

**City of Columbus**  
**Public Hearing – Construction Technology CUP Amendment (PC-17-115)**  
**June 21, 2017**

The June 21, 2017 Public Hearing to receive testimony regarding a request to amend the existing conditional use permit to allow a five-acre expansion of the facility was called to order at 9:13 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 member Bill Krebs, Dan Robinson, Myron Organ, Dale Peterburs, Jeff Meehan, Joe Bazey of Construction Technologies, Inc., Pat Preiner, and Mary Preiner.

**Sternberg:** So, now we have a Public Hearing and discussion for Construction Technology CUP amendment, pages 88 through 95, and enclosures, and A26 through A29. And, at this time, I'd like to ask the recording secretary to read the notice as published.

Notice was read at this time by the recording secretary.

**Sternberg:** Thank you. And at this time if the applicant could please come forward?

**Bazey:** Joe Bazey, Minneapolis, Minnesota. And the land that I'm looking at is at the 13405, to add 13345 to that.

**Mursko:** We're going to use the overhead camera. So, in your, in your materials, could you please go to C2.00, and I'll have Joe kind of go over the site plan. And in the site plan, unless you know what you're looking at, it looks like he's building six buildings, and it's really not, there are only four.

**Bazey:** Is that because it shows the old one on there?

**Mursko:** Ah, those bricks look like buildings.

**Bazey:** Okay. So what I'm proposing is to amend the conditional use permit to add another four buildings, which would consist of 48,000 square feet—12,000 each--to add additional garage condos to the facility. And, everything's gonna look, from Lake Drive, will just be consistent with what we have there now. Uh, the fence and the landscaping and all that will be consistent. We're going to do, the buildings will be exactly the same as what, um, the skinnier building we have on the property now—the 50-foot building. They'll look like that. So that all the appearance will be the same from the road. Um, I guess that's it really, just to get more storage condominiums. And, we still have a demand for 'em, so . . .

**Sternberg:** Sure.

**Mursko:** This will continue to be a CIC plat. He will not, he will not be platting the property, so it's a—I don't know why I can't remember what it's . . .

**Johnson:** It's still technically regarded a plat, but it's just not the lot and block plat configuration that we're used to. The common interest community . . .

**Mursko:** Oh, the common interest community – that's it.

**Johnson:** . . . is, I mean that's what CIC stands for. And it's used in condominium projects where there's a, a, a footprint of a building that tends to be shared by all, and individual units, uh, especially in multi-story buildings. Perhaps that's where you live downtown, in a . . .

**Bazey:** Yes. Yes.

**Johnson:** And you're, you're legal description is Unit 12. That may not be your actual postal address. In some instances they try to do that, but they use unit numbers as, uh, instead of lot and block. And if I remember correctly, if you go and look at this recorded document for the first development, its name—it looks like a plat—but its name is Garage Solution Condominiums, CIC number 292.

**Bazey:** Correct.

**Johnson:** And so they, they're numbered in sequence, based on how, you know, wherever they happen in this county. So I'm guessing they've got 3500 of them in Hennepin County and maybe 300 in, in Anoka County. But, what Joe's proposing to do here is, um, based on the documents that I reviewed, um, very similar. It takes, as he said, the one dimension or the, the skinnier building dimension and runs that throughout—there are breaks in the buildings here. And, Joe and I didn't have a chance to talk again. This was the last memo that I got done today. And, again, I apologize for that lateness. One of the issues that comes up in the, in the formal documentation or the actions that are ultimately required by the Planning Commission and the City Council regard the partial vacation of Humber Street to match the site plan. I can't recall how much the encroachment on the east end it actually becomes.

**Bazey:** Well, the reason I want to be able to do that is, as you can see, the buildings are going to end up being a little longer than the original buildings, is because I'm putting the green space between the buildings.

**Johnson:** Mmm-hmmm.

**Bazey:** And so, if we don't, this is going to be depending on—if, if, the Council decides not to vacate Humber, then I will have to shorten those two eastern buildings up by, I think it's roughly 50 feet, so that they'll match that existing building.

**Johnson:** And I'm not certain how, whether or not the Planning Commission was informed, as the Council was, about that potential vacation. Did . . .?

**Sternberg:** Yeah. We had talked about that here preliminary.

**Johnson:** So, there'd be a cul-de-sac on the neighbor's property to the northeast.

**Sternberg:** Yeah. Yeah.

**Johnson:** It would reduce this. And, and again, as I looked at the plans, and, what I understood from Elizabeth, that you really want to do is get a permit for the one building, 'cause you basically have that one sold.

**Bazey:** Correct.

**Johnson:** That helps finance the rest of the project. And, what I tried to do in this was identify that as a part of those, uh, findings, and then come up with recommendations that allowed the City to issue a permit for one building without approving the entire development. And I haven't talked to the City Attorney about it, but, I don't, I don't have a problem with that approach. Uh, the Building Official is going to issue a permit if somebody else tells him to do it. Um, CTI or Construction Technologies, Inc. owns the property. They're entitled to a permit. It's a stretch to say, 'Well, everybody gets a single-family home and here's an accessory building condominium.' Uh, it is commercial property. Again, I think the direction that needs to be taken is, if you want a permit on the one building immediately, it's gonna have to be in the form of some sort of conditional approval—that something else is happening. And, because Joe went to both the Council and the Planning Commission about this vacation, and that hasn't been put in full motion, my suggestion is as part of this —and, again, we haven't talked, and I don't know if you're in agreement—but, if he believes that can be done, and I don't see from the City's perspective other than advertising for public hearing, a vacation going through the process, and then understanding all the commitments that are associated with vacating a street. I don't see that taking a long period of time, but that's the procedure we have to go through. I'm just suggesting we withhold the final approval on the balance of this development pending that action, and that we don't give him an occupancy permit for that building until that procedure's complete. That just makes us all come to the table and get it done. Is that an issue with you?

**Bazey:** No, that's not an issue, 'cause we should have all that finished before I get done with construction.

**Johnson:** And that, that's my sense and, again, I . . .

**Bazey:** The only thing that I would ask of you, is, on your recommendations, the first part is that I'm only allowed to construct one building, and I've already sold some in the second building, which is going to be the one . . .

**Johnson:** South?

**Bazey:** . . . to the south of it. I won't do anything, because I don't know what I, you know, without abandoning the road or vacating the road, we can't do those other ones. But I would, I don't foresee me even starting on that second building before all this other stuff is taken care of.

**Johnson:** But might, you might.

**Bazey:** Well, I don't want to be . . . I don't want to have to push myself four months out just because of that. I, I understand what you're saying. I can't sell 'em until I get the occupancy anyway, so . . .

**Johnson:** Yup.

**Bazey:** . . . I have to have all this finished to be able to sell 'em.

**Johnson:** And, and the status with . . .

**Bazey:** I can't sell to an individual until I have that.

**Sternberg:** Yeah, and I mean, if we're going to allow, I mean, if it's feasible to allow you to do the first building, there's no reason why the one to the south you couldn't potentially get started on too. It's the two back one that are of concern with the 50-foot, with the vacation of the . . .

**Johnson:** It's a procedure and an authorization that, again, this is commercial property. And so it's totally different than setting a precedent for, you know, an apartment building. It's, it's completely different. I wouldn't mind if you amended it to include those. My concern was, we don't have any authorization without vacating that street, to approve this plan as it was drawn up. The other question that I would have: Where are you in the, in the Rice Creek process?

**Bazey:** I actually received something today from the engineers, that they're recommending caprock with a few conditions we'd have to . . .

**Johnson:** Okay. Yup.

**Bazey:** . . . obviously address. And that will be next Wednesday at their meeting.

**Johnson:** Okay.

**Bazey:** And it's, according to their engineers, it was, uh, supposed to be—they're saying go ahead and permit me an issue, I mean issue me a permit, with the conditions of the caprock.

**Johnson:** Uh, and again, from a timing standpoint, we'd hate to issue a building permit and say we're withholding occupancy until everything else is done, and then it's 12 months for watershed approval. So, I mean that's all your risk, obviously.

**Bazey:** Yes, yes, that's a risk I'm willing to take.

**Johnson:** Okay.

**Bazey:** We, we've had the discussions and there's no reason . . . The few little things they want is nothing. I mean, it's pretty typical, what we did, went through last time also. So.

**Johnson:** So, that's just a quick explanation how this memo, the findings and recommendations, were structured. The last page and a half is just an existing listing of the, uh, current conditions that apply to the original CUP which was amended last fall for the outdoor common area. Um, it would be my suggestion that ultimately, when this is done, we weed this out and come up with some clean conditions. Otherwise, Elizabeth will end up piling 12 new ones on top of the 20, er, 19 that you have, and they get old and they get irrelevant over time. But, I don't care how we do it either.

**Krebs:** Can we make that two buildings, instead of it being one? So that he can just continue?

**Johnson:** I, I'd do two things. That the applicant, um, would like to proceed with the westerly two buildings, as part of your findings. And then, in the recommendations, if you're so inclined, that you're going to allow them to put up two buildings, and you're not going to allow occupancy until that issue of Humber street vacation is resolved.

**Bazey:** And, Elizabeth, that's next Thursday, the meeting for that?

**Mursko:** The hearing is, um, next Thursday. And then, there's a little, there's a few more things we have to do, and then we have to plat.

**Bazey:** Okay.

**Mursko:** So there's, there's a few more steps to it, but the vacation is in the process.

**Johnson:** In process.

**Mursko:** I think it's going to take me 30 days. I think that's all said and done.

**Bazey:** So, I won't even get started within 30 days from today. I don't, I don't see . . . I mean on the actual construction of the building. We'll probably start doing dirt work if I get the permits, but other than . . . So that won't be an issue; that will be resolved way before the building is completed enough to sell anything.

**Sternberg:** Yeah.

**Johnson:** I think the only other, um, thing that I would request, and I, and I don't, I'm not speaking for the Engineer or the Building Official, they may have their own laundry list, but once that vacation is understood that it's going to happen, and you're not revising this plan, we should have your engineer give us a final site plan that shows where the actual lot line then is, to the east.

**Bazey:** Correct.

**Johnson:** Right now, you're not combining that with the additional property to the east.

**Bazey:** No. The additional property would be considered, called additional property on the CIC that I create. Um, but that would be something I'd have to come forward to you at that time, if we decide to do anything with it, but my understanding from the engineers, is that you can put it as additional property, as long as it's adjacent to your property on the CIC plat, so that when you go through it, you don't have to create a new CIC plat. You still have to go through all the watershed and permitting through you guys, but no, you don't have to do it, add, go through and create another CIC.

**Johnson:** And I, I don't know that any of us would have that issue. And, if the Planning Commission isn't understanding this, this new CIC could actually be extended to encompass the--Is it ten acres to the east?

**Bazey:** It's 20 acres, but only about eight buildable, so . . .

**Johnson:** And, and so that, that boundary could be included in this new CIC. You'd only have, uh, the unit layout and the four buildings here. And the rest of that's what is just described as future. That, that doesn't mean we're not reviewing another CUP amendment in the future, unless you wanted to come in and, as a part of that whole thing . . .

**Bazey:** I have no plans on doing it. I just want to be able to do that to save me time if something does come up down the road.

**Johnson:** Yup. And he can file that without our blessing. So, it doesn't require us—like you have with a traditional metes and bounds or a platted subdivision—a Planning Commission recommendation and a Board or Council action before the County accepts it. They can basically file anything. It doesn't mean we have to issue permits or anything like that. And, uh, my concern, again, is when we start looking at, um, the full approval or acknowledgement of this development, right now we don't meet the setback requirements--which I think Joe was saying. If that doesn't happen, we'll scale the buildings back. And then, that's another revised drawing. So, this was the best effort to put something on the table, let them get started with part of the project. But, you're going to have to come back and make a final recommendation that now--with what I'd like to see a revised site plan that shows that shows that property line--uh, it meets all the requirements and you've approved all four buildings. Then he doesn't have to come back at all.

**Mursko:** When you vacate roadway, then the roadway goes back to the original owner. So, that's the only thing that, um . . . That's the other part of vacation, you have to, you have to, you have to look at the title, because you're not allowed just to give that to anybody. It has to go to the original dedicator. Now, Joe owns both sides, so there really is no argument of where it's going to go, but you still have to go through, you still have to show that, um, that's where it should go.

**Watson:** Mr. Chair. So Dean, that'd be number 20?

**Johnson:** I'm sorry?

**Watson:** That'd be number 20, then? Issuing a certificate of occupancy, um, based on the vacation of Humber Street?

**Johnson:** Let me go back here. Oh, you're tacking that on the end of all of the existing. You want to add something to the . . . ?

**Watson:** Isn't that what the conversation just was?

**Johnson:** Well . . .

**Sternberg:** Basically, yeah. We've got to add something in there.

**Johnson:** We, right now, uh, let me see how this ended up. Yeah, I . . .

**Watson:** Because we changed one to two.

**Johnson:** I didn't, I didn't necessarily want to say that he couldn't proceed with, with a project without the vacation. It's just that this plan requires the vacation. If the vacation didn't occur on Humber, he'd have to scale back and we, we'd be looking at a different plan. So, if you would like to add something in, to that regard about, uh, the condition of the vacation itself, that's fine. I can't read fast enough to determine if I didn't say that.

**Sternberg:** Well I think, I think what he—correct me if I'm wrong, but I think you're saying that we need to add something in here that we're gonna change one to two. He can do the two buildings if that worked out for you.

**Bazey:** Yes.

**Sternberg:** It sounds like it's probably not going to, you know, you won't have everything done, or, they won't have everything done before you're ready to do it. But he would be able to do it, he just would not be able to get occupancy until the vacation was approved. Then, what you said Dean, was, once the vacation's approved, he'll come in with this plan, showing the new lot line, with the cul-de-sac vacated, and these four buildings the way they're going to be. They're 50 feet shorter or this way. And then we just have to approve that—that plan. Correct? We don't need to add anything in for that, I don't think. It'd just be the two buildings and then the final occupancy.

**Johnson:** Yeah, I'm trying to determine if . . .

**Watson:** Are we talking about another application form, Dean?

**Bazey:** It's more money?

**Mursko:** Did we close the hearing?

**Sternberg:** No, not yet. We're still . . .

**Johnson:** It's not an application; it'd be a site plan review.

**Sternberg:** We haven't even opened it to the public yet.

**Mursko:** Okay.

**Sternberg:** I think they left though.

**Johnson:** So, so right now, this doesn't conclude the project. If we work on it, if there is another condition that says, 'On the basis of what he's submitted, when the vacation is complete, you authorize the other two buildings,' that's up to you, I mean, procedurally. All I did today, given the timeframe that we had in responding to this, and assuming that the number one concern was getting building permits. I just wanted to construct it such that there was a mechanism to issue the permit, amend a CUP that allowed that provision on adjacent property, but wasn't the end of the story. The public hearing was for this entire property. So, I'm assuming we'd come back with a revised site plan if that was necessary, and give the final approval. If you want to construct something that says, 'Upon vacation of Humber Street, uh, you recommend that the final two building permits be issued,' that would be fine with me.

**Sternberg:** Then we wouldn't have to have the approval?

**Johnson:** Then he wouldn't have to come back and sit through five hearings to get his . . .

**Sternberg:** Yeah, that makes more sense to me.

**Bazey:** Plus spending more money.

**Mursko:** Joe's coming back anyway, so it doesn't matter.

**Bazey:** Correct—thanks, Elizabeth—correct me if I'm wrong, but if we do vacate Humber Street, I meet any setback requirements.

**Mursko:** Yes.

**Bazey:** Okay. So. And if I don't, obviously I have to come back and have a new drawing showing shortened buildings.

**Johnson:** And what I, what I would like to see is, if not all of the documents, at least a revised site plan that shows where that property line is. It's not, it's not . . . Where your property line would be, I don't see a center line of Humber, that indicates what would be granted back.

**Bazey:** So, right now, Humber Street only has 33 feet.

**Mursko:** Yeah. This is Humber Street here.

**Johnson:** And, do we know, based on the title review.

**Mursko:** We haven't, that's the part we need to do. That's the problem.

**Johnson:** So, my question becomes--and this happens all the time--uh, normally they're more like 70 feet. And then it's a question that somebody got 30 feet, because that's all they dedicated, and somebody else got the 40 feet. In this case, if it's only 33, is it one rod back to each? I, I just don't know.

**Bazey:** So, so from my other project, from the past--eight years ago--is that I had to . . .

**Johnson:** You gave us additional right-of-way.

**Bazey:** I gave 33 feet, because my property line went right to the border of Humber Street. So Humber Street was taking from the properties to the east of me, originally. So I'm assuming, you know, I'll just make the assumption that they did the same thing here.

**Johnson:** That there might not be an easement or anything on your property?

**Bazey:** Exactly. Exactly.

**Johnson:** And that's what I don't know. I think we have to confirm that, before we can do the final site plan approval.

**Bazey:** Yes.

**Mursko:** I think at the end of the day. Yes. At the end of the day we have to figure that out. And then if Joe wants, has to do a lot line, adjust a lot line, then he's going to have to do that. But, we already kind of talked about that.

**Bazey:** Yes, I realize we, I have to do that if . . .

**Johnson:** So, I, I'm just assuming he's coming back. And if you don't mind that, as just a site plan review . . .

**Bazey:** Oh, I just enjoy this time.

**Johnson:** I know you do.

**Krebs:** We'll try to get you up earlier on the docket there.

**Johnson:** Well, listen, I know you can go have happy hour at the condo, so, uh, . . . No, I'm just assuming we are not going to get that final detail until the title work's done, and, and that's resolved. And then that would confirm where that is. And then we can say, 'Yeah, that's a 50-foot setback' or 'It's a 10-foot setback.' And that's all I'm concerned about. When that street's gone, this is going to be interpreted either a side or a rear yard. I think that's up to your interpretation. And I don't know, Joe, if that makes any sense then, if you've got another 40 feet, because that's how far your property line goes, and it's not, you know, it's a side yard setback of, say, 20 feet, if you want to reconsider the size of those other two buildings.

**Bazey:** They're at the max that they can be for, for a . . .

**Johnson:** Okay.

**Bazey:** . . . without doing a sprinkler system or a firewall. That's why I built to this size, so . . .

**Johnson:** Okay. That's all. That's fine.

**Sternberg:** Any other questions for the applicant? Any other questions?

**Watson:** No sir.

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

Hearing closed at 9:37 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary