

**CITY OF COLUMBUS  
PLANNING COMMISSION MEETING  
INTERACTIVE TECHNOLOGY MEETING FORMAT  
STATUTES SECTION 13D.021  
9-06-2023**

The 9-06-2023 Planning Commission meeting for the City of Columbus was called to order by Commission Chair Lynn Carver-Quinn at the City Hall at 6:00 PM. Present were Planning Commission members Lynn Carver-Quinn, Barb Bobick, Judy Huntosh and Bethany Barrette, City Council Liaison Sue Wagamon, City Administrator Elizabeth Mursko, City Planner Dean Johnson, Planning and Zoning Permit Tech Eleanor Hahn, Justin Vick, Dave Povolny, Brandon Haskins, Gan Mizrachi, and Kathy and Rob Osterberg.

In attendance via interactive technology were Jennifer Waletzko, Brian Nyberg, Rochelle Busch, and Tom Olson.

The meeting was held in an interactive technology meeting format.

**CALL TO ORDER –City Council and Planning Commission Meeting – 6:00 p.m.**

- 1. PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF MEETING AGENDA** Motion Barrette. Second Bobick. Motion carried with all in favor.
- 3. APPROVAL OF AUGUST 16, 2023 PLANNING COMMISSION MEETING MINUTES** Motion Huntosh. Second barrette. Motion carried with all in favor.
- 4. PUBLIC HEARING, DISCUSSION, AND RECOMMENDATION – UNIVERSAL SERVICES – CUP TO AMEND PUD – 14045 LAKE DR** At this time a public hearing was held to consider a request for a conditional use permit (CUP) amendment for a planned unit development (PUD) to amend fencing materials and location and requesting a deviation from Section 7A-813 Letter C of the City Code requiring the enclosure of dumpsters, in the Commercial Industrial (C/I) district. Separate Public Hearing Minutes are prepared.

Commissioners Barrette, Huntosh and Carver-Quinn agree that these issues should be handled as soon as possible, however there are a few changes that they would like to see. Firstly, that the fence abutting the easterly neighboring residential property be a darker brown color rather than a light tan, and that it be constructed of composite rather than metal. This changes the end of condition number 5, adding the language *“the eastern facing fence shall be constructed of a dark brown composite facing the neighboring residential property at a height of 10 feet tall”*. Additionally, a new condition ensuring the routine cleaning of garbage from the property is to be added to the CUP.

During the Public Hearing, the neighbors Rob and Kathy Osterberg made it known that the lighting on the property was never properly shrouded according to their original CUP conditions. The complaint was logged, and the Commission requested that the City's compliance inspector begin work to bring the property into compliance.

The applicant states that the fencing will hopefully be completed before snowfall if approved.

**Motion Huntosh to recommend the approval of the Universal Services Conditional Use Permut Amendment for a Planned Unit Development, with changes discussed, based on findings of fact 1-13 and conditions 1-19 of the planner's report dated August 29, 2023. Second Barrette. Motion carried with all in favor.**

---

### **Finding of Facts**

1. The City received a PUD CUP application from Hartung Enterprises of Columbus LLC on behalf of Universal Services, Inc. ("Universal") on August 9, 2023. The application was deemed complete.
2. The 60-day review period ends on October 8, 2023, and the 120-day review period, if necessary, ends on December 7, 2023.
3. Universal is a cable/fiber and tower installation and repair construction company serving public and private utilities. The City approved a CUP for its current location at 14045 Lake Drive NE on November 22, 2021.
4. The property is zoned C/I Commercial/Industrial and is legally described as part of the North Half of the Northeast Quarter of Section 33, Township 32, Range 23, Anoka County PID 33-32-22-11-0003 ("Property"), containing approximately 25.57 acres.
5. The purpose of the CUP amendment is to review and approve alternative screening plans for outside storage and to complete vehicle parking. The purpose of the PUD is to consider waiving dumpster enclosure requirements in exchange for complete storage yard screening.
6. The 2021 CUP included a combination of landscaping and fencing for Metal fencing exists on the north side of the service drive (10-foot-tall vertical tan standing seam [on both sides of fence posts] approximately 380 feet in length. The same type of fencing exists on the south side of the service drive, extending approximately 200 feet east of the northerly fence.
7. Installed landscaping includes three river birch trees on the westerly side of the building, three crabapple trees and two oak trees on the south side of the building and several small arborvitae on the easterly side of the storage yard. The trees on the south side of the building are in bad shape or dead and many of the arborvitae are dead or dying.
8. The proposed new fencing plan includes approximately 190 feet of metal fencing along the easterly storage yard and approximately 360 feet around the stormwater pond and south property line to the building. The easterly fence is approximately 45 feet from the neighboring residential property line and all existing vegetation will remain. Both sections of this proposed

fencing will match the existing tan fencing along the service drive. [Note: the 2021 CUP specified a darker tone fence in the rear yard to match the building colors]

9. Additional fencing is proposed on the westerly side of the storage yard, adjacent to existing vehicle parking areas. The proposed fencing will be 10-12 feet in height and consist of horizontal composite wood (dark brown with tan edging to match the building façade) on the street side and will consist of the tan metal on the inside or facing the storage yard. A 55-60 feet long section of the same fencing is proposed on the south side of the service drive beginning at the entrance gate to the parking lot.
10. The landscape plan identifies the previously approved landscape materials as well as 6 new Black Hills Spruce, 2 new crabapple trees and 2 new maple trees. The landscaping is located in the front yard of the Property, along Lake Drive NE.
11. Existing parking includes 15 stalls adjacent to the building and 10 stalls to the north, adjacent to the storage yard. The site plan identifies 16 additional improved stalls to the west of the existing stalls (currently grass parking). There are also 8 paved 'proof of parking' stalls identified within the storage area. Completion of the 16 additional stalls and 'proof of parking' is consistent with ordinance requirements.
12. Use of the Property remains contingent upon any requirements of the Anoka County Highway Department for access and Rice Creek Watershed District for Stormwater management.
13. The Planning Commission held a public hearing on the PUD CUP on September 6, 2023.

#### **Recommendations and Conditions**

1. The PUD CUP is contingent upon detailed recommendations of the City Engineer.
2. The PUD CUP is contingent upon detailed recommendations of the City Attorney, including but not limited to structuring the final conditions of the PUD CUP for recording.
3. The PUD CUP is contingent upon requirements of the Anoka County Highway Department.
4. The PUD CUP is contingent upon requirements of the Rice Creek Watershed District.
5. Once authorized, Universal shall construct and maintain all site improvements consistent with the PUD CUP Application, dated August 8, 2023 and received on August 9, 2023, including a Narrative, Site Plan (Sheet A1.0) dated August 8, 2023, Landscape Plan (Sheet L1.1) dated August 8, 2023, existing fence photo, composite wood samples, and fencing perspectives. The fence on the easterly side adjacent to the residence shall be a dark brown wood composite fence facing the residence, at least ten feet in height.
6. Approval of the PUD CUP does not eliminate the requirement for obtaining any other permits and approvals as may be required by City, watershed, county, or state laws, rules, ordinances, and policies, including but not limited to grading permits, building permits, plumbing permits, electrical permits, stormwater permits, sign permits and driveway permits.
7. The PUD CUP requires the addition of 16 improved parking stalls. All stalls outside of the storage yard shall be striped, consistent with the City's parking stall dimensions. Upon a finding of need, the City Council may require additional parking identified as 'proof of parking' to be improved according to City standards.

8. The PUD CUP requires replacement of any dead trees on the south Property line that were previously planted and the removal of any dead or damaged trees on the easterly Property line adjacent to the residential property.
9. The PUD CUP requires the installation of new trees along the Lake Drive NE boulevard, as illustrated on the Landscape Plan, dated August 8, 2023.
10. Landscaping and fencing on the Property shall be properly maintained or replaced throughout the duration of the PUD CUP.
11. The height of outside storage materials shall not exceed the height of the screen fencing.
12. All site lighting shall be downcast and shrouded and consistent with the photometric plan dated June 9, 2020.
13. Any blowing trash from the Property shall be routinely and promptly cleaned up.
14. The PUD CUP waives the requirement for a dumpster enclosure based upon approval of screen fencing surrounding the entire outside storage area.
15. There shall be no chemicals, odors, gases, hazardous wastes or fumes on the Property resulting from its use, other than normal emissions and discharges associated with motor vehicle and equipment operations.
16. No other uses or intensifications of any use on the Property shall be allowed without an amendment to the approved PUD CUP.
17. In the event the City Council determines, in its sole discretion, that the use of the Property is not being operated in accordance with any term or condition contained herein, the PUD CUP may be revoked by the City upon proper notice and a hearing. The City shall notify regulatory authorities that have issued licenses or permits in connection with the PUD CUP of any such revocation.
18. Universal shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the PUD CUP, including any subsequent inspection and enforcement actions.
19. The CUP issued to CST Companies on June 18, 2020, prior owner of the Property, is terminated.

- 
5. **PUBLIC HEARING, DISCUSSION, AND RECOMMENDATION – DAVCO TECH – IUP FOR A RESIDENTIAL ZONE BUSINESS – 16731 POTOMAC ST NE** At this time a public hearing was held to consider a request for an Interim Use Permit (IUP) to allow an electrical contracting, networking, machine automation and on-line sales Residential Zone Business in the Rural Residential (RR) district. Separate Public Hearing Minutes are prepared. Planning Commissioner Barbra Bobick recused herself from the discussion and vote.

A discussion was held as to whether to continue the application to the next planning commission meeting on October 4, 2023, or to provide a recommendation based on the information provided. The following questions that the Commission members asked for clarification:

- 1) The size of the business, and;

2) How much of the outdoor storage on the property is connected to the business?

Barrette states that although the information is ‘murky’, there is no additional materials they wish for the applicant to submit. Mursko clarified the current Residential Zone Business requirements, as recent discussions around amending the ordinance has created some confusion as to what the official rules are. Barrette also says that the lack of complaints regarding the property, and the positive testimony received at the Public Hearing, confirm the applicant’s claim of invisibility to neighboring properties. Carver-Quinn does not wish to set a precedent for large-scale businesses in residential districts, and states that the size of the business is still unclear with in the information provided.

Carver-Quinn suggests adding a condition requiring a site inspection by the Planning Commission upon any subsequent application, to which the Commission agreed to through consensus.

***Motion* Huntosh to recommend approval of the DAVCO Tech Interim Use Permit for a Residential Zone Business, with changes discussed, based on findings of fact 1-19 and conditions 1-11 of the planner’s report dated August 29, 2023. Second Barrette. Motion carried with Carver-Quinn, Huntosh, and Barrette voting in favor, and Bobick abstaining.**

---

**Findings of Fact**

1. The City received an IUP application from Dave & Deanna Povolny (“Povolny”), on August 3, 2023. The application was found to be incomplete. Upon receipt of additional information, the application was found complete on August 4, 2023.
2. The 60-day review period ends on October 3, 2023, and the 120-day review period, if necessary, ends on December 2, 2023.
3. Povolny currently occupies a residence at 16731 Potomac Street NE on approximately 52.35 acres of property, legally described as the Northeast Quarter of the Southwest Quarter of Section 10, Township 32, Range 32 [Anoka County PID 10-32-22-31-0004] (“Property”).
4. The Property is zoned RR Rural Residential.
5. Povolny has an existing 5-year IUP to operate an electrical contracting, networking, machine automation and on-line sales Residential Zone Business (“RZB”) on the Property. The existing IUP was granted on December 12, 2018 and will terminate on December 12, 2023.
6. Povolny is requesting a 5-year IUP to operate an electrical contracting, networking, machine automation and on-line sales RZB on the Property.
7. The Narrative received on August 2, 2023 is the same document as what was received for the 2018 IUP application. City Staff requested an updated Narrative; however, the applicant assured that nothing has changed since 2018 and declined to submit an updated version.
8. The City received a site plan from Povolny on November 8, 2018, an updated site plan from Povolny on August 4, 2023, and an aerial image of the property taken in the spring of 2023 from Anoka County GIS.
9. There have been no known compliance issues, or neighbor complaints regarding the existing RZB since its approval in 2018.

10. There will be no on-site sales and only infrequent clientele accessing the Property for routine business operations.
11. Outside employees or subcontractors associated with the RZB will access the Property on a non-regular, as-needed basis.
12. Other traffic associated with the RZB will be limited to occasional delivery vehicles.
13. Normal hours of operation will occur on weekdays between the hours of 7:00 am and 7:00 pm.
14. The RZB will be conducted only in the residence and accessory building.
15. There is no visible outside storage associated with the RZB and any junk, debris or waste will be kept in containers designed for refuse disposal.
16. The proposed RZB will not emit any noise, glare, odor, fumes, or vibrations, nor impact the use of adjacent properties for residential purposes.
17. The Property is densely vegetated.
18. There is currently no proposed signage for the RZB on the Property.
19. The IUP public hearing was held by the Planning Commission on September 6, 2023.

### **Recommendations and Conditions**

1. The term of the IUP shall be five years from the date of City Council approval. Povolny may reapply for an IUP upon expiration of the term, according to procedures in the Columbus City Code.
  2. Approval to reinstate an IUP for an RZB on the property, upon termination of this IUP, is contingent on the ability of Planning Commission members to conduct a site inspection prior to the Public Hearing.
  3. There are no vested rights in the issuance of the IUP and the IUP is not transferable.
  4. Conduct of the Residential Zone Business shall be consistent with the application materials received by the City on November 8, 2018, November 15, 2018, August 3, 2023, and August 4, 2023, which are attached to the IUP by reference.
  5. Outside employees, subcontractors or clientele shall access the Property only on a non-regular, as-needed basis.
  6. Normal hours of operation shall occur on weekdays between the hours of 7:00 am and 7:00 pm.
  7. There shall be no outside storage, visible from adjacent properties, associated with the Residential Zone Business.
  8. The RZB shall not generate any noise, glare, odor, fumes, or vibrations, nor impact the use of adjacent properties for residential properties. Any junk, debris or waste will be kept in containers designed for refuse disposal.
  9. Conduct of the Residential Zone Business shall be consistent with all applicable federal, state and local laws, rules, licenses, ordinances and codes.
  10. In the event the City Council determines, in its sole discretion, that the use of the Property is not being operated in accordance with any term or condition contained herein, the IUP may be revoked by the City upon proper notice and a public hearing.
  11. The IUP is contingent upon reimbursement of all City expenses associated with IUP issuance, inspections and enforcement.
-

6. **DISCUSSION – BLAINE BROTHERS – CUP UPDATED LANDSCAPE PLAN** City Planner Dean Johnson gave an overview of the history behind the three different iterations of proposed landscaping. Applicants showed renderings of both immature and mature plantings to clearly show their most recent landscaping plans. Johnson states that the most recent plans have approximately 20 less trees than the original plans, which will dramatically decrease screening and will not be in line with our ordinance. However, since the project is a Planned Unit Development, a condition can be added to allow for fewer trees than is usually required. Bobick asks how we can ensure that the trees planted will not die. The applicant says that the property does have an irrigation system, and that dead trees have been quickly replaced at their other properties. Johnson proceeded to go through each recommendation in the planner’s report dated August 29, 2023, to which it was decided through consensus that the submitted landscape plan was sufficient and would not require the further edits recommended by the City Planner.

**Motion Barrette to recommend the approval of the Blaine Brothers Updated Landscape Plan for their Conditional Use Permit dated July 18<sup>th</sup>, 2023 disregarding the planner’s report dated August 29<sup>th</sup>, 2023. Second Huntosh. Motion carried with Barrette, Huntosh and Carver-Quinn voting in favor, and Bobick voting against.**

---

### **Recommendations and Conditions**

1. ~~Plant at least 10 overstory trees along the westerly property line (12/19 plan), remaining outside of existing easement areas. Plant according to the July 18, 2023 Plan.~~
2. ~~Plant at least 10 overstory trees north of 150th Avenue (12/19 plan), remaining outside of existing easement areas. Plant according to the July 18, 2023 Plan.~~
3. ~~Duplicate the overstory quantities of the 12/19 plan along Hornsby Street by utilizing the westerly 10 feet of the 20 feet drainage and utility easement and reintroducing staggered trees. The remaining 10 feet easement area may be used for grasses and shrubs, all subject to ‘511’ utility locations. Plant according to the July 18, 2023 Plan.  
[Note: the 7/18 plan does not identify the bluestem grasses, but the renderings do. The quantities should be the same as the 5/26 plan]~~
4. ~~Disposition over the replacement of the white oak trees with another hardwood, such as autumn blaze maple. Plant according to the July 18, 2023 Plan.~~

7. **PUBLIC OPEN FORUM** Nothing at this time.
8. **PLANNER COMMISSIONER’S REPORT** Carver-Quinn reminds the Commission that the Columbus Fall Fest will be held in a week and a half, September 15-17.
9. **CITY ADMINISTRATOR’S AND PLANNING & ZONING TECH REPORT** City administrator Elizabeth Mursko reminds the Planning Commission that there will be a Joint Meeting with

the City Council on September 20<sup>th</sup> to discuss Residential Zone Business and a non-binding concept review for a proposed veterinary clinic.

10. **ADJOURN** Motion Barrette. Second Bobick. Motion carried with all in favor. Meeting adjourned at 8:39

*Eleanor Hahn*

Respectfully Submitted: Recording Secretary Eleanor Hahn.