

**CITY OF COLUMBUS  
PLANNING COMMISSION MEETING  
INTERACTIVE TECHNOLOGY MEETING FORMAT  
STATUTES SECTION 13D.021  
07-20-2022**

The 07-20-2022 Regular Planning Commission meeting for the City of Columbus was called to order at 6:37pm by Chair Ron Hanegraaf at the City Hall. Present were Commission members Kris King, Barb Bobick and Bob Berens, City Administrator Elizabeth Mursko, City Planner Dean Johnson, Associate Planner Frank Koenen, Planning and Zoning Permit Tech Ella Giefer, Larkin Hoffman Attorney Megan Rogers, and Permit Coordinator Carissa Kranz.

In attendance via interactive technology were City Council members Shelly Logren, Forest Lake Times Representative Natalie Ryder, Don Waldoch, Paul & Holly Pearson and Josh Brobeck.

Also, in attendance in person were City Council member Janet Hegland and Mayor Jesse Preiner, Tom Olson, Sue Wagamon, Steve Wagamon, John Dahl, Barb Waldoch, Brent Fritzing, Greg Newville, Michelle Daubs, Craig Kepler, Roger Nase, Sherri Nase, Jerry Winiecki, Earl Halley, James Underdahl, Cindy Angel, Julie Lane, Travis Lane, Perry Wagamon, Keith Brone, Krystle Bloch, Sheri Heim, Richard Wildflower, Helen Wood, Mike Wood, Darren Zabinski, Mary Jo Lyons, James Gauerke, Mark Walden, Jeff Carlson and Alberta Swanson.

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* King to approve agenda as written. Second Bobick. Motion carried with King, Hanegraaf, Bobick and Berens voting in favor.
- 4. MOTION – APPROVAL OF MAY 19, 2021, PLANNING COMMISSION MEETING MINUTES** *Motion* Bobick to approve 05-19-2021, Planning Commission Minutes as written. Second Berens. Motion carried with King, Hanegraaf, Bobick and Berens voting in favor.
- 5. MOTION – APPROVAL OF JUNE 1, 2022, PLANNING COMMISSION MEETING MINUTES** *Motion* King to approve 06-01-2022, Planning Commission Minutes as written. Second Bobick. Motion carried with King, Hanegraaf, Bobick and Berens voting in favor.
- 6. PUBLIC HEARING AND DISCUSSION – 9056 BROADWAY AVE NE KENNEL, INTERIM USE PERMIT (GLEN AND SUE KOTHE)** At this time, a public hearing was held to consider a request for an Interim Use Permit to operate a Residential Dog Kennel with four or more dogs in the Rural Residential District at 9056 W Broadway Ave NE, PID 01-32-22-33-0002. Separate minutes for the public hearing are prepared.

---

**City Staff Report from Associate Planner, Frank Koenen dated 07-15-2022**

**Findings of Fact**

1. An IUP application for a Residential Dog Kennel IUP was received from Glen and Sue Kothe (hereafter the “Applicant”), 9056 West Broadway Avenue (hereafter the “Property”), on June 9, 2022.
2. The application was found to be complete on June 16, 2022.
3. The 60-day review for the application terminates on August 15, 2022. The 120-day review, if necessary, will terminate on October 14, 2022.
4. The Applicant defines the dogs as domestic pets, which is an animal that is traditionally kept in the home for pleasure rather than for commercial purposes.
5. The Applicant has lived on the Property and has held City licenses and one Interim Use Permit for a residential dog kennel since 1987.
6. The Property is zoned Rural Residential.
7. The Property contains 19.1 acres, according to Anoka County records, and has a six-foot-high privacy fence for confinement of the dogs, which is attached to the residence.
8. The Applicant currently has five dogs on the Property, the owner has stated they have no plan to replace the pets as they pass.
9. The Applicant indicates that the dogs reside within the residence.
10. The Applicant states that the dogs are not left out of doors unattended.
11. There are no adjacent residences within 150 feet of the fenced-in confinement area, and there are no property lines within 75 feet of the fenced-in confinement area.
12. The application for a Residential Dog Kennel IUP is consistent with the kennel regulations in the City Code.
13. An Animal Control Officer conducted an inspection of the Residential Dog Kennel on July 13, 2022.

### **Recommendations/Conditions**

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Glen and Sue Kothe Residential Dog Kennel IUP, subject to the following minimum conditions:

1. The Applicant shall be allowed to keep a maximum of ten (10) dogs, over the age of six (6) months, on the Property.
2. The Residential Dog Kennel IUP is contingent upon recommendations of the Animal Control Officer.
3. Breeding, training and showing of the permitted dogs are allowed.
4. All dogs require up-to-date rabies vaccinations.
5. All dogs allowed out of doors will be contained on the Applicant’s Property by a security fence or under voice control outside of the fenced-in area.
6. Dogs kept out of doors unattended for six or more hours shall have access to water and shelter.
7. Dog kennels shall be located in the Principal Building (residence) or in any other location consistent with Section 7A-809 of the City Code.
8. Dogs shall have access to clean water at all times.
9. Dogs shall be fed nutritious foods on a daily basis.
10. Feeding times may be regulated in the Residential Dog Kennel permit.
11. Food and water supplies and containers shall be kept in sanitary conditions.
12. Dog food shall be kept in locations and containers sufficient to prevent vermin infestation.
13. All dogs, including those under the age of six (6) months shall be kept in safe conditions and treated in a manner promoting the dogs’ health and comfort.

14. Dog excrement shall be removed and disposed properly from out of doors containment areas on a regular basis to prevent odor and infestation.
15. All other applicable requirements and provisions for animal control, as described in Chapter 4 of the Columbus City Code, shall be met.
16. Dogs shall not be allowed to habitually bark and cause a public nuisance, as described in Chapter 5 of the Columbus City Code.
17. The Applicant shall operate the Residential Dog Kennel consistent with all other requirements of the Columbus City Code.
18. Dogs shall be kept and provided for in a manner consistent with the Minnesota Department of Agriculture's "Best management Practices for Care of Dogs and Cats by Dealers, Commercial Breeders, and Brokers," pursuant to 1994 Minnesota Laws, Chapter 642, Section 8, as may be amended from time to time.
19. The Applicant shall operate the Residential Dog Kennel consistent with the application submitted to the City and according to all other federal, state, and local laws, rules, regulations, guidelines, and ordinances.
20. The Applicant shall allow City personnel and its agents access to the Property at any time, upon reasonable notice, to inspect the facilities.
21. The Applicant shall complete the annual permit review requirements established by the City.
22. IUP fees are intended to cover the City's costs in administering kennel permitting, including at least one on-site inspection.
23. The costs of additional inspections and remedial actions, required as a result of prior inspection follow-ups or resulting from complaints about the facility, shall be borne by the Applicant.
24. Issuance of a Residential Dog Kennel IUP is not a substitute for or intended to replace other applicable requirements for permits, licenses or regulations by federal, state, or other units of government.
25. The term of the IUP shall be ten years from the date of City Council approval of the IUP, contingent upon annual administrative review and the 5-year, mid-term animal control officer compliance inspection as defined in Section 7A-809 (2 e).
26. Violations of the conditions of the Residential Dog Kennel IUP shall be grounds for permit revocation.

---

At this time the Planning Commissioners had an open discussion regarding the Interim Use Permit to operate a Residential Dog Kennel with four or more dogs in the Rural Residential District at 9056 W Broadway Ave NE, PID 01-32-22-33-0002.

*Motion* Bobick to recommend the Interim Use Permit for a Residential Dog Kennel for Glenn and Sue Kothe at 9056 W Broadway Ave NE, with the Findings of Fact 1-13 and Conditions 1-26 in the Columbus Staff Report dated July 15, 2022, to the City Council for approval. Second Hanegraaf. Motion carried with King, Hanegraaf, Bobick and Berens voting in favor.

This item will be presented at the 07-27-2022 City Council meeting.

#### **7. PUBLIC HEARING – PARK CONSTRUCTION, CONDITIONAL USE PERMIT (JEFF CARLSON)**

At this time, a public hearing was held to consider a request for a Conditional Use Permit to permit a contractor shop consisting of an office, mechanical shop, equipment storage, material storage, and crushing activity in the Commercial/Industrial district vacant properties, PIN 33-32-22-

23-0004. Separate minutes for the public hearing are prepared. Recess from 7:06pm to 7:32pm due to technical issues with the internet at City Hall.

---

### **City Staff Report from City Planner, Dean Johnson, RSC 07-13-2022**

#### **Findings of Fact**

1. The City received a Conditional Use Permit (CUP) application for Park Construction from Carlson Group LLC, (“Carlson”) on December 28, 2021. The application was found incomplete. After a series of revised application submittals, the CUP application was found complete on May 19, 2022.
2. The 60-day review period has been extended, and the 120-day review period ends on September 16, 2022.
3. The proposed development is located 6XXX 137<sup>th</sup> Avenue NE on property legally described as Lot 5, Block 1, Waldoch Addition (“Property”).
4. The Property is currently zoned C/I Commercial/Industrial.
5. The Property is designated Commercial/Industrial in the 2040 Comprehensive Plan.
6. The Property is approximately 25.98 acres in area.
7. The proposed development of the Property includes a 15,000 square feet office shop building, an 8000 square feet warehouse and a fuel station.
8. The proposed development also includes a large outdoor storage area for over 550 tracked vehicles, loaders, excavators, scrapers, water trucks, dump trucks, service trucks, semi tractors and trailers, skid trailers, tool sheds, office trailers, forklifts, generators, lighting trailers, equipment attachments, trench boxes, forms and other miscellaneous equipment and supplies.
9. The site plan also identifies areas for backhauled topsoil and concrete and asphalt rubble for crushing and reuse on construction sites. Rubble would accumulate to approximately 15,000 to 35,000 cubic yards before crushing would be done. Crushing could be done twice a year in colder weather months and could include a total of 35,000 to 70,000 tons per year (up to six weeks of annual crushing).
10. Access to the Property is via a single entrance from the cul de sac at 137<sup>th</sup> Avenue.
11. The proposed office shop building is precast concrete with light gray and dark gray tones. The office area is highlighted with an orange metal 2<sup>nd</sup> story canopy on the south and west elevations and orange metal main entry enclosure. A darker gray 2<sup>nd</sup> story ‘band’ extends around all other sides of the building. The office shop is approximately 31-feet-tall.
12. There are five overhead doors on the east elevation: 1 for parts service, 3 service bays and 1 wash bay. There are four overhead doors on the west elevation: 3 service bays and 1 wash bay. The service bays and wash bay are drive through and support six service individual bays and 2 wash bays. The office is approximately 2500 square feet, including a mezzanine area. The shop area is approximately 15,000 square feet.
13. The warehouse building includes a 14-feet-tall gray rock faced block wainscot and approximately 5-feet-tall orange metal panels/trim to the eave line on the east and west elevations and to the top of the gable ends on the north and south elevations. The ‘net’ percentage of the rock face block is approximately 65% on the east elevation, 70% on the west elevation, 50% on the north elevation and 47% on the south elevation. The roof

- appears to be light gray ribbed metal. The building is approximately 36-feet-tall at the peak of the roof line.
14. There are two overhead doors on the east elevation, one overhead door on the west elevation and two overhead doors on the south elevation. The warehouse is used to store tools, generators, cement, lathe, hoses, electrical cords, tampers, parts, lasers and grade rods, among other things.
  15. The office shop building is set back over 175 feet from the public right of way line and the office shop and warehouse buildings are set back over 100 feet from the side yard property line.
  16. A dumpster enclosure is located at the southwest corner of the office shop building. The enclosure is approximately 11 feet by 20 feet and 8 feet in height. The gray-toned block walls are complementary to the office shop building.
  17. The Narrative indicates an office/warehouse expansion may occur in the future. The site plan identifies this area between the office shop building and the proposed parking lot.
  18. Required parking for the existing proposed building includes 13 office parking stalls, 30 shop parking stalls and 4 warehouse stalls, or a total of 47 stalls. The site plan identifies a total of 83 parking spaces, including 4 accessible stalls. Parking may not occupy more than one-third of the front yard setback or be closer to the right of way than 50 feet. A few of the proposed stalls will need to be removed from the parking setback area.
  19. The Property includes three delineated wetlands (4.8 acres) which are covered by drainage and utility easements. Stormwater improvements include the creation of six infiltration ponds. Total impervious area resulting from development of the Property is approximately 12.91 acres or approximately 49.7% lot coverage.
  20. Rice Creek Watershed District (RCWD) issued a Conditionally Approved Pending Receipt of Changes (CAPROC) project status on February 9, 2022 for the proposed development.
  21. The Property will be served by private water and sanitary sewer services.
  22. A large outdoor storage yard to the west and north of the buildings is designed for several hundred vehicles, trailers, equipment attachments, lumber and construction forms, and other miscellaneous construction materials. The average estimated height of vehicles and equipment for outdoor storage is 8-12 feet. Other products and materials for outdoor storage will not exceed 25 feet in height. The primary outdoor storage demands occur in the construction offseason.
  23. Another storage yard is located south of the extended alignment of 137<sup>th</sup> Avenue (and pipeline). This includes outdoor storage for miscellaneous equipment and supplies to the west, a topsoil storage pile in the center, and concrete/asphalt rubble and crushed rubble piles to the east. The height of the material piles is estimated at 20-25 feet.
  24. The proposed crushing operation will occur in the easterly half of the southerly outdoor storage area. Rubble will be stockpiled (15,000-35,000 cubic yards) until there is enough material to warrant usage of a portable crusher. A new stockpile of crushed material would be created. Crushing would take place during 'colder weather conditions' during the hours of 7:00 am – 5:30 pm, Monday through Friday. Crushing operations could take place twice each year and last approximately six weeks total per year. Crushing could be 70,000 tons per year.
  25. The Narrative indicates the rubble piles and finished product piles will be watered as necessary to control dust.

26. The Narrative indicates “The average frequency of equipment with back up alarms, when recycling, is 1-3 trucks/hour, with a peak of 10 trucks/hour.”
27. A proposed screening plan identifies a 10-foot-tall berm with 10-foot tall wood fence on the southerly and southwesterly property lines. A lineal grouping of 23 conifers is also illustrated on the screening plan, adjacent to the wetland along the southwesterly property line. Several existing ‘wooded areas’ are also identified on the plan along the westerly and northerly property lines. A 50-foot-deep conservation easement is also established adjacent to the northerly property line. A grouping of nine conifers is also being added to one section of the conservation easement.
28. A tree survey was completed for the property. Approximately 355 trees (>4”) are located on the northerly and westerly property lines. Over 80% of the trees are deciduous and include primarily pin oak and aspen. The conifers include red cedar, red pine and jack pine. Approximately 25-30 deciduous trees appear to be removed for infiltration pond construction. The landscape requirements require one tree per 6000 square feet: the total impervious area (12.91 acres) would require 94 trees; the total area less wetlands (21.18 acres) would require 154 trees; the total site (25.98 Acres) would require 189 trees. The Narrative indicates “there will still [be] decorative items (trees, shrubs, boulders) added in the ‘front’ yard for aesthetics.
29. The peak season hours of operation are 4:00 am – 8:00 pm, Monday through Friday. Mechanics arrive between 4:00 am – 7:00 am. Truck drivers arrive between 6:00 am – 6:30 am. Truck drivers returning to the Property are typically spread out between 4:00 pm and 8:00 pm. Off-peak season hours of operation are typically 7:00 am – 5:30 pm, Monday through Friday.
30. Peak morning traffic during the construction season is estimated at 15-25 vehicles per hour. Daytime off-peak traffic is estimated at 5-10 vehicles per hour. The evening peak hour traffic is estimated at 15-25 vehicles per hour.
31. Peak season daily employment onsite includes 6 office workers, 3-5 mechanics, 15-20 drivers, as well as job superintendents, parts runners and other drivers making deliveries to and from job sites.
32. Surfacing of the outdoor storage areas consists of recycled asphalt in the center of the Property and gravel surfacing to the north and south. Site access is provided via a heavy-duty bituminous driveway from the 137<sup>th</sup> Avenue cul de sac to the outdoor storage areas. This driveway provides a separate access to the office shop parking lot, which is also bituminous.
33. The Narrative indicates the storage area roadways will be watered, daily, or more as needed to control any dust. Truck speeds on internal roadways will be limited to 5 miles per hour. Street cleaning (137<sup>th</sup> Avenue) will occur, similarly.
34. A photometric plan, dated February 17, 2022, identifies approximately 14 yard light poles, 9 wall packs on the office shop building and 2 wall packs on the warehouse building. There are no fixture details (pole heights, shrouding, wattage) for any of the lights. The photometric plan reveals that there is less than 1 foot candle lumination at any property line, except the south property line, where several exceedances occur. This plan however does not reflect the presence of the proposed berm along the south/west property line.
35. The Planning Commission held a public hearing on the Park Construction CUP application on July 20, 2022.

**Issues/Discussion Items** [NOTE: These discussion points are intended to flag potential ordinance issues regarding the proposed application, to offer clarification on certain issues (potential impacts and mitigative efforts) and to facilitate discussion about the overall consistency of the proposed development with City regulations]

1. Section 7A-602 of the Zoning Ordinance includes, “Articles VI and VII contain the use provisions for each Zoning District. Uses not listed as Permitted, Conditional or Interim Uses shall be considered prohibited.”
  - A. The backhauling and storage of sand, soil, asphalt rubble or concrete rubble for reuse and distribution are not specifically listed as a Permitted, Conditional or Interim Use. There appear to be rubble piles or sand piles at Forest Lake Contracting, North Pine Aggregate and Central Landscaping (all on the east side of Lake Drive in the C/I District). Cemstone also has product piles for its concrete production.
  - B. Asphalt or concrete crushing is not listed as a Permitted, Conditional or Interim Use in the C/I District. The applicant has indicated there are several rubble storage and crushing activities along Lake Drive. City staff have researched existing permit records and found a single CUP for crushing aggregate – Rybak Excavating and Contracting, Inc., dated November 28, 2007. Crushing has occurred, periodically, over the years. There may be crushing occurring at one or more of the properties noted in A., above.
2. Setback Standard. The City has not permitted structures or outdoor storage of materials in the 75 feet front yard setback area (exceptions include SSTS, ponding and a 1/3 encroachment by parking). The City has also required storage to be limited to side yards or rear yards and requires screening from public road exposure and abutting Rural Residential Zoning. The proposed southerly storage yard is adjacent to 137<sup>th</sup> Avenue and requires an interpretation of what constitutes front yard and side yard with relation to the street itself and the location of the principal structure. Any use of this area for outdoor storage will likely trigger a screening component.
3. Hours of Operation. The primary business season for Park Construction is spring, summer and fall. The typical hours of operation from April to November are listed as 4:00 am – 8:00 pm., Monday through Friday. The off-season hours are 7:00 am – 5:30 pm, Monday through Friday.
4. Traffic. There are approximately 30 onsite employees on a regular basis during the construction season. This involves 60 total trips or average daily traffic (ADT), without leaving the site for lunch or other trips. The Narrative indicates “Superintendents, parts runner, and lowboys will also use the yard during the day to pick up equipment, parts, or fuel.” There are an estimated 25 truck trips during the morning peak hour, up to 10 trucks per hour during off peak hours (approximately 10 hours) and 25 truck trips during evening return. This represents 150 one-way trips or 300 ADT per day. These numbers may or may not include the hauling of rubble to the site. If the stockpile of crushed rubble is 70,000 tons per year, its removal would average 7000 10-ton truck loads per year or 27 one-way truck loads per day or 54 truck ADT.
5. Dust (air quality). Sand, soil, rubble piles and crushed rubble piles generate dust. The crushed asphalt and gravel drives and storage areas generate dust. The Narrative indicates “Truck watering of the roadways as needed, along with street cleaning, will be performed daily or more frequently if necessary.” Further, “Park Construction will limit the vehicle speed for trucks hauling to 5 mph and will water the travel ways as needed to limit dust and improve air quality. During the crushing operation, water will be sprayed on the material

that is being crushed to eliminate dust. Once the material is crushed and stockpiled, it will have water applied as necessary to eliminate dust on windy days.” Lastly, “With prevailing winds in the area blowing from west to east, there will be no dust blown toward the residential areas west of the site.”

6. Noise. Noise will be generated on a daily basis and typically includes truck engines, tracked equipment engines, equipment connections and disconnections, loading and unloading of trailers, loading and unloading of dump trucks, tailgate banging and back-up alarms associated with certain vehicles and equipment. Noise will be the most prevalent during the construction season – April to November – and will be evident from morning vehicle and equipment start-ups until evening vehicle return. Noise is regulated by the federal government and federal rules do not allow local noise regulations that are more restrictive than federal standards. Noise is measured at the nearest residential receptor (home) from the source of the noise.

Federal standards implemented by the MN Pollution Control Agency include:

Daytime – (7:00 am – 10:00 pm) L10 65 dBA, L50 60 dBA

Nighttime – (10:00 pm – 7:00 am) L10 55 dBA, L50 50 dBA

dBA (sound level in decibels)

L10 (10% duration of an hour or 6 minutes)

L50 (50% duration of an hour or 30 minutes)

Decibel level examples:

20 – quiet rural nighttime

50 – dishwasher

60 – normal speech

70 – vacuum cleaner

90 – gas lawn mower

>100 – jet, rock band

Source: MNPCA

7. Screening. The proposed development with a large outdoor storage area includes efforts to provide screening from adjacent residential properties via additional select landscape plantings and a 10-foot-tall berm with a 10-foot-tall privacy fence along the south and southwesterly property line. Discussions on the screening component include determinations on general ordinance consistency (extent of coverage and 95 % opacity requirement) and other visual impacts (e.g., do any mitigation efforts [or lack thereof] impact the essential character of the area).
8. West Lake Drive vs. east Lake Drive. The C/I District on the west side of Lake Drive abuts the Rural Residential District in its entirety. While the Zoning Map illustrates the same apparent condition on the east side of Lake Drive, the large wetland basins of Crossways Lake and Rondeau Lake eliminate developable residential land east of the C/I District. The only exceptions are at the north end and south end of the district. The only purpose in mentioning this is to highlight the fact that there have been few complaints about commercial or industrial uses on the east side of Lake Drive and few issues regarding land use compatibility. Issues regarding land use incompatibility have arisen on the west side of Lake Drive (including the large auto auction facility proposal) because of the extent of existing residential uses and zoning that will allow additional residential development.



9. CUP Approval Standards. For the convenience of reviewing the standards required for the permitting of all conditional uses, Section 7A-543 General Standard Applicable to all Conditional Uses, is copied here verbatim:

In addition to the specific requirements for conditionally permitted uses, the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City Comprehensive Plan and the Zoning Ordinance; and
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area; and
- C. Will not be hazardous or disturbing to existing or future neighboring uses; and
- D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services; and
- E. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community; and
- F. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reason of excessive production of traffic, noise, smoke fumes, glare, or orders; and
- G. Will have vehicular approaches to the property which shall be designed as not to create an interference in traffic on surrounding public thoroughfares; and
- H. Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.

---

**City Engineer, Kevin Bittner, Bolton & Menk Report Dated 07-12-2022**

Following are my review comments on the Park Construction CUP application. The review is based on the following documents:

- Site and Grading Plan by Bloch Engineering dated May 18, 2022,
- Project narrative dated May 17, 2022,
- Overhead site pictorial, and other associated submittals.

**Comments:**

1. The access to the site is a single driveway off the cul-de-sac of recently constructed 137<sup>th</sup> Avenue. This is a modification of the initial submittals which showed two closely spaced driveways. This single driveway access is preferred.

2. Based on the project narrative, during the construction season the development will generate traffic of roughly 300 vehicles per day (average daily traffic – ADT), consisting of a combination of tandem trucks, trucks with trailers, cars and pick-ups. Peak hour trips will likely range in the 25 – 50 range, which would be a combination of staff arrival/departure and truck/equipment arrival/departure. Based on these traffic loadings, newly constructed 137<sup>th</sup> Avenue, and new turn lanes on CSAH 23/Lake Drive, I don't anticipate significant traffic operational issues.
3. Stormwater management on the site will be subject to RCWD permitting standards.
4. The septic system has been designed and appropriately sized and sufficient area has been allocated for the primary and alternate septic sites.
5. In regard to the storage of crushed materials, according to Minnesota Rules 7035.2860, Subparts 4I and 4J, recycled concrete and bituminous products used as a substitute for conventional aggregate is considered a beneficial solid waste. As such, the crushed material storage site would fall under the requirements of Minnesota Rules 7035.2855, which has specific design and operation requirements.
6. One of the requirements of 7035.2855 includes an underlying liner system that is above the high-water table. Based on review of the soil borings obtained for the septic system, the high-water table indicated by the presence of mottled soils, is roughly elevation 907.0 – 907.5. The grading plan indicates the bottom of the crushed storage area at elevation 906.0, which would be below the high-water table indicated by the mottled soil elevation.
7. Another requirement of Minnesota Rules 7035.2855 is the owners and operators of the site must provide a written certification by a Minnesota licensed engineer stating that the storage facility is designed and constructed to meet the requirements of these rules.
8. Regarding noise concerns surrounding the crushing operation, a more detailed evaluation by someone with expertise in this area would be required. The type of crushing equipment to be used, effects of the berm and fencing, vegetation, and distance to the receptors are all factors that would influence the level of noise received from the operation.
9. Regarding concerns of dust generation during crushing, the narrative indicates this will be mitigated through water application to the pile to be crushed. It would be beneficial to know how the water would be applied to the crushing operation since the site is not served by city water and would need to rely on well water or some other means. the amount of water required to control dust during crushing could be significant.

---

The Planning Commission members shared their initial thoughts after the public hearing. King referenced verbiage of the current zoning ordinances stating that any use not listed is not permitted, and that in the zoning district where Park is asking to build their project their proposed use is not listed as permitted. King also stated that using this interpretation of the ordinance she believes that crushing and backhauling would not be a permitted use in that area. King explained that she has had personal experience being a neighbor of an industrial project and understood and emphasized the impact it can have on residential properties. King added that she recognized there were other rules and ordinances that needed to be looked at before a final decision could be made but that she believed there was enough to warrant that this use was not compatible to be next to residents. Hanegraaf said that he agreed with King's statements, adding that he had issues with setbacks and with outside storage. Hanegraaf referenced his experience with a previous industrial project and how he recalled it created a nuisance for the residents located nearby and how all the little nuisances can add up. Hanegraaf stated that overall, there was a lot of data presented and that it would all be discussed at their next hearing. Bobick stated that she believed statement 1 of the zoning ordinance was very clear on the permitted uses of the area and therefore she agreed with King's interpretation that it would not be permitted. Berens stated that he believed that the residents surrounding the lot in question would be negatively

affected and that he was of the initial opinion that it would not be a good development project for the area. Berens voiced that he believed Park did a good job presenting their material but also noticed that there were multiple mistakes in the information they prepared.

The Planning Commissioners will have an open in-depth discussion regarding the Conditional Use Permit request to permit a contractor shop consisting of an office, mechanical shop, equipment storage, material storage, and crushing activity in the Commercial/Industrial district vacant properties, PIN 33-32-22-23-0004 at their upcoming August 3, 2022, Planning Commission meeting.

**8. DISCUSSION – RESIDENTIAL ZONED BUSINESS MORATORIUM STUDY** At this time Planning Commissioners tabled this item and will discuss it at an upcoming Planning Commission meeting.

**9. PUBLIC OPEN FORUM** Nothing at this time.

**10. PLANNING COMMISSIONER’S REPORT** Nothing to report at this time.

**11. ASSOCIATED PLANNER’S REPORT** Nothing at this time.

**12. CITY ADMINISTRATOR’S REPORT** Nothing at this time.

**13. ATTENDANCE FOR UPCOMING MEETINGS** Hanegraaf to attend the 07-27-2022 City Council meeting.

**14. MOTION TO ADJOURN** *Motion* by Berens to adjourn, seconded by King. Motion carried with King, Hanegraaf, Bobick and Berens voting in favor. The meeting adjourned at 10:38 pm.

*Ella Giefer*

Respectfully submitted: Ella Giefer, Recording Secretary