

**City of Columbus
Regular Planning Commission Meeting
October 2, 2013**

The October 2, 2013 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:01 p.m. by Vice Chair Garth Sternberg at the City Hall. Present were Commission members Andy Anderson, Myron Organ, Pam Wolowski, Jesse Preiner, and Jody Krebs; Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were City Council member Denny Peterson; Kevin Lyzhof, Mark Kragenbring, Randy Swanson, Mark and Jackie Kotchen, Dick Tschida, Judi and Pat Kinsella, John Kaasa, Robert Buetow, Pat Preiner, and Mary Preiner.

AGENDA APPROVAL

Motion by Preiner to approve the Agenda as presented. Second by Anderson. Krebs requested an addition to the agenda to discuss a proposed draft for an outdoor lighting ordinance. This item was added to the agenda as 7(a). Motion carried.

APPROVAL - REGULAR PC JOINT MEETING MINUTES OF SEPTEMBER 18, 2013

Motion by Preiner to approve the minutes of the September 18, 2013 regular Planning Commission joint meeting as written. Second by Krebs. Votes as follows: Krebs –aye; Preiner – aye; Wolowski – aye; Organ – abstain; Anderson – abstain; Sternberg – aye. Motion carried.

PUBLIC HEARING – JOHN KAASA IUP APPLICATION (PC-13-108)

At this time a public hearing was held to receive testimony regarding an IUP application for John Kaasa, 9651 152nd Avenue NE, Columbus, MN. Separate minutes are prepared.

JOHN KAASA IUP APPLICATION DISCUSSION

Motion by Wolowski to forward to the City Council a recommendation for approval of John Kaasa’s application for an Interim Use Permit to operate Motor Sports, Boats & More, LLC, based on the findings of fact and recommendations in the City Planner memo dated September 25, 2013. Second by Organ. Motion carried.

Findings of Fact:

- 1) John Kaasa, d.b.a. Motor Sports, Boats & More, LLC (“Kaasa”), operates a recreation equipment sales business at 9651-152nd Avenue NE, on property legally described as Lot 1, Block 1, Oxford Addition Plat 2 (“Property”).
- 2) Kaasa submitted a complete application for an Interim Use Permit (“IUP”) to allow sales of used motor vehicles, accessory to the sale of recreational equipment on September 3, 2013.
- 3) The 60-day review deadline is November 2, 2013. The 120-day review deadline, if necessary, is January 1, 2014.
- 4) The Property is zoned Community Retail (CR).
- 5) Section 7A-764 L. of the CR District allows the sale of no more than six (6) used motor vehicles, accessory to the sales of Major Recreational Equipment, as an interim use.

- 6) The City previously issued an IUP to Forest Lake Arctic Cat on the Property for the similar sale of used motor vehicles, accessory to the sales of Major Recreational Equipment.
- 7) Kaasa is leasing a portion of the building on the Property, previously occupied by Forest Lake Arctic Cat, to conduct the sales of recreational equipment.
- 8) There are no proposed site improvements or building changes on the Property.
- 9) No hazardous materials will be used or stored on the Property by Kaasa.
- 10) No major repairs or service of recreational equipment or used motor vehicles will be conducted on the Property by Kaasa.
- 11) General hours of operation for recreational equipment and used motor vehicle sales are from 10:00 a.m. to 6:00 p.m., Monday through Friday.
- 12) The Planning Commission conducted a public hearing on the proposed IUP on October 2, 2013.

Recommendations:

- 1) The IUP is contingent upon any requirements of the City Building Official.
- 2) The IUP is contingent upon any requirements of the Fire Marshal.
- 3) The IUP is contingent upon any requirements of the Rice Creek Watershed District.
- 4) Kaasa shall operate Motor Sports, Boats & More, LLC in full compliance with all federal, state, and local laws, rules, regulations, and ordinances.
- 5) No more than six (6) motor vehicles will be allowed for sale on the Property by Kaasa at any given time.
- 6) All motor vehicles for sale by Kaasa must be in good body and operable condition.
- 7) Only minor repairs and service by Kaasa will be allowed in connection with the sale of used motor vehicles. There will be no motor vehicle body work, engine repair or other major motor vehicle repairs allowed on the Property by Kaasa.
- 8) Hazardous materials shall not be used or stored on the Property by Kaasa.
- 9) The term of the IUP shall be five (5) years from the date of City Council approval.
- 10) The IUP may be revoked for noncompliance with the IUP or for any violation of any federal, state, or local laws, rules, regulations, ordinances or licensing requirements, after due notice and public hearing.
- 11) In the event the sale of Major Recreational Equipment ceases on the Property, the IUP will become null and void.
- 12) The IUP is not transferrable without the expressed, written consent of the City.

Sternberg explained the next step in the process. This will go before the City Council at their next meeting (10/9/13).

PUBLIC HEARING – BUETOW BROS. (CITY VIEW ELECTRIC) CUP AMENDMENT (PC-13-109)

At this time a public hearing was held to receive testimony regarding the request of Buetow Brothers for an amendment to an existing CUP to allow a new business tenant, City View Electric, at 14331 Lake Drive, Columbus, MN. Separate minutes are prepared.

BUETOW BROS. (CITY VIEW ELECTRIC) CUP AMENDMENT DISCUSSION

Motion by Anderson to revise finding of fact #13 in the City Planner Memo dated September 25, 2013, to state: “Outdoor vehicle, equipment, and material storage by City View will be located north, south and east of the office/warehouse.” Second by Krebs. Motion carried.

Motion by Krebs to forward to the City Council a recommendation for approval of the Buetow Bros.’ application for an amendment to its existing Conditional Use Permit to allow a new business tenant at 14331 Lake Drive NE, City View Electric, Inc., based on the findings of fact and recommendations in the City Planner memo dated September 25, 2013, with the revision recommended above. Second by Wolowski. Motion carried.

Findings of Fact:

- 1) Buetow Brothers Stucco & Plastering (“Buetow”) received a CUP on November 3, 2003 to operate a contractor shop (office/warehouse building) at 14331 Lake Drive (“Property”).
- 2) A condition of the 2003 CUP was to amend the CUP when any additional businesses occupied the Property.
- 3) The 2003 CUP was amended on November 22, 2004 to allow Cutting Edge Landscaping as an additional tenant in the office/warehouse building.
- 4) The CUP was amended on April 11, 2012 to allow Ironwood Contracting to occupy the space vacated by Cutting Edge Landscaping.
- 5) City View Electric, Inc. (“City View”) submitted a completed CUP amendment application on August 29, 2013 to acquire the Property and occupy the property as the sole occupant for electrical service contracting.
- 6) The 60-day review deadline is October 28, 2013. The 120-day review deadline, if necessary, is December 27, 2013.
- 7) The subject property is zoned C/I Commercial/Industrial.
- 8) The C/I District allows building trades and contractor offices, including storage of vehicles, equipment, and materials, as a conditional use.
- 9) City View is a commercial electrical contractor with a home office in St. Paul and will use the Property for a satellite facility.
- 10) There will be one to five employees on the Property at any given time. The Property will be used for office space, vehicle and equipment parking, parts storage, and minor company equipment and vehicle repair.
- 11) General hours of operation are 6:00 a.m. to 6:00 p.m. on weekdays and occasional weekends and evenings.
- 12) There are no proposed structural or site changes on the Property with the current CUP amendment application.
- 13) Outdoor vehicle, equipment, and material storage by City View will be located ~~behind (east of)~~ **north, south, and east of** the office/warehouse.
- 14) Parts may also be stored in the outbuildings.
- 15) There are no proposed signage plans at this time.
- 16) The 2003 CUP application and site plan identified two 5200 square feet office/warehouse buildings planned for the property. A single 5200 square feet office/warehouse building has been approved and constructed.

- 17) A condition of the 2004 CUP Amendment was to provide a total of 17 improved parking spaces.
- 18) It appears that there are approximately 17 parking spaces that have been improved.
- 19) The relevant conditions of the 2003 Buetow CUP, 2004 CUP Amendment, and 2012 CUP amendments remain in effect.
- 20) The Planning Commission held a public hearing on October 2, 2013 to consider the proposed Buetow CUP amendment on behalf of City View.

Recommendations:

- 1) Access to the Property is subject to jurisdiction by Anoka County.
- 2) Exterior storage of equipment and materials shall be located on the east side of the office/warehouse building.
- 3) Equipment and material storage areas shall not occupy any parking areas, stormwater or wetland areas, or sewage treatment areas.
- 4) Additional Businesses, expansion or intensification of proposed contractor's business from what has been presented to date shall require an amendment to the Conditional Use Permit.
- 5) All exterior lighting shall be shrouded and directed away from residential property and public streets.
- 6) All refuse must be stored in a building, trash transport (dumpster), or in covered cans. The storage area shall be enclosed on all four sides by screening, compatible with the exterior of the building, not less than two (2) feet higher than the refuse container.
- 7) The hours of operation for the contractor's shop shall not exceed 6:00 a.m. to 6:00 p.m. Monday through Friday, with periodic use on weekends and evenings.
- 8) Residential use of the Property is prohibited.
- 9) The parking area to the west of the building must be used only for short-term employee and/or customer parking.
- 10) Any hazardous materials used or hazardous wastes generated on the Property shall be in compliance with federal, state, and county permitting and licensing requirements.
- 11) The operation of the contractor's shop must be consistent with all local, Federal, and State laws that apply to the use of the Property.
- 12) In the event the City Council determines, in its sole discretion, that the contractor's shop is not being operated in accordance with any term or condition contained herein, the Permit 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 Conditional Use Permit of any such revocation.
- 13) City View shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the Permit, including reasonable attorneys' fees and consultant fees.
- 14) There must be a total of 17 striped parking spaces on the property.
- 15) All accessory buildings must match the appearance of the primary structure.
- 16) The 2013 CUP Amendment does not eliminate the requirement for obtaining any other permits and approvals as may be 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, water appropriation permits, and sewage treatment system permits.

- 17) City View shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the 2013 CUP amendment, including any subsequent inspection and enforcement actions.

Sternberg explained the next step in the process. This will go before the City Council at their next meeting (10/9/13).

PUBLIC HEARING – WESTMOR FLUID SOLUTIONS SITE PLAN & CUP APPLICATION (PC-13-110)

At this time a public hearing was held to receive testimony for a site plan review and a CUP application for Westmor Fluid Solutions, West Freeway Drive, Columbus, MN. Separate minutes are prepared.

WESTMOR FLUID SOLUTIONS CUP APPLICATION DISCUSSION

Motion by Krebs to approve the Westmor Fluid Solutions site plan; and to forward to the City Council a recommendation for approval of the application of Westmor Fluid Solutions for a Conditional Use Permit, based on the findings of fact and recommendations in the revised City Planner memo dated September 30, 2013, and based on the recommendations in the City Engineer's letter dated October 2, 2013. Second by Organ. Motion carried

Findings of Fact:

1. Westmor Fluid Solutions, LLC (“Westmor”) submitted a complete application on September 6, 2013 for a site plan review and CUP to construct a manufacturing, assembly, and fuel systems service facility.
2. The 60-day review deadline is November 5, 2013. The 120-day review deadline, if necessary, is January 4, 2014.
3. Westmor proposes to construct the facility on Lot 2, Block 1, Ziegler Addition, 14xxx West Freeway Drive (“Property”).
4. The Property is zoned LI Light Industrial.
5. The LI District allows manufacturing, processing, assembly, testing, and similar industrial uses. Outside storage is allowed by CUP.
6. Westmor's Columbus facility will primarily include the manufacturing and assembly of fuel tankers, fuel carts, and skids. Westmor will also service client fuel equipment on-site and off-site, including fuel tank certification.
7. The Property is vacant and is served by City sewer and water services.
8. Westmor proposes to construct a new 71.5' by 115' office building (8222.5 square feet) and a 145' by 175' attached manufacturing facility (25,375 square feet).
9. A 3-sided 35' by 120' parking garage (south face open) and a 3-sided 50' by 50' Test Station/Steam Slab (south face open) are also proposed on the Property. The Test Station/Steam Slab is for testing and servicing fuel equipment.
10. All proposed structures meet LI District minimum setback standards.
11. The proposed office building is approximately 18 feet in height, the manufacturing building is approximately 26 feet in height, the parking garage is approximately 19 feet in height and the Test Station/Steam Slab is approximately 22 feet in height, all of which are within the maximum 50 feet height limit in the LI District.

12. The proposed office building will have EIFS (stucco-like) exterior wall panels. The remainder of the buildings are metal panel exteriors. The office and remaining building walls are beige or earth color tones.
13. A paved parking area in front of the office has 118 stalls, including six handicapped accessible parking spaces. There will be approximately 60 employees at the facility (single shift, weekdays 6:30 a.m.-5:00 p.m.). The number of parking spaces, parking dimensions, and parking setbacks are consistent with ordinance requirements.
14. There are 50-foot-wide concrete aprons on the north and south sides of the manufacturing building for access to loading areas. Additional aggregate maneuvering areas surround the manufacturing building.
15. Outside storage areas include a finished product storage pad south of the manufacturing building and storage racks on the west side of the building for raw materials.
16. There will be two above ground 1000-gallon fuel tanks and one 13,000-gallon water tank located next to the Test Station/Steam Slab.
17. Security fencing will be constructed from the manufacturing building to the side lot lines and along the side lot lines to the wetland.
18. The Property consists of approximately 30.4 gross acres. Approximately 18.5 acres of the Property are delineated wetlands. Approximately 4.0 acres of the Property will be impervious site coverage (~13.15%).
19. There are numerous existing deciduous and coniferous trees in the upland areas within the wetland. Westmor is not proposing any new landscaping, as the number of existing trees on the property may exceed the number of trees required for new development. [A tree survey is not required nor was one completed to verify existing landscaping].
20. Anoka County Highway Department has reviewed the Westmor development plans and has approved a driveway access permit, subject to the construction of a southbound right turn lane and detailed access permit review.
21. Westmor has submitted stormwater management plans to Rice Creek Watershed District for review. There have been no comments received from RCWD.
22. There are no final detailed plans submitted for building or site lighting or signage.
23. There is no description of hazardous materials kept on the property, except the fuel tanks.
24. The Planning Commission held a public hearing on October 2, 2013, to consider the proposed CUP and to review the site plan on behalf of Westmor.

Recommendations:

1. The site plan approval and CUP are contingent upon final recommendations of the City Engineer.
2. The site plan approval and CUP are contingent upon final recommendations of the City Building Official.
3. The site plan approval and CUP are contingent upon final recommendations of the Rice Creek Watershed District.
4. The site plan approval and CUP are contingent upon Fire Marshal review and approval of the proposed fuel tanks and general plan review.
5. The site plan approval and CUP are contingent upon access permitting by Anoka County.
6. The site plan approval and CUP are contingent upon acknowledgment by Westmor that the site plan and CUP approvals do 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, and public utility permits.

7. Westmor shall plant ten overstory trees on the Property along CSAH 54, according to ordinance diversity, general spacing and planting standards.
8. All proposed site improvements and construction shall be consistent with the site plan and CUP application received by the City (except as modified by the City, county, or watershed district).
9. Outside storage intensifications, inconsistent with the CUP application, shall require an amendment to the CUP.
10. Westmor shall operate the manufacturing facility in full compliance with all federal, state, and local laws, rules, regulations, and ordinances.
11. Hazardous materials or wastes used or generated on the property shall be consistent with federal, state and county permitting and licensing requirements.
12. Site lighting or security lighting shall require detailed plan review and approval by the City and shall include shrouded fixtures to prevent direct lighting toward adjacent properties or public right-of-way.
13. Any proposed site or building signage shall require City review and permitting.

Recommendations of City Engineer:

1. Modify the Grading Plan to show the required turn lane off CSAH 54.
2. Provide a detail of the connections to the sanitary sewer manhole and the manhole height adjustment.
3. Add an 8-inch to 6-inch reducer and 6-inch gate valve to the connection to the water stub.
4. Fire Marshal review of the fire protection features.
5. Rice Creek Watershed District plan approval.

OUTDOOR LIGHTING ORDINANCE DISCUSSION

There is currently very little reference to outdoor lighting in the City ordinance. Krebs put together a proposed draft of language for an ordinance pertaining to outdoor lighting. In it, she referred to Minnesota State Building Code Chapter 326B, which she described as lengthy and intense. She suggested the City incorporate reference to that Chapter in any language they adopt.

Johnson said all cities in the metro area have to implement State Building Code. There are some optional appendices. He assumes that 326B is something we have to implement, but he can't attest to that. Right now, the City Engineer requires shrouding on outdoor lighting in the site plan review of commercial property, but there is no ordinance requiring it. Sternberg said he doesn't believe shrouding is required in any State Codes; it seems to vary city to city.

Johnson suggested, in considering this issue, that reference be made to zoning districts. Are you going to require shrouds on residential yard lights, residential building lights, or is this primarily a commercial issue? You don't want to inhibit security, but you are directing where the lighting goes, so that it doesn't affect other people. Diverting lighting from public roadways, where they may inhibit operation of automobiles is a consideration. So is the effect of lighting on private property.

Johnson said it is very typical that communities use one foot-candle as the intensity of light at the property line. He said, at minimum, an ordinance could require shrouding and could be limited to commercial districts. If there is concern about churches or schools in rural residential districts, language could be included to address those situations.

Preiner asked what concern prompted this consideration of an ordinance. Council Member Peterson said he has received resident complaints about light from a commercial property. The Mayor has expressed concerns about residential lighting.

One consideration is how lighting restrictions might affect security on commercial property. Johnson said that comes under ambient lighting, which is the glow from all your lights. He has been told that the intensity of lights is actually increased when they are shrouded and directed. Wall packs are the cheapest building lights. They also generate the most complaints. If they are shrouded, they still light the building. Another consideration is how to address lighting of current businesses if changes are made to the ordinance.

PC members agreed to think about this issue and discuss it at a later meeting.

PUBLIC OPEN FORUM

Council Member Peterson thanked Krebs for raising the issue of lighting. A complaint brought to his attention involves a business that had a condition in their CUP requiring that their lighting not exceed the property line, but it does. The issue will be brought to the business' attention.

CITY ADMINISTRATOR'S REPORT

Johnson said City Administrator Mursko wanted the PC to know their next meeting agenda is extensive. There will be three public hearings relating to Insurance Auto Auction, including looking at a CUP, a Comprehensive Plan Amendment, and a rezoning from RR to CI. There is a variance request from Cemstone regarding building height, and one other variance. Lastly, will be a preliminary and final plat for review for City property related to the realignment of Hornsby in the southeast quadrant of the 35 interchange.

Johnson complimented Vice Chair Sternberg on his handling of tonight's meeting.

PLANNING COMMISSION MEMBERS' REPORT

KREBS COMMENT

Krebs pointed out that the Forest Lake Times ran a small blurb on Columbus Fall Fest. Also, on 9/23/13 the St. Paul Pioneer Press ran an article on Columbus Elementary School's all-day Kindergarten program.

Krebs also looked into a company that rents inflatables. They man them, set them up and take them down. She gave this info to Sternberg, who is a member of the Fall Fest Committee, for their consideration for next year.

PREINER COMMENT

Preiner asked if Cemstone's towers will be completely enclosed when they finish their building. Johnson said that is their plan.

WOLOWSKI COMMENT

Wolowski said when she first moved here, her neighbor had a street light that shone into Wolowski's upstairs bedroom. She complained to the power company and the light was shut off.

ORGAN COMMENT

Organ asked why the City Council is concerned with a 5-mph difference in the speed limit on Zurich Street. Council Member Peterson said a traffic study recommended a 40-mph speed limit. The speed was not previously posted. Some Council members would like to see another study, in hopes of increasing it to 45 mph.

ANDERSON COMMENT

Anderson reiterated that he feels the outdoor lighting ordinance should be studied carefully, particularly any changes in residential areas.

ATTENDANCE - NEXT CC MEETING

Krebs is scheduled to attend the City Council meeting on October 9, 2013.

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

Meeting adjourned at 8:46 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary