

**City of Columbus  
Regular Planning Commission Meeting  
September 20, 2017**

The September 20, 2017 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:01 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members: James Watson, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko; Planner Dean Johnson; City Attorney Jacob Steen; and Recording Secretary Karen Boland.

Also in attendance were City Councilmembers Mark Daly, Denny Peterson, and Bill Krebs; Bob Schaller, Jon Rausch, Ken Rohlf, Reabar Abdullah, Tracie Wilson, John Freed, Karen Freed, Tracy and Kathy Kirkup, Tom Olson, Alicia Hedberg, Roger Person, Peg Hoffman, Dan Graff, Julie Harper, Chris Harper, Joe Carroll, Joe Bazey, Diana Graff, Richard Swanson, Myron and Cindy Angel, Janet Hegland, Marge and Vern Rosum, Kathy Sianko, Molly Mindestrom, Denny J. Breen Jr., Brad Odegard, Ann Knops, Randy Knops, Jim Coby, Barb and Fran Hearley, Ken Rutford, Barb Bobick, Norma Heuer, Taro Ito, Rob Osterberg, Chad Maassen, Gayla Adams, Nancy and Ron Loecken, Arlen and Shelly Logren, John Derus, Richard Belle Isle, Don Santanni, Jeff Joyer, Dennis and Marlene Nelson, Frank Frattalone, Kent Peterson, Jackie Bussjaeger, Pat Preiner, and Mary Preiner.

**AGENDA APPROVAL**

*Motion* by Krebs to approve the Agenda as presented. Second by Watson. Motion carried.

**APPROVAL – 13733 LAKE DRIVE CUP REQUEST PUBLIC HEARING MINUTES OF SEPTEMBER 9, 2017**

*Motion* by Preiner to approve the minutes from the 13733 Lake Drive CUP request Public Hearing held on September 9, 2017 as written. Second by Krebs. Motion carried.

**APPROVAL – REGULAR PC MEETING MINUTES OF SEPTEMBER 9, 2017**

*Motion* by Wolowski to approve the minutes of the September 9, 2017 regular Planning Commission meeting as written. Second by Watson. Motion carried.

City Attorney Jacob Steen clarified that no public hearings were on the agenda. The only item related to Bituminous Roadways was a discussion-only item regarding an ordinance text amendment. He added that Public Open Forum is for discussion of items that are not on the agenda. No public hearing and no testimony related to the asphalt plant would be accepted. He encouraged people to stay and listen, but wanted to be clear about expectations for the meeting.

**PUBLIC HEARING – HUMBER ESTATES PRELIMINARY & FINAL PLAT REQUEST (PC-17-119)**

At this time a public hearing was held to consider a request for a preliminary and final plat “Humber Estates” reconfiguring two lots of record. Separate minutes are prepared.

**HUMBER ESTATES PRELIMINARY & FINAL PLAT REQUEST DISCUSSION**

*Motion* by Krebs to forward to the City Council the application for a preliminary and final plat on the “Humber Estates” properties at 13305 and 13411 Humber Street NE with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner’s memo dated September 14, 2017, with revisions to Recommendation #2 to include specific recommendations of the City Engineer, and deletion of Recommendation #4, as noted below. Second by Watson. Motion carried.

### **Findings of Fact**

1. The combined preliminary and final plat application, received on July 28, 2017 and supplemented on August 21, 2017, was found complete for review.
2. The 120-day combined plat review deadline is December 19, 2017.
3. The proposed plat is a rearrangement of two parcels located on the east side of Humber Street NE, containing approximately 26.45 acres, legally described as part of the Southwest Quarter of the Southeast Quarter of Section 33, Township 32, Range 22.
4. The proposed plat also accommodates a new cul de sac on Humber Street NE and partial street vacation, south of the new cul de sac.
5. The property is zoned C/I Commercial/Industrial.
6. Proposed Lot 1 includes an existing residence on the westerly half of the lot, currently owned by Andrew and Erika Ramsden (currently 4.82 acre parcel size).
7. The proposed new cul de sac occupies a portion of the existing Ramsden property. The existing Ramsden property will be nearly doubled in size as a result of the plat (8.71 acres).
8. Proposed Lot 2 is owned by Construction Technology, Inc. (CTI) and is approximately 17.46 acres in area. The lot includes an existing residence and is proposed to be redeveloped in the future for additional CTI garage condominiums.
9. The proposed lot areas and lot widths are consistent with the C/I District dimensional standards.
10. A Rice Creek Watershed District permit is not required at this time.
11. There is a large wetland area on the easterly portions of the two lots, which is protected with drainage and utility easements.
12. Required 10 feet property line drainage and utility easements are not illustrated on the preliminary or final plat.
13. The proposed plat is not affected by either Shoreland or Floodplain management standards.
14. The final plat is consistent with the preliminary plat.
15. The Planning Commission held a public hearing on the Humber Acres Preliminary Plat on September 20, 2017.

### **Recommendation**

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Humber Estates Preliminary Plat and Final Plat, subject to the following:

1. The addition of the minimum 10 feet drainage and utility easements adjacent to all lot lines.

2. Recommendations of the City Engineer: **for cul de sac right-of-way modification and culvert extension.**
3. Title review and recommendations of the City Attorney.
4. ~~Cash in lieu of any park land dedication requirements.~~
5. Future development in the plat is subject to local ordinances and permitting requirements.

This matter will go before the City Council at their meeting on September 27, 2017.

### **PUBLIC HEARING – 13957 LAKE DRIVE CUP REQUEST (PC-17-122)**

At this time a public hearing was held to consider a request for a conditional use permit to allow a building trade/contractor office (Mobile Mini) at 13957 Lake Drive. Separate minutes are prepared.

### **13957 LAKE DRIVE CUP REQUEST DISCUSSION**

PC members asked applicant about issues raised during public testimony. Mobile Mini does not have any environmentally sensitive materials on site. The only painting on-site is spot painting; there is no hazardous waste. Oil changes on equipment are done on site by a third party which hauls the oil away. Screening was discussed, particularly from neighboring residences. It was agreed that the applicant will update their site plan, include screening details, and have that to the City by Friday so it is updated before consideration by the CC. The northeast corner will include a buffer of trees with a minimum of six to eight 12-foot trees staggered with other trees.

It was agreed that, per City ordinance, 24 parking spots will be on the site. Mursko noted the recommendations of the City Engineer, and the Rice Creek Watershed decision memo. Applicant agreed that all is acceptable.

*Motion* by Krebs to forward to the City Council the application for a conditional use permit at 13957 Lake Drive NE to allow a building trade/contractor office (Mobile Mini, Inc.) with a recommendation for approval based on the findings of fact and recommendations for approval from the Planner's memo dated September 15, 2017, with the following revisions: Finding of Fact #14 will allow stacking of two containers, with the occasional exception to stack three as needed; Finding of Fact #25 will be added to allow side storage; Finding of Fact #26 will be added to require a detailed illustration of the site be submitted by the applicant, including screening; Recommendation #13 will be changed to reflect language similar to that of revised Finding of Fact #14, as noted below. Second by Sternberg. Motion carried.

### **Findings of Fact**

1. The City received an application for a CUP from Mobile Mini, Inc. ("MMI") on June 14, 2017. The application was found incomplete. Revised application submittals were found complete on August 15, 2017.
2. The 60-day review deadline is October 14, 2017. The 120-day review deadline, if extended, is December 13, 2017.
3. MMI is proposing to lease the entire 15.6-acre property located at 13957 Lake Drive NE (Anoka County PID 33-32-22-24-0004), owned by Daniel Graff, Graffco, Inc., and legally described as part of the Northwest Quarter of the Northeast Quarter of Section 33, Township 32, Range 22 ("Property").

4. The Property is zoned C/I Commercial/Industrial.
5. MMI is a construction equipment leasing business, specializing in the rental of portable storage containers. MMI occasionally sells the storage containers.
6. MMI will use the two existing buildings (approximately 10,000 square feet each) on the Property for office space (portion of westerly building), equipment storage, minor equipment repair, and general storage.
7. MMI indicates there will be eight full time employees on the Property.
8. MMI generally maintains the fleet of storage containers in one corporate color with corporate logos. There may be up to a maximum of 20% of the total storage units on the Property that do not match the MMI corporate color or logo.
9. MMI indicates that the only minor repairs and “spot painting” of the storage containers will be done on the Property. There will be no sand blasting or complete painting of containers done on the Property.
10. Parking required for the use of the buildings is 24 spaces (3000 square feet office and 17,000 square feet warehouse).
11. The existing access drive and parking area south of the westerly building is gravel. A small parking area west of the westerly building and an area south and east of the easterly building have bituminous surfacing.
12. MMI is also proposing to expand the existing gravel outside storage area to the east and northeast of the buildings by approximately 2.5 acres, according to the site and grading plans dated 7/26/17. Total impervious site area will be about 5.4 acres or approximately 35% lot coverage. [Note: the MMI Narrative, dated 8/14/17, indicates the landlord is responsible for adding approximately 4 acres of additional storage yard and fencing.]
13. A permit application for the 2.5-acre expansion of impervious area has been submitted to Rice Creek Watershed District.
14. MMI proposes to store anywhere from 100-500 storage units on the Property, depending on seasonal fluctuations. The storage units will be stacked **on average two containers high and will be stacked at a maximum of three containers high, only during seasonal high inventory periods.** ~~resulting in a maximum of 24-27 feet in height.~~
15. The expanded storage area will be surrounded with 6-foot high security fencing.
16. An air photo parcel sketch, dated 6/2/17, includes hand drawn illustrations of 10 “future trees” at approximately 100-foot spacing along the westerly and northerly property lines, as well as four “smaller plantings” and a “berm” located south of the access drive approximately 100 feet from Lake Drive NE.
17. MMI indicates a heavy truck traffic day would involve 10 truck trips in and 10 truck trips out. Containers are loaded on trucks by fork lift.
18. MMI indicates the majority (95%) of truck traffic flow is one directional, minimizing truck backups and excessive maneuvering.
19. There are no hazardous wastes associated with the use of the Property, with the possible exception of waste oils generated from equipment repair.
20. MMI is not proposing any changes or improvements to the existing buildings or adding any new site lighting.
21. No plans have been received for any site or building signage.
22. No other changes to the Property or building are proposed at this time.
23. Normal hours of operation are 7:00 a.m. to 5:00 p.m., Monday through Friday, with only occasional weeknight or weekend container deliveries.

24. The Planning Commission held a public hearing to consider the CUP for MMI on September 20, 2017.
25. **A revised site plan was presented at the public hearing that illustrated proposed container storage on the south sides of the existing buildings.**
26. **A revised landscape plan was presented at the public hearing that illustrated more extensive plantings of conifers along Lake Drive NE and the north property line, ranging from 6-12 feet in height.**

### **Recommendations**

Based upon the above Findings of Fact, the Planning Commission recommends to the City Council approval of the Mobile Mini, Inc. (“MMI”) CUP, with the following conditions:

1. MMI is authorized to operate a storage container and servicing business on the Property, consistent with its CUP application received on June 14, 2017 and as modified through August 14, 2017, as well as subsequent permit reviews and approvals.
2. The CUP is subject to detailed recommendations of the City Engineer.
3. Any building improvements or building permit requirements are subject to review and approval by the Building Official.
4. The CUP is subject to the permitting requirements of the Rice Creek Watershed District.
5. The CUP is contingent upon final wetland and floodplain elevation determinations.
6. Access to Lake Drive NE is subject to any permit requirements of Anoka County.
7. The access drive and a minimum of 24 parking spaces shall be improved with bituminous surfacing, consistent with minimum City design standards. The parking spaces shall be painted and include one handicapped accessible parking space. The paved access drive shall extend from Lake Drive NE to the fenced-in storage yard.
8. A maximum of 500 storage containers for leasing are allowed on the Property at any given time. A minimum of 80% of the storage containers kept on the Property at any given time shall be painted with MMI corporate colors and identified with MMI corporate logos.
9. The storage area for non-corporate painted containers shall be separate from corporate painted containers and shall be located on the least visible areas of the Property.
10. Occasional sales of storage containers are permitted.
11. The storage of containers shall be limited to the primary, secured storage area east of the existing buildings, except for temporary loading, unloading, staging or servicing of containers.
12. No sandblasting or major painting of containers is allowed on the Property. Painting shall be limited to minor touch ups or spot painting and shall be conducted within existing structures.
13. Storage containers ~~may~~**will** be stacked **on average two containers high and will be stacked** a maximum of three containers **high, only during seasonal high inventory periods** ~~and to a maximum height of 29 feet.~~
14. A detailed landscape and screening plan shall be submitted to the City for review and approval prior to any MMI occupancy on the Property.
15. A truck delivery and maneuvering plan, illustrating single direction traffic flow, shall be submitted for City review and approval prior to any MMI occupancy on the Property.
16. A revised site plan must be submitted and illustrate the primary and secondary waste treatment areas and the well location prior to any MMI occupancy of the Property.

17. Additional businesses, expansion or intensification of the use of the Property from what has been presented to date, shall require an amendment to the Conditional Use Permit or new Conditional Use Permit.
18. The owner of the Property shall execute an agreement with the City, as recommended by the City Attorney, that all prior Conditional Use Permits on the Property are nullified and cease to exist.
19. All exterior lighting shall be downcast, shrouded and directed away from adjacent properties and public streets.
20. All refuse must be stored in a building, trash transport (dumpster), or in covered cans. Any outdoor refuse storage area shall be enclosed on all sides visible from adjacent property by screening, compatible with the exterior of the building, not less than two (2) feet higher than the refuse container(s).
21. Typical hours of operation for MMI are 7:00 a.m. to 5:00 p.m. Monday through Friday, with only sporadic deliveries allowed on weekends and evenings.
22. The generation of hazardous wastes on the Property is limited to minor equipment repair and servicing, and shall be subject to local, state and federal licensing and regulatory compliance.
23. The operation of the storage container leasing and servicing business must be consistent with all local, Federal, and State laws that apply to the use of the Property.
24. In the event the City Council determines, in its sole discretion, that the use of the Property is not being operated in accordance with any term or condition contained herein, the CUP may be revoked by the City upon proper notice and a hearing. The City shall notify regulatory authorities that may have issued licenses or permits in connection with the CUP of any such revocation.
25. MMI shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the CUP, including reasonable attorneys' fees and consultant fees.
26. The CUP 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, fence permits, sign permits, water appropriation permits, and sewage treatment system permits.
27. MMI shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the CUP, including any subsequent inspection and enforcement actions.

This matter will go before the City Council at their meeting on September 27, 2017.

**DISCUSSION AND RECOMMENDATION – ORDINANCE AMENDING CHAPTER 7A TO ALLOW AND REGULATE ASPHALT/CONCRETE PRODUCTION FACILITIES**

City Attorney Steen went over the proposed text amendment. Applicant Bituminous Roadways requested the amendment referencing asphalt production. City staff determined concrete production should be included.

7A.201 defines uses, equipment and operations.

7A.783 makes asphalt and concrete production a conditional use in the LI district. The ordinance could also be amended to permit this as an interim use. This is a City policy decision. The applicant is opposed to the interim use alternative.

7A.786 refers to connection to public utilities. Connection is required wherever a property has adjacent access. Bituminous Roadways would be excluded; the existing connection is across the interstate from the proposed location. They have requested altering the proposed language to state “immediately adjacent” for the purpose of clarity.

7A.801.G cites the maximum structural height limit of 50 feet with raw material storage and corresponding building enclosures not exceeding 100 feet in height. This is the same exception established for Cemstone.

7A.823 is a new section outlining performance standards. These include a spacing requirement that no facility shall be located less than 2 ½ miles from another asphalt/concrete production facility. It also includes standards for setbacks, minimum lot acreage, stockpiling and storage. The draft calls for stockpiles to be in an enclosed structure. Bituminous Roadways is opposed to the requirement for enclosure. There are standards for screening, hours, traffic management and haul routes. There is specific language to restrict operation and hauling during the hours of planned outdoor events within 500 feet of an approved haul route, including concerts and horse races.

There was discussion about the request for a text amendment. The applicant requested a text amendment to preclude the need for a CUP.

Utility hook-up was discussed. PC members expressed concern that if we allow this applicant to forego utility hook-up, it will be difficult to require property owners in the southeast quadrant to connect to public utilities. Steen said the City can evaluate how many properties are currently in a similar situation and could potentially request a similar exception. He said this is ultimately a policy decision: What level of connection are we going to mandate consistent with this code? If the City doesn't have the utilities extended to all properties, then those properties aren't going to be able to comply with this language as it currently is written. Ultimately any of those properties will have to continue to pay those special assessments, and they would still be mandated to connect and pay those connection fees when the utilities are brought adjacent to the property. Staff can evaluate and work with the City Engineer to determine the effect of this language re: utilities.

Haul routes were discussed. They can only be County roads, which limits the proposed Bituminous Roadways site to County Hwy. 54. There was discussion about determining what events at Running Aces would qualify for suspension of nearby hauling. The applicant has noted that this provision would be more appropriate as a condition of approval than as part of the ordinance. If conditions are not met, a permit can be revoked.

IUP vs. CUP was discussed. An IUP specifically runs with the applicant, while a CUP runs with the property. An IUP can have a sunset date included, whereas a CUP has no end date as long as conditions are met.

Enclosure of stockpiles was discussed. The applicant is against enclosure. City and State piles must be covered.

Screening language was discussed. Steen said the PC could propose changes to draft language and require screening, for instance, on all sides of the facility. The applicant believes specific screening language is more appropriate as a condition than as text amendment in the ordinance.

The prescriptive nature of the ordinance was discussed, with some PC members expressing concern that it is too custom-tailored to a particular business to be an ordinance. Planner Johnson pointed out that other City ordinances have been equally prescriptive, citing the racetrack and senior housing ordinances. He said some communities are very prescriptive, while others rely totally on State statute. Johnson pointed out that the City has no authority, for example, to create environmental standards other than federal standards.

As proposed in this draft, these performance standards would apply to Cemstone and the applicant. The applicant has requested these standards only apply to the LI district. Cemstone, as operating today, would be a legal, non-conforming use. If they expand or change their CUP, they may need to modify something in order to comply with these standards.

Preiner expressed having no problem with Bituminous Roadways, its existing plants, or the way it runs its business. He said his concern is that putting an asphalt plant in this location is contrary to the vision for this area of the City. He feels the truck traffic is excessive and will disrupt businesses along the only available haul route. He feels the current residents and business owners came in thinking they had the protection of zoning, and now that is being taken away. He also said others have to pay assessments and taxes for utilities, and now we are looking at allowing businesses with no plans to hook up. He questions why we are trying to jam this plant into this area.

Krebs pointed out there was great opposition to the racetrack, and what a good addition that business has been to the City. Preiner stated that the track became the business it said it would be; this asphalt plant says it will add 100 to 500 trucks to Hwy. 54 on a daily basis.

Potential actions by the PC were discussed. The initial approach on this application was to change the zoning from CI to LI. If this text amendment is not adopted, and that zoning change is not made, the asphalt plant remains an unallowable use. Steen said the PC has the option to not approve the language of the ordinance amendment. The CC could then accept that recommendation or accept the language or alternative language and call for a public hearing. The CC makes the ultimate decision about whether this will go forward.

*Motion* by Krebs to forward to the City Council the draft ordinance amending Chapter 7A to allow and regulate asphalt/concrete production facilities for approval with the changes requested by the applicant and the omission of 7A-823. I. a. from the proposed ordinance. There was no second.

Steen reiterated that regardless of the PC's recommendation, guidance will be sought at the CC hearing. Public comment will still not be allowed until a public hearing is held. Mursko pointed out that draft language has to be settled on and approved by the CC before a public hearing can be scheduled.

*Motion* by Preiner to forward to the City Council a request to continue discussion of the draft ordinance amending Chapter 7A to allow and regulate asphalt/concrete production facilities at the

next PC meeting on October 4, 2017. Second by Wolowski. Votes as follows: Krebs – abstain, Preiner –aye, Wolowski – aye, Watson – abstain, Sternberg -aye. Motion carried.

## **DISCUSSION – ORDINANCE AMENDING CHAPTER 7A – RESIDENTIAL ACCESSORY BUILDINGS**

City Attorney Steen went over the most current draft language per the PC’s recommendations.

Watson presented the PC’s activity on this ordinance to the CC. They gave the following guidance:

- CC would like language stating that if a property owner has more than five acres, they may have one container on the property. They want a limit of one container, regardless of acreage over five acres.
- Shipping containers must be less than 40 feet, with no stacking or welding.
- CC wants no containers allowed in a PUD.
- A shipping container is to be figured at double the square footage for purposes of total accessory building square footage calculation.
- CC wants screening to be 80%, year-round, from the right-of-way and any residences.
- CC does not want containers on the ground on a concrete, gravel or asphalt slab. They want containers on a non-degradable base, off the ground.

The language in this ordinance applies strictly to residential property, not commercial.

Exterior appearance was discussed. Johnson suggested in 7A-805.E.5. language be added noting an exception for these containers as in L.1., so siding and roofing of the dwelling need not be required. Sternberg proposed that someone could match the siding and roofing of the dwelling instead of having it 80% screened. If they do not choose siding, and just match color, as in L.1., then they need to comply with 80% screening. Steen said the language in E.3. and L.2. will be made consistent.

Steen will integrate the PC’s comments and bring back an updated draft.

## **PUBLIC OPEN FORUM**

Bob Schaller of 16577 Kettle River Boulevard suggested that if Columbus is getting a storage container business, why not restrict that business from dropping a shipping container on any property in the City that is less than five acres? Make enforcement of that acreage requirement part of the condition of that business’ operation too.

Councilmember Bill Krebs commented that the depiction of the asphalt plant put up on the screen earlier was not based on reality. He said he has a rendering that includes the screening that is and will be there. He also said he has materials on these new plants. They are state-of-the-art with no smoke and no steam.

Attorney Steen advised that in order to be considered, both Running Aces materials and Bituminous Roadways materials should be submitted into the record. He said discussion of the issue should be limited to the confines of the public process.

## **CITY ADMINISTRATOR'S REPORT**

Mursko reported that Calvin Grubbs passed away suddenly on Monday. Cal was a long-time member of the Columbus Lions, and devoted to the Senior Center. He was once named Citizen of the Year, and was well-loved at the City. There will be a celebration of his life at the Senior Center from 4-8 p.m. next Monday 9/25.

**PLANNING COMMISSION MEMBERS' REPORT**

Nothing to report.

**ATTENDANCE - NEXT CC MEETING**

Krebs will attend the City Council meeting on September 27, 2017.

*Motion* by Krebs to adjourn. Second by Watson. Motion carried.  
Meeting adjourned at 10:17 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary