

CITY OF COLUMBUS
PUBLIC HEARING IN INTERACTIVE TECHNOLOGY MEETING FORMAT
INTERACTIVE TECHNOLOGY MEETING FORMAT
STATUTES SECTION 13D.021
ORDINANCE 23-02 – CHAPTER 7A – COMMERCIAL DESIGN STANDARDS
7-19-2023

The 7-19-2023 Public Hearing to consider a city code amendment 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 fencing, screening, or landscaping plans, and housekeeping amendments was called to order by Chair Lynn Carver-Quinn at the City Hall at 6:18 PM. Present were Planning Commission members Barb Bobick, Judy Huntosh and Bethany Barrette, City Administrator Elizabeth Mursko, Council Planning Commission Liaison Sue Wagamon, City Planner Dean Johnson, Associate Planner Frank Koenen, and Planning Technician 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.

Carver-Quinn: Now we'll open a public hearing and discussion for Ordinance 23-02, Chapter 7, commercial design standards on pages 16 through 28. Eleanor, would you like to read the public notice?

Eleanor Hahn: Notice is hereby given that a public hearing will be held by the city of Columbus Planning Commission on Wednesday, July 19th, 2023 at 6:00 PM or as soon thereafter as parties may be heard. The hearing will be conducted in person and by interactive technology at the Columbus City Hall, located at 16319 Kettle River Blvd. Columbus, MN to consider a city code amendment 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 fencing, screening, or landscaping plans, and housekeeping amendments. A full copy of the proposed ordinance is available for review during regular business hours in the city administrator's office at the address listed above or viewed on the city website. Members of the public interested in attending in person, monitoring the meetings, or wanting more information should contact the city offices at 651-464-3120 or visit the city website at ColumbusMN.us. The hearing will continue until all evidence and testimony has been received.

Carver-Quinn: Thank you, Eleanor. Dean, are you going to take the lead on this? OK, because there doesn't seem to be anybody in attendance to talk about it, so.

Johnson: We don't have anybody online? Oh. Well, I'm a popular guy. So this is a 12-page ordinance, which on the surface might seem lengthy or intimidating, but it really isn't. There's a lot of repetition. Primarily this ordinance was written up to provide some guidance and changes in design standards in the seven different zoning districts in the freeway corridor. So this does not have any effect on the

commercial industrial or the commercial industrial light districts on Lake Drive. This is strictly limited to the freeway corridor. There were also some additional housekeeping amendments, some clarifications. In the first instance, giving the zoning administrator some authority to review modifications to some screening and fencing plans, as long as they are consistent with the original approved plans. Examples were given during the workshops on this. We frequently get preliminary plans, whether it be fences or landscaping and primarily commercial, not necessarily residential, but the time frame happens and as the previous gentleman says, contractor got lost or got busy or whatever and postponed a whole season. Things change. Or you get a new contractor and they go 'we'd recommend you substitute these trees, they're better for that'. We don't want to come back to the Planning Commission and the Council. If it's the same quantity and it's the same intent, the zoning administrator would have that authority.

The real meat and potatoes, again seven sections of this ordinance pertain to design standards, and I'll do this as quickly as I can. It was determined with all the massive amounts of materials and combinations that might be conceived, that perhaps we were getting into the design business ourselves instead of trying to illustrate what we did want, or in this instance, maybe what we didn't want. It became quite clear that the biggest issue for the freeway corridor was to have a different appearing design standard for commercial buildings than Lake Drive, where we have mainly metal buildings. People want to see something different in the freeway corridor and without going overboard trying to specify what that meant. We have a handful of materials that are acceptable, but the primary new material is that standing seam or ribbed metal panels are not permitted. So what you would typically suggest looks like a pole barn, which is fine in many circumstances, you didn't want the freeway corridor and that's pretty clear. The other issue was I think the city was getting hung up on attempting to expand a color palette. We provided some examples in our works sessions and it just gets kind of silly. Where do you draw the line? And our conclusion again, what don't we want? We don't want bright flashing, obnoxious colors, and that's basically what this says. And so those are the those are the primary changes in design.

But we also introduced a new standard and that is that on properties that are at least an acre in size, and our minimum lot size in in the commercial districts in the freeway quarter because they have municipal sewer and water available are half acre. But we created a new standard that said, for any property equal to 1 acre or more, the minimum square footage of a building must be at least 7% of the net property acreage. So eliminate wetlands, easement areas, stormwater ponds, other encumbrances and part of that was in response to a specific project which was a 700 square foot building which I think most of you thought was maybe a little small for a major commercial quarter. So that is another new standard

I'm going to jump to the back of the remaining two pages and these happen to be related to fencing issues. Whether it's residential or commercial, that corrugated plastic or corrugated metal, something you might make a chicken coop out of wasn't exactly what we wanted to see for fencing next to neighbors. So that clarification was made, and the other regards lighting...

Mursko: Yes, before, before you run away. There was a clarifying question on this. So I'm going to look to you.

Johnson: OK.

Mursko: This says a decorative fence, the finished side of the fence, the side having no structural support, shall face the residential property. So is this in a commercial district? Is it indicating that there are two, unlike zoning districts? What if there's two residential properties?

Johnson: I have to first make sure I understand the question.

Mursko: And what was brought to me is, what if you have two residential properties? The person that's putting up the fence and the person that the fence is going to face, which side does the good side go to, because they're both residential properties.

Johnson: In the context, I'd have to go look at the entire section. If this was the new residential screening section that applies to commercial properties. I don't know without looking.

Mursko: It was just brought him to my attention, because we do have two residential properties in a commercial district and I wasn't sure whether it's applied to everyone.

Bobick: Elizabeth, I have a question. You mean two properties where they each want to build a fence? Is that what you're saying?

Mursko: So I'm property owner A and I want to build a fence. And in the commercial district, you know, we do have residential properties and commercial properties. But there's also properties in the commercial district that have two residential properties. This question comes up a lot. You know which side do I get? With the better side, which way does it face? And it was brought to my attention that we should just clarify if this is. A commercial property and a residential property. That's OK, but if they're two residential properties. Does it go to the person who is not putting up the fence?

Bobick: I would think so, just for aesthetic purposes.

Mursko: But it doesn't say that.

Bobick: Ohh yeah yeah. So then you would have to put it in there. The finished side of the fence, the side having no structural support, shall face the residential property. But you would think the more aesthetic side would face the neighbor.

Barrette: The one who didn't put it up right?

Mursko: Right. Would that make sense?

Barrette: Is that how it is in just residential zoning?

Mursko: Well, I can't remember this section and I didn't have a chance to look it up quick. That that's why I was asking is this section just commercial or does this section apply to all? And I and I don't know that.

Well, sometimes these requirements apply to everything. So, if you look at section 7A-813, it's miscellaneous business, residential and institutional performance standards. Sometimes you have standards that just apply to everything, whether it's business, whether it's commercial. It just depends on where it is. But the way this is written, I didn't have a chance to look it up to see what section this was in.

Johnson: And I finally found it. The first reference, fences, walls, hedges, I would say applies to any property, but subsection K was added by the city attorney several years ago as a result of conflicts between commercial abutting residential. I think this entire section, the screening is with respect to any new nonresidential structure and then these conditions are applicable to them for what's abutting property. So the second one, where the addition is corrugated metal, plastic, it's not terribly relevant to the to the purpose of that, but we added it there since we added it above. That's where it was requested. But subsection K items one through three are for nonresidential developments budding residential, so does that answer your question?

Mursko: It does. But if that's only residential, that means there's no requirement to put the good side to your neighbor.

Johnson: These are general provisions. And 'A' is written very specifically, that was in response to issues and that's why that's more descriptive. Notwithstanding other provisions of the ordinance, fences, walls, hedges (there's another one where we could have gotten rid of capital letters) may be permitted. OK, so they are allowed in any property. Yeah, this would apply to any property. And that, I believe, was presumed to be. Residential and a residential instance, but I believe this applies to any property and the point is not obstructing view but here was where we thought best to add we don't want corrugated fencing, by the way.

Mursko: So I guess here my point is I just want to make sure everybody understands when we're doing fencing, we're adding that. But in the residential area, then the good side doesn't have to be out.

Barrette: So we're saying, are we OK with?

Mursko: I just want to make sure everyone's OK with that because that's the rule. So any commercial property, commercial to residential, the good side must go to the residential side. But in the residential district, the good side doesn't have to go out. The resident or the person putting out the fence could put the good side to them.

Carver-Quinn: You get the question all the time so.

Mursko: We get the questions we do.

Barrette: Am I allowed to ask what your opinion is based on you being the one who gets the questions. Is that something I can ask?

Mursko: It doesn't matter to me. This came up because we got a complaint. So that's why that's why I kind of knew this section that we were in.

Barrette: Right. I mean, it does make sense that the good sides should go out. We just built a fence, and I think the 'bad side' is prettier than the 'good side', but. That's just me. Depends on the fence.

Mursko: And we can leave it. It's been like this forever. But I just want everybody to know, that if they're asked that question, it's property owner preference.

Johnson: I can tell you in urban communities 90%, maybe 95% of the applications are for residential. You're rural. And you would have a better idea. Do you want to get into that issue in a very rural

community. In urban communities where the lots are 90 feet wide, 120 feet deep? They're very specific. The good side goes out. And you better have maintenance free fencing because you have no right to go on the other side of your neighbors property, right? And people put them up because they don't like their neighbor and I don't know what your purpose is. And so if you're alienating each other, then I think to Elizabeth's point or question. Do you do you want to change it? That's a policy. I don't have an opinion.

Carver-Quinn: I mean, I think the nice side should be on the outside. Just to be nice, I mean.

Bobick: Yeah, I think the nice side should go towards your neighbor, just to be neighborly and.

Johnson: So if I understand what you're debating, in 'K.D.ii' you add 'the finished side of the fence', blah blah blah, 'shall face the neighboring property'.

Bobick: Right. The finished side of the fence shall face the neighboring residential, yeah.

Barrette: I think that's fair. I don't always love rules, but I feel like that's fair.

Carver-Quinn: I do too.

Bobick: Well, like you say, we don't hear all of the conversations that Elizabeth has. So, it should be as thorough as possible.

Huntosh: So the premise is I want the fence. I get to look at the support side, so that my neighbor is not inconvenienced by me putting out my fence? I think that's fair

Barrette: Ohh well and gosh, most of the fences. I mean seriously, like we just put up a fence and the ugly side looks great.

Huntosh: But I think just to avoid conflict with your neighbor that that would be the wise thing.

Bobick: OK. Well, and like Dean said, if there are structural problems that need repair, you can't go over on the neighbor's property to take care of it. I think it handles that.

Johnson: Well, if you think I know all the answers in some communities, I can tell you planners have recommended and the ordinances read that the fence must be 1 foot from the neighbors' property. Well, how do you get over there to mow?

So there there's no right answer, but I'm glad you brought it up and I think there's a consensus so I can make that change before we send something to the City Council.

Bobick: What is the verbiage?

Johnson: I have to read this carefully and make sure the grammar is right, but it would be adding the finished side of a fence, the site having no structural support, must face the neighboring residential property. And I just got to reread this to make sure it fits. But this all started with nobody wanted corrugated or whatever fencing, so we'll leave that in and then clarify that. Thank you.

Before being rudely interrupted, we were finishing one thing on lighting. That was a clarification that - the Planning Commission and I think some Council discussions to clarify that the standard of a 1-foot

candle illumination at all property lines should be 1/2 at residential and 1 at commercial. So that clarification is made. Then there was a discussion when the Caribou Store was built, that our ordinance requires the cutoff luminaires are shrouding on everything. We don't say that about residential, so somebody can have a carriage light on their porch, but that clarification was never in here. The last statement is to allow in commercial properties, as long as you don't exceed 100 Watt incandescent lumen, you don't have to shroud that because they wanted carriage lights on their building. So that's the last one. I'm happy to answer any questions you may have.

Carver-Quinn: So we don't have anybody online or here. Can we make a motion to recommend this to the Council with that correction? And then you'll word it ready for them? And then now, does anybody have any further comments? OK. Alright, so I'll close the public hearing.

At this time Chair Carver-Quinn closed the public hearing. Hearing closed at 6:40 PM.

Eleanor Hahn

Respectfully submitted: Eleanor Hahn, Recording Secretary