

City of Columbus
Regular Planning Commission Meeting
April 19, 2017

The April 19, 2017 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:00 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, and Recording Secretary Karen Boland.

Also in attendance were City Council members Denny Peterson, Bill Krebs, and Mayor Dave Povolny; Kris King, Paul Peskar, Mike Kempf, Steve Rhode (sp), John Young, Wayne Robyn, Robert Schaller, Mary Preiner and Pat Preiner.

AGENDA APPROVAL

Motion by Krebs to approve the Agenda as presented. Second by Wolowski. City Administrator Mursko proposed the deletion of agenda item #7: Continued Discussion - 5036 197th Ave. NE Variance request. The applicant has not yet been able to submit the updated survey, as requested. *Motion* by Preiner to approve the Agenda with deletion of item #7. Second by Wolowski. Motion carried.

APPROVAL – 5036 197TH AVENUE NE VARIANCE REQUEST PUBLIC HEARING MINUTES OF APRIL 5, 2017

Motion by Wolowski to approve the minutes from the 5036 197th Avenue NE variance request Public Hearing held on April 5, 2017 as written. Second by Watson. Motion carried.

APPROVAL – PREINER FAMILY ADDITION PRELIMINARY PLAT REQUEST PUBLIC HEARING MINUTES OF APRIL 5, 2017

Motion by Krebs to approve the minutes from the Preiner Family Addition preliminary plat request Public Hearing held on April 5, 2017 as written. Second by Sternberg. Votes as follows: Krebs – aye, Preiner – abstain, Wolowski – aye, Watson – aye, Sternberg – aye. Motion carried.

APPROVAL – REGULAR PC MEETING MINUTES OF APRIL 5, 2017

Motion by Wolowski to approve the minutes of the April 5, 2017 regular Planning Commission meeting as written. Second by Krebs. Motion carried.

DISCUSSION – ACCESSORY BUILDING ORDINANCE

Planner Johnson explained that a red-lined draft ordinance was prepared by the City Attorney that covered some provisions that arose in earlier discussions with the CC on options for shipping containers to be allowed in the City. On March 15th the PC held a joint meeting with the CC. There was not clear direction from that. Two alternatives have been drafted. One addresses how shipping containers may be permitted and regulated; the other prohibits shipping containers except for temporary projects. Both are amendments to existing provisions within the zoning ordinance pertaining to residential accessory buildings.

In both draft ordinances the first red-line has language added by the City Attorney. Based on original direction by the CC, it highlights what is and is not acceptable to be used as an accessory structure. In the draft allowing Conex containers, the second red-line talks about exceptions on

calculating the square footage of buildings. It implies that if the containers are allowed they would be included in the total square footage of accessory buildings. The last red-line in the draft allowing Conex containers, lists conditions related to exterior appearance, placement, number allowed, and temporary use. The last red-line in the draft prohibiting Conex containers, outlines allowance for temporary use.

Sternberg opened the discussion to the public. Public comments were as follows:

Robert Schaller of 16577 Kettle River Boulevard spoke on the issue. He said the majority of people are not in favor of prohibiting these containers. If this began as a problem between two homeowners, they should settle it. If it's a problem, couldn't someone from the City go out and inspect the area where someone wants to put a shelter? Would the City have someone inspect the container issues? Are people with hoop buildings now supposed to get rid of them? What happens when the City gets a complaint? Is everyone who has a hoop building now in violation? Including the City, which uses one to store salt?

Wayne Robyn of 16554 Kettle River Boulevard spoke on the issue: He believes these are too many restrictions on buildings and little sheds. He believes it will just set neighbors against neighbors. The City has too many regulations on chickens, noise, lights, etc. This is a very relaxed area. If someone needs every little rule about every little thing, the people who are complaining should move to other areas, where there are more restrictions. These hoop buildings are a convenient, inexpensive way to put stuff under a roof. They look better than piled-up junk.

Mike Kempf of 6605 145th Avenue NE spoke on the issue. He doesn't believe the CC should limit these containers; they're considered personal property. He doesn't feel the CC has the authority to limit them. Mr. Kempf has 145 acres. He has two Conex containers on his property; they are only visible from an airplane. He uses them for crop-seed storage. Rodents can get into accessory buildings and eat the seed. As far as hoop buildings, he'd rather see those than boats, snowmobile trailers, etc. sitting in the front yard.

Kris King of 18339 Tulane spoke on the issue. King said she came to the City about the Conex containers to find out if they were legal, because her neighbor moved a green container in, with "Evergreen" written on the side. They are on 2 ½-acre lots. The container sits right in their sight all the time. With all the ordinance regulation of storage buildings, she wanted to know how someone could move in something that big with no permitting or slab or anything else. How could that be legal? She said the container sits in the middle of the lot. There is no screening. She said in civilized society there have to be some rules. She spoke to the owner last week. He said he didn't realize there were any ordinances. He's waiting to hear what the City's ruling is. He acknowledged the container is an eyesore; he'd like to build a pole shed when he can afford it. She said she understands it's cheap storage, and she doesn't want to fight with her neighbor, but she doesn't want her neighborhood to look awful.

PC members discussed what any action taken now means for existing containers. They discussed enforcement, screening, setbacks, permitting, and lot size at length.

Mursko stated that, in the past, when someone put up an accessory building the City required that they show the location of the alternate septic site. With ordinance updates, that language was somehow lost, so, potentially an accessory building or Conex box could end up on the only alternate septic site. If a lot was established prior to 1996, only one septic site was needed. By state law, new lots of record need two septic sites.

City Councilmember Bill Krebs of 172nd Avenue spoke on this issue. He wanted to know if Conex containers are going to be taxed like auxiliary buildings if they're allowed. Why put up a nice structure if they're taxed, but Conex boxes aren't?

Mayor Dave Povolny spoke on this issue. He said too much regulation is being discussed. He suggested looking at stopping hoop buildings and things placed within the 20-foot setback.

The temporary use of Conex containers was discussed. For the two draft ordinances, PC members, agreed temporary front or side yard placement should be allowed for a maximum of ninety (90) days with the possibility of an extension of up to one year when the container is being used for moving in or out of a Dwelling or when used for an extensive remodeling project.

The PC would like feedback from the CC on the following questions and suggestions:

- PC would like to require a permit and a site-plan review before bringing in and placing a container, including awareness of the location of the alternate septic site. Can the box be moved without a permit?
- PC believes screening should be required. What would CC like to see for screening?
- PC felt the density of one container per five acres is acceptable if all screening requirements are met.
- PC would like language prohibiting stacking.
- PC felt if the container is “located entirely to the rear of the principal structure and effectively obstructed from views from adjacent residential property or the right-of-way”, as in the proposed draft language, naming setbacks in the ordinance should not be important. Mursko commented that if the proposed location is less than 30 feet from the property line, they need to survey the line and show her where it is.
- PC would ask the CC why the City would not want to create the same standards for hoop buildings, makeshift structures, etc.? Why not lump them all together?
- PC would suggest language to address Mursko's concerns about need to know alternate septic site location for any accessory building placement.

Another key question is whether we can require existing containers to comply with these standards? Mursko would need to ask the City Attorney about requiring existing containers to comply.

PUBLIC OPEN FORUM

There was no topic raised for discussion for Open Forum.

CITY ADMINISTRATOR'S REPORT

Mursko said the continued discussion scheduled to take place on the variance request for 5036 197th Avenue NE was delayed because the surveyor was unable to complete the survey on time. At the last meeting the applicant was asked to present a survey and a drainage plan. Two PC

members will be absent from the next scheduled meeting, May 3rd, so all three other PC members committed to be in attendance in order to continue the discussion and potentially take action on this variance request.

Mursko also reported ColumBiz will take place tomorrow, April 20th, with check-in at 7:45 a.m. for an 8:00 a.m. start. There were 92 RSVPs received. Last year there were 89 in attendance.

PLANNING COMMISSION MEMBERS' REPORT

STERNBERG COMMENT:

Sternberg reminded all that on Saturday, April 22nd there will be a spaghetti-dinner fundraiser for Jase Erickson, a first grader at Columbus Elementary, who has leukemia. It will be held from 4-7 p.m. at the VFW in Forest Lake.

ATTENDANCE - NEXT CC MEETING

Krebs will attend the City Council meeting on April 26, 2017.

Motion by Krebs to adjourn. Second by Watson. Motion carried.

Meeting adjourned at 8:49 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary