

**City of Columbus**  
**Regular Planning Commission Meeting**  
**December 5<sup>th</sup>, 2018**

The December 5<sup>th</sup>, 2018 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; City Planner Dean Johnson; and Recording Secretary Rochelle Busch.

Also, in attendance were City Council members Bill Krebs, Denny Peterson and Mark Daly; Cory and Tom Richter, Mike Kempf, Jon and Patty Williams, Kathy Sian, Tom Olson, Dan Mike, Janet Heglund, Myron and Cindy Angel, Shelly and Arlen Logren, Barb and Bill Bobick, Nathan Sebenaler, Brian Westbrook, John and Kim Taylor, Dan Waldoch, Leo Tehault, Greg Daninger, Ron Hanegraaf, Elroy and Joann Berg, Dennis Nelson and Nathan Siebenaler.

**AGENDA APPROVAL – PLANNING COMMISSION**

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

**PUBLIC HEARING MINUTES – SANCTUARY AT HOWARD LAKE (PC 18-125) PRELIMINARY PLAT, CUP/PUD AND VARIANCE ON 11.19.18**

*Motion* by Krebs to approve the Public Hearing minutes Sanctuary at Howard Lake (PC-125) Preliminary Plat, CUP/PUD and Variance, as written. Second by Wolowski. Votes as follows: Watson – Abstain, Wolowski – Aye, Preiner – Aye, Krebs – Aye, Sternberg – Aye. Motion carried.

**PUBLIC HEARING MINUTES – CHAPTER 7E- ZONING TEXT AMENDMENT (SHORELAND CHAPTER) ON 11.19.18**

*Motion* by Wolowski to approve the Public Hearing minutes from Chapter 7E-670 Notification Amendment to the Ordinance of the Zoning Code Text amendment on November 19<sup>th</sup>, 2018 as written. Second by Krebs. Votes as follows: Watson – Abstain, Wolowski – Aye, Preiner – Aye, Krebs – Aye, Sternberg – Aye. Motion carried.

**PLANNING COMMISSION MEETING MINUTES OF 11.19.18**

*Motion* by Krebs to approve the minutes of the November 19<sup>th</sup>, 2018 regular Planning Commission meeting as written. Second by Wolowski. Votes as follows: Watson – Abstain, Wolowski – Aye, Preiner – Aye, Krebs – Aye, Sternberg – Aye. Motion carried.

**PUBLIC HEARING – IUP RESIDENTIAL ZONED BUSINESS DAVID POVOLNY 16731 POTOMAC ST NE (PC 18-126) REQUEST**

At this time a public hearing was held to consider a request by the applicant for a Residential Zone Business Interim Use Permit (IUP) to allow the operation of an electrical contracting, networking, software, machine automation and online sales business. Separate minutes for the public hearing are prepared.

**IUP RESIDENTIAL ZONED BUSINESS DAVID POVOLNY 16731 POTOMAC ST NE (PC 18-126)**

The Planning Commission discussed annual revenue, number of employees on his staff, and how that relates to defining a small business. They concluded that additional information or conditions were not necessary and that a small business is not defined by annual revenue nor number of employees in the Columbus City Code.

In response to questions raised during the public hearing, Povolny stepped forward to clarify. He did state there will be an addition to his home and pole building. The concern of the addition listed is listed in letter K of Section 7A-806: Proposed additions and renovations to principal and accessory buildings to be used for Residential Zone Businesses shall not be permitted when such additions and renovations may be determined by City to jeopardize or limit the future use of the property for normal residential purposes. Povolny responded no additions and renovations to principal and accessory buildings will be made that would jeopardize or limit the future use of the property for normal residential purposes. Chairman Sternberg clarified that in the code, with the amount of property Povolny has, he can build a larger pole building without being out of compliance for his personal use.

Additional concerns were brought forward regarding the amount of outdoor storage of various material being kept of Povolny's property in the line of site of neighboring property owners. The Berg's have requested many times that some attention and effort to clean up the items be made by Povolny. As the Code for Residential Zoned Businesses states: G. No outside display or storage of materials, products, debris, junk, waste, equipment, or vehicles associated with Residential Zone Businesses is permitted except vehicles customarily allowed for the principal residential use of the property. Povolny stated the items out that are in discussion will be used to build his home next year. Preiner asked what could be done to shield the items out of view? Sternberg suggested planting some pine trees or moving items off the property line. Watson agreed that an effort should be made to screen the items. Povolny stated he agrees that more of an effort should be made on the items in field.

Conversation around the term of the IUP was brought up. Povolny applied for a term of 10 years. The Residential Zoned Businesses in section 7A-734, states that an IUP shall be valid for up to 5 years. However, there is another section of the code that does not speak of term.

In conclusion to this, Mursko stated that Povolny has come to apply for an IUP. In regards to the application, the applicant has met all criteria associated with the IUP application. He is aware that all items for the business must be stored inside a building, any items that are being held for residential purpose are able to be stored outside. Commission members agreed that Residential Zone Business IUP criteria has been met by the applicant.

*Motion* by Watson to recommend to the City Council the IUP request, for applicant David Povolny, with the request to issue permit in **Davco Technologies, INC(entity)**, with the findings of facts 1-15, with the amendment to number 5 to add “**With advice from Counsel on term**”, and with the amendment to number 9 to “**Monday through Saturday**”, with recommendations 1-10, from the City Planner report dated 11.29.18, for approval. Seconded by Sternberg. Motion carried unanimously.

### **Findings of Fact**

1. The City received an IUP application from Dave & Deanna Povolny (“Povolny”), on November 8, 2018 and supplemented on November 15, 2018. The application was found complete.
2. The 60-day review deadline is January 14, 2019. The 120-day review, if necessary, is March 15, 2019.
3. Povolny currently occupies a residence at 16731 Potomac Street NE on approximately 58.04 acres of property, legally described as the South Half of the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 10, Township 32, Range 32 [Anoka County PIDs 10-32-22-32-0003 and 10-32-22-32-0004] (“Property”).
4. The Property is zoned RR Rural Residential.
5. Povolny is requesting a 10-year IUP to operate an electrical contracting, networking, software, machine automation and on-line sales Residential Zone Business (“RZB”) on the Property. **With advice from Counsel on term.**
6. There will be no on-site sales and only infrequent clientele accessing the Property for routine business operations.
7. Outside employees or subcontractors associated with the RZB will access the Property on a non-regular, as-needed basis.
8. Other traffic associated with the RZB will be limited to occasional delivery vehicles.
9. Normal hours of operation will occur ~~on weekdays~~ **Monday through Saturday** between the hours of 7:00 am and 7:00 pm.
10. The RZB be conducted only in the residence and accessory building.
11. There is no visible outside storage associated with the RZB and any junk,

debris or waste will be kept in containers designed for refuse disposal.

12. The proposed RZB will not emit any noise, glare, odor, fumes, or vibrations, nor impact the use of adjacent properties for residential purposes.

13. The Property is densely vegetated.

14. There is currently no proposed signage for the RZB on the Property.

15. The IUP public hearing was held by the Planning Commission on December 5, 2018.

## **Recommendations**

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Povolny Residential Zone Business Interim Use Permit (IUP), subject to the following:

1. The term of the IUP shall be ten years from the date of City Council approval. Povolny may reapply for an IUP upon expiration of the term, according to procedures in the Columbus City Code.

2. There are no vested rights in the issuance of the IUP and the IUP is not transferrable.

3. Conduct of the Residential Zone Business shall be consistent with the application materials received by the City on November 8, 2018 and November 15, 2018, which are attached to the IUP by reference.

4. Outside employees, subcontractors or clientele shall access the Property only on a non-regular, as-needed basis.

5. Normal hours of operation shall occur ~~on weekdays~~ **Monday through Saturday** between the hours of 7:00 am and 7:00 pm.

6. There shall be no outside storage, visible from adjacent properties, associated with the Residential Zone Business.

7. The RZB shall not generate any noise, glare, odor, fumes, or vibrations, nor impact the use of adjacent properties for residential properties. Any junk, debris or waste will be kept in containers designed for refuse disposal.

8. Conduct of the Residential Zone Business shall be consistent with all applicable federal, state and local laws, rules, licenses and ordinances.

9. 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 IUP may be revoked by the City upon proper notice and a public hearing.

10. The IUP is contingent upon reimbursement of all City expenses associated with IUP issuance, inspections and enforcement.

### **2040 COMPREHENSIVE PLAN (DEAN JOHNSON)**

Planner Dean Johnson addressed the comments the City had received back on the 2040 Comprehensive plan. He stated that most of the comments received were about corrections and typos listed in the plan document. DNR recommended adding policy's that take wildlife and nature into consideration. Johnson stated this would be something not be something they would typically put in Comp plan but, potentially add into the City Ordinances. The anticipated comments from Met Council will not be changed regarding affordable housing, because of our typical lot sizing. The City will go over and make all changes that are necessary for clarification on our errors. Johnson requested the Planning Commission members review the comments over the next few weeks and bring suggestions or comments to the December 19<sup>th</sup>, 2019 Planning Commission meeting. The changes reflected will be made before it goes to Met Council. Once they receive the document, there is a 120-day review period. The City should see the final document in February or March 2019.

### **CITY ADMINISTRATOR'S REPORT**

Mursko stated that in December, the City Council will meet twice. The second meeting will be on Dec 27<sup>th</sup>.

### **PUBLIC OPEN FORUM**

Tom Olson, 13332 Lyons St NE, questioned whether the City had any ADA ordinances for people that needed to work from to home because of medical issues or to aid in the care of a family member. Mursko does not recall any ADA ordinances from the City Code. Planner Johnson stated ADA covers parking stalls, bathrooms and building codes, etc. not anything for Residential Zone Business IUP requests.

John Taylor, 13518 Lyons St NE, stated the barriers on TH97 are blocking view coming from Hornsby Street South.

### **PLANNING COMMISSION MEMBERS' REPORT**

Nothing to report.

### **ATTENDANCE - NEXT CC MEETING**

Krebs is scheduled to attend the City Council meeting on December 12<sup>th</sup>, 2018.

*Motion* by Krebs to adjourn. Second by Watson. Motion carried.  
Meeting adjourned at 8:50 p.m.

Respectfully Submitted:

Rochelle Busch, Recording Secretary