



To: City of Columbus Planning Commission

From: Ben Gutknecht, City Planning Technician

Date: May 12, 2020: Revised 05.28.2020 per comments and further information provided at 05.20.20 Public Hearing: Revised 06.04.2020: Revised 06.08.2020 per Staff Discussion: Revised 06.17.20 per Discussion held at 06.17.20 Planning Commission Meeting

RE: CST Companies, LLC Conditional Use Permit

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After review of the Conditional Use Permit Application for a business consisting of contractor wholesale and retail of dry goods (firewood, softener salt, stone, mulch, etc.) and the grinding and storage of tree waste and warehousing of equipment and palletized products, the Planning Staff provides the following Findings of Fact and Recommendations:

Findings of Fact

1. The City received a Conditional Use Permit (CUP) application from CST Companies, LLC (“CST”) on February 28, 2020 and deemed incomplete with a letter sent on March 12, 2020.
2. Upon review of further information submitted by CST on April 15, 2020, the Planning staff deemed the CUP application complete for review with a letter sent April 17, 2020.
3. The 60-day review deadline is June 16, 2020.
4. The 120-day review deadline is August 15, 2020.
5. A 60-day written notice of extension was sent and delivered to applicants on June 11, 2020, extending the review deadline from June 16, 2020 to August 15, 2020.
6. The property in question is a total of 25.57 gross acres, with 4.4 net usable acres, located at 14045 Lake Dr. NE, legally described as Part of the North Half of the Northeast Quarter (N1/2 of NE1/4) of Section 33, Township 32, Range 22, lying Easterly of County State Aid Highway (CSAH) 23, subject to easement of record, Anoka County, Minnesota (PIN 33-32-22-11-0003).
7. The Property is zoned Commercial Industrial (C/I).
8. The neighboring properties directly to the north include a used car dealership and two single-family residences. The neighboring property to the east is a single-family dwelling, and the property to the south is a mini storage facility.
9. The residential property to the east takes its access through the Property via documented easement, however the private driveway does not remain entirely within the easement of record.
10. There is an existing building (Single-family dwelling) on the Property, which the applicant proposes to demolish.

11. The applicants propose to erect a 14,688 square foot building on the southerly portion of the Property, with 21 paved parking proposed in the front, consistent with City Code.
12. ~~The proposed building materials and architectural design plan dated 04.14.20 and~~ proposed building materials described on June 17, 2020 appear to be consistent with the intent of Section 7A-795 of the City Code.
13. CST would own the location, and lease back to CST Distribution LLC and CST Transportation Inc.
14. The applicant's hours of operation are currently estimated to be:
  - a. Monday through Friday, 7:00 a.m. to 7:00 p.m. ~~for the months of April through August.~~
  - b. ~~Less hours in the winter.~~
  - c. Saturday will be 8:00 a.m. to 5:00 p.m. for the months of April through June, and 8:00 a.m. to Noon for the months of July through October.
  - d. They may be open some Sundays from 10 a.m. to 4 p. m. ~~should higher sales require it.~~
15. The applicant proposes to have four to five full time employees and the owner on site.
16. The equipment on site will consist of pay loaders, forklifts, a coloring machine, and a portable wood grinder.
- ~~16. The estimated traffic levels will vary seasonally, during the winter there will primarily be just the three to four employee vehicles. Whereas spring through fall they estimate twenty to thirty (20-30) cars a day, which is based off anticipated sales.~~
- ~~17. Applicants anticipate truck traffic to consist of ten to fifteen (10-15) trucks per day, based on anticipated sales.~~
  17. Employee and contractor/retail sales activities traffic are anticipated to be 20-30 automobiles per day and 10-15 trucks per day.
  18. CST company truck traffic are anticipated to be approximately 1-10 trucks per non-grinding days, and approximately 12-17 trucks on grinding days.
  19. Tree waste drop off traffic is anticipated to be 10-12 vehicles per day during normal business hours.
20. The CUP application is to permit a business consisting of an estimated 60% contractor wholesale of dry goods, and 15% retail sale of dry goods. An estimated 25% of the business will be dedicated to the grinding/storage of tree waste. Additionally, the property will have an outdoor showroom of landscape products. The building will consist of an indoor office and warehousing facility for distribution and storage of bulk dry goods in the C/I district. The ground mulch will be hauled off site. ~~to the Elk River facility for coloring unless future sales warrant coloring on.~~
21. The site plan dated 06.02.20 indicates a landscaped showroom area at the very front of the property to show available product, which is shown in "Landscape Supply Display Area" dated April 2020.
22. Directly east of the landscaped area is proposed outdoor storage of palletized pavers, wall block, natural stone, and bagged mulch which is proposed to be stacked no higher than six (6) feet and organized in three rows. On the other side of the palletized product is proposed material bins, ranging from four (4) feet to ten (10) feet in height, within the bins is mulch, soil, sand, and aggregate rock for bulk sale.

23. South of the outdoor display of products is the proposed 14,688 square foot building, which consist of the office (3,001 s.f.), warehouse 4,920 s.f.), equipment service (4,512 s.f.) and washing bay (2,256 s.f.).
24. Directly east of the proposed wash bay is a proposed fuel station with double wall fuel storage tank at 2,000-3,000 gallons within a concrete containment and an outdoor storage area for five (5) semi-trailers, as indicated on the Civil Plans dated 06.02.20.
25. The Site Plan, dated 06.02.20, indicates the wood mulching and manufacturing area as 35,000 square feet (200'x179') and is located northeast of the building, lying just west of the existing residential property.
26. The wood mulching and manufacturing area is proposed to be used for the storage of wood material, with plans to bring in a portable grinder up to ten (10) times per year when an adequate amount of material has been collected.
27. The applicant will allow tree waste ~~w~~ to be dropped off for mulching by City of Columbus contractors and homeowners ~~for mulching~~ as well as other regional residents, contractors, developers, tree trimmers, etc.
28. The mulch product will be hauled offsite. ~~to the Elk River location to be packaged and colored. With only a small amount remaining onsite for bulk sale. Packaging and coloring of mulch will only be done at the Elk River location unless future sales warrant coloring on site.~~
29. Currently the applicant ~~does not have plans to bring the coloring machine to the Columbus site in 2021. but in the event that business demands increase they will in the future. The "Cheetah Coloring Machine" that would will be used for coloring is stated to be quieter than a lawnmower. The colorant specifications indicate that they are nontoxic, and water-based.~~
30. The piles of tree waste or ground mulch piles are anticipated to be a maximum of fifteen to eighteen feet (15-18') in height.
29. ~~The applicant state they have done decibel testing for noise at the Elk River location during peak season, and the noise level was gauged at a peak of 89 decibels, which is the equivalent of heavy traffic or a power mower per MPCA guidelines. Applicants state that machines shall only be run during business hours.~~
31. Applicants are confident all state noise regulations will be met.
32. The applicants will not compost any product on the Property. The only smell anticipated is that of mulched cedar.
33. The applicants propose a ten (10) foot privacy fence to be constructed on the north property line, stretching from Lake Dr. entrance to the residential property on the east.
34. Applicants submitted an updated Civil plan and Landscape plan dated 06.02.2020. Updates include, updated landscaping and screening on the east lot line, proposed to be a coniferous tree species meeting the 95% opacity. Updated fencing height on northern property line at a proposed 10 feet. Updated gate locations and driveway access as to not restrict access to neighboring property. The addition of the preliminary location of mulch coloring machine for proposed future use.
35. The Planning Commission held a public hearing on the CST CUP Application on May 20<sup>th</sup>, 2020.

36. Applicant met with the neighbors to the east on 05.22.20 to discuss property access, screening, and noise concerns.
37. CST testified at the 05.20.2020 Public Hearing that they will inspect every vehicle dropping off tree waste for the chipping pile to ensure the correct wood is being accepted.

### Recommendations

Based upon the above Findings of Fact, the Conditional Use Permit (CUP) for CST Companies, LLC (CST) should be approved subject to the following conditions:

1. Approval of the CUP is contingent upon recommendations and comments made by the City Engineer.
2. Approval of the CUP is contingent upon recommendations and comments made by the Fire Marshal/Fire Chief, and Building Official and an annual fire department inspection.
3. Approval of the CUP is contingent upon recommendations and comments made by the City Attorney.
4. Approval of the CUP is contingent upon requirements by the Anoka County Highway Division.
5. Approval of the CUP is contingent upon requirements by Rice Creek Watershed District.
6. Approval of the CUP is subject to state and federal regulated pest and quarantine movement guidelines and regulations. regarding pests and guidelines pertaining to pests and quarantine contingent upon recommendations and comments made by the Department of Agriculture.
7. Conduct of the business shall be consistent with the application and additional materials received and deemed complete by the City on April 17, 2020 and as revised and supplemented through the June 17, 2020 meeting.
8. The grinding of wood for mulch shall not be a regular use of the property and shall only occur when necessary and is allowed ten (10) weeks per year, forty (40) hour a week or less, and shall only occur during the week day from 8:00 a.m. to 4:30 p.m. CST Companies shall notify the three adjacent residential neighbors and the City of Columbus via email one week prior to anticipated grinding activities.
9. CST Companies shall provide written protocol that conveys they can thoroughly inspect delivery of wood and materials that Columbus residents and contractors bring to ensure that there shall be no disposing of rotten wood or other organic materials on site.
10. All equipment associated with moving dry goods and mulching material shall be kept in the building on the Property. With the exception of the Mulching Machine and Coloring Machine.
11. The business may have up to 5 semi-trailers stored on site in the area indicated on the Site Plan dated 04.14.20.
12. Piles of tree waste and ground mulch shall not exceed heights of fifteen (15') through eighteen (18') feet.
13. Up to four (4) piles of colored mulch may be located on the pavement west of the tree waste area, not exceeding one hundred (100) cubic yards per color.
14. The palletized materials shall not be stacked higher than six (6') through ten (10') feet.

15. Bulk material (i.e. colored mulch) bins shall not be higher than ten (10') through twelve (12') feet in height.
16. The palletized materials, bulk bins, and mulching area shall all be cleaned such as to not cause tracking beyond its respective site, and to prevent tracking of materials on the public right of way.
17. A revised access easement and driveway maintenance agreement must be negotiated with the residential property owner to the east, located at 14063 Lake Dr. to permit permanent and reasonable access.
18. CST shall submit updated Architectural Plans that outlines the proposed colors ~~for all~~ and materials on the building as presented at the June 17, 2020 Planning Commission meeting.
19. There are to be no chemicals, gasses, hazardous wastes, fumes, or odors including that of composting organic material, on the Property as a result of this business, excepting normal smells associated with that of fresh mulched wood during the mulching process, and excepting normal fumes associated with properly maintained vehicles and equipment.
20. All CST trucks and equipment with back up alarms shall be retrofitted with “white noise” or “broadband” back-up alarms or similar quiet back up alarms.
21. Signage on the Property will require the applicant to apply for a sign permit from the City.
22. Site lighting information must be included in final set of civil plans.
23. A final Site Plan shall be submitted with clarifications from the June 17, 2020 Planning Commission Meeting. Per approved Site Plan dated 06.02.2020 and conditions outlined in this Staff Report. ~~No other uses or intensification are allowed on the Property without an amendment to the CUP.~~
24. Any and all uses allowed in the CUP shall be constructed, maintained, and practiced consistent with all applicable federal, state, and local laws and regulations, including but not limited to air quality, water quality, noise standards and odor regulations.
25. The Applicant must maintain valid certification received from all relevant State of Minnesota regulatory agencies for all permitted use on the property.
26. Approval of the Conditional Use permit does not absolve the applicant of any other permitting requirements such as Building, Watershed District, County, etc.
27. The applicant shall reimburse the City for all out of pocket expenses incurred in the review and issuance of the CUP and for all ongoing inspections and enforcement actions required for the CUP.
28. The CUP, once issued, may be revoked upon a finding by the City Council that the property and/or use is not in compliance with the conditions for approval of such use, following notice and hearing.