the dust down. They're the only ones that have really acknowledged the homeowners around the area. And I appreciate Mr. Anderson, you saying, you know, the noise level and maintaining that. So, so anyway, my, my thing is that I feel like, you know, my husband and I have lived there for 23 years and we do take a lot of pride in our home and our yard, and we've raised our children there. And so it's, you know, it's kind of special to us back there. I know it's a business for Columbus, and that's all progress and all that, but we do take a lot of pride in our home, so... We welcome them, because of their respect for us. And, but the fencing thing, I don't know if there's a code for that. Elizabeth and I have talked about this and she said there's not. But the barbed, there's, literally, if you, if you drive back there, it's barbed wire. You feel like you're in Lino Lakes Correctional Facility. You really do. And, you know, when we bought our home 23 years ago, it was a five-acre minimum, and now it's come to this. And it's progress and I get all that, but it's changed so much that...the barbed wire thing, and that, that kind of doesn't do well with me.

Anderson: If I might just interject, one of the difficult things you have, you have residential area adjoining a commercial-zoned area.

Peterson, P.: Correct. And I said that.

Anderson: And that's a difficult thing.

Peterson, P.: It's progress. I get that, and I've stated that.

Anderson: I drove in there today and looked at it and I thought about some of those issues. And, unfortunately, the, the man—I can't think of his name...

Mursko: Joe Bazy.

Anderson: ...who built the, the...

Mursko: Condos.

Anderson: Pardon me.

Mursko: The condos.

Anderson: The condos.

Mursko: Storage condos.

Anderson: Storage condos.

Peterson, P.: Yeah. Joe.

Anderson: We had discussed with him not to cut down all those trees and he was going to...

Peterson, P.: And we were here for that meeting

Anderson: And he was going to thin them out and...

Peterson, P.: Well, he cut 'em down.

Anderson: ...and unfortunately, they're all cut down, basically. And then...

Peterson, P.: He has not worked with us at all and that's why I welcome the Zaczkowskis, 'cause I, you know, this is the first...

Peterson, Barry: That's part of the reason we are the way we are, because of that.

Anderson: Sure. I understand that.

Peterson, B.: And they're in there cutting the grass at 9, 10:00, or whatever they're doing out there at night, and...

Peterson, P.: Yeah. You know they go 'til 11:00, like one minute to 11, they're there. Their lights are bright everywhere. They really don't have any respect for the people residentially around, you know. And, like I said, this is our home. We've been there for 23 years.

Peterson, B.: Even Sundays.

Peterson, P.: We raised our children. They went to school here, and, I'm a school nurse in the district. I mean, you know, this is, this is our life. And so, you know, Sundays, on weekends they're over there making all kinds of noise, and, you know, like I said, I realize it's commercial. I get that. Um, but that's why I'm kind of advocating this. If they're willing to save trees and, you know, doing what they're, you know, cut down on dust and noise and all this stuff, that's fantastic, because Joe's not doing that. So we kind of, you know, and the barbed wire thing, you know, that's tough to take. I mean I'm sure you guys wouldn't want to look out your picture window, and, it used to be 500 trees, and we have barbed wire fence. You know? So, I don't

know if there's some kind of, if there's something they can do to create an ordinance for fencing. I wouldn't even know how to go about doing that. Um, but, just throwing that out there.

Anderson: Dean, could we write something in there about screening?

Johnson: About screening or the type of...?

Anderson: The screening of the property as it faces Humber.

Johnson: Could we write something into it?

Anderson: Yeah. Could you?

Johnson: Again, be careful. You've got a situation where, while we have existing residents, they also enjoy their property being zoned commercial. So, it's unlike an area where you may have commercial property that truly abuts residential. And that's often when ordinances will make all sorts of concessions. Um, you can do anything you want. You gutted your landscape requirements. And so, when it comes to somebody like Joe Bazy, if we approved a plan which had a lot of site coverage, and required the tree removal, um, then you have to balance what it is you would want to accomplish, I mean, it's about...

Peterson, P.: But at that time he agreed to not cut all those trees too—in the meeting. So, I mean, there were, I mean, and he just went ahead and just did what he wanted.

Peterson, B.: They were gone in a day.

Peterson, P.: They were gone in—two days. Gone.

Peterson, B.: So why can't they replant some then?

Peterson, P.: Yeah. I mean, it's just, you know, he agreed to keep trees. He did not do that. He's not following through on his word.

Hvass: Well, I think we need to move on, because we, this is not about Joe Bazy.

Johnson: There is, there is an enforcement option. I mean, that's something Elizabeth...

Peterson, P.: So is there a time I could come up and discuss that?

Organ: Well, that was never in writing is what the problem is.

Mursko: There's no tree ordinance that says that you cannot take down a tree in your yard and/or your property.

Hvass: That's right.

Peterson, P.: No, I realize that, but at the time of the meeting, he said he would keep them. He didn't. So is there a time I can come up and discuss that with somebody? That's all I'm asking.

Johnson: Yeah. And I would say, as it relates to this particular site plan, you know, virtually the north 100 feet of the property along 135th, and the east 100 feet of the property, there's no grading, there's no site work, there's no nothing. Um, and if you take Jeff for his word earlier, 'I like trees. I'm not going to cut 'em down.' We do not have...

Zaczkowski, Kate: I second that.

Johnson: ...a provision that prohibits this.

Peterson, P.: No, I understand that, but I'm just asking, is there a time I can come up and discuss it? I'm not, I don't want to discuss it now. I'm just saying, is there another date where I could do that? 'Cause I would be happy to come up and discuss that -- what was discussed in a previous meeting.

Johnson: Yeah. I would coordinate that through Elizabeth.

Peterson, P.: Okay. I'll do that. I'll call you Elizabeth.

Mursko: Sure.

Johnson: I will say, if, again, the Zaczkowskis complete the site work as is shown, um, the bad guys in the future are going to be the City, when and, when we need to cut some trees along the roads and, and improve the ditch, and...

Peterson, P.: Well, I understand trees are going to need to be cut. I get that. But when it plows down your whole, I mean when you clear-cut all these trees and now you're losing trees because it's created this big vacant field in front of you, and trees are coming down on other trees, and you're losing all your trees because of it, that becomes an issue with me. So that's all I'm saying.

Johnson: And, and again, that's a policy matter. There are communities that have prohibitions about clear-cutting, but we're not one of them.

Mursko: But, I just want to make clear that, on this particular, in this particular case—and I know the Zaczkowskis, they want to keep as many trees as possible—there are trees in the public right-of-way that need to come down. So, there are going to be trees that are going to have to come down in order for us to improve the roads. So, there's, there's kind of a give and take there, so we're going to have to look at, you know, the site plan. In order for us to widen the road...

Peterson, P.: What road are you widening? I guess I missed that.

Mursko: 135th.

Schaal: Why?

Peterson, P.: How are you, how much are you widening that? Why are you widening that?

Mursko: Well, right now 135th is only half the right-of-way that it should be. The right-of-way should be 66 feet wide and it's only 33 feet wide.

Schaal: So which way are you going?

Mursko: Into this, right, into the Zaczkowski's property. And so, there will be some improvement in 135th.

Peterson, P.: You're going to literally have to take all those trees down on 135th.

Mursko: There'll have to be a good many, you know, trees taken down in order to bring the right-of-way to, to a width that, you know, they've got large trucks that they're making turns with, you've got busses down that road. So, we know that, and so there's got to be some improvements done on that road. To what extent, I don't know. We haven't measured. We don't see stakes. We don't know all that, but, again, we'll look at that. We'll work with, we'll work with the Zaczkowskis, but I just didn't want anybody to leave here thinking that there wasn't going to be improvements happening on that road. There will be. When that happens, I can't tell you, but there will be.

Peterson, P.: Okay, I have a question. So in order for these big trucks to go down the road, what is the code for the width of that road? What, it has to be 66? So what is Humber?

Mursko: No, 66 feet is the right-of-way that we take so that you have road ditches. And then you have, and then you have a certain path that is paved, and/or gravel base. And so, there's a certain width that you have, so you can have two-way traffic. You know what I mean? Generally when you look at residential roads, you don't see a center line and...

Peterson, P.: And that's for the trucks?

Krebs: No.

Zaczkowski, Kate: They were going to do that before we even tried to purchase the land, they told us they were going to...

Hvass: Ma'am? Kate, talk to us, don't talk to her

Mursko: And, so, again, I just want to make it clear that there's going to be some changes on that road. Not on Humber Street. We're not looking at Humber Street at all.

Peterson, P.: No, I understand that. I'm just wondering what is the, the width, what is the...

Mursko: You know, I can't remember...

Peterson, P.: Because those have got to be really big trucks going down Humber Street, and I'm just wondering, is that legal to do?

Johnson: Could I just offer, I mean typical are 12-foot travel lanes and four-foot shoulders. So, if you've got 16 times 2 is 32 feet. I don't know what the road is now, but it's probably more like 22 feet.

Peterson, P.: 135th?

Johnson: Yeah. So, it's, it's not going to be a four-lane road. It's, but it needs to...

Peterson, P.: No, I understand. I'm just wondering, because you want to do this just for the big trucks? And Joe's had trucks coming and going for the past twelve years.

Krebs: No.

Hvass: No. It's not for the big trucks.

Peterson, P.: Okay. Okay. So then those...

Johnson: It's a, it's a, currently it's a sub-standard road, and, I know for those that live there it probably seems quaint and adequate, but it doesn't meet the standards of, of just normal residential streets in the community.

Peterson, P.: Okay. All right.

Krebs: This is Anoka County's regulation, correct?

Johnson: No, this is the City of Columbus. This is not a County road. We're talking about 135th. That's Columbus.

Krebs: I know that, but I'm saying that Anoka County wants that to be...?

Johnson: No. No, the City needs it to be...

Krebs: The City needs it to be...

Johnson: We have trouble plowing the road, and we have no ditch on the south side.

Krebs: Oh, right, right.

Johnson: We have no storm water...

Peterson, P.: That's right, Anoka County's in charge of 135th, aren't they?

Johnson: No. That's a City street.

Peterson, P.: Oh, Columbus is?

Mursko: City street.

Johnson: That's a City street. And Humber.

Peterson, P.: And...well, I knew they were Humber, but I always thought Anoka County was in charge of 135th. Okay. Got it. Okay. Thank you.

Unidentified: My turn. My turn.

Hvass: State your name.

Betz: Mickey Betz.

Hvass: And your address?

Betz: I live on 135th Avenue, uh, right on the corner of Humber and 135th. Um, I believe that there's going to be a lot of traffic. We have some residents back here that have children that go too... let's say excessive speed. So, what are we going to do so that there isn't going to be some kind of an accident when these guys are trying to pull out, or, you know, 'cause I—the people I'm talking about come around that corner so fast, and their friends come around that corner on 135th and Humber, and they're flying. There's many a time that they've ended up in the ditch on Cook's (sp?) old property. So, my concern is, if we widen this road, which we're probably going to have to, because, I know, my husband worked for Kenny for years, and so I know what a truck—how wide a truck needs to turn. How are we going to stop these people from causing problems? Not only for myself, but for these guys if they get hit? Is it going to be a speed limit put down? Is there...I mean, and I understand it's a dead-end road. And I know normally on a dead-end road you don't have a speed limit, you just have dead-end. That doesn't stop kids that are 17 years old.

Johnson: What would you like me to try to say? Um, we, we've got a lot of situations where traffic issues are big concerns. And people come in and ask for all kinds of traffic safety. There are engineering firms that do studies that will tell you certain things don't work, and certain things do, and it doesn't make sense to a normal layperson. Um, we do not set speed limits. That's done by the State of Minnesota. I, I, there aren't any speed signs on these roads right now?

Betz: Oh no.

Mursko: 55 miles an hour.

Betz: The worst thing about it is, the ones that speed, is the cop's sons.

Johnson: I can tell you right now, none of us will have an answer for that problem. Um, it is a common sense thing, but we have traffic enforcement and road improvement issues throughout the entire community. It's not unique to your area. The best thing, uh, particularly on Humber, right now there are no businesses there. And so, you've got an entrance here on this property and one to the Waldoch property to the north. And, unless somebody's going the wrong direction, you shouldn't be seeing any more traffic as a result of this. I, it's not from these two businesses. I mean, they make a mistake...

Betz: That's wishful thinking on your part.

Anderson: But, to point out, the access here. (referring to overhead) Where's your residence?

Betz: I'm back on 135th and Humber. I sit right on the corner.

Anderson: So, their traffic is going to be here, it's not going to be up in here.

Betz: But I'm talking about the people that come up off of Humber that come down 135th, that go from Humber and 135th and hit 70 miles when they hit Lake Drive. That's how fast they're traveling, and it's not just the kids, it's their buddies too. And I'm not exaggerating, because there's many times they wind up in the ditch.

Anderson: That's an issue...

Betz: I just don't want, not only my safety for myself and my grandkids, because I have small grandkids, these people (referring to Zaczkowskis). And they're going to pull out slowly, so if these idiots come flying down 135th Avenue, they're going to cause problems.

Anderson: That's an issue that possibly you can take up with Elizabeth and she could pass that on to our deputy, and...

Betz: He comes down just as fast.

Anderson: No. No. No. No.

Betz: Oh yes he does. Don't tell me what he does. I sit in my driveway and watch him.

Anderson: You're not talking about the Anoka County deputy?

Betz: I...yes I am. Because the other day he come down 135th Avenue coming really fast. And I was sitting in my, my living room, and I said to my husband, 'Why is he driving like that? I mean, there's no reason for it to be that way.'

Sternberg: He's trying to catch your neighbors.

Betz: There's only one way to get out.

Anderson: Well, your concerns have been expressed and Elizabeth has taken note of this, and it will be passed on to the deputy.

Betz: Oh yeah, okay (unintelligible). Um, with this 4:00, 3:00, and I understand what Kenny's doing, I talked about that. But, the issue is, is that, like in the summer time, our windows are open. And the noise travels. And my husband has brought his truck home and there's, you know, I understand all of that issue, but when you've got several trucks going in and out at the same time at like 3, 3 or 4:00 in the morning, and some of us don't get up at 4 or 3:00 in the morning, it's still going to be an issue in my area, because the noise travels forward. Even with Don Waldoch's area up front, um, they can have a reefer going all night long and I hear it constantly. And, you know, I mean it's not being fair to me, 'cause I'm having to keep my windows shut during the summer. I have them shut in the winter. But, you know, and I understand that, but we have to look at us too. We've been back there a long time too. And I'm not saying that they can't, no, they're being very respectful, and I'm not saying that. But, you know...

Hvass: Is there anybody else that has questions or concerns? If not, we'll bring it back to the Planning Commission. Are there any other questions that you would like to ask?

Anderson: Well, I'm uncomfortable with the 4 to 6 a.m. If I lived on 135th or Humber and those trucks, those diesel trucks were firing up at 4:00 in the morning,...

Hvass: They're inside the building Andy.

Anderson: No. No. No. But, I mean as they go in and out, leaving the property. They're leaving the property between 4 and 6 a.m. That's pretty early.

Sternberg: Madam Chair?

Zaczkowski, Kate: Well, for example...

Sternberg: Pardon me?

Zaczkowski, Kate: Can I speak? For example, my brother Jeff lives right in Circle Pines, on 4365 Flowerfield Road, and has neighbors right next door, and he parks at his residence, and starts his truck in the garage and leaves every morning, goes out and he—people don't complain. As long as he starts it in the garage, and then leaves. And you leave, and you go very, very slow, it's really not that loud. You know, it's like a pick-up. It's slightly louder than—the way they make diesels these days, I mean, it's not like it was. And it's really a lot of truck drivers park at home, with neighbors. It's only going to be a few trucks. You know, maybe five. And they're not all going to leave at 4 to 6 in the morning. Some of our customers start at 8, some 9, some 10, it staggers. And I can do a good job, I can try as a dispatcher, stagger the trucks that park there. I mean, I can try that, but...not all of them leave at 4.

Hvass: Garth?

Sternberg: I actually don't think it's as big of an issue. You know it's right on Lake Drive. I think that Lake Drive probably generates more noise than this business will.

Hvass: Right.

Sternberg: It's a major County road. It's a thoroughfare. There's, what, like 10-15,000 cars a day running up and down that road? Trucks. Semis. Commercial traffic. It's a commercial area.

Zaczkowski, Kate: Yeah, zooming at 60 versus just putzing out of a garage.

Sternberg: I really don't think that it's going to be a...these people seem responsible. She seems like she has a plan to start 'em up, and they're muffled.

Hvass: Okay. So, if there are no further...

Organ: I have a question about the exterior of the building. It's not a question for the applicant, but it's...I think we covered this once before, the plan they have does not appear to meet the minimum non-metal surfacing standard. We, didn't we go over this about 4, 3 or 4 years ago with the fellow that was going to build the man caves across, on the other side of the freeway? And, he had the tall building, and we want half of it with wainscoting on the bottom or whatever, and...

Hvass: Yeah, we did.

Organ: ...it's gonna look stupid is what, you know. If they've got the border of the rock—kind of like, wasn't the Waldoch building also where it was a little lower than what was required, but it doesn't look out of character does it, for the...? And I don't know if that's something we have to decide or if it can be worked out or...Dean?

Johnson: Well...

Organ: You've got to play with that tall building and you want half of it non-metal and about the only way to get it...

Johnson: This is a, this is a policy matter and what happens when you have a standard that you have bent, and wish to bend, I say you should debate it and change the standard. I'm not suggesting that you must consider a variance or you must require adherence, because we know that has not occurred on some previous projects. The standard isn't new. When you were debating ordinance changes last year, we talked about this. Should we be changing that standard? We didn't want to do it in the freeway, but we talked about on Lake Drive. But we didn't change it, we talked about it, but we, you didn't make that change. And so, I mean, there are remedies. You can simply say, well is there something we can do. Do you, do you want to dress this up on the Lake Drive side, which, uh, is going to be the one that's more visible? That's the primary

concern. Almost every business accesses Lake Drive. Again, you've only got two side streets in this three-mile corridor. So, this is one of the few corner lots, and it's why I mention, across the street, we don't seem to have met that standard on the Waldoch building either and you did not grant a variance. I, I don't like it when you exercise discretion, because some time somebody's going to say, 'Well, what do you mean? You let them get away with it, why not me?' And it's, the impression is that you're picking on them and not picking on everybody. So, I'd, I'd rather that it was clear as a bell, but I didn't say that in my, my memo. I just said it doesn't appear to meet the standard, and so you do need to talk about it, and make a recommendation to the Council.

Mursko: I like clear as a bell too.

Johnson: Pardon.

Mursko: I like clear as a bell too.

Johnson: Yeah. I know. Elizabeth is the one that gets the phone calls.

Zaczkowski, Jeff: I have a question about that. If you're looking at the building directly from the side, um, you can always see some roof, and does that roof count against—count as non-metal or metal? 'Cause if you count the roof...

Johnson: You know, if you had an asphalt shingled roof I'd say, 'Boy that's part of the view' and what we've typically done is excluded the roof, but, I'm guessing in part of your interpretation in the past, whatever might be different. Uh, we've used garage doors, which may have been metal, but were of a different appearance and a different color, and between overhead doors, uh, access doors, windows, and some wainscoting, it all of the sudden met the requirement. You've got some pretty big wall spaces, and you don't have that many doors, and, and, you know, you've got some clear story windows up above, but it, it didn't add up. And the Waldoch building that faces Lake Drive, if I remember, was very close to the standard, simply because they had a couple of access doors and a lot more windows and a 12-foot or 10-foot sidewall. This is, you've got an 18-foot sidewall. That's a lot of wall space, and that's where you're having trouble meeting that.

Zaczkowski, Jeff: So, the roof is excluded?

Johnson: The ordinance doesn't say it, so, I'm saying...

Zaczkowski, Jeff: It would be, you'd have to have a pretty tall wainscot for an 18...

Johnson: Yeah. I'm saying, to the extent that it would benefit the interpretation by the Planning Commission, they would use that. But, it's also metal material. Is it a different color and does that work, because we've done that with different garage doors? That's part of your interpretation. And when it's a little bit foggy, um, it's difficult for Elizabeth to maintain the ordinance.

Preiner: Enforce. Madam Chair. Dean, what would happen if you took the, um,-- the problem is that it's two stories and there's so much tin, correct? What if we cut a couple of nice windows up here?

Johnson: Well the standard's 50%, so it's more than a couple windows or they'd be a couple awfully large windows.

Preiner: And that's adding more expense too.

Krebs: Yes it is.

Zaczkowski, Kate: What about a sign? If we put a sign on the building?

Johnson: I, you know, there a sign's gonna break it up.

Zaczkowski, Jeff: We plan on putting a sign on the building.

Hvass: That would probably break it up, a nice sign.

Preiner: So if they put a big sign on there, threw on another window with an awning or something...

Johnson: You can increase the wainscoting. There's a lot of possibilities.

Anderson: Where's your sign going to go?

Zaczkowski, Jeff: Probably up in the gable, possibly. And, and I was thinking too, yeah, it may be possible to use a different type of siding in the gable. Maybe something that looks like, something that looks like a cedar shake, you know?

Betz: Is the issue the...what is the issue? (unintelligible)

Mursko: Fifty percent of the building can't be straight metal. It has to be a different (unintelligible). But I agree with you, that probably would work. 'Cause we've had some luck with that before. Where they did this and (unintelligible)

(Multiple unintelligible comments)

Hvass: I'm going to close the meeting at this time with the right to reopen it if it becomes necessary, and we can just have our discussion.

Hearing closed at 8:05 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary