

City of Columbus
Public Hearing – Buetow Bros. CUP Amendment (PC-13-109)
14331 Lake Drive NE
October 2, 2013

The October 2, 2013 Public Hearing 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 was called to order at 7:15 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, Robert Buetow, Pat Preiner, and Mary Preiner.

Sternberg: Next on the agenda, we'll have the Public Hearing and discussion of the Buetow Brothers CUP amendment request, pages 8 through 26 and enclosure. Will the secretary please read the notice?

Notice was read at this time.

Sternberg: Thank you. Will the applicants please come forward? Please state your name and address for the record.

J. Kinsella: I'm Judi Kinsella, and, our home address?

Sternberg: Yeah.

J. Kinsella: 2791 116th Avenue NE, Blaine, Minnesota, 55449.

Sternberg: Thank you. Can you please explain what you're asking of us?

J. Kinsella: And this is my husband Pat Kinsella. We're co-owners of City View Electric.

Sternberg: Okay.

J. Kinsella: Um, we're interested in purchasing the building on this property, and so that's why we were looking for a conditional use permit, so we can operate out of the building.

Sternberg: Okay. Any questions?

Anderson: I have a question. Will you use all of that building or will there be other occupants of the building?

J. Kinsella: We're intending...our intention is to take over all the building.

P. Kinsella: Yeah. It would be the whole building.

Anderson: You're going to take the whole building? Okay. Because, presently, aren't there several companies operating out of that building?

P. Kinsella: Right now there's one person.

Anderson: Just one?

P. Kinsella: And I think he's already been given notice.

J. Kinsella: Well there's the owner, and then there's a tenant, under his previous...

Anderson: Yeah. Yeah. Okay. Um, thank you. My second question is will you have a lot of outside storage of equipment or...

P. Kinsella: Well, that's kind of the reason why I wanted to buy the building, so I could put everything inside.

Anderson: Inside?

P. Kinsella: Yeah. I, I mean I do, um, I will probably have a couple trucks that, I mean, you can't put inside, but my goal is to put everything inside for winter.

J. Kinsella: Well, there'll be some outdoor parking. And on the original CUP it's behind the building, on the east side?

Anderson: Yes.

J. Kinsella: There's really not that much space between there and, you know, where the trees start. So we were wondering why it was so restrictive, because there's three acres of land that could be used.

Anderson: In answer to that question, I think it was a sight situation from Lake Drive, and, and there were previous people in there that, that had a lot of outside storage materials and so on. Uh, we, we have a letter from a Mr. and Mrs. Copeland that live in that, in that area, and they're concerned with people dumping washing machines and mattresses, and other articles in that area. And, I don't know how many people on the Planning Commission have, are acquainted with this property, but there's a long drive, and there's two houses on each side of that drive, and, then the drive ends at your building.

J. Kinsella: Well there's a line of heavy evergreens that'd been planted there years ago, that's blocking the building except for the very top of it. Um, it's a private drive. I don't know why people would go back there and dump. And we could put like a gate system up, so that nobody could go back and do that. That could be an option.

Anderson: Mm-hmm. That could be a potential solution, because...

J. Kinsella: And I think we would prefer that too, so somebody couldn't come in there and, you know, drive off with a trailer or...

Anderson: Because, somebody at night can drive back on that road, and there's nobody there.

J. Kinsella: Right.

P. Kinsella: That's right.

Anderson: And that, apparently, has been going on for awhile. Uh, unfortunately, Mr. and Mrs. Copeland, who wrote this letter, can't attend the meeting. Mr. Chair, there's somebody signaling out there (referring to attending public).

Sternberg: Would that be for public, the public portion?

Anderson: Okay. Okay, so...

Sternberg: We'll get to you in a...the public will have the chance to speak here in a second.

P. Kinsella: You can tell Mr. and Mrs. Copeland, we'd be concerned too if I seen washers and beds back there. I'd be...

J. Kinsella: Yeah. Yeah. So that, if we could get, if we could get a permit to put up a gate or if we even have to, we'd prefer to do that.

Anderson: Thank you.

J. Kinsella: Mm-hmm.

Sternberg: Thanks Andy. Any other questions?

Preiner: Mr. Chair. The number of people who will be regularly there? Is it five or six? And they're there throughout the day or they come in the morning and then go?

P. Kinsella: Well...

Preiner: Just, how does it work, generally?

P. Kinsella: What I foresee in the first year or two, there's only going to be a couple people. Um, primary three-quarters of the building is going to be more or less for storage. I have seventy-some scissor lifts, and I don't like keeping 'em outside, so I'd like keeping 'em indoors. Um, we have ATVs and trenchers, stuff like that. You don't want them sitting outside, so you keep 'em indoors. The north end of the building, I, I'm going to have, I have a full-time mechanic. And then I have two full-time runners. And, um, primary this building is going to be

for storage and for, you know, small maintenance. I like, I like to keep things up. Um, I do have another building in St. Paul that they run back and forth from there. So, it's not going to be a very, you know, uh,...

J. Kinsella: And usually when we go and deliver those lifts, they're already on sites anyway.

P. Kinsella: Correct. Yeah.

J. Kinsella: So it's not like...

P. Kinsella: ...one site to another site...

J. Kinsella: ...this is a satellite and they're going all day long. That's not going to be the way it is.

P. Kinsella: Yeah. The more I think about that electric gate system, it's a good idea, because there's gonna be a lot of times there's going to be nobody there. I like, I still like to work, so I'm gonna...I'll be there working, but...Could be three, four people, maybe, on the high side, if my wife shows up. (laughter)

J. Kinsella: Make sure they're working away. So there's going to be a small amount of maintenance, maybe some tire changing, and I think we're going to have our oil changing off-site or maybe a small amount?

P. Kinsella: Yeah. I have about 70 or 100 vehicles, and I usually have them go to Jiffy Lubes and that. I don't, I don't want to start the game of replacing oil and all that. That ain't what we do, so... We do have, you know, like our lawn mower, and we have, um, light towers, you know, and stuff like that, small engine stuff that we do maintenance there, yes, but nothing, nothing major. I mean nothing big.

J. Kinsella: So I was talking to Mr. Dean Johnson. And he told me to call Anoka County and see if we needed a small generator's license, and, because he thought it was, you know, if we change tires. It's not required under having tires, but we're not going to stack up tires. Those tires will be changed and then they will leave the property. Um, but they specified any business that generates any amount, you know, from zero on up, might want one, just to cover us. But, like I said, it's going to be very minimal. Like, small amount of oil change work, that sort of thing.

Krebs: Mr. Chair, I have a question.

Sternberg: Yes. Go ahead.

Krebs: So you've looked at all the findings of the facts, and the recommendations that were proposed, and you're okay with that—everything in there. You don't need any changes or...

J. Kinsella: Um, well, the only changes when I talked to Dean, when he wrote up his...on number 10...vehicle...we wanted the minor equipment and vehicle repair.

Johnson: And that's what's added in...

Krebs: And that's been amended in.

J. Kinsella: Oh, he did, he amended it on number 10.

Johnson: And then regarding the potential for waste generation, as you know almost any business is capable of having some sort of hazardous material or waste.

J. Kinsella: Yeah. And it's not going to be some major oil changing place like Jiffy Lube, not at all, but we just want to make sure we were doing what we needed to do.

Johnson: Yeah, item number 10 in the actual conditions, I'm recommending that you change or consider changing, if in fact there are what would be qualified by the County's perspective any hazardous waste, that the property has to be in compliance with federal, state and county requirements. And I mentioned to them that, if they ever do minor oil changes, end up having filters, even a gallon of oil, most likely they'd be required to have a very small quantity generator license through Anoka County. So those two changes were made, so, in the findings, it does allow vehicle and equipment parking, the parts storage, and then minor company equipment for vehicle repair. So I think that covers everything that you...

P. Kinsella: Well, we do, yeah we get inspected about two times a year by OSHSA, and then we usually have the fire department come out too. We do that just to keep our insurance up to date and all that. So that's...we do with this building too. So, it's...there's a lot of hoops we've got to jump through, but, that's the way it goes today.

J. Kinsella: So if we get in there and we decide, you know, we need a little bit more space than just east of the building to park, do we need to come back in and apply for another permit? Um, is there an option that we could put up a fence? I mean, you can't really see back there anyway, the way it is, so I don't know what kind of concern it would be. I think people just don't want it to look like a junkyard.

P. Kinsella: Yeah. We have maybe a half a dozen trailers. We have three roll-off trucks, and we have boom truck, you know, stuff like that. But they're all in very good condition. I mean, they're all being used. There's no junk.

Sternberg: Dean?

Johnson: I'll just respond. The original applications as they were modified over time for conditional uses on the property—and these changed in part to different tenants that were located on the property—and these involved specified volumes or quantities of materials like dirt, gravel, backhoe for job sites—things of that magnitude—uh, old site plans clearly specified they were behind the building. In this case...well, let me back up...one of the original conditions of the permit also was that there'll be 17 parking spaces dedicated to the property. They're all on the west side of the building. Now, if there are company vehicles—pick-up trucks, whatever—they certainly could be parked in those 17 spots. But, I think following the path of conditions that

have followed the property, it suggests that if you've got equipment on trailers you can't park those in a typical parking spot, so, virtually everything else is gonna be on the other side of the building. So, the west side of the building is already paved and striped—or, at one time it was striped. It may need striping again. But, that's where the 17 parking spaces were. The fact that there's possibly room on the south side of the building and the north side, that's not in the parking area, that could be used for additional storage, I don't think that's inconsistent with the original permit. So, you could say, on the north, east and south sides of the building, and then the west side is limited to regular—again, you could put company pick-up trucks on that side. They'll fit in the parking spots. But, there's not a lot of room between the building and the property line on the west side.

Anderson: So, Mr. Chair, on, on the finding of the facts, number 13, should we amend that, where it says outdoor vehicle equipment and material storage by City View will be located behind or east of the office warehouse. And, as per Dean's suggestion, make that east and north...

Johnson: North, south, and east.

Anderson: North, south, and east. Because I agree with you, on the west side of the building there isn't a whole lot of room.

J. Kinsella: Yeah, or you know the north-- or the east side, because you have to pull in like this if you're coming in, so that kind of limits the storage there before you end up by the trees.

Anderson: Right. So, should I make a motion?

Krebs: Well, I have one more thing to address if you don't mind Commissioner.

Anderson: Go ahead. I can't hear you Jody.

Krebs: I just have one more thing to address before you go to a motion. On the material storage, the outdoor material storage-- in that number 13 in your list there—is that in somewhere or is it going to be out? Where exactly will that be? Is that going to be on the north, south, east or west side of the building?

J. Kinsella: I don't think we store any materials outside.

P. Kinsella: We don't have any...

J. Kinsella: Any material would be stored inside.

Krebs: Inside? Okay. So...okay.

Wolowski: And I have a question for you too. Number 15—right now there's no proposed signage. Are you planning at any point to put any kind of signage up?

J. and P. Kinsella: No. Not really.

Wolowski: No?

J. Kinsella: No. 'Cause we're not a public place at all. We'd prefer people wouldn't even know we're there. Hence the electric gate we want to put up.

Wolowski: Okay. Thank you.

Anderson: Uh, Mr. Chair, I'll hold my, my, uh, recommendation to change, motion to change number 13 until after we have any public input.

Sternberg: Okay. Any further questions? Well, at this point I'd like to open the meeting to the public. So, does the public have any questions? That would be you (referring to gentleman in attendance).

R. Buetow: Well, addressing the Copelands...

Sternberg: I need you to state your ...

R. Buetow: My name's Robert Buetow. I'm the owner of the property.

Sternberg: Okay.

R. Buetow: We've owned it for ten years, since 2003, and since we've owned it, um, I've never, ever had anyone dump any washing machines or anything on our property. There might have been a few washing machines there when we bought it. Of course, those are antiques now. But, to my knowledge, I've never had anyone dump anything back there, appliances...

Sternberg: Any other questions from the public?

J. Kotchen: Hi, I'm Jackie Kotchen. We live in the house 14333 Lake Drive. We own the driveway, so we have serious concerns about the use of the driveway. How many vehicles a day? What kind of vehicles a day? Hours of operation?

J. Kinsella: Did you want me to respond?

Sternberg: Yeah, if you could respond. Like, approximately how many vehicles a day will be...

J. Kinsella: Well, we're staying with the hours of operation that stay the same as the owners now, from 6 a.m. to 6 p.m. Occasional, maybe, you know, just exactly what it was stated. 'Cause you were comfortable with that (referring to Kotchen). We decided to stick with that. Um, like we were talking about before, there's not going to be, there's not a lot of employees that are going to be over there. There's not going to be a lot of back and forth. There's one large truck that will come in back and forth hauling lifts.

Mark Kotchen: (unintelligible)

J. Kinsella: Yeah. That's the biggest truck, and, it's not like, he didn't, I mean, what would be the most back and forth? Three would be the most?

P. Kinsella: Yeah, I mean...

J. Kinsella: Three times a day would probably be the most, back and forth. And, also, you know, we will maintain the driveway in the wintertime. You know, we'll take up the same option or agreement that we've done with them.

M. Kotchen: The signage out there, that was a handshake agreement with us.

J. Kinsella: Yeah, well once, once we close on the property, we're just gonna take the sign, or, he can take the sign with him. We don't need a sign. We don't want to know, anybody, let anybody know that we have a business back there, 'cause it's just a maintenance for our other business. And, you know, we're easy to work with, and if you ever have any problems, just come to us, you know. We'll work it out.

J. Kotchen: Another thing I just (unintelligible)...and (unintelligible)...very respectful (unintelligible)...you know, there's a lot of little kids in the neighborhood. There's a little four-year-old running around... (unintelligible)...careful in the driveway.

J. Kinsella: We'll definitely make sure everybody knows.

Sternberg: Any questions? Okay, at this time I'd like to close the public meeting with the right to re-open if it becomes necessary.

Hearing closed at 7:35 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary