

**CITY OF COLUMBUS
PUBLIC HEARING IN INTERACTIVE TECHNOLOGY MEETING FORMAT
STATUTES SECTION 13D.021
ORDINANCE 22-11 - CITY CODE AMENDMENT AND ZONING MAP AMENDMENT - C/I DISTRICT
12-21-2022**

The 12-21-2022 Public hearing to consider a request for a City Code Amendment and Zoning Map Amendment for the City of Columbus was called to order by Chair Rob Hanegraaf at the City Hall at 6:58 PM. Present were Planning Commission members Ron Hanegraaf, Kris King, Barb Bobick, Frank Ramisch, and Bob Berens, City Administrator Elizabeth Mursko, City Attorney Megan Rogers, and City Planner Dean Johnson.

In attendance via interactive technology were Associate Planner Frank Koenen, Planning and Zoning Permit Tech Ella Giefer,

Also, in attendance in person were Sue Wagamon, Steve Wagamon, Tucker Dally, Mike Adams, Ron Withlock, Curt Strandlund, Barb Waldoch, John Waldoch, John Dahl, Janet Hegland, Johns Williams, Dean Dally, Mike Meyer, Roger Nase, and Jill Bukosky.

The meeting was held in an interactive technology meeting format.

Hanegraaf: Ok we're going to go onto item number 9 on the agenda tonight, and it's a public hearing and discussion on Ordinance 22-11, City Code amendment to chapter 7A, and zoning map amendment C/I district, pages 53-71 and handout on Wednesday, addition pages A4-A7 and enclosure E. So Ella, would you the notice as published?

Notice was read at this time by the recording secretary.

Hanegraaf: Thank you Ella. Well, we're looking at several changes in the ordinance to Chapter 7A and the zoning map and the C/I District on Lake Drive. Megan since you've led us through this since June, do you want to go through it here?

Rogers: Absolutely. This evening we'll provide a summary of the process that we've utilized and also talk about how we got here and some of the policy decisions that have been made thus far, and then create an opportunity for that public hearing. If we could have the next slide please Elizabeth. The city adopted a moratorium within the commercial industrial district this June. It implied a moratorium on certain types of development, most specifically contractor shops, building and trade offices, recreational vehicle sales and service, light industrial appliance and vehicle service and repair, lumber yards and sales, and machine welding shop facilities. A moratorium is often referred to also as an interim ordinance. An interim ordinance provides an opportunity for a city to examine its zoning code without the pressure of additional applications, and so as part of an interim ordinance, the city undertakes a planning study and that's the work that this Commission has done alongside the City Council for the last several months. We can move to the next slide. And again, these are the specific targeted uses that we called out as part of the interim ordinance and the moratorium that was adopted by the City Council. Not all uses within the CI district were considered problematic. It was these particular uses that the city required additional review of. I thought it was helpful to talk about the phases of this planning study and the work that has been done by this Commission and the City Council and your staff. We adopted a 3 phased approach in terms of looking at the policy decisions behind this ordinance. In particular, we talked about what the

district is today and what this Commission believes this district should look like in the future. With those thoughts in mind, we moved forward by adopting particularized definitions of uses so that it was very clear to applicants what types of uses were not only allowed, but what those were defined as. And then finally we moved on and talked about now knowing what uses would be permitted and conditional within the district what were the performance standards that would be appropriate for specific uses, and in particular, whether or not there were additional standards that should be utilized for specific uses that would be conditional within the district. Within your zoning ordinance you have your conditional uses listed, but now we also have specific performance standards related to contractor yards, and that's similar to what you've done with asphalt planning and processing as well. So it's a similar process that is utilized for other uses within your ordinance. Then the Planning Commission reviewed the draft language and presented that through a joint meeting with the Planning Commission and the City Council. Conversation and some revisions of the ordinance came out of that meeting. The City Council completed a secondary review of the ordinance and ordered the public hearing that we are attending this evening. Within your packet you will see that there were further revisions to the ordinance provided by the City Council at that City Council meeting, and we will go through those ordinance revisions at this time. We are now in phase seven of our review and our public hearing process. and in this process throughout the course of this conversation you have always considered public comment, there has been good participation from the public in these meetings, and good discussion and written submission in both in person testimony and written submission from business owners and from residents talking about what's important to them for the future of the district. So now we are here this evening at our public hearing for adoption of an ordinance. And again, we've gone through the phases of this process, but also I think it's important to note what the public engagement has been here. You have taken an extraordinary amount of time to thoughtfully consider this ordinance, to take the public feedback, and to have those conversations. One of the initial points that we started with and was important to this Commission to consider was that revisions to the ordinance be consistent with your comprehensive plan and that we not undertake a new zoning overlay that would somehow require a comprehensive plan amendment, that the comprehensive plan design for this district is in fact appropriate for the use. The comprehensive plan indicates that your Lake Dr. corridor here historically has allowed a mix of commercial industrial uses. It is not a residential district, but that it is appropriate and should be continued to be utilized for that commercial and industrial purpose. I'm keeping in mind however, that these properties must be served with private sewer and water systems, and so the types of uses that are permitted within this district are naturally limited to some extent based upon the inaccessibility of public sewer and water. All right, moving on to our next slide. In the course of your conversations about the appropriateness of uses, the appropriateness of what is there today, the future traffic patterns of Lake Drive, the impacts of increased industrial development within this important corridor within the city, a bifurcated process was adopted. That bifurcated process reflects a new commercial industrial light district that significantly reduces the more intense uses that are allowed within the existing CI district. The public purpose for doing so and the policy reasons behind that are specifically related to the impacts on surrounding residential uses, and again we've talked about this map extensively over the course of the last several months, but it's important to note that while both sides of the CI district are in fact surrounded by rural residential uses, it is the west side of the district that has active and ongoing residential uses. The east side is primarily impacted by shoreland and wetlands, rendering those areas of the east side that are rural residential practically not developable for residential uses. And as a note on our commercial and industrial light district, again it restricts and limits the uses on the west side of Lake Drive. It also very specifically adopts increased screening requirements, storage standards, and performance standards for outdoor storage. Outdoor storage, unlike on the on the east side of Lake Drive, must have a direct relationship to the primary use of the site, they cannot be separated. It must be located in a side or rear yard. No outdoor storage can occupy any required driveway or maneuvering

area except as approved by conditional use permit. Outdoor storage may not exceed 30% of the site, excluding retail projects sold outdoors and fleet vehicles. Your existing CI district does not allow significant piles or aggregate crushing piles, but this substantially frankly eliminates much of that storage, while allowing uses such as a landscaping shop to have multiple piles and things along that side of the new west district. Furthermore, substantial outdoor screening standards have been applied to this CI light district. You'll see that they're very similar to some of your districts that are also adjacent to residential uses within the city, so this is consistent with some of the interpretations that you've made in the past. #1, all rescreening effectively must limit any public view of that outdoor storage area if approved by conditional use permit. It must be 95% opaque throughout the year which can be satisfied by a number of mechanisms which are listed here, and that would be up to the applicant to determine which was the correct fit for their property. The rescreening may be reduced by the City Council if an applicant can demonstrate that the public view from an adjacent residential property is limited due to wetlands or other permanent natural features. I think it's important to note that that is discretionary on the City Council's part, and it is not an automatic reduction of allowance. There's no requirement for screening if wetlands are present. We're also allowing a stronger building standard, so part of the conversation that we had when we were visioning what would be a good fit for this district is more buildings and frankly, more structures. So with that in mind, we have incorporated allowing construction of lean-to accessory structures for screening, again to create that separation between the residential and commercial districts. All of the screening plan is part of your land use process and must be shown and fully detailed, much like the conversation you just had about screening a new Blaine Brothers site. And then lastly, the property owner remains responsible for restoration of that process. So as the landscaping matures, if trees die, if something changes, the property owner remains responsible to replant and ensure that that screening is maintained. Then moving on to our next slide. That's the sum of the CI district light revisions and proposal for, frankly, what is very clearly a new a new district within your zoning ordinance. The existing CI district would be would remain applicable to your east side. Upon Council review, a number of changes were recommended to this body. #1 eliminate future high intensity uses with heavy manufacturing or the development of contractor shops with heavy machinery. You may recall that we had two different types of contractor yards, a contractor yard light and a contractor yard heavy. The contractor yard heavy was removed from a permissible use within that CI district existing. However, any operations for a contractor yard that are in effect as of the date of this ordinance would be allowed to continue specifically and be expanded by CUP. That's probably an important conversation to remember that we had along the way as well. One of the things that we strove to do in the course of this was to not create nonconformities and to ensure that existing businesses would be allowed to expand without significant zoning restrictions. Aside from what already existed at the time, their CUPs were approved. The draft ordinance does accommodate all existing businesses that are permitted at this point in time. Moving on, we eliminated the IUP's for entertainment venues and yard waste composting. Those were existing IUP's within the CI district. We removed those from the ordinance, and then in your packet you will the red strike through for the existing design standards. I wanted to clarify for you all that those design standards are in effect, they just remain unchanged, so when we go to submit a revised ordinance to American Legal Publishing, which is our code processor, we want to show them those things that we changed in the ordinance, not those things that exist today. So the existing standards for your CI district with regards to design are there even though they do appear as a strikethrough within your ordinance packet. And then lastly, there are a number of other proposed revisions. We've discussed one of them to some extent, which is the specific performance standards for contractors' jobs with accessory contractor yard limited. There is a spacing requirement that's now applied to those uses, outdoor storage standards and screening requirements have been increased for those specific uses. And then of course, the dust and particulate management plan, which is similar to your specific asphalt performance standard, has been incorporated for this particular use. And then

lastly, one of the ancillary items that came up in this process was we have so many conditional uses that are operational within the city and then when we revise the zoning ordinance, how are those properly expanded if they're not listed as a defined use within a new ordinance? So for that reason we've adopted an additional flexibility measure that allows the Planning Commission and then the City Council to allow existing non-conforming uses to expand through a CUP PUD process. This is an approach that has been adopted by cities that have a high intensity of conditional uses within their zoning ordinances, and it's another flexibility mechanism that again goes to address some of those economic issues that we talked about with the creation of nonconforming uses. And so with that in mind, that is a summary of our many conversations over the course of the last several months, and I certainly stand ready to answer any questions from the Planning Commission.

Hanegraaf: Do you have any questions Bob?

Berens: I have none.

Bobick: I have none.

Hanegraaf: Can we about the 10 foot setbacks again? Clarify that?

Rogers: Yes, absolutely. You'll see that there is a chart within your ordinance packet that lays out the existing CI district setbacks. The existing setbacks are broader for what would now be the CI east district. We reduced the setbacks for the CI west district to achieve a balance between adopting a more restrictive use category along the distinction between the CI light and the CI existing district. We have significantly removed those uses. In particular, all of those uses that were called out throughout the course of the CI district moratorium. We have removed the more intense uses, including contractor shops and lumber yards and all heavy manufacturing. Those are the uses that we traditionally think of as having significant impacts on surrounding residential, but those are very economically viable uses within the city of Columbus and the surrounding area, for the city in particular because of its proximity both to 35W and 35E and Lake drive as a main connecting trucking corridor between those two significant thoroughfares through the Twin Cities. As an attempt to essentially strike a balance between removal of the economically viable uses within that CI west district, we increased the amount of land that could be utilized for future development within that district while also applying significant performance standards and significant landscaping and screening requirements to mitigate any potential impacts to residential uses.

Bobick: This is Barb. On the CI district, the rear yard setback is 10 feet. Is that an error?

Rogers: That is not an error. If you may recall a number of meetings ago I showed you a very poorly drawn diagram, it was two rectangles sitting on top of one another. The blue rectangle was- and I can do it here on my paper. If we consider this a parcel to be developed, your existing CI district allows this much developable land here and has setbacks in place for those more intense uses like heavy manufacturing, like trailer manufacturing and repair, like contractor shops with digging and piles and those things. The purpose of the CI light district is to reduce the intensity of the of the approved use, of what's actually happening on the entirety of this parcel. So because we reduced the intensity of what happens and because frankly we're requiring most uses to occur within a building as compared to outside of a building, we allow the developable space could be increased. Because these types of uses were no longer allowed, there would be more land to be utilized within an existing parcel for a less intense use, and so it's an attempt, frankly, to strike a balance between what was there and what was permitted as of the date of the moratorium and what could be permitted in the future, based upon your restricted uses within the light district. This is of course is a policy question for you all to answer.

King: It really is a policy question, and I know you had brought it up back in those meetings, and I think the more I've thought about it too is, and another property comes to mind, the guy building the pole barn keeps coming to mind where he wanted to reduce. I think where I start to have some concerns maybe that we should look at this more is, a building could be built 10 feet from that property line? It's not just the use and everything, so when you're up against a residence you could have a taller structure 10 feet from that property line. And is that what we want next to the residential areas, I think really is a question. I know what you were getting at with giving more land use there because of the change in what the usage was, and I get that, but I've thought more about it, and if I was a resident there I don't know if I'd want something 10 feet from my property line there. That's my opinion.

Bobick: Well, this has happened in other cities too, like in Saint Paul the Highland area where people are building. They're just small bungalow type homes in Highland, and then people come in and buy the land and demolish the little home and build a great big home which affects every resident, how much sunlight they get and what they're looking at. 10 feet is in my opinion too short.

King: I know Megan you had brought this up and we went through our meeting and we went through a joint meeting. It went through the Council meeting, so it's gone through multiple meetings, but I think we're all looking at this. Is this the best up against the residents? And I think that's kind of the question.

Hanegraaf: I have the same issues. A lot of residents we're talking about are to the west. Am I correct? And if we're talking to the West, is there a big easement back there for Zodiac?

King: To extend it?

Mursko: There is an there is a road easement that is extended to the north. There's also a pipeline easement to the north, but there's also a wetland there, so there's some competing things kind of going on in that area.

Hanegraaf: And we also have utilities running back there, right? I remember that one, we could maybe get it in the public hearing or whatever, but I thought there was utilities that to separate a little of it, but I kind of agree with Barb and Kris that 10 feet sounds, I don't know where that the line is, because there's wetlands back there. But where does the 10 feet start? And if it's a business to a business backed up to each other, I see no problem. But when it gets to that residential area, looking at a buffer, I think 25 feet means a lot more.

King: This is Kris again, I think your point about what's the easement from Zodiac, what's the buffer from the wetland, and what's the distance that the pipeline easement takes up? And maybe we should ask that question before to get those distances, because it's hard to say 10 feet is adequate or not adequate if you got 100 feet or 200 feet already built into that buffer. So I think we do need a little more information there to really decide that, but I do agree looking at the 10 feet as it stands I don't think I'd be happy with that.

Hanegraaf: You were talking about the one on Bender Street? That pole barn?

King: Yeah. I mean once I think about it, it's like that would be. And I know we want to achieve a balance here between the commercial property rights and owners and letting them utilize their property for their biggest bang for their buck. We got that and then we got the residents, and part of this whole moratorium was based on the harmonious livability between the two different areas, and that's really what we're trying to achieve here, and balance it for both property owners of the commercial and the residents.

Berens: This is Bob. When I look at the flexibility allowed through the change in the ordinance for setbacks. 10 feet I agree with in general principle, and I think it's a great idea to allow that flexibility for future expansion. In the research I did, and I don't have specific numbers as well, which is why I brought up the question before about the road easement off of Kodiak and also what the wetland impact would be, what kind of a setback was allowed for that plus the pipeline. I was assuming that 10 feet didn't butt up to that street on Kodiak. So those are questions that need to be addressed, but otherwise with the changes proposed and the flexibility with the setbacks, I'm all for that, and I think 10 feet between businesses from the property line is OK. That's 20 feet overall, and I think that's normal. So I think it just allows more flexibility for the impact of building on the west side of Lake Drive.

Hanegraaf: I wonder how many properties over there actually would butt up a business to a business. I mean, the only one I can see-

Berens: Like Street Smart.

King: Right, anyway they subdivide it's going to be-

Hanegraaf: Down the street, anything that goes north or south. But anything that goes on the west end of the cul-de-sac down there will be butting up against residential.

King: Correct. And I agree that there is a difference between commercial business to commercial business and business to residents that, two different setbacks, possibly.

Rogers: Within your zoning ordinance, you do have those distinctions drawn in other areas, and so that's certainly a recommendation that you can make for staff.

King: Yeah, I like that. And then as far as the distance with the easement and the utility easement and the buffer. That's really something I think we need a little more information for the Council to have.

Berens: Right. Otherwise I'm all for it.

Hanegraaf: All for what? The 10 foot?

Berens: 10 foot, yep.

Hanegraaf: Well, anymore discussion on this?

King: Megan I have one question, I know on my page 65 it has the CI light district defined. Why is just the CI district defined taken out? Because it exists?

Rogers: It exists, yes, that's correct. This is an entire red line of your ordinance.

King: Yeah, and you just explained the existing didn't change.

Rogers: Yes, that's exactly correct.

King: OK, perfect.

Rogers: And Mr. Chair, members of the Planning Commission, I believe staff is working to answer those questions for you with regards to the to the easement to the pipeline and to the roadway. And we certainly can come back to that conversation if that would be helpful later in the meeting.

Hanegraaf: I don't know, we want to get this thing kind of settled up tonight.

Berens: We're assuming it's from the center of the road.

Johnson: Sorry, you had a question regarding a specific?

Hanegraaf: We started off in the beginning asking about Zodiac.

Johnson: This is Dean, and if I may, on public streets in platted areas, we require 20 feet drainage and utility easements. Side yards and rear yards on all property are 10 feet. I'm not aware that the property on Zodiac was platted. I think that is something of record, so I don't think that's a good example. The new street that was put in as a part of the Waldoch Plat would have a 20 foot set back, but when they gain access off of that, that's a front yard. That'll never be a rear yard. You have a major pipeline that is on the Waldoch property, it's 50 feet in width that runs completely north and south. There was another east/west, but that didn't follow the road alignment if I remember. So if you had a rear yard in the case of some of the Waldoch property that is abutting rural residential, that won't be a 10 feet set back. That'll be 50 feet because they can't build in the pipeline easement.

Berens: That's what we were trying to have addressed, but-

King: So you got a buffer of 50 feet there to begin with.

Johnson: Yes, if property is abutting an existing street like Zodiac you're not going to have a residence on the east side of it, except we do have two residential properties that were platted years ago that are on the east side of Zodiac, but that plat came about after Zodiac was built and all of those easements aren't standard like we require now, so any new street, whether it's Blaine Brothers that we just talked about with a new street in, or Hornsby Street, an existing street when that property gets platted the land adjacent to public roadways becomes 20 feet. All other property lines are 10 feet. Is that clarified a little bit for you?

Berens: It does, absolutely.

Johnson: And anytime when you have a large easement like a private gas line or any kind of pipeline or railroad that's a different easement situation. They're precluded by that easement agreement from building in it, so in the case of the Waldoch's property, they're already 50 feet set back from the north/south dimension that is the order of the rural residential.

Berens: That was my understanding, and that's how I interpreted it, but you just confirmed it. So thank you for that.

Hanegraaf: Any other discussion? Well, we're not doing our discussion yet. Any other questions for Megan? Well, hearing none it's time to open up the public hearing. Before I open it up, those letters Elizabeth, are they already put in the-

Mursko: Yes, the letter is in your additions, it's in the record, yes.

Hanegraaf: OK, so we're going to open up the public hearing so anyone who has any interest in this manner and wants to present testimony as evidence on these changes, please acknowledge themselves by stating their name and their address, and we'll first start with anybody within the building here before we get to zoom.

John Waldoch: Good evening, my name is John Waldoch. I'm on 6755 Pine Street, and we have the Waldoch addition. Planning Commission, I want to go on the record to make sure that everyone understands that my brother Don Waldoch and I met with the city multiple times in the last few years to discuss the development of the Waldoch property, the industrial park on the west side. In all of these meetings we were highly encouraged to put in a new road and develop the park because the city had no land and industrial users to buy. The demand in that area was very strong. We hired Newmark

Marketing to market the parcels. Immediately they had all of them under contract and sold. My brother and I spent hundreds of thousands of dollars putting in new roads to develop that park. Because of the moratorium, the city's unfriendly stance on contractors in Columbus, all of these deals fell apart except Street Smart that was approved. I understand a lot of work was put into this and this revising of the zone codes, but I'm asking that the Planning Commission revise the portion of the new code that allows 30% outside storage ratio increase to 50% outside storage. The 30% coverage ratio will make it difficult for businesses to accomplish their goals in the city of Columbus. If the coverage ratio stays at 30% the land will have less value. All the uses require a special use permit, so future buyers will be coming before the Planning Commission and the City Council to be approved. We can all agree that the Street Smart deal is a great new company and many new jobs in the community and a beautiful brand new building. They bought the five acres and developed it from us. If they had the same deal with the new proposed 30% coverages they would have to buy 9 acres for the same use. They would not have come to Columbus. Once again, I'm asking to please increase that outdoor storage from 30% to 50% ratio please. Thank you.

Hanegraaf: Thank you John.

Friedner: I'm Dan Friedner, commercial real estate broker with Newmark. My clients and I are strongly opposed to the spacing requirement that was added to the new CI light zoning code that says no contractor shop with accessory contractor yard limited shall be located less than 1/4 mile from another contractor shop with accessory contractor yard limited. At the last joint meeting that I was here with the City Council and the Planning Commission it came across to all of us that it they really wanted it to be on the east side. The spacing that we talked about and got direction from the City Council was only going to be on the east side because, quote, 'they were trying to limit heavy contractors which are on the east side and their expansion thereof'. So I don't believe the intention or any conversation during that meeting was about the west side and contractors. Point is if we sell 5 acres in the park to a contractor with a contractor yard limited we can't put one across the street because it has to be 1/4 mile away, so that's our point. We're strongly against that. If you want to do that on the east side, that's something to consider, but on the west side we're strongly against it. In addition to that, I agree with John. I'd really like you to increase the outdoor storage coverage ratio from 30% to 50%. If it stays at 30%, the land will be less valuable, just like John just said, you have to buy 9 acres instead of 5, and people will skip over Columbus and go to Ham Lake, Forest Lake, Wyoming, because they have larger coverage ratios. Again, as you know, all the uses require conditional use permit, so all the buyers have to come in front of you which allow you to put conditions on their use. I hope you take that into consideration, and merry Christmas.

Hanegraaf: Thank you Dan.

Berens: Thank you, merry Christmas.

Nase: Good evening, I'm Roger Nase, 6636 141st Ave Northeast. First I want to say you guys did a lot of work here. I read through your new rezoning and the CI light. All the options you provided, I thought boy when you had to think through all of that. Anyhow, there's a lot of good work that's been done there, so we appreciate that, we really do. And I think when I read through the document, the one thing that did jump out at me was the change in the setback. At least initially it didn't seem consistent with the intent of the CI light district to be less intensive on the on the residential neighbors. I believe it's a 35 feet setback in the CI and then that was changed to 10 in the CI light, and Megan kind of explained at least the logic that was used there. Couple things I'd like to say. If there is another mitigating factor, let's say there is a wetlands there, or there is already another easement there that you can't get up close to. Then you already meet that 35 foot set back to the property line of the residential neighbors. They can

butt right up against however close they can get, whether it's a pipeline or a wetland with whatever restrictions are in place there and they they're not worried about the 10 feet or the 35 feet because they're already meeting that set back because of just the way that the land and the wetlands happen to lay out. And there's a lot of things that, maybe we're looking at a small portion of what we're talking about, or at least what I was hearing was some discussion about a small portion of the CI light, but it looked like the CI light goes about 2 miles or so, and over that 2 miles I'm certain there's places where you have residential property and commercial industrial light property right next to each other. In that case, I was envisioning if you had a 10 foot set back, and I was sitting in my daughter's bedroom on the computer and I'm going well this room is about 10 by 12, so if I'm standing on this wall at the other wall, theoretically there could be a 50 foot tall building can be built in a CI light district. I could be misunderstanding that, but that's the way it looks. That would seem like really high if you were at just 10 feet away, so I think those other mitigating factors are important and can be considered, but I think that you're not gaining anything with the 10 foot set back, because you're already meeting that because you have these other features or zoning areas that you have to stay out of anyhow, like due to the pipeline. There's other areas I know, our neighbor next to us, the horse farmer, his land butts up to the CI on Lake Drive there, and there would be a situation there where if they wanted to put up a big tall building in the back of their property it would be right next to his property. So I guess consider the whole CI district when you're looking into that, and I do agree that it seems reasonable to allow that between the commercial buildings, I don't see any reason not to do that, seems to make sense, but to leave the current set back between the CI light and the residential, that was really the only thing that I saw when I read through all of that that seemed to kind of jump out at me. If you would take that into consideration we'd appreciate that. Thank you.

Hanegraaf: Thank you, Roger.

Steve Wagamon: Good evening everybody. My name is Steve Wagamon, 13530 Zodiac St. I would like to echo first what Roger just said, you guys did put a ton of work into this. It's obvious and we all appreciate all the work that's gone into it. I just had one question before I start for Dean. I'm wondering, you said that the setback would have to start past the pipeline, but you are aware that the pipeline can be used. That would set the building back from the pipeline easement, is that what you're saying?

Johnson: Most easements have restrictions for structure impediments, but we've got city streets and other things that cross these.

Steve Wagamon: That's why I was going to ask, because I talked to the pipeline people and they said that they you could build a building on it, you could build a road on it. They don't care, as long as you're willing to move it if they ever have to go in and get the pipeline fixed, but they can do whatever they want on it until that point. And people do it, they said they build roads over them all the time. In fact, they'll put a road along with it under the road. So I'm not sure about that, maybe that has to be looked into a little bit more. And it's more of a question or something for you guys to discuss. I am on the watershed board and quite aware that you can mitigate away wetlands easily and all you got to do is buy wetland credits. I don't know if you guys have a way of memorializing it on the deeds so it goes deed to deed to deed. That's what we do at the watershed. They also dry up and change, so if they're used as a buffer somehow they have to be made permanent. I'm not sure how the city does that. I know how the watershed does it, but I would just like you to maybe take a look at that. That's about all I have. I agree with Roger, 10 feet on a set back, I don't see any problem between the buildings. The set back from the residential I think at 10 feet, the planner that I talked to, and I actually talked to a bunch of them, really had nothing positive to say about that idea. In all honesty, she said where she lived, it's 50 feet, Columbus is 35, Lino Lakes is 35, Forest Lake is 35, Hugo's 40. I would say Hugo's probably the

closest rural to Columbus and they have a 40 foot set back. I'm not sure about this easement thing, if it covers that whole area, but if there's a way that they can get 10 feet from our lot line and put a building that just doesn't seem appealing to anybody, and I don't see how that is going towards your goal of trying to minimize the impact of commercial on the residential property. I think it's doing the opposite actually. I would like everybody to remember that when I moved in there, we were talking about history, when I moved in 2/3 of that property was residential. The front third was commercial. We bought our property with that as residential, and the planner, Dean at that time, recommended that they go to the section line with the commercial, and the Council did not do that. They didn't follow Deans recommendation, they went right to our lot line, and then we came in and talked to the city and negotiated and discussed with the Planning Commission and the Council that they would give us a 5 acre buffer across the whole back. Then at the last City Council meeting, where we were not allowed to speak, they pulled the buffer from in front of the last section. For whatever reason, I don't know. We got a buffer, the neighbor got a buffer. My dad's property they pulled it at the last Council meeting. So to go from his five acre buffer that the city told him he was to get to buildings 10 feet from his lot line just does not seem fair to me at all. It's not what the city was trying to accomplish I think when we started to do this to minimize it, and I just would like you to look at that and look at the wetland issues. And the easement issues on the pipelines because there's a lot of issues with that stuff that nobody's talking about here. They all are important because that wetland can disappear can be mitigated the I don't know about the pipeline easements or anything like that, but they should be looked into before you guys make your final decision. Other than that, I'd like to say thank you and I appreciate the service from everybody. To the two that are leaving thank you for your service. Everybody have a Merry Christmas.

Hanegraaf: Thank you Steve. The floor is open, anybody else?

John Waldoch: Again, just like Dean on those easements. We've studied them pipeline easements. Believe me, you can put a road across it at a 90 degree angle, but you're not building down the center of it, and you're not putting any buildings on it. You can't build on a on an easement of a pipeline. That's pretty major. A lot of this of, we don't want this we don't want that, it's really opinions. I going to say something. With Roger I'll just say to that, his life was going to change because we're going to park a skid steer and trailers in the field and he doesn't want to look at that. Yet he's got a makeshift chicken coop and a wood pile with an old billboard tarp covering it flopping in the wind. So maybe I should request the city to have him build the fence so we don't have to look at that. It's kind of all in the eye of the beholder. One of the things we want to do is to get things specific, so when they call or somebody calls and hey, my neighbor's doing this, what can I do? A lot of that is just somebody's pissed off their neighbor and I'm going to call the city and straighten this out. There needs to be, now that you're getting more stuff, a person answering the phone can give them an answer. In August when I call up cause the flies are thick as bees and I want the city to do something about the Wagamon's horses, somebody on the phone should say, 'Hey buddy, you live in Columbus. Go to the hardware store buy a can of Raid and a fly swatter and don't call me back'. We got to put a little teeth in what we're doing. Some of this gets emotional, 'Hey, I don't like his chicken coop'. I don't care if he's got a chicken coop there, he can build it on the line as far as I care. But it should go both ways. Thank you.

Hanegraaf: Thank you John. Anybody else in the audience like to get up and make a statement?

Williams: Good evening. John Williams, 5040 201st Place, Lynnwood. Property owner of 13528 Lake Drive. I would just ask that we look at that 30% and expand that to at least 50% if not more. I'm looking at it as the future of our property and what we're doing in there. The Council understands that we had to come in front of you guys, we had to talk about what we want to do what we want to expand what we want to change in there. That's going to require changing the CUP or adjusting that at that time. As

far as outdoor storage limits on the property we already know that we're going to have to have buffers in there. We're going to have to have trees, fences, anything that's along that area. To limit what we can use the property that we paid millions of dollars for, I think is extremely unfair to the current property owners that are there. I'd also like to suggest a change in the method of how the city notifies. I just found out about this yesterday. I understand that it's in the paper and that's what it is, but to be honest with you, not everybody gets the Forest Lake Times, so I would request that if there's going to be something like this that's coming up and there's going to be conversation about it why can't we notify the affected property owners via the US mail so that we have some time to look at this and understand what's going on and be part of the conversation instead of, all of a sudden here it is and I got to try to process this as quick and say what's my shortcomings going to be in this in the future.

King: Can I ask something? His CUP was in existence before all of this, correct?

Mursko: It was, and I was going to ask the same question. Megan, in the ordinance when we were allowing the expansion of existing businesses under the CUP, is it under the new rules or the rules that were there when the original CUP was established?

Rogers: If it's one of the specific uses, heavy machinery, trailers, or contractors yards, then it's under the original rules as adopted. If it's an expansion of an existing CUP that's not specifically listed within the ordinance, then it will go to our broader catch all expansion of the CUP process.

Williams: So if I understand that, if we move something or try to move a fence or try to change the art in any way, that requires us to get a CUP that we follow with the rules that were originally in place when we bought the property and that will continue forward.

Rogers: That is correct.

Williams: Thank you.

King: And I would like to say I like your building.

Hanegraaf: I'm lost here, which building?

King: Blake Drilling.

Hanegraaf: Oh yeah it's turned out really nice.

King: And I'd like to say all of this information is on the city website more than it's ever been before. So if you go online everything is on their past, present, future.

Williams: Correct, but it just seems reasonable if there's if there's going to be changes that are going on to a property owner's property that it wouldn't be that much to address it with a letter to the property owners. All of those people, I'm not sure that any of them know what's going on with any of it, and we don't sit on the city website and follow what's going on.

Bobick: Oh, you don't have to sit but its all there.

Williams: I agree that it's all there, but-

Bobick: That's what people do now. Very few people use a newspaper or mail things anymore. They call it snail mail.

Williams: Then set up a thing where we can give our e-mail addresses to the city and you could e-mail us a notice saying that there's proposed changes that are going on.

Bobick: You can request it, it's there.

Hanegraaf: Thank you John.

Bobick: Thank you.

Hanegraaf: Anybody else inside the house here would like to talk?

Nase: My wife wouldn't forgive me if I didn't stand up for a chicken coop, so I have to come up. She's really proud of this thing OK, and we worked a long time on it and it's sided and it's got windows in it and a nice roof on it and what she's particularly proud of is we have a chicken run that comes out of the chicken coop into the a run around 3/4 of the garden. The chickens come on the morning on their own, they go and they feed on their bugs and stuff and then they go back in and lay their eggs. I just had to say something, it's not too bad and it's a long ways from the property line, but she'd feel bad and never forgive me if I didn't say something.

Hanegraaf: That's what's nice about living out here in the rural area. Especially the price of eggs right now, you got a gold mine there if you didn't get all roosters. Anybody else like to make a statement inside the building? If not, we're going to go to Zoom, anybody on Zoom that like to make a statement about this issue. Well, hearing none we're going to close the public hearing. Get into discussion.

At this time Chair Hanegraaf closed the public hearing. Hearing closed at 7:57PM.



Respectfully submitted: Ella Giefer, recording secretary