

**CITY OF COLUMBUS
PLANNING COMMISSION MEETING
INTERACTIVE TECHNOLOGY MEETING FORMAT
STATUTES SECTION 13D.021
7-19-2023**

The 7-19-2023 Planning Commission meeting for the City of Columbus was called to order by Planning Commission Chair Lynn Carver-Quinn at the City Hall at 6:04 PM. Present were Planning Commission members Judy Huntosh, Barb Bobick, and Bethany Barrette, City Council Liaison Sue Wagamon, City Administrator Elizabeth Mursko, City Planner Dean Johnson, Associate Planner Frank Koenen, and Planning and Zoning Permit Tech Eleanor Hahn. Also in attendance were Mayor Jesse Preiner, Council members Janet Hegland and Ron Hanegraaf, and Thomas Vacha

The meeting was held in an interactive technology meeting format.

- 1. CALL TO ORDER –PLANNING COMMISSION MEETING – 6:04 P.M**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MEETING AGENDA** *Motion* Huntosh. *Second* Bobick. Motion carried with all voting in favor.
- 4. APPROVAL OF MAY 17, 2023 PLANNING COMMISSION MEETING MINUTES** *Motion* Bobick. *Second* Barrette. Motion carried with all voting in favor.
- 5. APPROVAL OF MAY 17, 2023, PUBLIC HEARING MINUTES, ORDINANCE 23-03 – CHAPTER 7A – ADMINISTRATIVE VARIANCES FOR LOW FLOOR ELEVATION REGULATIONS FOR PRE-1990 DWELLINGS** *Motion* Bobick. *Second* Barrette. Motion carried with all voting in favor.
- 6. APPROVAL OF MAY 17, 2023, PUBLIC HEARING MINUTES, ORDINANCE 23-04 – CHAPTER 7C/7D – WETLANDS ZONING AND STORMWATER MANAGEMENT REGULATIONS** *Motion* Bobick. *Second* Huntosh. Motion carried with all voting in favor.
- 7. APPROVAL OF JUNE 21, 2023 PLANNING COMMISSION MEETING MINUTES** *Motion* Barrette. *Second* Bobick. Motion carried with all voting in favor.
- 8. PUBLIC HEARING AND DISCUSSION – 18760 JENNINGS ST. NE VARIANCE – ACCESSORY STRUCTURE SETBACK (THOMAS VACHA) (PAGES 1-15 AND ENCLOSURE PAGES E1-E2)** At this point a public hearing was held to consider the request for a variance to reduce an accessory structure setback from 75 feet to 73.4 feet in the Rural Residential (RR) zoning district. Separate Public Hearing minutes are prepared. Two Planning Commission Members state that they had visited the property and agree that the setback variance would not impact the neighborhood.

Motion by Huntosh to recommend approval of the Variance request to the City Council to reduce the front yard setback from 75 feet to 73.4 feet for Thomas A Vacha, 18760 Jennings St, property identification # 36-33-22-11-0005, based on findings of fact #1-6 and recommendations #1-2 of the Planner’s Report dated July 14, 2023. Second Bobick. Motion passed with all in favor.

Findings of Fact

1. 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 addition to the accessory structure will be consistent with the existing use of the property. Further, the construction of the addition to the accessory structure will allow the resident additional storage space. The proposed expansion is a reasonable use.
2. The Property is an approximately 4.5 acre lot in the RR District. The shape of the lot is partially created by the curvature of Jennings Street NE, causing the 75 ft. front yard setback line to be curved while following the street. The existing accessory structure has limited area available for an addition on the south side, between the home and accessory structure, which requires the addition to be on the north side of the accessory structure. The property is further restricted by the presence of a pipeline easement on the northwest property line, which creates difficulty to building an addition the size the landowner is proposing at the back of the accessory structure. These circumstances are unique to the property and were not created by the landowner.
3. The purpose and intent of the RR District is to provide residents in Columbus' primary zoning category adequate areas and use restrictions for residential development that provides for pleasant and safe living. Most accessory buildings are built in the side yard of residential lots. The front façade of the home is aligned with the front façade of the accessory structure addition. More than ninety-nine percent (99%) of the accessory building addition's square footage meets code requirements. But for the curvature of the street, the accessory building would meet code requirements. The proposed variance will allow for the addition to be constructed and is consistent with the purpose and intent outlined in the City Code.
4. 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. While the addition to the accessory building does not conform to the current RR district standards for setback requirements, it will continue to be reflective of the residential character and the placement of the building to the side of the home is consistent with the character of the neighborhood.
5. The character of the neighborhood is a mix of 4-20 acre lots acre residential lots. There is a prevalence of wet forested areas in between or on each lot. Accessory buildings are a permitted use in the RR district of the city. Other nearby residential properties include accessory buildings. 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 difficulties necessitating the variance request are not created solely by economic considerations, but by the shape of the lot and constraints of the public utility easement located on the property.

Recommendations

1. The Applicant's proposed accessory structure shall not exceed the proposed dimensions as outlined in the Variance packet dated and complete June 8, 2023.
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.

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- 9. PUBLIC HEARING AND DISCUSSION – ORDINANCE 23-02 – CHAPTER 7A – COMMERCIAL DESIGN STANDARDS (PAGES 16-28)** At this point a public hearing was held to consider the proposed Ordinance 23-02 amending Chapter 7A to add language clarifying color requirements, updating building material standards, lowering masonry requirements, creating additional illumination standards, requiring minimum square footage for commercial buildings, authorizing the Zoning Administrator to allow modifications to prior approved fences, screening, or landscaping plans, and housekeeping amendments. Separate Public Hearing minutes are prepared.

Motion by Bobick to recommend the adoption of ordinance 2023-02 amending Chapter 7A of the City of Columbus Code of Ordinance regulating Commercial Design Standards with changes discussed. Second Huntosh. Motion passed with all voting in favor.

- 10. DISCUSSION –CHAPTER 7A – SWIMMING POOL FENCING REQUIREMENTS (PAGES 29-47)** At this time a discussion was held regarding the proposed ordinance No.23-05, amending Chapter 7A regarding swimming pool fencing requirements. This proposed ordinance first came before the Planning Commission on June 21, 2023. Associate Planner Frank Koenen outlined the previous discussion, the discussion held by the City Council on 07-12-2023, and changes that have been made in this second draft of the proposed ordinance. These changes include: a revised introduction to Section 7A-807, added definitions for inground pools and aboveground pools, revised requirements for inground pool (with the pool cover exception), revised requirements for any inground pool cover, added requirements for an aboveground pool, added requirements for an aboveground pool deck, and added requirements for self-latching and self-closing gates.

Carver-Quinn suggests changing the definitions for inground and aboveground pools to state that aboveground pools that are in anyway dug into the ground should be considered an inground pool. This changes the definition of aboveground pools to be ‘a swimming pool with no part of any sidewall below the surrounding grade’. Koenen explained the reasoning behind the removal of the phrases ‘hot tub or spa’ from the introduction to Section 7A-807. The code does not regulate pools under 5,000 gallons, which excludes the vast majority of hot tubs and spas. The Planning Commission agrees that removing the language simplifies the ordinance. The Planning Commission agrees with Koenen’s proposed strike through of ‘(key operated)’ in section 7A-807 Letter K Item 2. This allows the use of locking mechanisms that do not require keys, such as combinations and keypads, for automatic pool covers.

Carver-Quinn says that the safest option would be to require an extra foot of fencing in conjunction with a 4-foot sidewall for an aboveground pool. A discussion was held between the Planning Commission, City Planner, and Zoning Administrator where a consensus was reached to maintain the 4-foot sidewall requirement for aboveground pools, and a 5-foot fence for inground pools, which is consistent with the proposed ordinance.

Several members of City Council would like to remove the section requiring a self-closing and self-latching gate; however, the Planning Commission reached the conclusion that the section should remain.

Motion by Huntosh to recommend Pool Fence and Housekeeping proposed ordinance amendments (with changes discussed) to the City Council. Second Barrette. Motion failed with Bobick and Carver-Quinn voting against and Huntosh and Barrette voting in favor.

Planning Commission agreed through consensus to forward the ordinance to City Council with no recommendation.

- 11. PUBLIC OPEN FORUM** Nothing at this time.
- 12. PLANNING COMMISSIONER’S REPORT** Nothing at this time.
- 13. ASSOCIATE PLANNER’S REPORT** Koenen asks the Planning Commission whether EV stations for electric cars considered a related accessory retail sale or a gasoline sale, or if the section be amended to include specific language regarding EV stations. Bobick believes there should be an amendment to clarify the installation of EV stations.

14. MOTION TO ADJOURN *Motion* Huntosh. *Second* Barrette. Motion passed with all in favor.

Eleanor Hahn

Respectfully Submitted: Recording Secretary Eleanor Hahn.