

**CITY OF COLUMBUS  
PLANNING COMMISSION MEETING  
INTERACTIVE TECHNOLOGY MEETING FORMAT  
STATUTES SECTION 13D.021  
09-21-2022**

The 9-21-22 Planning Commission meeting for the City of Columbus was called to order at 6:31 PM by Chair Ron Hanegraaf at the City Hall. Present were Planning Commission members Ron Hanegraaf, Barb Bobick, Kris King, and Bob Berens, City Administrator Elizabeth Mursko, Associate Planner Frank Koenen, Planning and Zoning Permit Tech Ella Giefer, Assistant City Administrator Jessica Hughes, and City Attorney Megan Rogers.

In attendance via interactive technology were Council Member Shelly Logren, Scott Zieglmeier, Jake Jensen, Amy Sieben, Sue Wagamon, Jen, Jody, 1875, motoz4, Samsung sm-s908u.

Also, in attendance in person were Mayor Jesse Preiner, Council Member Janet Hegland, John Waldoch, Don Waldoch, Alex Waldoch, Scott Pearce, Andrea Rasmussen, Sean Homa, Dave Ryback JR, Dennis Retcher, Betty Hanegraaf, Myron Angel, Cindy Angel, Barb Hearley, Fran Hearley, Mike Wood, Helen Wood, Leon Wojtowicz, and William Krebs, and Stan Frieder.

The meeting was held in an interactive technology meeting format.

- 1. CALL TO ORDER – REGULAR MEETING – 6:31 PM**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MEETING AGENDA** *Motion* King to approve agenda as written. Second Bobick. Motion carried with King, Hanegraaf, Bobick, and Berens voting in favor.
- 4. September 7, 2022 PLANNING COMMISSION MEETING MINUTES** *Motion* Berens to approve the September 7, 2022 Planning Commission meeting minutes. Second Bobick. Motion carried with King, Hanegraaf, Bobick, and Berens voting in favor.
- 5. PUBLIC HEARING AND DISCUSSION- 9743 192ND AVE NE VARIANCE – ACCESSORY STRUCTURE SETBACK (ANDREA RASMUSSEN & SEAN HOMA) (PAGES 1-17 & A1-A16)**  
At this time a public hearing was held to consider a request for a Variance for an Accessory Structure Setback. Separate minutes for the public hearing are prepared.

At this time the planning Commissioners had an open discussion regarding the request for a Variance for an Accessory Structure Setback at 9743 192<sup>nd</sup> Ave NE. Mursko stated that the property has limited areas to build due to the amount of wetlands. Koenen said that he recommended approving the variance. King stated that the applicants had listed good reasons for needing a variance due to the difficulty caused by the lack of buildable land.

Motion Berens to recommend approval of the Variance request to the City Council to reduce the side yard setback from 20 feet to 8 feet and reduce the wetlands setback from 16.5 feet to 15.5

feet for Andrea Rasmussen and Sean Home, Lot 1 Block 1 Delmonico Preserve, property identification #25-33-22-11-0004, with Findings of Facts and Recommendations as noted in the staff memo provide by Frank Koenen dated 9-21-22. Second King. Motion carried with King, Hanegraaf, Bobick, and Berens voting in favor.

**City Staff Report from Frank Koenen, Associate Planner**

**Findings of Fact:**

1. The landowner proposes to use the property in a reasonable manner. Staff finds that the landowner proposes to use the property in a reasonable manner. The property is developed as a rural residential single-family dwelling in an area of single-family residential uses. The proposed accessory structure will be consistent with the existing use of the property. Further, the construction of the accessory structure will allow the resident to store trailers. Reducing the side yard setback distance from the required 20 feet to 8 feet and wetland setback from the required 16.5 feet to 15.5 feet will prevent the resident from striking the garage with vehicles or trailers when navigating the property, due to the presence of a retaining wall near the house. The proposed expansion and replacement are a reasonable use and consistent with the use of several surrounding parcels.
2. The plight of the landowner is due to circumstances unique to the property and is not created by the landowner. The Property is an approximately 42-acre parcel in the RR District. The lot primarily consists of wetlands, which limits the buildable area of the 42-acre parcel to approximately 2-2.5 acres of upland that is contiguous and accessible from the road. The amount of land that would be accessible by vehicles is further limited, as several buildable acres of the property are separated from access points by large amounts of wetlands. The lot has limited opportunities for building an accessory structure that is reachable by vehicles due to other existing structures, the required septic drain field, wetlands, and other setback requirements. These circumstances are unique to the property and were not created by the landowner.
3. Granting the variance is in harmony with the purpose and intent of the Zoning Ordinance. The purpose and intent of the RR District is to provide residents in Columbus's primary zoning category adequate areas and use restrictions for residential development that provides for pleasant and safe living. The accessory structure would be adjacent to an overhead powerline easement and wetlands on the adjacent eastern property located in Wyoming. The adjacency to wetlands on the eastern property line would keep the spacing from other potential nearby structures consistent with existing structure spacing in the City of Columbus. Additionally, the soffit roof overhang of the accessory structure would be the only portion of the accessory structure in the wetland setback, while the base and walls of the building would remain out of the setback area. The proposed variance will allow for the accessory structure to be constructed, and is consistent with the purpose and intent outlined in the City Code.
4. Granting the variance is consistent with the City's Comprehensive Plan. The City's 2040 Comprehensive Plan includes several Land Use Goals that support the application, including: preserving existing rural residential character and manage growth in environmentally sensitive areas. Although in the setback, there is no impact on wetland areas in the proposal. While the accessory building does not conform to the current Rural Residential district standards for setback requirements, it will continue to be reflective of the current residential character and the various range of residential housing and land uses.

5. The variance, if granted, will not alter the essential character of the neighborhood or City. The character of the neighborhood is a mix of 6-40+ acre residential lots, large undeveloped land, and public land (Carlos Avery Wildlife Management Area). There is a prevalence of low-lying wet forest land in between or on each lot. The lack of proximity to existing structures on the eastern property line and the presence of wetlands likely precludes the building of structures in the future. Due to the current conditions of the Property, and neighboring area, the variance, if granted, will not alter the essential character of the neighborhood or the city.
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 by the topography of the site and lack of contiguous developable land accessible from the roadway.

**Recommendations**

Staff recommends that the Planning Commission and City Council adopt the above findings and approve the application for a variance to reduce the side yard setback from 20 feet to 8 feet and to reduce the wetland setback from 16.5 feet to 15.5 feet, subject to the following conditions of approval:

1. The Applicant’s proposed accessory structure shall not exceed the proposed dimensions as outlined in the building application packet received July 21, 2022, and Variance packet dated and complete August 19, 2022.
2. The applicant must submit any and all other materials required by the Planning and Zoning and Building department to complete the building permit application review.

6. **PUBLIC HEARING AND DISCUSSION- 8145 BROADWAY AVE NE KENNEL, INTERIM USE PERMIT (BARB AND FRAN HEARLEY) (PAGES 18-50 & A17-A22).** At this time a public hearing was held to discuss a request for a Residential Dog Kennel Interim Use Permit for five dogs. Separate minutes for the public hearing are prepared.

At this time the Planning Commissioners had an open discussion regarding the request for an Interim Use Permit for a Residential Dog Kennel at 8145 Broadway Ave NE. Berens apologized to the applicants for any confusion or trouble they had with the Interim Use Permit application process.

*Motion* Bobick to recommend approving the Interim Use Permit PC22-112 for Barb and Fran Hearley at 8145 Broadway Ave NE and to forward it to the City Council for approval with findings of facts 1-17 and recommendations 1-26. Second Berens. Motion passed with King, Hanegraaf, Bobick, and Berens voting in favor.

*Motion* Hanegraaf to direct City Attorney staff to reach out to the applicants about when a license from the City of Columbus is needed and the menu of options that are available. Second King. Motion carried with King, Hanegraaf, Bobick, and Berens voting in favor.

**City Staff Report from Frank Koenen, Associate Planner.**

**Findings of Fact:**

1. An IUP application for a Residential Dog Kennel IUP was received from Barb and Fran Hearley (hereafter the “Applicant”), 8145 Broadway Avenue NE (hereafter the “Property”), on August 22, 2022.

2. The application was found to be complete on August 22, 2022.
3. The 60-day review for the application terminates on October 21, 2022. The 120-day review, if necessary, will terminate on December 20, 2022.
4. The Applicant defines the dogs as family pets, which is an animal that is traditionally kept in the home for pleasure rather than for commercial purposes.
5. The Applicant has held one Interim Use Permit for a residential dog kennel since 2012.
6. The Property is zoned Rural Residential.
7. The Property contains 8.54 acres, according to Anoka County records.
8. The Applicant currently has six dogs on the Property.
9. The Applicant indicates that the dogs are not considered outdoor dogs and remain within the residence, except for exercise and relief.
10. The Applicant indicates that there are no outdoor kennels.
11. A small potty yard behind the residence is enclosed with a six-foot-high wooden privacy fence, accessed through a dog door.
12. A larger one-acre enclosed area behind the house is also available, the applicant indicates gate to this area is closed after dark.
13. The Applicant states that the dogs are not left out of doors unattended.
14. There are no adjacent residences within 150 feet of the fenced-in confinement area, and the applicant states that the area is screened from the nearest home.
15. The application for a Residential Dog Kennel IUP is consistent with the kennel regulations in the City Code.
16. An Animal Control Officer conducted an inspection of the Residential Dog Kennel on September 13, 2022.
17. No complaints related to the presence of the Residential Dog Kennel were found within the Anoka County Sherriff records nor the Animal Control Officer's records when reviewed on the date of September 13, 2022.

### **Conditions of Approval**

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.

**7. RESIDENTIAL ZONED BUSINESS MORATORIUM STUDY (Pages 51-75)** At this time a public discussion was held to consider updating city ordinances regarding the Residential Zoned Business Moratorium Study.

Discussion: Invisibility

Hughes explained the current code language states that residential zoned businesses must be invisible, and asked the commissioners what their opinion was on how they defined invisibility and how literally the term should be taken. Berens stated his interpretation was that invisible meant that the use was nuisance neutral and had no negative impacts to the surrounding community. King stated that there is no outside storage allowed, and she believed all residential

zoned business who comply with that rule are considered invisible. Berens and Bobick said they agreed. **The commissioners came to a consensus to keep the current language.**

#### Discussion: Compliance

Hughes explained the current process for properties that were out of compliance. King said she was concerned how much time it took for non-compliant properties to be addressed and asked what the state statute for the timing of letters was. Rogers stated that state statute was a 30 day timeline but that practically most cities gave people more time and would send multiple letters if needed. Hughes recommended adding language saying that the City Official who inspected the property should also speak to the homeowner about the issue. Hughes stated there had been questions about the practice of taking pictures of the property from a distance and asked the commissioners their thoughts on it. Hanegraaf said he believed that pictures should continue so complaints can be verified and documented. King said she thought the language sounded sneaky but that overall she agreed with Hanegraaf's statement. Berens asked if a drone could be utilized, which Rogers said was not legal. **Hughes asked the Planning Commission if they would like to change the language of the ordinance from 'surveyed' to 'revisited' which the commissioners said they agreed with.**

Hughes asked the commissioners what they thought of the City issuing citations if a property continued not complying after a third letter was sent. Bobick said she was opposed to issuing citations because it was too aggressive. Hanegraaf said he was not opposed to citations because it gave some more power to follow up on noncompliant properties. Berens agreed with Hanegraaf. King said that having a Residential Zoned Business was a privilege, and that without punishments for noncompliance there would be no reason for someone to follow the rules. **The majority of the Commissioners agreed to keep language regarding issuing citations, with Bobick dissenting.**

#### Discussion: Processes

Hughes stated that for existing Home Occupations she recommended a timeframe of 18 months to either become compliant with the new ordinances or to cease business operations. Berens stated that he believed 18 months was too long and recommended 1 year, which Hanegraaf said he agreed with. King stated she was concerned that the City may become overwhelmed with applications, and also said she wanted to ensure that when the ordinance began there would be a mass mailing to all residents informing them of the change. Bobick agreed with King and said it may be beneficial to stagger the notices. Hanegraaf agreed with the concern about overwhelming the city with applications but said that it was something that could be dealt with in the future. **The Commissioners agreed that businesses without an existing Interim Use Permit would have 12 months from the date the ordinance went into effect to apply for a Home Occupations, and that businesses with existing IUPs had 18 months from their IUP's expiration to apply.**

#### Discussion: Exemptions.

Hughes explained that it may be appropriate to exempt certain uses from needing to apply for a Home Occupation, giving examples of one-on-one tutoring, instrument instruction for groups smaller than 10, product sales with private social events if they happen less than 4 times per year, and daycare facilities that were already regulated under the state. Bobick said she liked the

language written in Logren's feedback that 'exemptions may be granted due to private education, periodic sales, or state regulated businesses.

Discussion: Prohibitions.

Hughes gave an overview of what would be included in a discussion on prohibitions, which the commissioners will discuss at an upcoming planning commission meeting.

8. **COMMERCIAL/INDUSTRIAL DISTRICT MORATORIUM STUDY (Pages 75-78 and Enclosure)** At this time a public discussion was held to consider updating the Commercial/Industrial District Design Standards. Rogers stated that at the meeting on \_\_\_ City Council asked the Planning Commission to review a list of uses and whether those uses were appropriate with market demand, whether they belonged in the Commercial/Industrial district, how other cities regulated them, whether there should be additional standards of approval, and there were additional design criteria that should be included. Rogers said that there was a concern that modifying the C/I district could create extensive legal nonconforming uses and that she recommended minimizing that result as much as possible. Rogers reviewed a list of uses she had prepared along with their definitions so that the Planning Commission could be more specific with their implementation.

Rogers stated she recommended creating a distinction between a West Side Commercial/Industrial District and an East Side Commercial/Industrial District in an effort to minimize the number of legal nonconforming uses being created and in order to discourage heavy uses next to residential, with the East/West split being along Lake Drive. The proposed purpose of the West Side district is a range of low intensity industrial uses, commercial, restaurant, and retail uses compatible with nearby residential uses. The West Side C/I district would exclude high intensity industrial uses while allowing light manufacturing uses such as research and development, low impact, high technology manufacturing, biotechnology, small scale distribution, alongside commercial, office, business services, and institutional uses. **The commissioners agreed to this definition and to the creation of a new West Side C/I district.** Rogers reviewed a list of proposed conditional uses for the West Side C/I district with the Planning Commission and asked for their feedback. Hanegraaf said he liked that there would now be more specific definitions. King agreed with Hanegraaf and said she wanted to discuss issues of traffic in the future as well.

9. **PUBLIC OPEN FORUM** Mursko encouraged the public to email City Staff with their feedback if they wanted their comments to be included in meeting agenda packets and if they'd like comments passed onto the Planning Commission or City Council. Don Waldoch asked for clarification on how the public can give feedback to Planning Commission. Berens answered that feedback can be given at public open forum and Mursko explained that feedback is usually received by her via email and phone calls. Don Waldoch said that he was opposed to the East and West sides of the C/I district being separated and that he was concerned the City was only trying to appease certain people. John Waldoch said that he agreed with the discussion point during the Residential Zoned Business discussion that there needed to be caution when implementing the ordinance due to the risk of putting people out of business. John Waldoch said he wanted new businesses coming in to not be limited to working only within Columbus. Krebs said he was concerned about how Auto Repair businesses would be impacted by ordinance changes and how traffic would be limited. Krebs also said that many of the businesses

in the district were large contributors to the City tax base so their opinions needed to be considered as well. Frieder said that Columbus has historically been pro-business and that he hoped that would not change and that when considering zoning placement the Commissioners needed to keep in mind that many properties do not have city sewer or water. Frieder also said that he was concerned that property values would be negatively impacted by splitting the East and West sides of the Commercial Industrial District.

**10. PLANNING COMMISSIONER'S REPORT** Nothing at this time.

**11. ASSOCIATE PLANNER'S REPORT** Koenen had nothing at this time, but stated that Giefer has asked him to remind the council that today is Columbus's 'Sweet 16' as the City was incorporated 16 years ago today.

**12. ATTENDANCE OF CITY COUNCIL MEETING** Ron Hanegraaf to attend the 9-28-2022 City Council meeting.

**13. ADJOURN** *Motion* by King to adjourn. Second Bobick. Carried with King, Hanegraaf, and Berens voting in favor. Meeting closed at 9:26 PM.

*Ella Giefer*

Respectfully Submitted by Recording Secretary Ella Giefer