

City of Columbus
Public Hearing – 13405 Lake Drive (Garage Solutions Condominiums) CUP Amendment
Application (PC-16-124)
(Construction Technology, Inc. – owner and applicant)
October 5, 2016

The October 5, 2016 Public Hearing to receive testimony regarding an amendment to an existing conditional use permit to allow a common gathering area to include a gas grill, burning pit, and sitting area at 13405 Lake Drive was called to order at 7:30 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Jim Watson, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko, Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were City Council members Denny Peterson, Bill Krebs, and Jeff Duraine; Shirley Miller, Pete Neumann, Nick Neumann, Joe and Sarah Bazey, Mary Tomnitz, Roy and Laurie Wold, Gary Thielen, Kris King, Paul Peskar, Glen Yakel, Ann C., Diane Rueb, Barry Peterson, Mary Preiner, and Pat Preiner.

Sternberg: Now we've got another Public Hearing and discussion for address 13405 Lake Drive, CUP Amendment request, Garage Condos, pages 13 through 21 and enclosures. And, at this time, I'd like to ask the recording secretary to read the notice as published.

Notice was read at this time.

Sternberg: Thanks Karen. And, at this time, I'd like to ask the applicants to please come forward. And if you could please state your name and address for the record.

Bazey: Joe Bazey, 150 Portland Avenue, Minneapolis.

Sternberg: And then if you could give us a little background on what it is you're asking this evening.

Bazey: Uh, we are asking to, um, provide a recreational area for the garage condominium project that I've done at 13405 Lake Drive. And it's just a, um, as you saw—I think you guys got the, uh, drawing of it?

Sternberg: Yeah.

Bazey: Um, it's going to include a grill, a grilling area, a burning pit, um, and a, just an area they'll be able to sit down and relax and have a place for the owners to be able to either just, just to relax or maybe cook lunch and, um, just to be able to entertain each other. So . . .

Sternberg: Okay. So, do we have any questions for the applicant?

Watson: No, sir.

Wolowski: No, sir.

Krebs: Just, Mr. Chair. If you, did you read the findings of facts and the CUP recommendations?

Bazey: Uh, yes I did, and I have a, I would like to respond to some of Dean's findings, if I may.

Krebs: Okay.

Bazey: Uh, to start out with I'd like to just, being it's on record I'd like to, um, correct that it's Construction Technology is the name of the company. And Garage Solution Condominiums is the project. And then I'd like to move down to, um, nine and ten kind of go together for me. It's, it's about the, uh, infiltration area number four, and the recorded ponding and flowage easements that we've had regarding that infiltration area four. As you guys may have seen on the site plan that I sent over, um, we have moved from the original—he found in his findings that the original infiltration area four was at the same location where we're going to put the picnic area or recreational area. And that is because we moved infiltration area number four over to the east about 50 feet. It just made more sense for the drainage at the time when we finally got the project up, at that point. And with the engineer and recommendation, we moved that over. Uh, however, we did not get it recorded. So I have spoken to my attorney and the engineer, and we're working on getting that recorded with the County - that change. So they'll be drawing that up this week, hopefully, if not, next week for sure. He thought he could get to it yet this week. Um, and then moving on to number 11, Dean's findings recommended—he talks about, um, Section 1503 of our declaration, where it prohibits any structures or landscapes in the common areas without the written consent of the Association. And, I'd like to state that I'm still in the original construction phase of this project. We have not closed out any permits, so I don't need the Association's consent. This is something that's just part of the original construction phase, to get this finished up. This is one of my last things to do for this project. Uh, so, and, really it all began with, um, a lot of the owners asking me to do something like this, 'cause we don't have a real common area where they can maybe sit down and talk amongst themselves and such. And then, moving on to number 12, he talks about Section 1706, and, that, part of that section basically talks about outside storage. And, my answer to that is, this really isn't outside storage. This is a recreational area. We're not adding any outside storage. This, this isn't gonna, you know, people aren't gonna start parking cars out there or anything else. This is, the stuff we're putting there is going to be permanent; it's going to stay there year-round. It's not going to be moved in and out, and we're not going to be adding a bunch of extra items to it, so . . . Other than that, that's, I didn't have any other issues with the findings.

Sternberg: Any other questions for the applicant?

Mursko: I have one question for him.

Sternberg: Okay.

Mursko: Uh, one, one concern that was raised is that, is this paved area going to cover any portion of the drainfield or is it, is it separate?

Bazey: Uh, no. That, now that we have moved it, it does not cover any part of the drainage at all.

Mursko: Okay. And so the septic . . .

Bazey: Uh, it originally did with that easement.

Mursko: Okay.

Bazey: But that's why I'm having the, the attorney and the engineer work on getting that changed. 'Cause when we moved that 50 feet to the east, the infiltration area, all that drainage that was going into that infiltration area and coming out of it, all got moved to the east also.

Mursko: And so, and so as far as the drainfield for the septic system, which is to the--let's see, what would be the--

Bazey: It would be to the west.

Mursko: To the west. It, that patio area doesn't . . .

Bazey: No. We'll still be, uh, rough—I went and paced it off today, and we're about 15 to 20 feet away from that yet.

Mursko: Okay. Thank you.

Sternberg: Any other questions? Well, at this time I'm going to open the hearing to the public. Is there anyone here from the public that would like to speak on this? Step right up. If you want (referring to Bazey) you can go back and take a seat, and then we'll open it up to the public here. Thank you.

Bazey: Thank you.

Sternberg: And if you could just . . .

Peterson: Hi.

Sternberg: Hi. How are you?

Peterson: Barry Peterson, 13427 Humber Street. Basically, right across from this.

Sternberg: Okay. Thanks.

Peterson: I've got a couple concerns. Um, but, all in all, I'm going to say that it's a pretty, it's a pretty neat area over there. There isn't too much that I see, that, uh, goes on. But there is a concern I do have. And that is, because—I didn't measure it off—but, my property is probably 50 yards, 40 yards, 50 yards from, and the house is probably 80, 80 yards from where this is

gonna be. Okay. So, you know, I mean it's all fine and dandy, but, you know, when you get a, 77 pe— ur, units of people there, and they gotta, you know, have a few belts here and there, and, and then all of a sudden it starts getting loud, and, you know, at night, or even in the day real, you know, if it gets a little crazy, who's the, who's to control that? Um, you know, I, I haven't really—I talked to one fella there, and he was a real nice guy. That was only because his uh, his, um, four—or go-cart went in the ditch in, in my property, and he kind of tore the ditch up. His grandkid was driving it up and down the road. But, uh, and he came with a rake and cleaned it up, and told me an interesting fact, but, that the, he called Columbus and they said that they could drive four-wheelers up and down the dirt road, it was legal. And, that kind of raised an eyebrow, but, they go slow, so I, I, I don't, I'm not having a problem with that. I'm more having a problem with: who's the control if it gets loud? Lights? 'Cause it, it's, our front window is right there. It's not very far away. Um, and, uh, that, that's my main concern. And, also, um, I mean there's a, there's a lot of people there, there could be. I mean as they get to know each other – 'Hey, we got a place to go! Let's go over and have a beer and have, you know, at night.' Pretty soon it's a big-ass party going on there. That's my only concern.

Krebs: Have you been bothered by a lot of loud noises and stuff from there? On a regular basis, or . . . ?

Peterson: Not from the—there's one guy, but, other than that, races his car up and down the, um, on Sunday nights constantly, he, but, other than that, no. It's more the other side, Zaczkowskis, that are really noisy. That's another issue, but, I'm not bringing that up.

Krebs: Okay.

Peterson: Um, but, once in a while, they're, you know, they're driving kind of loud cars and take, driving real fast up and down their one part right, right by our stretch there, but, other than that, nah. It's been fairly quiet, you know. Other than the building keeps going on and on and on. I didn't think it was going to last this long. But, other than that, no. But, my, my main concern is, it's basically right across the street. There's a di—or a little, uh, there's a little, uh, drainage spot there. And then, it's gonna be on, right on the other side of that. That's pretty close.

Krebs: And, you have trees right in front of your house, right? Pine trees.

Peterson: We have trees in front of our house. We used to have trees on the other side too, but they, you guys made me tear 'em all out. And that's another problem, but we're not going to get into that. But, uh, there is no sound barrier. None. As far as the trucking outfit or either way, there is no sound barrier.

Krebs: Can I ask Elizabeth a question? Have we had any formal complaints by—documented with the police department or anybody on any issues of that area?

Mursko: There hasn't been any, any noise complaints, um, on the, the garage condos. I have had noise complaints on Zaczkowski Trucking, so, I will address that issue once again. I don't know

that there's been any sheriff's department calls on Zaczkowskis either, but this is the second complaint that I've gotten for noise at various hours, so . . .

Peterson: I refuse to call. I'm not going to call. I mean, it's just, that's not gonna help. Um, uh, I'm not big on doing that anyways, to call the police. You know, I just, there's, back there, you know, we're all residential. I mean, if I went around and asked everybody, I could probably get some petitions going. But I'm not going to do that neither, because,--I mean, I could, because I know there's a few people that are really . . . especially the two boys across the street from Zaczkowskis. Um, but, um, you know, it's just, it gets back to the, it gets back to the way it used to be and the way it is now. I mean, I can understand, it's building. But, we've got residential people back there, and, uh, you know, it might be all great that these nice units—and they are kept up really nice, and everything's fine there, but, when you get 'em all together, who's to say what's going to happen? That would be my fear. And then I've got somebody else on my side at home, yelling at me I gotta do something. And that, that, you know, that's where I'm getting it from.

Mursko: So, so speaking of that, I do, I have talked to Mrs. Peterson today. So, I will reiterate some of her concerns, and she's—I'm not sure if she's here tonight, but . . .

Peterson: No. She's not.

Mursko: Okay. So, one of her questions is whether or not the area was going to be lighted?

Bazey: The only lights we're going to put on is just for the two, we're going to do two little columns that match the columns of the fencing in the front. There'll just be the little lights on top of those.

Mursko: And then, she just asked that they be shrouded. You know what I mean, downcast if there's going to be any, any lighting.

Bazey: Yeah, we can do that; that's not a problem.

Mursko: So that's the first thing. She was concerned about the noise and what would happen as far as, if there was noise, you know, what would happen, and, granted, it would be a sheriff's department call. But, more to the noise was, is there going to be, are there going to be hours to the area? In other words from 8 o'clock in the morning to 9 o'clock at night, and after 9 o'clock we don't use that area or . . . Are there going to be any posted hours, in other words, to not have noise after 10 o'clock or before 9 o'clock or . . .? In other words, so there wouldn't be that late night . . .

Bazey: I, I had no plans on restricting noise. We have no restrictions out there now, so it was not any . . . I didn't feel that anybody would cause problems like that, so . . . These aren't 20-year-old guys out there hanging and drinking. They're all, most of them are my age or older, so --not that it can't happen, I, but it's, but the likelihood is very low and if some, I feel, if something happens we deal with it then.

Mursko: So, that was, you know, that was a concern for her. And, um, landscaping. She wanted to –I know you showed landscaping and it was your intention to finish the landscaping in, in, I don't know if it was a couple trees that were shown in there, and I'm not sure whether they're existing . . .

Bazey: Yeah, there's two existing trees, and then we're going to have one, and then a bunch of little shrubs and stuff around it too.

Mursko: I think I covered them all.

Sternberg: Okay. Is there anyone else from the public that would like to speak? Anyone else? And I assume you're done (referring to Peterson)?

Peterson: Yeah. I, I have no more to . . .

Sternberg: Okay. Well, thank you, sir. I'm going to close the hearing with the right to reopen if it becomes necessary.

Hearing closed at 7:48 p.m.

This hearing was reopened at 8:02 p.m. by Chair Garth Sternberg.

Sternberg: Okay, I'm going to reopen the hearing to the public. And, if you could, just state your name and address for the record, please.

Thielen: Gary Thielen, 13405 Lake Drive. I'm one of the condo owners. And, um, I'm just here to say that I've been involved with cars for over 50 years. And this group of owners that I've met here –I just bought last fall—um, they're elderly folks like myself, and I don't think there's ever going to be 77, 80 or 90 people there at the, at the pit. The largest group I've seen there is less than 50, and that was at the Christmas party. I'm over there, uh, quite frequently, and the most people I see there on a daily or nightly basis is 10 to 12 people. And, we're self-governing. You know, I see somebody that's abusing, I'll mention it to them, 'You're going to ruin it for the rest of us.' And most people feel the same way. I mean, when you've got 40, 50, 60 thousand dollars invested in a car, you're not going to be acting like an 18-year-old kid. And the same way when you get together in a group. The most non-drinking people I've been associated with is classic car owners. They just, it just doesn't meld together. You know, you're, you're not only taking your life in your hands, but an awful lot of money. They're respectful people, and I think, going forward, we shouldn't convict or, uh, hold somebody responsible for something they haven't done yet. Um, I think we should open it up and see how it goes, and if it has to be amended, I'm sure you folks will say, you know, 'We've gotta do something here, because it's out of control.' I just don't see that happening here. Um, I don't know what else I can say, but, I think it's a good—you get together in, in small groups, and this is where we share information: how you do this to your car, how you do that, so on and so forth. 'Where'd you get your body work done? Where'd you get your paint job?' And it's important for these guys to get together. It is for me, since I'm just a, a recent owner. I'm picking their brains, and see, you know, I just want another

what they call a barnfight. You know, it's been sitting in the yard for 50 years, and it needs an awful lot of work. And these guys have already come over and said, 'Hey, I did one of those 15 years ago. You need any help? Come on over and talk.' It's a, it's a good option here that Joe has come up with, and I, I'd really like to see it go forward, give this a try. Okay?

Sternberg: Thank you, sir. Thanks.

Thielen: Thank you.

Sternberg: I'm going to close the hearing.

Hearing closed at 8:05 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary