

RECEIVED

MAY 28 2020

City of Columbus

60 Day Deadline - 07.27.2020

120 Day Deadline - 09.25.2020



COLUMBUS Rural Nature. Urban Access.

16319 Kettle River Blvd. • Columbus, MN 55025
phone: (651) 464-3120
website: ColumbusMN.us

Date paid 05/28/2020
Amount: 1700.00
(200.00 fee)
(1500.00 ES&MS)
R# 21110

APPLICATION FOR CONSIDERATION OF CONDITIONAL USE PERMIT, INTERIM USE PERMIT
RE-ZONING, SITE PLAN REVIEW, VARIANCE

APPLICANT:

Name: Kendall Friese Phone: 612-991-7064 (Alt.): _____

Address: 16811 Notre Dame st Email: Kfriese@cfaitth.com

City: Columbus State: MN Zip: 55025

OWNER: (If other than applicant)

Name: _____ Phone (work) _____ (Alt.) _____

Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Legal description of property: Tessier Estates 11.32.22.42.0005

Lot(s) 1 Block(s) 2 Additions(s) _____

Existing use of property: Small Business Trucking Present zoning: Residential

Action Requested: Please check (✓) Re-zoning Site Plan Review Variance

Conditional Use Permit Interim Use Permit SSTS Administrative Variance

Other (fill in) _____

Description of and reason for request (attach additional information and requirements if necessary)

pre Existing Business
Trucking And occasional Trailer Repair or Fabrication.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

SIGNATURE OF APPLICANT: [Signature] DATE: 2-6-20

SIGNATURE OF OWNER: [Signature] DATE: 2-6-20

To the City of Columbus,

I have lived in Columbus, MN since 1992. I have been doing trucking and trailer repair since I have moved here. When I moved here I didn't have a shed to work on my equipment so in 1999 I built a pole shed to do my work in. The pole shed was really to small to get a semi trailer in and to be able to shut the doors. I did my best to limit the noise and was respectful to my neighbors regarding the noise. In June of 2017 my pole shed burnt to the ground. I then had the task of rebuilding.

I spoke to the city of Columbus on my options for building was.

I now have a building that helps me get my equipment in and the noise level is nothing per my neighbor who I asked if she can hear me working when she has her windows open and she said cant hear me.

The traffic for my business is very minimal to none. There is no equipment idling on my property. Any previous issues have been addressed since I have rebuilt by building.

I run a really low-key business that doesn't leave much of a footprint in the neighborhood.

Sincerely,
Kendall Friese

City of Columbus interim use permit questionnaire

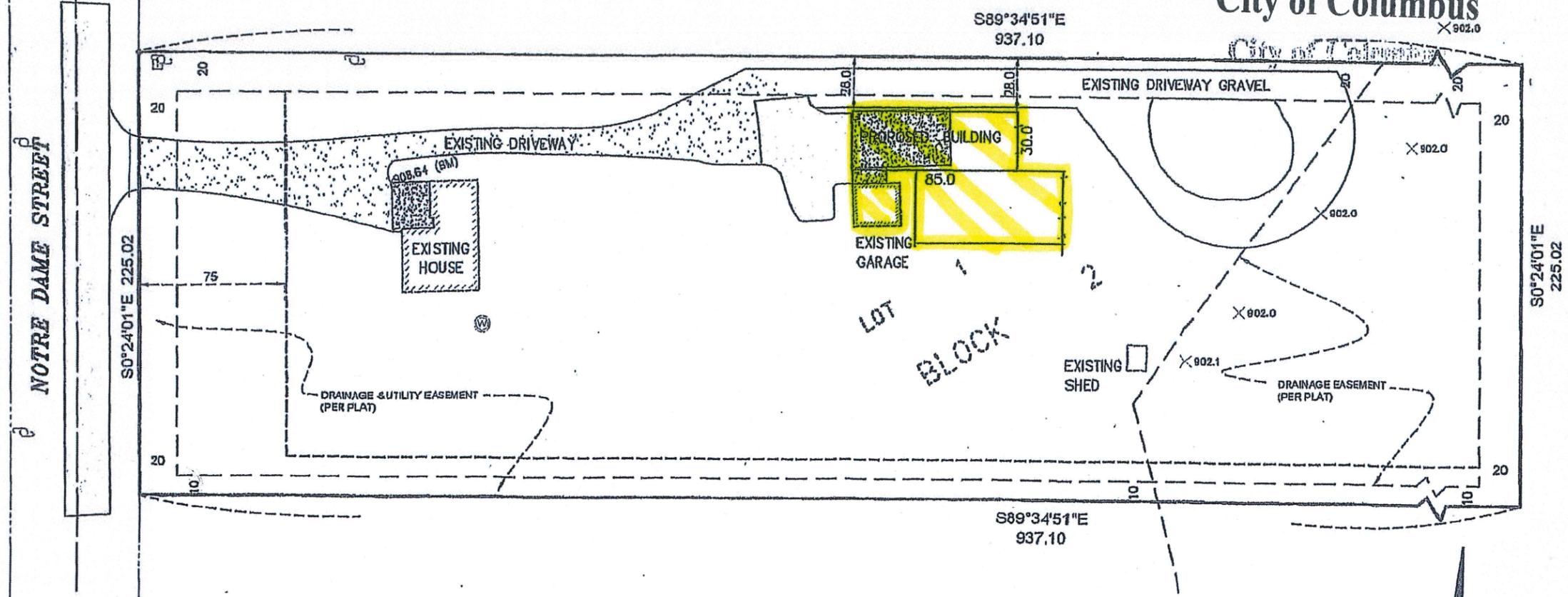
- A. Property 16811 Notre Dame St. is in zone RR district.
- B. Property 16811 Notre dame sty meets all minimum dimensional standards.
- E. The principal use of property is residential and owner
Resides there.
- F. I do not have any outside employees at this time. I do not
Have plans for any employees in the near future.
- G. Any waste is properly disposed of or recycled (metals/ aluminum} all equipment is licensed. I use the building to fix equipment or to house equipment during the cold weather. The building is used approximately 80% for business. The building is used 10 to 15 days a month or 1 to 2 weeks a month. The building used for operation is the building we just reconstructed, behind the homestead.
- H. The business complies with the City of Columbus codes
Hours of operation are manly daylight hours. The noise issue has been addressed by
now having a facility capable of putting equipment inside to elimatte the noise.
- I. Business operations occur within the building. No outside building operations is needed.
The building has been built to house the equipment.
- J. The business is invisible to both my next-door neighbors. You can only see the house and
the back building.
- K. I have no plans for any additions or renovations to the property.
- L. The daily routine is to walk to the shop and office and drive to town for parts or supplies 2
to 3 times a week. Truck leaves once every 10 days. I have no clients or customers.
- M. Basically 7am to 7 pm are my operations hours. *days of the week?
M-F*
- N. No additional parking is needed for this business.
- O. The business is out of sight of any close neighbors.
- P. No sign is needed for the business.

CERTIFICATE OF SURVEY

RECEIVED

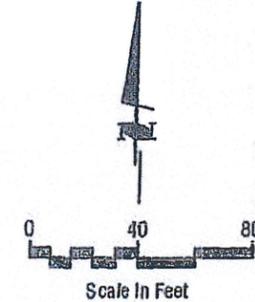
JUN 15 2020
OCT 27 2017

City of Columbus



DESCRIPTION

PLAT FOR REAL ESTATE, Anoka County, Minnesota.



LEGEND

- FOUND PIPE
- ⊕ ELEC POLE
- ⊙ WATER WELL
- BUILDING SETBACK LINE
- [White Box] BITUMINOUS SURFACE
- [Dotted Box] CONCRETE SURFACE
- [Gravel Box] GRAVEL SURFACE
- [Yellow Box] Existing Garage and Pole Building- Location of Business

ZONING: "RR" RURAL RESIDENTIAL DISTRICT

MINIMUM BUILDING SETBACKS:

FRONT YARD/R. O. W.	75
SIDE YARD	20
REAR	20

SURVEY NOTES:

- This orientation of this bearing system is based on the Anoka County Coordinate System NAD 83.
- The vertical datum is NAVD 88. On site bench mark, N.W. corner concrete slab at existing house = 908.64.
- Existing Parcel 16811 Notre Dame St., Columbus, MN 55025, Parcel ID 11.32.22.42.0005
- Property area = 210,847 Sq. Ft.

© 2017 WIDSETH SMITH NOLTING

DATE: October 18, 2017	DATE: _____	APPROVED BY: _____	BY: _____	PREPARED FOR: HENDALL FRIEDRICH
SCALE: AS SHOWN				I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
DRAWN BY: DJW-DF				
CHECKED BY: KJJ				
FILE NUMBER: 12050357 E00				WIDSETH SMITH NOLTING Engineering Architecture Surveying Environmental

From: Ben Gutknecht
Sent: Monday, June 15, 2020 2:15 PM
To: kfriese@cfaith.com
Subject: Narrative Clarification and Site Plan Revision

Hi Kendall,

Thanks for speaking with me earlier, per our conversation I wanted to give you an opportunity to look at the small revision I made on your Site Plan and make sure you are agreeable to that. The highlighted portion is where you will be storing all equipment associated with your business and where you will be conducting your business correct? **Yes.**

Additionally, I would like to have you answer the following questions in a response just so that I can have it on record as a clarification for your narrative you provided earlier.

1. You will be the sole employer/employer and have no intentions of hiring someone in the future? **Correct.**
2. You will be driving your personal truck and making repairs to your personal truck and trailer with no plans to extend that repair business to other? **It is my personal Equipment..**

Again, thank you for your time earlier and let me know if you have any additional questions.

Ben Gutknecht

From: Kendall K Friese <kfriese@cfaith.com>
Sent: Monday, July 6, 2020 2:49 PM
To: Ben Gutknecht <planningtech@ci.columbus.mn.us>
Subject: RE: Letter of Completeness_ Interim Use Permit Application for a Residential Zone Business

----- Original Message -----

From: Ben Gutknecht <planningtech@ci.columbus.mn.us>

To: kfriese@cfaith.com

Sent: Thu, 25 Jun 2020 14:42:41 -0400 (EDT)

Subject: RE: Letter of Completeness_ Interim Use Permit Application for a Residential Zone Business

Good afternoon Kendall,

I'm reaching out to see if you have had a chance to take a look at the questions I posed in the earlier attached email? I was also wondering if you would be able to further describe what kind of repairs you do to both the trucks and the trailers? General repair.. Etc. is what ever equipment needs for repair , to meet DOT specs.

Thank you for your time,
Ben Gutknecht

Ben Gutknecht, Associate Planner

[City of Columbus](#)

16319 Kettle River Blvd. N.E.

Columbus, MN 55025

Main: 651-464-3120 ext. 1008

columbuslogo Logono city name

From: [Kendall K Friese](#)
To: [Ben Gutknecht](#)
Subject: RE: Letter of Completeness_ Interim Use Permit Application for a Residential Zone Business
Date: Thursday, June 25, 2020 5:51:15 PM

----- Original Message -----

From: Ben Gutknecht <planningtech@ci.columbus.mn.us>

To: kfriese@cfait.com

Sent: Thu, 25 Jun 2020 14:42:41 -0400 (EDT)

Subject: RE: Letter of Completeness_ Interim Use Permit Application for a Residential Zone Business

Good afternoon Kendall,

I'm reaching out to see if you have had a chance to take a look at the questions I posed in the earlier attached email? I was also wondering if you would be able to further describe what kind of repairs you do to both the trucks and the trailers? **General repair. [NO oil changes]. I farm that messy stuff out.**

Thank you for your time,

Ben Gutknecht

Ben Gutknecht, Associate Planner

[City of Columbus](#)

16319 Kettle River Blvd. N.E.

Columbus, MN 55025

Main: 651-464-3120 ext. 1008



From: Kendall K Friese <kfriese@cfaith.com>
Sent: Tuesday, July 7, 2020 3:08 PM
To: Ben Gutknecht <planningtech@ci.columbus.mn.us>
Subject: Re: Letter of Completeness_ Interim Use Permit Application for a Residential Zone Business

----- Original Message -----

From: Ben Gutknecht <planningtech@ci.columbus.mn.us>
To: Kendall K Friese <kfriese@cfaith.com>
Sent: Tue, 07 Jul 2020 13:39:23 -0400 (EDT)
Subject: Re: Letter of Completeness_ Interim Use Permit Application for a Residential Zone Business

Good afternoon Kendall,

I appreciate you answering those older questions that I had sent on the 25th of June, but I was hoping you could answer the questions that we spoke about on July 1st, I had sent an email after our phone conversation, I apologize if it never reached you. The questions outlined in the July 1st email are as follows:

1. What do "general repairs" consist of for Trucks? Axle ,spring, suspension ,and air line and ac or electrical, and break and some tire work, and little exhaust work.
2. What do "general repairs" consist of for Trailers? Break ,air line , and suspension work. some trailers i repair rails or side panels, and a little roof work.
3. Do you do any body work (riveting for Trailers) and how often? I do some welding or riveting on trailers. it is maybe 10-20 hrs a year. very little..
4. How often will you be selling any of the trailers or trucks per year? If i buy or sell anything. it is through a dealer. not a sales lot here.
5. Will these sales happen on site? No
6. If yes you will have clients visiting the Property? No

Again, I really appreciate you doing this before the meeting, any information you can provide to the Planning Commission and myself prior to the meeting helps a lot.

Thanks again,

Ben Gutknecht



Aerial Photography of 16811 Notre Dame St NE
(as of 04.08.2020)



Date: July 15, 2020
To: City of Columbus Planning Commission
From: Jessica Hughes, Public Communications Coordinator
RE: Complaint Record – 16811 Notre Dame Street NE

Below is a record of complaints received for property located at 16811 Notre Dame Street:

Date	Complaint
September, 2015	Loud equipment and large vehicles on the property.
July, 2019	Business operating without a permit.
May, 2020	Business operating without a permit, many trailers on property, excessive noise.

I would first like to clarify to the Columbus city counsel that I am a driver I drive to California and back every other week. It is my livelihood. I used to have drivers for the last 15 years. I have since as of January 2020 went back to being a driver or owner operator.

I repair my own equipment and have some equipment that I have had which I am planning on fixing on the off weeks to finish repairing and selling to a dealer. The equipment is equipment I own. Now that I'm driving I will be eliminating most of the equipment as soon as I have time to finish them.

Recommendations Corrections

1. I plan to comply with all provisions of the city zoning ordinance.
3. Residential zone Business limited to indoor storage and accessory repair. I have moved all moveable trailers out of sight and invisible to any neighbors, I have removed all rental trailers. I have my 2 daily driver trailers out of view to neighbors.
4. All work in progress trailers are stored off site that were in view of neighbors. I do not salage parts to sell to the Public !
5. All trailers that need work in yard will be repaired by 90 day timeline.
6. Now that I know which of my neighbors was having the issue with the noise. I will keep my backdoor shut while riveting. I did approx.. 1 hour of riveting in May 2020. I only rivet during the daytime hours . I have only did 1 hour of riveting from January to July 2020. Which is approx.. 2 hours a year.

8. Hours of operation 7am to 7pm m-f . Occasionally
Emergency outings after hours.
9. Outdoor storage will be in compliance.
12. I am asking for a variance for a fence for height.
So I can install a 100' to 150' fence in back of my
Property so it will eliminate any chances of noise
that has been disturbing my neighbors.
I would like to build it 10' to 14' high.
13. We take all precautions from fumes or anything that
will or would cause damage or harm to the
neighbors , climate and country.



June 24, 2020

Kendall Friese
16811 Notre Dame St NE
Columbus MN, 55025
Via Email: kfriese@cfaith.com

RE: 60-Day Review Extension, Interim Use Permit Application: Friese Residential Zone Business

Dear Mr. Friese,

Please be advised that the City of Columbus is providing written notice for a 60-day extension to allow further review of your interim use permit application for the operation of a residential zone business in the Rural Residential District at 16811 Notre Dame St NE, application dated 05.28.2020, deemed complete for review on 06.17.2020.

Based on the submittal of supplemental materials by the applicant, the City Council requests additional time for further review of the application materials, the City of Columbus is extending the time permitted as established in Minnesota Statutes 15.99, subd. 2, by sixty (60) days, beginning on July 27, 2020 and ending on September 25, 2020 pursuant to Minnesota Statutes 15.99 subd. 3, sub-paragraph f, as final actions by the City Council have not been completed.

Should you have any questions, please contact me at 651-419-9008.

Sincerely,

Ben Gutknecht
Associate Planner

16319 Kettle River Boulevard, Columbus, MN 55025
651.464.3120 Twin Cities 651.464.5922 Fax
www.ColumbusMN.com



To: City of Columbus City Council

From: Ben Gutknecht, Associate Planner

Date: July 8, 2020: Revised: 07.24.20: Revised 08.05.20: Revised 08.07.20 Per Planning Commission Meeting Recommendations: Revised 08.20.20

RE: Kendall Friese Residential Zone Business Interim Use Permit

Background: The applicant (Kendall Friese) has been a Columbus resident since the early 1990's. Mr. Friese has been in the trucking industry since the 1980's and has also been practicing truck and trailer repair for the same amount of time. During the time 1999-2017 Mr. Friese had been working in a small accessory building on his residential property as well as storing associated equipment on said property. However, in 2017 a building fire burned the small accessory building beyond repair. A new building was erected in its place, the increased size of which allowed the applicant to conduct repairs and store equipment within the building. Recently (late 2019) it has come to the City of Columbus's attention that there continues to be on-site storage of vehicles associated with a Residential Zone Business (RZB), to remedy this and bring the operation into compliance the applicant was asked to apply for an Interim Use Permit (IUP) and made aware of the requirements outlined in City Code Section 7A-806 Residential Zone *Businesses*. The applicant made an Interim Use Permit Application with the City of Columbus on May 28, 2020 for a Residential Zone Business.

After review of the Interim Use Permit Application for a Residential Zone Business consisting of a trucking company and private truck and trailer repair, the City of Columbus Planning Staff provides the following Findings of Fact and Recommendations:

Findings of Fact

1. The Interim Use Permit (IUP) application for a Residential Zone Business (RZB) operated by Kendall Friese was received on May 28, 2020.
2. The application was found complete for review with a letter sent on 06.17.20
3. The 60-day review deadline is July 27, 2020.
4. The 120-day review deadline is September 25, 2020.
5. Friese has been operating a ~~small trucking~~ sole proprietor logistic transportation business on his residential Property for at least 20 years, per understanding from the previous Town Manager, first consisting of a small accessory building with outdoor storage of equipment, trucks, and trailers and repair and fabrication of semi-trailers. After a fire in 2017, a newly constructed accessory building of approximately 5,630 s.f. currently houses equipment and serves as a place to make semi-truck and trailer repairs indoors,

noncompliant outdoor storage of trailers appears to have continued since the construction of the new building.

6. The Property is a total of 4.84 acres located at 16811 Notre Dame St NE, (PIN: 11-32-22-42-0005) on property legally described as Lot one, Block two, Tessier Estates, Subject to Easement of Record, Anoka County Minnesota (“Property”).
7. The Property meets dimensional standards outlined and required by Section 7A-806 (B.).
8. The Property is zoned Rural Residential (RR).
9. The neighboring properties in directly connected to the Property in all cardinal directions consist of residential properties of similar or larger acreage.
10. Residential Zone Businesses are an interim use in the RR District, subject to the conditions and requirements of Section 7A-806 of the City Code.
11. Friese currently resides on the Property, with the principal use being residential.
12. Currently Friese does not appear to be in compliance with City Code Section 7A-806 (G.), as it appears there is approximately two and a half (2.5) tractor trailers stored outside on the Property, as indicated by the applicant.
13. The applicant states that ~~the nine (9) of the thirteen (13) trailers associated with the business~~ are now stored off site, located in the Commercial Industrial District, furthermore the applicant rents space in California for additional storage. The applicant intends to complete repairs on one more trailer within the next ninety (90) days, but states that he will always need two trailers, one attached to a semi-truck, the other parked on his property or in the accessory building to effectively conduct business. with the intention to complete repairs to the remaining three (3) trailers within the next ninety (90) days so they too can be removed from the premise. Currently the remaining trailers have been moved so to be better screened from view.
14. The current business operation is named North Central-Pacific Services, Inc. and consists of the following activities:
 - a. Business consist of Friese being dispatched from his leaving the property with the semi-truck once every ten (10) days.
 - b. Driving to town for parts and supplies two to three (2-3) times a week.
 - c. All truck and trailer repairs are entirely within the newly constructed accessory building, highlighted on site plan dated 06.15.20, with no repair operation being staged outside. Over thirty percent (30%) of the accessory building is used for the business.
 - d. Trailer repairs consists of breaks, airline, and suspension work as well as riveting and fabrication of the outer shell on a semi-trailer. Friese spends approximately ten to twenty (10-20) hours per year on fabrication and has spent at most two (2) hours of riveting during 2020.
 - e. Truck repairs consist of axel, springs, suspension, airline, breaks, tire work, minor exhaust, and electrical work.
 - f. Approximately 80% of the accessory building is used for tractor and trailer repair. Typically, the building is used for the repair and storage operation ten to fifteen (10-15) days per month, or one to two (1-2) weeks a month, or during colder months for equipment storage.

- g. Occasionally Friese will purchase or sell equipment once he has made repairs, but per correspondence on 07.07.20 and 07.24.20, this is done through a dealer and not on premise and he only anticipates conducting this activity two to five (2-5) times per year.
15. The operating hours for the repair shop portion of the business are 7:00 a.m. - 7:00 p.m. Monday through Friday., ~~but Friese indicated he is flexible to reducing that. The operating hours for the over the road hauling portion of the business is 7:00 a.m. — 7:00 p.m. Monday through Friday, with occasional emergency outings.~~
16. The Applicant is the only employee of the ~~small trucking business~~ sole proprietor logistic transportation and trailer fabrication/repair with occasional sales business, with no plans to hire any additional staff.
17. Friese does not expect the need for customer parking as he does not have any clients or customers.
18. Friese has stated that currently there is no need for a business sign.
19. There is no planned expansions or renovations to the accessory building in which the business takes place.
20. Any waste, such as metal/aluminum, produced by repairs and maintenance within the accessory building are properly disposed of or recycled.
21. All equipment used for the business is properly licensed.
22. In the narrative dated 05.28.20, Friese states the business does not generate noise and is low impact. Continuing that the business is invisible to all neighbors, who will only see the residence, and an accessory building.
23. The Planning Commission held a public hearing to consider the Interim Use Permit on July 15th, 2020.
24. The Planning Commission recommended denial of the Interim Use Permit on July 15th, 2020, on the basis that the applicant would be unable to meet the conditions outlined in the Staff Report dated 07.15.20.
25. Friese provided additional information and testimony at the July 22, 2020 City Council meeting, to which the City Council motioned the applicant testify to the Planning Commission on August 5th, 2020 with the additional information provided.
26. In an effort to reduce the impact of noise to neighbors, Friese has stated that going forward he will close the accessory building door when conducting repairs. Friese also proposes the construction of a ten to fifteen (10-15') high by one hundred to one hundred and fifty (100-150') foot long fence near the back of his property, as shown in updated materials dated 07.22.20, to further reduce noise.

Recommendations

Based upon the above Staff Report dated 08.20.2020 Findings of Fact, the Planning Commission recommends approval of the Interim Use Permit for Kendall Friese's Residential Zone Business to the City Council, subject to the following Recommendations:

1. The Residential Zone Business shall comply with and is subject to all of the provisions of the City's Zoning Ordinance regarding Residential Zone Business, including but not limited to the provisions of Section 7A-806.
2. The permit shall be valid for a term of two (2) years from the date of approval, subject to earlier expiration or revocation as otherwise provided herein.
3. The conduct of the sole proprietor logistic transportation business shall consist of the parking of one or two semi-trucks with an attached trailer and all other storage of equipment and materials associated with the business shall be in the accessory building. As well as trucking dispatched from the residential property where commerce is not brought to or from the residential property. Additionally, the business shall consist of the indoor fabrication and repairs of semi-trucks and trailers and occasional sales of trailers, approximately 2-5 times per year. All fabrication and repairs shall be in the accessory building with the door closed, with no associated outdoor storage. ~~be consistent with descriptions provided in Friese's correspondence with Staff, outlined in Findings of Fact numbers 13 and 14.~~
4. The Residential Zone Business shall be limited to the parking of two semi-trucks with one commercial semi-trailer attached to a semi-truck and the indoor storage and accessory repair work of Semi-trucks and trailers. and limited trucking of commerce, approximately every other week. With all other equipment associated with the small trucking business to be stored in the accessory building.
5. All waste produced by the business shall be properly disposed of. The Property shall in no way be operated as a salvage yard.
6. All storage of vehicles, trailers, and related materials shall be stored indoors and out of public view.
7. The Residential Zone Business will be conducted entirely within the accessory building in the rear of the Property, indicated on the Site Plan dated 06.15.20. Additionally, the garage door shall remain closed while doing repairs to reduce any noise pollution.
8. Business hours for business related repairs within the accessory building shall be 7:00 a.m. – 7:00 p.m., Monday through Friday, no weekends, or holidays.
9. Absolutely no outdoor storage or display of trucks, trailers, and equipment associated with the business shall be permitted and any associated vehicles or equipment, not including two semi-trucks and trailers, currently on site shall be removed within 90 days of issuance of this permit. A compliance inspection shall be conducted 90 days after issuance of this permit.
10. No other business shall be conducted on the property.
11. Friese shall remain the sole employee of the Residential Zoned Business.
12. The Residential Zone Business shall comply with all relevant noise and pollution standards outlined by the Minnesota Pollution Control Agency (MPCA).

13. The Residential Zone Business shall not generate odors, gases, hazardous waste, fumes, or other conditions that interfere with or infringe upon the quiet possession and enjoyment of surrounding properties.
14. ~~Friese shall install a wooden fence, six (6) feet in height as permitted in the City Ordinance, located to the rear of the property as indicated in applicant submittals dated 07.22.20.~~
15. Friese shall comply with all local, State, and federal laws, regulations, and ordinances in the conduct of the Residential Zone Business.
16. In the event the City Council determines, in its sole discretion, that the Residential Zone Business is not being conducted in accordance with any term or condition contained herein, the Permit may be revoked by the City Council upon proper notice and a hearing.
17. Friese shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the Permit, including reasonable attorney's fees and consultant fees.
18. The Permit provided herein is issued solely for the benefit of Friese and may not be sold, assigned, or otherwise transferred in any manner whatsoever.
19. The applicant shall reimburse the City for all out of pocket expenses incurred in the review and issuance of the IUP and for all ongoing inspections and enforcement actions required for the IUP.