

City of Columbus
Public Hearing – Kinsella Properties Preliminary/Final Plat Application & City View
Electric CUP Amendment Application (PC-15-108)
(Mike Nelson, City View Electric –applicant)
September 16, 2015

The September 16, 2015 Public Hearing to receive testimony regarding the request for a preliminary plat “Kinsella Acres” combining several parcels and creating one new lot; and a request to amend a conditional use permit allowing the expansion of the building/trade contractor as the result of an additional land purchase and to reduce the parking requirements using the “proof of parking area” findings and criteria was called to order at 7:03 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Jim Watson, 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 members Bill Krebs and Denny Peterson, Sue Copeland, Mike Nelson, Chuck Plowe, Aaron Leidl, Pat Kinsella, Mark and Jackie Kotchen, Judy Kinsella, Mary Preiner, and Pat Preiner.

Sternberg: Now we’re going to have Public Hearings and discussions for the Kinsella Properties preliminary/final plat and City View CUP amendment applications, pages 1 through 33 and A1 through A8. And, at this time, I’d like to ask the recording secretary to read the notifications as published.

Notices were read at this time.

Sternberg: Thank you. And, 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 Northeast in East Bethel.

Plowe: Uh, Chuck Plowe, Plowe Engineering. I’m the applicant’s engineer. We prepared the plans and . . .

Sternberg: Okay.

Kinsella: Pat Kinsella, Kinsella Properties. 2791 116th Avenue Northeast, Blaine.

Sternberg: Thank you. And at this time, can you just give us a brief description of what it is that you’re asking of us this evening, on, in both cases?

Plowe: I can kind of start it out here. Just, uh, as you can see, it’s a new facility for City View Electric. Um, we want to make it their location, the new location here is already moved in of course here, but, um, um, we’ve gotten through the watershed permit process and we do have watershed permit, conditional approval from the watershed. Um, we’ve kind of gone through

the—I'll let them, I'll let Mike expand on hours of operation and so on, a little bit more, but I can kind of touch on the, on the uh, the comments that, that we've received look pretty much in line with everything that's, that's being asked of him, except for a few items that I think has been—I think Mike has kind of sent in some comments and responses to some of the items that we'd like to discuss. Uh, do you want to go through those a little bit now or do you want to kind of . . . ?

Sternberg: Well, if you want to just represent the portion that you're here for, which I'm assuming is probably merging the property.

Plowe: Yeah. The eng-, well, the engineering part of it, um, the platting part of it I guess is pretty straightforward. I think Elizabeth is . . .

Mursko: Yeah. I just, I, Mr. Chair, just for a point of order: I believe we opened the hearing for the preliminary plat and final plat. Or did you open the hearing . . . I, I'm sorry . . .

Sternberg: We opened both hearings.

Mursko: Both? You're going to do both hearings at one hearing?

Sternberg: Yeah.

Mursko: Okay. Um, if we can talk about the preliminary plat first, and then, then get into the conditional use permit, just so that the discussion goes in order.

Plowe: Okay. As far as the preliminary plats concerned, I, I really don't have anything to add to that, other than what's been indicated in the, the notice that their combining it into the one property. That's the proposal. Um, any more on the plat I don't really, I don't really have anything other than . . . for the conditional use, I can, would that be the portion where we'd be talking about the, about the items in the report?

Mursko: I, yes. I'm pretty sure most of your issues are about the conditions of the conditional use permit. I just want to make sure that we look at the—'cause, unless the plat, the preliminary and final plat, are approved, you wouldn't have a conditional use permit on it. So I just wanted to go in order.

Sternberg: Should we do that first, and then . . . I mean, you need a motion on that before you can do the CUP. Correct? Is that what you're saying?

Mursko: I believe you opened . . . that's why I was asking if you opened the hearing for both. If you opened the hearing for both, I just wanted to talk about the plat first, and then the conditional use permit.

Sternberg: Yeah.

Mursko: So if there's no other questions about the plat, and as Chuck indicated, basically, they're combining lots and making one lot in that particular plat. So it is, it is very straightforward. And, so, there, as long as there's no questions there, then we can move on to the conditional use permit.

Sternberg: Does the Planning Commission have any questions on the plat?

Preiner: Mr. Chair, I'd like . . . Dean, is there anything we should be aware of on the platting thing or is it pretty straightforward?

Johnson: Well, I, I'm sure, based upon the, um, information that was handed out tonight, that Mike Nelson had sent, and questions, they do relate to both. Access to the property and removal of the residence on the property are in recommendations for both the plat and the CUP. So, I don't know if you wish to talk about those right now or move on. As Elizabeth said, and as Chuck highlighted, this is a pretty simple procedure. It's a single lot and block. It's taking multiple properties and combining them into one parcel. And, from that standpoint, they, there is a provision in the statute that you can consider preliminary and final plat at the same time. Which is what we're considering in this process, and it's not new; we've done that before here as well. So, I don't know if you have any other questions or if you'd rather have a presentation on the conditional use and then talk about all these issues. It's your privilege.

Sternberg: Yeah. I think we should probably work on the conditional use, and then, that's going to cover a lot of the stuff that's in the plat here. So, if you guys could talk to us about your conditional use permit, and give us a little background on that, it'd be appreciated.

Nelson: So, just a little recap on the, on the plat: So, in 2012, Pat Kinsella, he's the owner, purchased the property, um, to the east there, shown on the (referring to overhead map), with those three buildings. And then, that was kind of landlocked. There was a, there's an easement driveway that, on the north end of that, that accessed those buildings. And then in 2014, last year, the property in front, where we proposed the new building, came up for sale, and Pat purchased that. And now we're trying to combine all that into one lot, to have our entire operations—there's currently our office is in St. Paul, Minnesota, and we would like to move the entire operation to Columbus. We have a, a small maintenance facility there right now, and some warehousing. As far as the CUP, um, I sent—Elizabeth, do they have what I sent you yest- or on Wednesday?

Mursko: In their additions, they do have your, the, the Planner's report with your comments in it. They do have those. But, as additions. They didn't, they didn't get them in their packets.

Krebs: We're just seeing them now.

Nelson: Okay. I can kind of go over them. I just had a few questions that, and areas of concern, I guess, or contention. You want me to just start right with that? On page two under the recommendations, um, line number five, 'Elimination of driveway access on the private access easement on Lot 8, the Will's Addition.' That's currently the driveway we use now, and, when we do build a new building, I, we will have a new primary driveway, but we don't want to lose

the right to use that driveway. That, that's our access point now. It's farthest to the north on that drawing there.

Sternberg: Is that the driveway, the easement, that's running . . . the current easement?

Nelson: The easement shared with our neighbors, who are here tonight.

Sternberg: Okay.

Mursko: This is, this—just to show you on the diagram—this is the driveway that they, that is currently, the current access into this property. And then, this is the new parcel here. And then, I believe they're proposing a driveway—I want to say, does it come in this way?

Nelson: Yeah. Yeah.

Mursko: And then are you taking this one? And then this one would go away.

Kinsella: Another reason why we'd like to keep that driveway to the north is, it's just a second access, if we'd ever need it. So I talked to the owners, and they came tonight, of that driveway, and we do all the maintenance. I put, I basically recapped the whole road and I do the winter maintenance on the road. And then I trimmed all the trees, 'cause we have boom trucks and stuff like that. So we, uh, we hope they're happy. But, we do have an electric gate system there, which we will always be locked at all times. Um, but we need it in the event, if the other road would ever go down or if we have a big semi, for some reason come in. We just need it for something—just in case. It's always there. And I told the owners that I'll always keep maintaining their road for them, do the plowing and stuff like that in the wintertime. We have the equipment to do it, so I figure we'll do it, so . . .

Nelson: Keep going down the list or do you want to discuss this . . .?

Sternberg: Yeah. Let's go down the list, and then we'll come back and discuss this, these items.

Nelson: Okay. So then, uh, so, item number six is elimination of northerly driveway on the property. Just so there's no confusion, that's the one, we are going to eliminate that one. That's the one that serves the—I wish I had a pointer.

Wolowski: Here, there's one right here.

Nelson: There's no disagreement with there, so we are, we'll eliminate that as recommended, 'cause we don't have an issue with that. The other thing we have a, do have a concern with is the removal of existing residence on the property. Now we understand that, that we can't have a dual-use property. It can't be residential and commercial. What we want to turn that into is a training center for apprenticeship training, uh, safety training, etcetera. Um, in the, in the response we got from the City Engineer, Larry, he suggested that we may be able to do that, if we made it, the appearance the same as our other structure, which we're in agreement to. Then

also, to remove components inside the house, so it doesn't look like a house anymore on the inside. It would basically be an open floor plan for a training center is what we would like to do. Uh, if I skip down to number nine, um, 'Cash in lieu of park land dedication.' That's just something, we would like to know what that fee is going to be. We have no indication right now, so we need to have some idea what that is. Those are really the only issues we, we have. Some of these are repeated, as well, in the next, um . . . Oh, I guess I do have more. On the conditional use permit, findings of fact, um, item number 12 states that City View proposes to retain the existing residence on the westerly portion of the residential housing. Uh, that was never our intent, so I don't know where that came from. But, that was not our intent, so that's, I would like to have that stricken, I guess. Um, and then item number 20 on the findings of facts, 'The proposed office building is a concrete block building.' That was our original intent, but due to budget constraints, as I noted in the notes you made be looking at . . . Um, Rice Creek Watershed District has been kind of tough on us. So they're chewing up a lot of our budget. So we're not going to go to a block building now. It's going to be a wood framed building. And, unfortunately, our architect is in Czechoslovakia right now, and I don't have current drawings of what that's going to look like, but we, we're aware of what the City requirements are as what percentage has to be stone or brick or whatever we'll need in those appearance requirements. So, basically, the recommendations on the plat—the ones we had concerns with are the same recommendations on the plat as they are on the CUP, so I think they're kind of redundant. I don't know if you want me to repeat them or not, with the, in regards to the house and the shared driveway.

Plowe: I don't really have anything further either, because, (unintelligible) I don't have any comments. I think Mike has covered everything. If there's any questions, I can try to answer.

Sternberg: Okay. Thank you for explaining that to us. Um, at this time, do you guys have any questions on what they're asking for here?

Wolowski: Mr. Chair. On number seven, um, on A2 there, if we move forward with allowing that to be a safety training facility, wouldn't, would we want to write something into our recommendations that that is the intent and that—maybe even put it in the CUP, so that we can inspect to make sure that that is exactly what happens there?

Sternberg: Well, I think this kind of falls under what we've been talking about recently, where we can repurpose a residential property into a commercial use. And we haven't really come to any conclusions on that. I mean, basically, the way it's written now, the house has got to be torn down, if I understand correctly.

Johnson: That just follows previous discussions, and, again, your discussions about repurposing is exactly what they're asking. Um, you know, that's policy decision.

Sternberg: We're currently looking into this. Uh, you know, like what you want to do with the house. You basically want to repurpose it and make it a commercial structure, but not demolish the whole thing. And, we're, the way the codes have been in the City so far, the objective was to

pretty much tear it down. I mean, that's—is there any other way to say it? I mean that's the way we've been handling these cases.

Krebs: That has been the vision, so far, for that particular district.

Sternberg: Correct.

Krebs: But, in light of our discussions, we have talked about, um, the transition of existing buildings to maybe fit something to this, where you're talking about a training center. We could hold the occupancy of anything, with the understanding that they would meet the criteria, but then, we'd have to design criteria that this building would fit under to make it that transition that would be acceptable to the City Council. And we haven't, we haven't done that yet.

Plowe: Just one brief comment if I may.

Sternberg: Yeah.

Plowe: This, I look at it as maybe kind of an extension of their operation. It's, it's a building that's there, so it would all be kind of one, one operation. So, I look at it that way, that it's no different.

Sternberg: We look—I mean I look at it that way too. We've actually, I mean, as little as last week we were talking about this. And we just haven't quite . . . I think the objective overall in, for the most part—and I'm speaking for other folks ahead of me—but I think the idea was to not have people residing residentially in the commercial district, and, to try to transition it from, as the houses were sold, transition to commercial. And, in that, came this situation where the houses were demolished or removed as the building went into commercial use. But it's kind of a, it's a new thing that we've been talking about doing. Um, we just haven't quite, like she said, we don't have the criteria. You know, as we all know, there's really no difference commercially. You know, the codes are different commercially than residentially, but ultimately the building is the same. I mean a building is a building. You know, you're going to build your building on a wood framed structure here, which is no different than a house is built. It's just, the differences are, you know, the kitchens and the bathrooms, and, and stuff like that. So, we still have to figure that, hash that stuff out. Um . . .

Preiner: But if—Mr. Chair—if it was allowed, the exterior would have to be re-, recovered to match your new building.

Nelson: Correct.

Preiner: You're aware of that?

Nelson: Correct.

Preiner: What are the dimensions? How many square feet is that house, roughly?

Nelson: You know, that's a good question. I don't, it's less than a thousand. It's not very big. I couldn't tell you exactly.

Kinsella: We still are eliminating that building up towards the road. There's, there's a small building up towards the road on Lake Drive that we'd be removing.

Sternberg: That detached garage that's up there?

Kinsella: Yeah. Yeah.

Johnson: Forty-two by 26 footprint on the residence.

Preiner: Forty-two by 26?

Nelson: I was close then.

Johnson: I looked at preliminary plats.

Nelson: Another thing to take into consideration on this—I'm gonna call it a structure instead of a house—is the well and septic. Obviously we, the existing well and the existing septic. So, we would also want to maintain that for this structure, and put in new for the new building—a new well and new septic to service the new building.

Watson: Mr. Chair. In terms of modifying the current structure, the residence now, what are your plans for actually removal, demolition or modification—the way you see it?

Kinsella: Well, the house is, uh, is a stick frame, and so all the interior walls are non-bearing. So we can just go in there and blow the whole thing out and just have one big room. I do visualize having a bathroom, and then a small little kitchen where, you know, have popcorn or, you know, when we're giving classes. Sometimes classes are, you know, they're there six to eight hours long. So it's a long day. So that's all, that's all we're looking for.

Nelson; More of a break room than anything.

Kinsella: Yeah. So the bedrooms, all that, would get blown out. It'd be one big room. So, that's the way I look at it.

Watson: Thank you.

Sternberg: Any other . . . ?

Preiner: Mr. Chair. So how do we handle this, Dean?

Johnson: Do you want to take public comment and see if there is any, before, and then come back and discuss?

Sternberg: You know, I guess I would, because part of the, the change is the driveway, and I'd like to hear what the neighbors have to say about the driveway before we make a decision. So, if you gentleman would like, you can take a seat, and then I'll open the meeting to the public. And then we may have you back up, 'cause we may have more questions after the public portion. At this time I'd like to open the meeting to the public. Is there anyone here from the public that wants to speak on the matter? And if you could just state your name and address for the record?

J. Kotchen: Uh, Mark and Jackie Kotchen. 14333 Lake Drive.

Sternberg: Thank you.

J. Kotchen: Uh, they've been very good, and they've lived up to their, what they say they're going to do. So we really don't have any concerns at this point.

Sternberg: Okay.

M. Kotchen: As long as they move the majority of their traffic over to their new property . . .

J. Kotchen: The other driveway.

Sternberg: Sure.

M. Kotchen: . . . I have no objections on . . .

Sternberg: Keeping that existing easement there.

M. Kotchen: Yeah.

Sternberg: Okay.

J. Kotchen: More of an as-needed basis.

Sternberg: Right. And this is the easement that runs right along your property line?

M. Kotchen: Yeah.

J. Kotchen: Right.

Sternberg: Well, thank you.

Wolowski: That's good.

Sternberg: Anyone else here from the public?

Copeland: Sue Copeland. I think my property borders on two sides of the existing property of the Buetow, or, City View Electric. Um, I've had concerns before, and I've sent in letters when they've had their previous CUPs, and I don't think it's ever been addressed, uh, a definite partition between their property and mine. Um, we've had issues in the past of—now they have a gate, so I think it has slowed down—but, we have got quite a bit of trash and garbage thrown into our lot, um, from that back road, because it's so far back, and it's so far undetected, and it's so dark at night. Um, wash machines, dryers, refrigerators. Um, I haven't been back there recently, so I don't know that there's anything wrong, but I would like to see something there. It doesn't have to be anything expensive, but something that absolutely borders my property from that one. Because now it's going to be going—I believe there's a corner, um, yeah, right there (referring to overhead map), of my property.

Mursko: I think you're down here.

Copeland: I'm down there, but I go up to, I know I go up to the four lots, the . . .

Mursko: Is there, I mean is this yours too?

Copeland: Well, I'm not to that. I'm all along the back.

Mursko: Are you down here?

Copeland: Yup.

Mursko: Okay.

Copeland: But I think it might go up just a little bit to the corner, like, not far, but I know it's the whole north side of the existing property, and it goes from highland down into lowland.

Mursko: I think we're talking about this part.

Copeland: It goes at an angle. Yeah. So, I mean, that's just my concerns. I, like I said, I haven't . . . We had it cleaned out, um, we had a trash hauler come in and clean it out about three years ago, and I haven't seen, I haven't been back there a lot, because of my health issues, but, um, I just hope it—I'd like to try to keep that from happening again, because it's very expensive to have somebody come and haul washing machines and dryers, and whatever that somebody likes to throw. There's, we planted pine trees there, many, many years ago—about 20 years ago—so there's some pretty good-sized pine trees along that property line, but there's big gaps, and, where somebody can access it pretty easily, um, my property, from there. And I don't know where that, um, the parking area they're—I heard somebody talking about a parking area. And I don't know where that's going to be, but if it does border that property . . . And I know there was a discrepancy about 13 feet. Will's Addition was off by 13 feet for many, many, many, many years, until the quarter section was put in, uh, about 15 years ago. Um, I kept on Anoka County year after year after year after year to get the quarter section in, so we could get an accurate survey. And now that people are getting their surveys, it seems to be 13 feet off all the way down

into Will's Addition. 'Cause Will's Addition is a lot, and it, at the end of my property—my first property that's on Lake Drive—it's meets and bounds and then we go to Will's Addition, so, that's where the problem started many, many years ago. And of course when old Highway 8—Lake Drive—refurbishment or however you want to call it, that caused quite a, an issue too. So, it's just because I have a lot of history, I've been here 30 years, I know what some of the problems are, and I would like to—now that I'm older, I don't want to deal with them anymore. Um, if we can keep it from happening again, I'd like to try to find some solution to that.

Sternberg: Sure.

Wolowski: Mr. Chair, can I ask a question?

Copeland: Yeah.

Wolowski: Is that public dumping that, uh . . . ?

Copeland: I don't know who's doing it. We could, we have no way of knowing. Um, just . . .

Wolowski: So you just feel the access back there is allowing, and the dark, and that there's a road back there . . .

Copeland: It always has.

Wolowski: Okay. So . . .

Wolowski: It's allowed, we have, you know, people cross . . . It's hard to tell where the property line is, especially when you go back into the lower area, 'cause there's a lot of oak trees and it's quite wooded. But, people cross, go back and forth for hunting, and things like that, which, you know, it's not a big deal to me. The big deal to me is the, when the trash starts happening. And, like I said, I can't say this happened lately, because I haven't been back there. But, when I did have it removed, it cost me quite a bit. And I know they never came from anybody that, that I knew or, you know . . . I don't know where it came from. It could've come from, could've come from the lots in front of Bob Woodell's property, you know, to the side. You know, could've thrown off over in that section. All I know is it was there, so it was accessible from the north and from the west. Um, it's just, just something I just don't want to have to deal with in the future.

Wolowski: Thank you.

Copeland: Mm-hmm.

Sternberg: Thank you. So do we have more questions for the applicants? If I could have the applicants come up one more time.

Boland: Mr. Chair, are we closing the public hearing?

Sternberg: Yeah. Yeah, we're closing the public hearing.

Hearing closed at 7:31 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary