

**CITY OF COLUMBUS  
PLANNING COMMISSION MEETING  
INTERACTIVE TECHNOLOGY MEETING FORMAT  
STATUTES SECTION 13D.021  
02-02-2022**

The 02-02-2022 Regular Planning Commission meeting for the City of Columbus was called to order at 6:30pm by Chair Ron Hanegraaf at the City Hall. Present were Commission members Kris King, Barb Bobick and Bob Berens, City Associate Planner Ben Gutknecht and Permit Coordinator Carissa Kranz.

In attendance via interactive technology were City Administrator Elizabeth Mursko and City Council members Shelly Logren and Sue Wagamon.

Also, in attendance in person were Residents Myron and Cindy Angel, E & R Investments Representative Greg Hayes, City Council member Janet Hegland and Mayor Jesse Preiner.

The meeting was held in an interactive technology meeting format.

- 1. CALL TO ORDER – REGULAR MEETING – 6:30PM**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOTION – APPROVAL OF MEETING AGENDA** *Motion* Bobick to approve agenda as written. Second Berens. Motion carried with King, Berens, Hanegraaf and Bobick voting in favor.
- 4. MOTION – APPROVAL OF JULY 21, 2021, PLANNING COMMISSION MINUTES**
- 5. MOTION – APPROVAL OF JULY 21, 2021, PLANNING COMMISSION PUBLIC HEARING MINUTES, MIKE PRESERVE, PRELIMINARY AND FINAL PLAT**
- 6. MOTION – APPROVAL OF JULY 21, 2021, PLANNING COMMISSION PUBLIC HEARING MINUTES, BILLBOARD IUP, PC21-119**
- 7. MOTION – APPROVAL OF JULY 21, 2021, PLANNING COMMISSION PUBLIC HEARING MINUTES, BILLBOARD IUP, PC21-120 & PC21-121**
- 8. MOTION – APPROVAL OF JULY 21, 2021, PLANNING COMMISSION PUBLIC HEARING MINUTES, BILLBOARD IUP, PC21-122**
- 9. MOTION – APPROVAL OF JULY 21, 2021, PLANNING COMMISSION PUBLIC HEARING MINUTES, BILLBOARD IUP, PC21-123 & PC21-125**
- 10. MOTION – APPROVAL OF JULY 21, 2021, PUBLIC HEARING MINUTES, BILLBOARD IUP, PC21-124**
- 11. MOTION – APPROVAL OF JULY 21, 2021, PUBLIC HEARING MINUTES, RECREATIONAL SUPPLY CORPORATION IUP**

*Motion* Bobick to approve 07-21-2021 Planning Commission Minutes and Public Hearing Minutes as written, agenda items 4-11:

4. 07-21-2021, Planning Commission Minutes
5. 07-21-2021, Planning Commission Public Hearing Minutes, Mike Preserve, Preliminary and Final Plat
6. 07-21-2021, Planning Commission Public Hearing Minutes, Billboard IUP, PC21-119
7. 07-21-2021, Planning Commission Public Hearing Minutes, Billboard IUP, PC21-120 & PC21-121
8. 07-21-2021, Planning Commission Public Hearing Minutes, Billboard IUP, PC21-122
9. 07-21-2021, Planning Commission Public Hearing Minutes, Billboard IUP, PC21-123 & PC21-125
10. 07-21-2021, Planning Commission Public Hearing Minutes, Billboard IUP, PC21-124
11. 07-21-2021, Planning Commission Public Hearing Minutes, Recreational Supply Corporation IUP

Second Hanegraaf. Motion carried with Bobick, Hanegraaf and Berens voting in favor and Kris abstaining.

**12. MOTION – APPROVAL OF JANUARY 5, 2022, PLANNING COMMISSION MEETING MINUTES** *Motion* Bobick to approve 01-05-2022, Planning Commission Minutes as written. Second Hanegraaf. Motion carried with King, Berens, Hanegraaf and Bobick voting in favor.

**13. MOTION – APPROVAL OF JANUARY 5, 2022, PUBLIC HEARING MINUTES, NE QUAD 35 SECOND ADDITION, PRELIMINARY AND FINAL PLAT** *Motion* Berens to approve 01-05-2022, Planning Commission Public Hearing Minutes, NE Quad 35 Second Addition, Preliminary and Final Plat as written. Second King. Motion carried with King, Berens, Hanegraaf and Bobick voting in favor.

**14. PUBLIC HEARING AND DISCUSSION – 24-32-22-11-0008, LOT 1, BLOCK 1 NE QUAD 35 SECOND ADDITION, VARIANCE REQUEST, E & R INVESTMENTS (GREG HAYES).**

- At this time, a public hearing was held to consider a request for a Preliminary and Final Plat, NE Quad 35 Second Addition. Separate minutes for the public hearing are prepared.

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**City Planner Report (Dated 02-01-2021)**

**Variance Findings:**

1. The landowner proposes to use the property in a reasonable manner.
2. The practical difficulty or plight of the landowner is unique to the subject property and is not created by the landowner.
3. The variance, if granted, will not alter the essential character of the neighborhood or City.
4. The terms of the variance are consistent with the Comprehensive Plan.
5. The variance, if granted, is in harmony with the purpose and intent of the Zoning Ordinance.
6. The practical difficulty is not created solely by economic considerations.

**Staff analyzed the following variance application: A variance to allow: 1) a building design of approximately 30% masonry façade coverage with cultured/manufactured stone veneer and a primarily non-earth colored facade, and 2) installation of decorative coach lights without cutoff luminaries.**

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**1. The applicant proposes to use the property in a reasonable manner.**

The MU-H District is designed to allow a variety of residential and commercial land uses. While the site plan approved by City Council on December 29, 2021, originated under a previous district, the drive up/walk up coffee shop use is consistent with the purpose and intent of the current ordinance. The proposed variances for lighting and building material composition will not impact the functionality of the site. The use capitalizes on the high visibility and accessibility of the District within the Interstate 35 freeway corridor, an underlying policy goal of the MU-H District. Based on staff's review of the zoning ordinance, proposed uses, and designs submitted, applicant proposes to use the property in a reasonable manner.

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**2. The plight of the applicant is due to circumstances unique to the property and is not created by the landowner.**

*Exterior Building Standard*

The City Council adopted restrictive performance standards in the MU-H District to ensure that new construction utilizes the "highest building and site design standards in the I-35 Freeway

Corridor.” To this end, the City requires commercial properties to incorporate a mix of architectural features, building materials, and color schemes to accentuate the appearance of commercial buildings. Further, the City requires commercial properties to adhere to earth tone colors. However, the use of contrasting, yet harmonious colors may also be permitted provide they are found compatible with the primarily masonry exterior. Commercial properties must integrate masonry products like brick, stone, and pre-cast textured concrete with other materials including composite fiber cement panels, metal panels, glass panels, windows, and trim with a color scheme that creates a consistent and whole appearance for the property, much like what is proposed by the applicant. At issue here, is the Code requirement that at least 80 percent of a building’s façade use masonry products. Council has discretion to approve deviations from building materials and color in favor of enhanced design by Code Sections 7A-675-B1(c)5 and 7A-675-B1(c)8.

The proposed deviation by the applicant does not impact the overall design or investment in the project. The applicant has incorporated windows and significant detailing on all elevations. As adopted, the performance standards do not account for the significant glass and architectural elements included in the proposed design. The site plan previously adopted by the City Council emphasizes the compact nature of the building on this site. Because the building as approved under the previous district standards has a limited exterior façade and incorporates significant trim, glazing, and architectural elements, the percentage of non-masonry materials is inflated. Based on the 1) design flexibility built into the new MU-H District and 2) limited square footage of the proposed use in compliance with the site plans approved by the City Council on December 29, 2021 staff finds that the proposed variance to building materials is due to circumstances unique to this property, not created by the landowner.

#### *Lighting Standard*

The proposed decorative lighting does not utilize the cutoff luminaire prescribed by the Code. The approved site plan emphasizes the walk up and drive through character of the proposed use thereby encouraging the use of decorative lights rather than traditional posts or security lighting. Based on the approved site plan, staff finds that the proposed variance to lighting standards is due to circumstances unique to this property, not created by the landowner.

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### **3. Granting the variance is in harmony with the purpose and intent of the Zoning Ordinance.**

#### *Exterior Building Standard*

The purpose and intent of the MU-H District is to allow a variety of residential housing styles interspersed with commercial land uses. Due to the high visibility and proximity to the highway, the District supports the highest building and site design standards in the I-35 Corridor. The City requires a mix of architectural features, building materials, and color schemes to accentuate the appearance of commercial buildings. Building materials may include masonry products (brick, stone, stucco, decorative block, tile, cast stone, pre-cast textured concrete panels) wood, composite fiber-cement panels and lap siding, metal panels, glass panels, windows, and trim. Further, it is required that the color schemes consist of earth tone colors. The code also permits the use of multiple schemes provided they are complementary and further permits the use of contrasting, yet harmonious colors provided thar are compatible with the masonry exterior.

The Code permits use of both Hardie Board fiber cement product and masonry products. Consistent with the goal of establishing the MU-H District to allow flexibility in land use development patterns,

the Code affords Council discretion to adjust the required percentage of exterior materials if appropriate architectural enhancements to the building are made and accept contrasting colors, provided they be harmonious and compatible to the whole exterior. The applicant's proposed use of Hardie Board fiber-cement siding does not impact the durability of the building. Rather, cement board exteriors are known for providing a modern design aesthetic, with enhanced durability, and superior fire and weather resistance. While the Code characterizes fiber cement siding as distinct from masonry- it is the only type of siding that combines the performance of masonry with the design elements of other materials. The proposed variance does not impact the overall durability of the project and incorporates significant design elements favored by the District. The proposed use of the "caribblue" color does not appear inconsistent with the discretion afforded to the Council regarding the determination of contrasting, yet harmonious and compatible colors. Based on these facts and circumstances, the applicant is seeking a reasonable deviation from the strict enforcement of the Zoning Ordinance and granting the building material variance is in harmony with the purpose and intent of the Zoning Ordinance.

#### *Lighting Standard*

The Code requires that all newly installed lighting fixtures include cutoff luminaries. Cutoff refers to the way the fixture shields the reflection and glare thrown off by light fixtures. The Code is designed to prevent installation of lighting that allows for unrestricted distribution of light at any angle reaching into nearby properties and creating an excessive use of artificial outdoor light. While the decorative lighting proposed by the applicant does not use the shield prescribed by the Code, the fixture itself casts a limited light. Staff reviewed the manufacturer's standards provided by the applicant and determined that the proposed lighting will not create excessive glare or impact surrounding properties. Because the proposed lighting elements will not create an excessive use of artificial outdoor light, granting the lighting standard variance is in harmony with the purpose and intent of the Zoning Ordinance.

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#### **4. Granting the variance is consistent with the City's Comprehensive Plan.**

The City's Comprehensive 2040 Plan includes the following detail on the I-35 Commercial Corridor.

- The corridor is served by municipal trunk sewer and water facilities. The highest intensity uses – mixed use, retail, office, restaurant, hospitality, and entertainment – are planned nearest to the I-35 interchange

The proposed use for the property is a Caribou Cabin coffee shop, intended to facilitate expedited, high traffic transactions. This land use is consistent with the goals for the Commercial Land Use described in the 2040 Comprehensive Plan. The proposed variance is consistent with the City's Comprehensive Plan.

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#### **5. The variance if granted, will not alter the essential character of the neighborhood or City.**

The character of the neighborhood is defined by the design standards of the City Code, Section 7A-675B and by existing structures. Currently, the proposed Hy-Vee Stop and Shop (Hy-Vee) is the only approved building aside from the Project in the MU-H District. The approved architectural design for the Hy-Vee consists of the following materials: brick, cut limestone veneer, various earth tone cladding, and metal trims. The percentage of masonry proposed appears to be approximately 40-60% of the structure.

The applicant has requested the proposed variance to capitalize on its "Little Blue Cabin" store design. The Coffee Cabin stores capture the brand's Northwoods feel that guests have come to expect from Caribou. The proposed design emphasizes the use of quality, durable materials that combine branding

with architectural design consistent with the character of the MU-H District. Granting these variances will not alter the essential character of the neighborhood or City.

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**6. The practical difficulty is not created solely by economic considerations.**

The practical difficulties necessitating the variance request are not created solely by economic considerations, but rather by the need for corporate brand consistency and recognition. As described by the applicant, the proposed fiber-cement Hardie Board product is more expensive than masonry products that could be used in strict compliance with the City Code. Similarly, the applicant could install Code compliant lighting, rather than the decorative lanterns proposed for the site, but the Project would suffer from the loss of these design elements. There is no evidence that the applicant is seeking this variance to avoid investment in the Project. The practical difficulty is not created solely by economic considerations.

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**Staff Recommendation(s):**

Staff recommends that the Planning Commission and City Council adopt the above findings and approve the application for variance to allow: 1) a building design of approximately 30% masonry façade coverage with cultured/manufactured stone veneer and a primarily non-earth colored facade, and 2) installation of decorative coach lights without cutoff luminaries subject to the following conditions of approval:

1. The architectural design shall be consistent in appearance and material as proposed in Architectural Plans dated 01.03.2022.
  2. The site lighting, including decorative lights, shall not exceed one foot-candle at the lot lines nor cause a nuisance to neighboring properties.
  3. The lighting decorative lighting shall be turned off during non-business hours.
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At this time the Planning Commissioners brought up additional thoughts, opinions and questions. Topics of conversation included if hardi board should be reconsidered as a masonry product or not, the importance of marketing, branding and corporate colors and how/if to regulate or allow them in future applications, what variances are and how they can be misused, shrouding around lighting and if the decorative lights being proposed were actually going to be a nuisance or if the wording in the ordinance should be changed, how this proposed building design does not fit into the new ordinance design standards that the Commission worked two years on, if this variance is granted the probability of this setting precedent for any other companies/buildings to come in and ask for the same variance, and the need for staff to have clear direction on what is masonry built verses wood constructed with stone or brick veneer. Also, the Commission discussed the possibility of reviewing the standards in the recently amended Chapter 7A ordinance relating to definition/interpretation of masonry product for building design requirements, required percent of masonry for building design, standards for corporate colors, Section 7A-813 B Light Ordinance interpretation and building size requirements in the commercial districts.

King asked the record to reflect that she did not bring her concerns up because she's against the project, rather, King noted that it's a concern for the work that's been done with the recently amended ordinance, which relates to where the city is going for future development and ensuring that there is clear documentation of this very discussion that the Planning Commission is having.

*Motion* Hanegraaf to recommend approval, based on adopting the Findings of Fact 1-6 in the Columbus Staff Report dated February 1, 2022, to the City Council for the Variance request to allow a building design of approximately 30% masonry façade coverage with cultured/manufactured stone veneer and a primarily non-earth tone colored façade, and installation of decorative coach lights without cutoff luminaries, located at vacant property 24-32-22-11-0008, with Conditions 1-3. Second Berens. Motion carried with King, Berens and Hanegraaf voting in favor and Bobick opposed.

*Motion* King to request that City Council provide the Planning Commission direction to investigate the following Ordinance concerns: definition/interpretation of masonry product for building design requirements, required percent of masonry for building design, standards for corporate colors, Section 7A-813 B Light Ordinance interpretation, building size requirements in the commercial districts. Second Hanegraaf. Motion carried with King, Berens and Hanegraaf voting in favor and Bobick opposed.

This item will be presented at the 02-09-2022 City Council meeting.

**15. PLANNING COMMISSION ORGANIZATIONAL DISCUSSION – CHAIRPERSON APPOINTMENT (SECTION 3-104)**

*Motion* King nominates Hanegraaf as Planning Commission Chair. Second Bobick. Motion carried with Bobick, King and Berens voting in favor and Hanegraaf abstaining.

*Motion* King nominates Berens as Planning Commission Vice Chair. Second Bobick. Motion carried with King, Hanegraaf and Bobick voting in favor and Berens abstaining.

**16. PUBLIC OPEN FORUM** Mayor Preiner wanted to thank the Planning Commissioners for all of their thoughts, discussions and hard work.

**17. ASSOCIATE PLANNER'S REPORT** Gutknecht reminded Commissioners that after the 01-19-2022 Joint Planning Commission and City Council meeting staff sent out a memo on 01-28-2022 outlining the homework assignment for members to research other communities that may or may not allow Residential Zoned Businesses and to come prepared to share the information they gather at the upcoming 02-16-2022 Joint meeting.

**18. CITY ADMINISTRATOR'S REPORT** Mursko had nothing to report at this time.

**19. PLANNING COMMISSION MEMBERS' REPORT** Hanegraaf wanted to thank Gutknecht for sharing the LMC webinar information so that Commissioners could get a refresher on their roles.

**20. ATTENDANCE FOR UPCOMING MEETINGS** Berens will be attending the 02-09-2022 City Council meeting.

**21. MOTION TO ADJOURN** *Motion* by Bernes to adjourn, seconded by King. Motion carried with King, Berens, Bobick and Hanegraaf voting in favor. The meeting adjourned at 6:55pm.

*Carissa Kranz*

Respectfully Submitted: Carissa Kranz, Recording Secretary