

**City of Columbus  
City Council Special Meeting  
October 10<sup>th</sup>, 2017**

The October 10<sup>th</sup>, 2017 special meeting of the City of Columbus City Council was called to order at 8:02 a.m. by Mayor Dave Povolny at the City Hall. Present were Council Members Jeff Duraine, Bill Krebs, Denny Peterson, and Mark Daly; City Administrator Elizabeth Mursko, and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Kate Zaczkowski, Ken Zaczkowski, and Andrew Rineck.

**A. CITY COUNCIL SPECIAL MEETING**

**1. Call to Order – Special Meeting – 8:02 a.m.**

**B. CONSENT AGENDA**

**2. Motion – Approval of Agenda**

**Motion by Daly to approve the agenda. Seconded by Duraine. Motion carried unanimously.**

**C. DISCUSSION**

**3. 6939 135<sup>th</sup> Avenue CUP Amendment & Variance Request**

At their October 4<sup>th</sup>, 2017 meeting, the Planning Commission held a Public Hearing on a CUP Amendment and Variance Request from Zaczkowski Trucking (ZTS). The CUP Amendment would be to allow an accessory building on the property to accommodate the expansion of the business. The Variance request is for the use of a holding tank for a bathroom that is to be installed in the new building. The Variance is required because holding tanks are not allowed in the Commercial/Industrial (C/I) District. At the public hearing, Planning Commission members heard from two neighbors who have concerns about noise on the property and about truck's lights at night.

The City Council's discussion began by recapping a meeting that was held on October 7<sup>th</sup>, 2017 at the Zaczkowski Trucking (ZTS) facility, 6939 135<sup>th</sup> Avenue NE. Attending this informal meeting was Kate Zaczkowski, Council Member Bill Krebs, as well as neighbors Peggy Peterson, Michele Betz, and Andrew Rineck. Krebs reported to the Council that in terms of screening, all neighbors agreed they did not want ZTS to put up a fence around their property, and would prefer a different method of screening such as pine trees. Mursko commented that a previous applicant completed a noise analysis at the site, and results were that a wood fence would be the only type of screening that would deter noise. Kate Zaczkowski commented that the cost to put in a fence is more than she would be willing to spend. In terms of noise problems, Kate commented that the two trucks which neighbors have the biggest issue with are the red and blue trucks. Going forward those two trucks will be parked in a different lot than the rest of ZTS' trucks, which is as far away from the neighbors as they can possibly get. She also said all trucks are not allowed to idle all night, and should not be doing so currently. To finish, Kate said that she believes after the October 7<sup>th</sup> meeting, herself, the neighbors, and Council Member Krebs all came to a mutual understanding and have created a working relationship.

In terms of a screening plan, Krebs said there is already shrubbery on the eastern border, as well as a berm. He believes that adding some pine trees there would be sufficient for screening. Mursko pointed out that in the conditions there is a requirement for a screening plan, and more descriptive language should be added. She suggested clarifying in condition number 14 that the fencing requirement can be removed, and adding that trees must be non-deciduous and a minimum of 6 or 8 feet tall. Council Members agreed that this is what number 14 should say, and Krebs added clarification that the screening must be on both the east and north property lines. Mursko also said her understanding is that the drainage swale/berm on the south side of the property is going to have to be moved and rebuilt to make room for the new building.

Mursko recommended that there be language in the conditions that gives the City Council an option to revisit the CUP if the City continues to receive a large number of complaints. She also suggested adding a number 19 in the findings of fact which states that “on October 7<sup>th</sup>, 2017 an informal neighborhood meeting was held with neighbors Andrew Rineck, Peggy Peterson, Michele Betz, Kate Zaczkowski, and Council Member Bill Krebs. An agreement was reached that a fence would not be necessary to eliminate light, noise, and other nuisance activity on the Zaczkowski Trucking property.” The Council agreed to add this as a new finding of fact.

At this point the Council moved on to the second issue with this application, which is the requirement for a bathroom in the accessory building, and, more specifically, what type of a system should be required. The applicant has applied for a variance to use a holding tank for the septic system, which is normally not allowed in a commercial district. Mursko explained that if the Council determines that there is a hardship (that is not financially based) to the applicant, they could grant the variance.

Mayor Povolny explained that he is in favor of tying the new bathroom in with the current septic system rather than adding a holding tank to the accessory building. He added that this method would be less expensive than the holding tank. Kate Zaczkowski said that her contractor gave her the impression that a holding tank would be more expensive than tying the new bathroom in to the current septic tank. Peterson argued that it would not be that much more expensive, and Mayor Povolny agreed.

City Attorney Bill Griffith suggested that the Council consider whether or not granting this variance would set a precedent, which may be regrettable in the future. Mayor Povolny agreed, saying if the applicant is unable to show a practical difficulty, that they should be required to tie into the current septic system. He went on to say that if ZTS is able to demonstrate that the financial burden of tying into the septic system is exorbitant, the Council may be willing to take another look at the variance. Mursko turned attention to condition number 6, and noted that it should be changed to say that the applicant is required to hook up to the existing septic system – removing any language about the variance. Mayor Povolny expressed his approval of this change.

Kate Zaczkowski commented that she is concerned the current septic system may not be large enough for the additional bathroom, as she was recently required to add a different bathroom in the current building on the property. Krebs replied that because the number of employees using the bathrooms stayed the same, the septic system’s usage would not have changed, and the size of

the remained should not be an issue. Mayor Povolny agreed, and said that if the usage becomes a problem ZTS would simply have to have their system pumped more often.

At this time Mursko went through the variance checklist findings:

1. Practical difficulties exist in complying with the requirements of this Article because of circumstances unique to the property, not created by the landowner: **No.**
2. The landowner proposes to use the property in a reasonable manner: **Yes.**
3. Granting the variance is in harmony with the purpose and intent of the Zoning Ordinance and consistent with the City's Comprehensive Plan: **No.**
4. The variance, if granted, will not alter the essential character of the neighborhood or City: **Yes.**

**Motion by Peterson to deny the variance application request based on findings 1-4 listed above, for the use of a holding tank in the Commercial/Industrial district, at the 6939 135<sup>th</sup> Avenue NE property. Seconded by Duraine. Motion carried unanimously.**

**Motion by Duraine to approve the CUP amendment at 6939 135<sup>th</sup> Avenue NE, an application from Zaczkowski Trucking Services (ZTS) to construct an accessory building and remodel the existing trucking/service building, with the addition of number 19 in the findings of fact to read: "Peggy Peterson, Michele Betz, Andrew Rineck, and Council Member Bill Krebs, met on October 7<sup>th</sup>, 2017 and agreed that a fence would not be necessary, and that additional landscaping (conifers) will be added both on the north and east property lines." As well as condition number 6a to read as follows: "The City Council denied the variance based on the findings of fact and the applicant will be required to hook up to the existing septic system." And to change condition number 14 by removing "fencing" and adding "6-8-foot-tall non-deciduous trees". Seconded by Krebs. Motion carried unanimously.**

Zaczkowski Trucking CUP Amendment Findings of Fact:

1. An application from Zaczkowski Trucking Services ("ZTS") for a CUP amendment to construct an accessory building and remodel the existing trucking/service building was received by the City on September 11, 2017 and supplemented on September 27, 2017. The application was found complete.
2. The 60-day review deadline is November 26, 2017. The 120-day review deadline, if necessary, is January 25, 2018.
3. ZTS proposes to construct an approximately 39 feet by 127 feet accessory building at its existing business located at 13461 Lake Drive NE ("Property").
4. The original CUP for ZTS was approved by the City Council on July 24, 2013.
5. The Property is zoned C/I Commercial/Industrial.
6. The C/I District allows contractor businesses, company-owned vehicle repair and storage as conditional uses.
7. ZTS also proposes to remodel the existing building by enclosing the lean-to on the south side of the existing building and remodeling office space.
8. Removal of the existing Property access drive on Lake Drive was a condition of the original PUD.

9. The proposed new accessory building has five overhead doors accessed from the parking area to the north and will be used primarily for vehicle storage.
10. The proposed new accessory building is designed to be complimentary in the architectural style and appearance of the existing building.
11. An approximately 8 feet by 8.5 feet bathroom is attached to the westerly side of the accessory structure.
12. ZTS has requested a variance to allow the bathroom to be serviced by a holding tank and regular pumping rather than connecting it to the existing drain field.
13. The proposed accessory building is located approximately 53.5 feet from the south property line. This location will cover an existing drainage swale and require a realignment of the drainage swale, necessitating the removal of existing trees on the south side of the building. A slight relocation of the accessory building to the north and/or west may avoid modifying existing drainage patterns.
14. The proposed remodeling of the existing building includes the enclosure of the existing 60 feet by 24 lean-to on the south side building and a remodeling of existing office space within the building.
15. Rice Creek Watershed District has concluded that the proposed building addition and remodeling on the Property do not require additional permitting at this time.
16. There are no wetlands or floodplain on the Property.
17. The proposed CUP amendment does not require additional parking.
18. The Planning Commission held a public hearing on October 4, 2017, to consider the proposed CUP amendment for ZTS.
19. Peggy Peterson, Michele Betz, Andrew Rineck, and Council Member Bill Krebs, met on October 7th, 2017 and agreed that a fence would not be necessary, and that additional landscaping (conifers) will be added both on the north and east property lines.

Zaczkowski Trucking CUP Amendment Conditions of Approval:

1. The CUP is contingent upon final recommendations of the City Engineer.
2. The CUP is contingent upon recommendations of the City Attorney.
3. The CUP is contingent upon final recommendations of and permitting by the City Building Official.
4. The CUP is contingent upon the requirements of the Rice Creek Watershed District.
5. The CUP is contingent upon requirements of Anoka County to close the existing driveway onto Lake Drive.
6. The CUP is contingent upon the approval of a variance to allow the bathroom attached to the 2017 building addition to be serviced by a holding tank and regular pumping or a determination that a bathroom is not required.
  - a. The City Council denied the variance based on the findings of fact and the applicant will be required to connect to the existing septic system on site.
7. The CUP is contingent upon acknowledgment by ZTS that the CUP approval does not eliminate the requirement for obtaining all other permits and approvals as 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, sign permits, driveway permits, water appropriation permits, and sewage treatment system permits.

8. All proposed site improvements and construction shall be consistent with the CUP application accepted by the City on July 1, 2013 and the amended CUP application accepted by the City on September 27, 2017 (except as modified by the City, county, or watershed district).
9. ZTS shall operate the facility in full compliance with all federal, state, and local laws, rules, regulations, and ordinances.
10. Hazardous wastes generated on the Property shall require licensing through Anoka County for proper management and disposal.
11. Any existing or proposed site lighting or security lighting shall include downcast, shrouded fixtures to prevent direct lighting on adjacent properties or public right-of-way.
12. 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.
13. ZTS 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.
14. ZTS shall submit a landscape/~~fencing~~/screening plan, with a minimum 10 feet high screening combination (6-8-foot-tall non-deciduous trees), to minimize the impact of noise and light on adjacent residential properties. Said plan shall be submitted to the City within 30 days for review and approval and all improvements shall be completed by June 1, 2018.

## F. ADJOURNMENT

**Motion by Peterson to adjourn. Seconded by Daly. Motion carried unanimously.  
Meeting adjourned at 8:43 a.m.**

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator