

**City of Columbus**  
**Public Hearing – City View Electric CUP Amendment (PC-14-111)**  
**14331 Lake Drive NE**  
**November 5, 2014**

The November 5, 2014 Public Hearing to receive testimony regarding the request of City View Electric for a Conditional Use Permit amendment to allow one additional buildings (storage facility) at 14331 Lake Drive NE, Columbus, MN was called to order at 7:30 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Mark Daly, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko, Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were City Council member Bill Krebs, Myron Organ, Mark and Jackie Kotchen, Mike and Theresa Nelson, Jim and Deb Kelly, Mary Preiner, and Pat Preiner.

**Sternberg:** At this time, we will have a Public Hearing and discussion for 14331 Lake Drive CUP amendment application, pages 31 through 43 and enclosure. And at this time I would like to ask the secretary to read the notice as published.

Notice was read at this time.

**Sternberg:** Thank you. At this time I'd like to ask the applicants to please come forward, and state your name and address for the record.

**Nelson:** My name is Mike Nelson. My address is 18429 Third Street in East Bethel.

**Sternberg:** Thank you, sir. What is it that you are asking of us this evening?

**Nelson:** Um, this is our, I think, second or third time before the Planning Commission. We're amending a previous amendment, if I understand that right. We initially proposed a Phase 2 building to be an office building, and now we're going to change that to a, uh, just a storage building, because we have since bought additional property where we would like to build the office building. So, we'd change the use of this Phase 2 building from an office building to a storage building.

**Sternberg:** Okay. So, if I remember correctly, you bought the three lots in front of you...

**Nelson:** Yeah, it's actually almost four lots. It's three full lots, and then all but 25 feet of a fourth lot.

**Sternberg:** Okay. And that was where you...you were going to propose...or your proposed office building was going to be a...

**Nelson:** We discussed that as being a Phase 3 building.

**Sternberg:** Okay.

**Mursko:** And there was a little bit of a technicality here, because when we... I think in the midst of that, in the midst of the last amendment, City View Electric bought the lots in front of the current lot. And, so when we were talking about the 5000 square-foot building, the condition was that he was allowed to put up one new 5000 square-foot building, and, ultimately, they really wanted to put up two. And, so when I went to go issue the second building permit, I looked at the condition, and it said they could only have one building. So, I brought it to the Council, and the Council indicated that they felt that they should amend the conditional use permit and go through the process, in order to correct the record. So, that's what they're doing today, and the building permit was issued prior to this.

**Sternberg:** So, is this building on the back property, where the old Buetow Brothers...?

**Nelson:** Correct.

**Sternberg:** The building that we're talking about this evening, this Phase 2 building?

**Nelson:** Correct. It's behind the... So we, we currently bought lot, uh, most of 10, and then 11, 12, and 13. We just purchased that this summer.

**Daly:** And where, uh, what lot are you going to put the proposed next building at, your office building?

**Nelson:** I believe all those lots have technically been combined. Correct?

**Mursko:** No, they're not legally combined. They're only combined for tax purposes. So, just like the gentleman before, they do a lot combination. You would... City View Electric would do the same. And they would combine it so it's all one lot, and then they would have... the conditional use permit would cover all of it.

**Daly:** Okay. And, I think the last time you were here before us, you were going to continue to use that existing shared driveway road, that one that's existing now. Now that you've got more buildings here, is an additional driveway going to go in, because you're gonna have more traffic going through there? Just a thought.

**Nelson:** We, we don't plan on it. We don't plan on any additional traffic. We have one employee that works out of there. It's mainly storage.

**Mursko:** When you build your new building, though.

**Nelson:** When we build our new building, yes, we would have access to the front. But, I don't want to put a driveway in just for the sake of putting a driveway in.

**Daly:** Well, I guess that's what I was referring to, when the next phase comes in, if that driveway, if you're going to continue sharing that driveway with employees and all that, with...

**Nelson:** No.

**Daly:** ...next to that residential area?

**Nelson:** No. No. At the time of the Phase 3 building-- which would be our office-- we would then put a through road leading to the back, um, the eastern lot.

**Wolowski:** So where will that second building go then?

**Nelson:** It's, it's gonna be a fairly large...Oh, the second building, the, yup, she's pointing at it right now.

**Wolowski:** Okay.

**Mursko:** So, this is the existing building. They just built this building.

**Wolowski:** Yup.

**Mursko:** And, now, this will be the third building being built.

**Wolowski:** Okay.

**Mursko:** So, you'll have four buildings total at the end?

**Nelson:** Correct.

**Daly:** What about that other garage, the existing garage there? What kind of a ...? That one, there.

**Nelson:** We hope to leave it.

**Daly:** Okay.

**Nelson:** We're actually re-siding it to match the other ones.

**Daly:** Oh, nice. Good.

**Krebs:** How big a building do you think you would be anticipating on putting on that front? I mean...

**Nelson:** On the... probably about 12,000 square feet. It'll be a -- are you familiar with Waldoch's layout down there? So, they have an office in front that's two stories, and then a warehouse in back. And the roof lines are, would, that'd be the same. And so it would be similar, similar to that.

**Mursko:** As opposed to the log cabin blueprint of the one next door?

**Nelson:** Right. No. It'll probably be stucco and brick on the front.

**Krebs:** And have you read all the Findings of Fact and the Recommendations?

**Nelson:** I have. I have one question on the recommendations. I'm hoping that this is an oversight. On recommendation number 14, it calls for 17 striped parking spaces. I think that was in there at the time when we were asking for that Phase 2 building to be an office building. I don't know why 17 spaces would be required.

**Johnson:** I might be able to answer that. And, it really isn't illustrated on the plan that we have here. In the original Buetow Brothers CUP there were 17 spaces that were identified all along the west side of the southernmost building, with a couple more that would have been located between the original building and the one that's being constructed just to the north. And I believe there were two or three stalls that were wrapped around the south. And so those 17 spaces were actually on there when Buetow Brothers occupied the property. So, that's been a, that's been a requirement in the CUP from either the original or the first amendment to Buetow Brothers.

**Mursko:** You know the original was, Buetow Brothers had half the building, and they leased it out to a landscape company. And so the parking requirements were based on the use of the building at the time. So, because it's an office building, you know, it was office and warehouse. So, right now, that really is your primary building also, because your office building isn't built yet.

**Nelson:** Correct.

**Mursko:** So those requirements, I mean those spaces should be already established.

**Nelson:** They should've been.

**Johnson:** Covered 'em up or they didn't exist?

**Nelson:** There was never asphalt. The only place there's, uh, bituminous surface is on the west side. There's ten striped parking spots, but there was never any on the, either the north or the south or the...

**Johnson:** Well, they showed up on the site plan. I remember, because we counted seventeen.

**Nelson:** They're probably there on paper.

**Johnson:** And you may have storage on the south end where there were at least two or three that wrapped around the south end of the building. Um, and it says striped. It didn't say paved, if I recall.

**Nelson:** We can accommodate that I suppose.

**Wolowski:** Get a spray can out there. **(laughter)**

**Sternberg:** So, basically you have...?

**Nelson:** We have ten, we have ten stripes. When we bought it, it had 10 striped spots on the west side of the building.

**Sternberg:** And there's no other asphalt, so what would be the point of striping an additional seven spaces?

**Johnson:** You know, it's a practical issue that you can talk about and negotiate on the spot as far as I'm concerned. This isn't the same use that was originally designed, where there could be additional occupants. And, I, I don't think I was here with, when the original CUP was approved – at least I don't remember it. And, yet, what you want to do is guarantee, if you're constructing a building -- just like you mentioned, the Waldoch building to the south -- that was for additional tenant space. We've got to guarantee that if somebody's going to lease, it's got parking – either for their own vehicles in the warehouse side or for customers in the front. And, because these are now... There still is an office area and bathrooms in the original building, so, I mean that's the closest thing to an office, but as this use has changed into a single occupant, and it's primarily storage, and we know there's a new building, if we all looked at what's real and practical to change the number of parking spaces so they're compliant with the CUP that you're issuing, I don't have a problem with it.

**Daly:** What do you say we just strike the seven and go with the 10 until they build their new building? You've got to do 17 in the new building.

**Johnson:** We're going to be revisiting a couple of things. Um, and that is, a new plat for this entire property, that would combine the front four lots and the two rear lots. Uh, and, with that then, we'd be evaluating a new entrance that has to be approved by Anoka County – the connection to this property, the abandonment of the existing residential drive – all of that. And that's Phase 4 now. And, so, one of the conditions in here acknowledges that any, any activity on those four lots is another amendment. And so, they're not requesting, they don't have their plans done. In fact, I think, Mike, originally you talked about a 5000-foot office building, and, now, you've essentially doubled that, but you're making an office warehouse.

**Nelson:** Correct.

**Johnson:** And so, we'd re-evaluate the parking requirements for this entire use in the next phase, which would be the office warehouse. Again, based upon that use, and the fact that there are only 10, I don't have a problem changing that, personally.

**Preiner:** So, Dean, you're saying that you're fine to change #14 from 17 to 10?

**Johnson:** Yeah. And I think in a motion, if you could say that you accept the findings and recommendations as presented or whatever, and that the minutes would show *you* changed 17 to 10 consciously. We've tried to keep the chronology of this, but I think we had 40 findings before, and so, at the beginning of the findings, I simply said, 'You can find out the chronology of this, which was Buetow Brothers,' and that cut our findings in half. In this case, we have kept all of the relevant conditions from the original Buetow Brothers, and, again, because we're really changing the use, I don't have a problem with that. I don't see that as an inconsistency, because we're talking a storage and not a real office use.

**Mursko:** We bring forward all of the relevant findings and conditions, so that it's, when we record them, one goes on – they record on top of each other, but you don't have to read all four in order to

know what the conditions and findings are. We bring everything forward so that the most recent is the...they're all valid, but the most recent one has all of the conditions and findings on it.

**Krebs:** Mr. Chair, I have a question. Um, looking at the recommendations, number 4 that you were speaking of, the 10-13, Will's Addition, is there any reason why a Phase 3 notation can't be added to that, just for a future use or understanding?

**Johnson:** You mean a description of what we are specifically permitting?

**Krebs:** Well, it would be, it would be an open statement of just a Phase 3, so that they have something to align to in the CUP when they go to make those additional plans, as you're speaking of.

**Johnson:** Yeah, and I'm not... Yeah, that certainly could be modified. The key, the two items that are relevant—gosh, how did the numbering go there, from 15 to 21 to 16? That's an error we'll correct. Item -- what it says—21 on here, is that this particular CUP today authorizes the proposed Phase 2 5000 feet to be used for equipment and materials, very consistent with that original site plan which had previously identified this as office. And the purpose of 4 is to merely say—and if you want to clarify it as the future Phase 3, that's fine—but we want to make it clear here, we haven't even received a concept plan for the use of Lots 10 through 13. We're going to make it clear that they need to come in and amend that.

**Krebs:** Certainly. But, at least it gives them something to go on when they come back with the CUP, that it has at least been looked at, because they have purchased the property with anticipation of making that growth. And so, we should kind of accommodate that a little bit, so that they have a, um, vision and avenue to go down.

**Johnson:** And, however you would suggest making that clarification, again, I don't have a problem with that at all.

**Mursko:** This original condition, number 4, was originally put in there because there's a private drive to this business. And, it was requested that if there was going to be intensification or other businesses, that it be brought to the attention of the neighbors, because there are three houses surrounding the property. That's where this came in, so that the neighbors would always know and be notified of the intensification of the private drive - because you have to drive between two houses in order to get to, um, the business. So, that's why number 4, where it says, 'additional business expansion or intensification...', that's where that condition came from.

**Krebs:** Okay.

**Johnson:** And, in this instance, we inserted for the first time, including the development or use of Lots 10-13. And, we actually amended the, um, the description of the property, which now, if you, if you went to the County website, because the County has put two lots to the east that are developed, as well as the four lots to the west, they virtually are describing this as a parcel in one name, with one address. And, to reduce that confusion, in the Findings we redefined that the property that we're describing for this CUP is the south 200 feet of Lot E3 and all of Lot E4. That's the back two parcels. That wasn't

previously in the Findings. But, because – I think it was at our last hearing in May, when we did the previous amendment – that, -- Patrick was at the meeting, I think, at that time-

**Nelson:** Yes, he was.

**Johnson:** -and said, ‘We just bought the three lots in front.’ We added that, last minute, to our Findings, but here we’ve made a couple adjustments in the Findings, as well as the Recommendations, that, hopefully, make it clear here, yes, we’ve changed the second 5000-square-foot building to storage rather than office, but, we’re still going to make clear that, um, any other intensification requires that public notice and CUP amendment. And, in this case, if the intention is to remove that existing driveway and have a whole new driveway, we also need to be doing a re-plat, so, there’s quite a bit of work to do now before the next phase comes in.

**Krebs:** So those are actually two different recommendations then, those, uh, the ‘Additional businesses, expansion or intensification of proposed contract businesses, um, what has been presented to date...’ and then, ‘The development or use of Lots 10-13 ...shall require an amendment to the Conditional Use Permit.’ So, they’re technically two different recommendations.

**Johnson:** Yeah. It’s, it’s kind of an either/or since...

**Krebs:** Well, you’re tying, you’re tying certain things to that section of that property. I think that maybe we can define or make a little bit more, uh, make it easier if we separate those two.

**Johnson:** And, again, that’s your privilege. I have no problem with either of those, if a change would make that more clear.

**Mursko:** Dean, I’m not really sure how to do this, but I just want to make sure that everyone realizes that – I know we keep talking about Phase 1 and 2 and 3 and whatever, but – but, there are three buildings on the property, two of which are gonna be for storage, and one of them, right now, is their office. And their future office is going to be on the lots in front of the property. I just want to make sure everybody understands that there are going to be three buildings on the property.

**Sternberg:** Eventually four.

**Johnson:** Well, there will be four.

**Krebs and Wolowski:** Eventually four.

**Mursko:** And, eventually four.

**Krebs:** Right.

**Sternberg:** But, even right now, are they using anything for office space there? You have one employee out there. That’s basically all that’s...

**Nelson:** No. We have one employee. Our office is in St. Paul right now.

**Sternberg:** Yeah. The only thing that I... don't want to start mixing anything in on the front lots, is because we did grant them leniency on the design standards on the back lots. So, I mean, if we start comingling, then we get into the pickle where they could just...I know that they would...I'm not saying that you would do this, because you already have a really nice building planned, it sounds like. But, you know, could they potentially move forward on some kind of a...with what you're talking about?

**Krebs:** They can't without coming back, because that's already a condition.

**Sternberg:** Okay.

**Krebs:** They'd have to come back, regardless.

**Sternberg:** That's the only thing I wanted to...

**Krebs:** Yeah.

**Sternberg:** ...point out.

**Daly:** We'll leave it as is, except for that one parking lot issue – the stripes.

**Sternberg:** Yeah. And then, how do we correct this 21? This number 21, should we make it 15, 21...

**Johnson:** Yeah. I, we need to change that to 16, 17 and 18. I give up on computers. They do things on their own while I'm not looking.

**Sternberg:** Any other questions for the applicant, from the Planning Commission? At this time, I'd like to open the meeting to the public. Is there anyone here from the public that would like to speak on the matter? At this time, I'll close the meeting with the right to re-open if it becomes necessary.

Hearing closed at 7:50 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary