

City of Columbus
Public Hearing – Freeway Mini Storage CUP Amendment (PC-17-114)
June 21, 2017

The June 21, 2017 Public Hearing to receive testimony regarding a request to amend an existing conditional use permit legal description and to allow an expansion of the mini storage facility was called to order at 8:52 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Jim Watson, Pam Wolowski, and Jody Krebs; City Administrator Elizabeth Mursko, Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were City Council member Bill Krebs, Barb and Jim Preiner, Dan Robinson, Myron Organ, Dan Mike, Dale Peterburs, Joel Carlson, Jeff Meehan, Ed Cary, Joe Bazey of Construction Technologies, Inc., Pat Preiner, Mary Preiner, Jim Windingstad, Jason Rud of E.G. Rud and Sons, and Jesse Preiner.

Commissioner Preiner recused himself from the Planning Commission at this time.

Sternberg: So, now we have a Public Hearing and discussion for Freeway Mini Storage CUP amendment, pages 75 through 87, and enclosure A18 through A25. And, at this time, Mr. Preiner would like to recuse himself, and I'd ask you to read the notice as published.

Notice was read at this time by the recording secretary.

Sternberg: Thank you. You guys are efficient.

P. Preiner: Pat Preiner, 14536 West Freeway Drive, Columbus.

Rud: Um, my name's Jason Rud, with E.G. Rud and Sons.

Sternberg: Thank you.

J. Preiner: Jesse Preiner, 14474 West Freeway Drive.

M. Preiner: Mary Preiner, 14474 West Freeway Drive.

Sternberg: Thank you.

Mursko: Mr. Chair, for the record, let it show that Jesse Preiner stepped down from the Planning Commission.

Sternberg: For the record. So, give us a little background.

P. Preiner: Uh, basically, over the years,--I think today we're talking about the conditional use permit—we've had a conditional use on the buildings themselves, and the rest of all of our, our storage was a interim use permit. Uh, in order to change it into one conditional use permit, we've

taken all the properties and platted them, so that'll be one unit as a storage facility. And so, now we're to the conditional use permit to ask that the whole thing be put into a conditional use versus part interim and part conditional. So, any questions or, Elizabeth, do you want to . . .

Mursko: In the, in this particular zoning district, which is Commercial Showroom, the mini storage is a conditional use permit, and we have interpreted that, at this point, um, you have the primary buildings, which are the, the mini storage buildings. And it is proposed that there will be—right now this is, I believe this one is built, this is a building.

P. Preiner: Yes.

Mursko: And then there's the potential for two more buildings?

P. Preiner: On this side, yup.

Mursko: On, on this side. And, it is our interpretation that the parking is an accessory use to, to that use, and so we're not asking for any other permits. And, in addition to that, we're also saying that this home will be also an accessory use and it will be more of a caretaker home or described as a caretaker home. In addition, there is apparently an over-sized sign, and we're going to include that in the conditional use permit, as it was permitted originally with the conditional use permit.

Sternberg: Any questions?

Watson: No sir.

Wolowski: Yes sir. So, there's an, also another home up there (referring to overhead), correct?

Mursko: There's this home and, I don't know, maybe it's hard to see, but there's a little cutout. So this is a half-acre lot that has the house on it.

Wolowski: Okay. And then that's a condition-, the one down in the middle, that's a home?

Mursko: That is, and that's included, and we're considering this an accessory use for a caretaker home.

Wolowski: And not the one up there? Not the one to the . . .

Mursko: And not this one.

Wolowski: And then what? This is a home down here too.

Mursko: This one, my understanding is . . .

P. Preiner: Yeah, that's a five-acre lot that we're going to develop into more storage so that we can move stuff out and around. The house is located on there. Right now, what we're hoping is that as we can develop that out, that we'll be able to remove that house. So, it's gonna take a year or two.

Wolowski: So, the home will be under the CUP.

Mursko: Only this home will be under the CUP.

P. Preiner: Only that home will be under the CUP.

Wolowski: Okay.

Krebs: I was—that other section is under an IUP?

Wolowski: Yeah, that's I'm, we're confused down there.

Krebs: The part where you're, the new five acres? Or is that all . . .

P. Preiner: The new five acres will be under the CUP for the purpose of building more outdoor storage.

Sternberg: That lot up there is a separated . . . See right here, Pam?

Mursko: Yeah, this is a separate lot.

Wolowski: Oh, but what I'm asking here, is this home down here . . .

Krebs: Right. In the new five, the five-acre, yeah.

Wolowski: Are you requesting that that all be falling under one CUP?

P. Preiner: Correct.

Wolowski: So, you're going to plat it all together?

P. Preiner: Yeah. That is, yeah, the plats coming in.

Wolowski: Is it platted together already?

Multiple responses: Yes.

Mursko: Well, as of next week. The long-term plan is that this house will go away.

P. Preiner: Yup.

Wolowski: Okay. And that's part of the conditions then?

P. Preiner: That's fine. Yup.

Sternberg: Okay. Any other questions?

Wolowski: Thank you. I was a little confused there, because I know the . . .

P. Preiner: Yeah, it's a little tough.

Krebs: You don't know how long before that house will be moved though?

P. Preiner: As soon as we can put a trailer in its place.

Krebs: I mean, we don't want to put you in a time limit.

P. Preiner: In a box. I would say three, maximum three years maybe. It's gonna take at least a year and a half to build, because we're going to be going into winter now, and all the contractors are busy, so, I assume that's going to take us in through next summer and possibly the next spring. So, two-and-a-half, three years. Three years.

Krebs: So, can we just maybe add an eleven that would say, 'Home to be removed when property needed . . .'

P. Preiner: When the property is develop-

Krebs: Property need is use?

P. Preiner: Yup.

Krebs: So that we don't lock you into – 'cause what if it's seven years? You know what I'm saying?

P. Preiner: It could be, you know.

Krebs: Well I, you know, I'd hate to see you tear down cost if you can park respectfully around it until you have to remove it. Does that make sense?

P. Preiner: Yeah. Yes that . . . Mmm-hmmm.

Krebs: Okay.

Johnson: Mr. Chairman, could I, uh, offer a little clarification on all of this? And I apologize. It's my fault that nobody saw this, um, memo until this evening. And so, in your findings of fact, this, this took some time to really get this straight, but it identifies, based upon addresses, where

the two original conditional use permits have been issued, and where the existing interim use permit. And, the original permit was for buildings but no outside storage. The second conditional use permit was the rest of the buildings, but no outside storage. At that time we'd gone through changes in the description of our freeway district permitted condition, and we created interim uses. Because at the time—particularly the whole north end was a separate recorded parcel. And so that was issued an interim use permit, and that same interim use permit then allowed the storage in the middle property where the three buildings are—or, excuse me,—four buildings are currently located. So, it was confusing, and as we have talked with Pat and Jesse in particular over the past several years, things had to be done differently. Either you amend the ordinance again and reconsider things or we look at combining these properties in a single description. And my suggestion, and this would all be subject to the City Attorney's concurrence, is that we ultimately eliminate the two prior conditional use permits and interim use permit, replace it with a single conditional use permit that applies to everything you see on that drawing, with exception to the northerly home site, which is now being described as Lot 2, Block 3. Everything else you see on that drawing is one single parcel called Lot 1, Block 3. And my recommendations are, because we have no details on what is the former five-acre parcel with the other home site on the south end, that was easily described by me as the southerly 300 feet, my recommendation in this, uh, actual permit issuance is that we replace all the old conditional use permits and interim use permits with a new one, on Lot 3—or, excuse me—Lot 1, Block 3, except the south 300 feet. But we incorporate that south 300 feet into a conditional use permit that would require your future approval. We have no detailed plans at this time.

P. Preiner: Yes, actually, you do. I mean, I sent them in.

Johnson: Uh, well, your application came May 25th, and, and we have that air photo. If you've created something else, that's not part of your May 25th submittal. But, what I've done, rather than argue about that, is recommend that all of Lot 1, Block 3 be included in a conditional, a new conditional use permit. But presently you're authorizing only all of the activity except the south 300 feet. That is consistent with, I think, what our Commissioner just questioned. Do we have a time limit? No. There's no time limit. It is, if, if you had detailed plans prepared in a month, and an approval by Rice Creek, they can get a permit next month.

P. Preiner: The approval from Rice Creek will be on Wednesday morning.

Johnson: And again, I haven't seen any of that. And so, I just want to clarify—I'm not trying to argue, but we could have said on March 25th, 'Well, your application's incomplete 'cause you don't have any details down there' or 'We can go and set the hearing on this basis.' And now that you've got some additional submittals, I'm fine with that. The way this is written is, 'Issue the permit. Rescind all of the other permits.' But the permit right now is not applicable to the south 300 feet, 'til you approve a site plan and get a water permit. And if that's in two weeks or two years, it doesn't matter. It doesn't require you to reopen a public hearing. So that's how this is written, if that's satisfactory. I tried to make it as easy as possible . . .

P. Preiner: I, I understand.

Johnson: Yeah. And, again, I became aware tonight that you had plans that were dated June 14th or something from Plough Engineering.

P. Preiner: Yup, They just got done on Friday.

Johnson: And, you know, unfortunately, I didn't, I wasn't aware of them, but it doesn't matter. This would allow you to proceed.

P. Preiner: To do it anyway.

Johnson: It authorizes everything except what's on the south 300 feet, but it includes the south 300 feet in a new permit. But the use of that property is subject to your future site plan review and a watershed permit. And that makes it about as clean and easy as I think you'd want to do.

Sternberg: Sounds pretty good.

Johnson: So, maybe that helps, Pam, what your questions were. Lot—it is a complete separate lot where the northerly home is located. And in these conditions, it describes that the middle home is the manager's residence/office. . .

Wolowski: Caretaking house.

Johnson: . . . and that is a part of the storage itself. But the northernmost home is a legal lot of record now, a separate parcel, which is currently a residence connected to sewer. It meets our minimum standards for commercial properties. It would stay there until some other use came, but it's not going to be part of this conditional use.

Wolowski: Okay. Thank you. I understand now.

Johnson: And, again, I apologize, because you didn't have five minutes to look at this.

Watson: Mr. Chair. Uh, Dean, number 10 under the recommendations.

Johnson: Yes?

Watson: Um, how is it defined, that 'junk vehicles'?

Johnson: Well, what I did in researching all of this was take all of the conditions that have been in all three of those permits. And that's the language that's been in there, 'No junk vehicles' and there won't be any repair vehicles. So that's, that's where it came from.

Watson: I understand the repair of the vehicles, but, the junk vehicles, uh, understanding what somebody may want to spend money on for storage, uh, may be junk to you and I.

Johnson: I'd have to look in the ordinance, and I don't have the whole book here, but it might be . . .

Mursko: Do you allow inoperable, no-license vehicles?

P. Preiner: No. Our policy is simple: nothing older than ten years. It has to be licensed and running. So, we have no . . .

Johnson: Do you want to change that to 'No unlicensed vehicles may be stored in the . . .'?

Watson: Well, I, I think with their policy as it stands, um, 'There shall be no repair of vehicles allowed on the property' . . .

P. Preiner: That's correct.

Watson: . . . would suffice.

Johnson: Well, why don't you, may I suggest—it's entirely up to you what you do—but, um, unless we define what a junk vehicle is—and, most ordinances do, and it might say its unlicensed or whatever—would you consider just saying, if that's also current policy, that it has to be licensed, why don't you just say, 'No unlicensed vehicles' instead of junked?

P. Preiner: That's fine.

Johnson: Is that acceptable to everybody?

P. Preiner: Because that's clear, either they're licensed or they're not.

Johnson: Yeah. Again, I took these out of the old—I, I tried not to throw everything away, um, because we do this frequently, where so many things are irrelevant in old terms. But this will be a whole new permit, and it's up to the attorney to tell us how those are—how the old ones become rescinded. And it's not only on the properties associated with Lot 1, Block 3, it also—those permits were extended to what used to, er, is now going to be called Outlot B. So, the former descriptions go into the wetland, just based on how those parcels were described. We have to eliminate all of that. There's also, because the northernmost home was included in, at least, the interim use permit, and we have been included in a conditional use permit, we have to release any active permit from that parcel too. And those are part of those conditions, but I, I don't propose to understand how the Attorney would like to do that. And I'm sure it'll be with agreement to the permit holders who are all still with this. And they, they can agree to that.

Sternberg: Anything else?

Krebs: Did you happen to receive the Anoka County Transportation Division letter that we just got this evening?

P. Preiner: Yes. We just got it this afternoon.

Krebs: Does that have any impact?

P. Preiner: We don't know the, uh, consequences of it yet, as far as the cost of doing that. You know, whether it makes us part viable or not part viable. But, uh, it's too late too—I guess the only thing we can do is accept it and then try to work it out with the County, and if we can't, we can't. You know, at this point. And we understand they want some turn lanes and that stuff. That was expected, you know.

Johnson: Can I raise just a question for clarification? Was the letter in response to the plat, rather than the conditional use permit?

Rud: It was. Yes.

Johnson: So, it's, right now that's not associated with this. It's not necessarily relevant. We, we do, again, incorporate—these always are subject to other jurisdictions. But, those comments apply to their plat application. They didn't receive this particular application.

P. Preiner: No, that's correct.

Johnson: Right now, you're not changing anything.

P. Preiner: No, at this point, no.

Johnson: There's no change in the driveways or anything.

P. Preiner: Right.

Johnson: And, I would go on record saying that, as a part of the plat of all this property, you dedicated an additional ten feet from what was there, to be consistent with their requirements. Uh, but that access letter, I think, is strictly related to the plat.

P. Preiner: Yeah. I'd agree with that.

Johnson: They might argue that, 'Well, now, see, you want this big conditional use permit, of course it's applicable.' But I, I just wanted to make it clear, that was in response to the plat referral that was done.

Sternberg: Any other questions?

Watson: No sir.

Wolowski: Nope.

Sternberg: Jody, good?

Krebs: Mm-hmm

Sternberg: Okay. Then I'm going to open the hearing to the public. Anyone from the public? I'm going to close the hearing with the right to reopen.

Hearing closed at 9:09 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary