

**CITY OF COLUMBUS
PLANNING COMMISSION MEETING
STATUTES SECTION 13D.021
ALTERNATIVE MEETING FORMAT
04.15.20**

The 04.15.2020 Regular Planning Commission meeting for the City of Columbus was called to order at 7:00 p.m. by Chair Ron Hanegraaf at the City Hall. Present were Commission members via telephone: Kris King, Pam Wolowski, Barb Bobick, and Steve Wagamon; City Administrator Elizabeth Mursko; City Planning Technician Ben Gutknecht; and Administrative Technician Rochelle Busch. The meeting was held in a telephonic meeting format.

Also, in attendance were via telephone: City Council members: Janet Hegland, and Shelly Logren; Andre Green, and Keith Brune.

ANNOUNCEMENT- WELCOMING OF THE NEW PLANNING COMMISSIONER

Welcome new Planning Commission Member, Steven Wagamon.

AGENDA APPROVAL

Motion by Wolowski to approve agenda as written. Second by King. Votes as follows: King – Aye, Wolowski – Aye, Bobick - Aye, Wagamon – Aye, Hanegraaf – Aye. Motion carried.

APPROVAL – APPROVAL OF PLANNING COMMISSION MEETING MINUTES ON 03.18.20

Motion by Bobick to approve the minutes of the 03.18.2020 regular Planning Commission meeting as written. Second by Wolowski. Votes as follows: King – Aye, Wolowski – Aye, Bobick - Aye, Wagamon – Abstain, Hanegraaf – Aye. Motion carried.

PUBLIC HEARING – ANDRE GREEN, VARIANCE, 14323 LAKE DR (PC20-107) REQUEST

At this time, a public hearing was to consider a request for a variance request from the requirements outlined in City Code Section 7A-470 requesting the expansion of a legal nonconforming structure (single family dwelling) by adding a second garage stall, replacing a deck and adding a bathroom. Separate minutes for the public hearing are prepared.

ANDRE GREEN, VARIANCE, 14323 LAKE DR (PC20-107) REQUEST

King noted that the property needed the repairs mentioned in the plan. She does not have any other issues with the request. Wolowski stated she agreed that the repairs are needed. She made mention

that it appeared to be in line with what the 2040 Comp Plan was trying to achieve. The remaining members agreed with the conversation.

City of Columbus
Variance Staff
Report
14323 Lake Dr. NE
04.15.20

Project Name:	Variance for an Expansion of Non-Conforming Garage
Applicant:	Andre Green
Property Owner:	Andre Green
Legal Description of property:	LOT 9 & NLY 25FT OF LOT 10 WILLS ADD EX RDS SUBJ TO EASE OF REC, ANOKA COUNTY, MN
Property Identification #(s):	28-32-22-42-0002
Property Zoning:	Commercial/Industrial (C/I)
Report approved by:	Elizabeth Mursko, City Administrator
Date of Application:	03.13.20
Date Application found incomplete:	N/A
Materials missing:	None
Date Application complete:	03.13.20
Date of Public Hearing:	04.15.20
Date notice published:	04.02.20
Date notice mailed / posted:	03.26.20
60-limit for action:	05.12.20
60-day extension / letter sent:	N/A

Project Description:

The applicant is seeking a variance to City Code Section 7A-470 in order to repair and expand an existing legal nonconforming structure consisting of a single-family dwelling with an attached garage. The property located at 14323 Lake Drive NE ("Property") is zoned Commercial/Industrial (C/I) District. In the C/I District, a single-

family dwelling is not an allowed use; however, lawfully established uses, including the existing structure, are considered legally nonconforming. City Code Section 7A-470 allows repair and maintenance of legally nonconforming uses and structures not to exceed fifty percent (50%) of the structure's value, based on the current tax assessed value, and not to increase the volume or square footage of the structure. The applicant has proposed an addition that includes the replacement of a single-stall attached garage and breezeway with a two-stall garage with an additional bathroom. The cost of proposed construction is anticipated to exceed fifty percent of the assessed value of \$58,000 and will increase the floor area by approximately 375 square feet. The applicant is requesting the variance because the garage foundation is moving outward and structurally unsound, and the breezeway floor is soft and structurally weak, per applicant and City Building Official's site inspection conducted March 4, 2020. The project consists of adding an additional 12 feet of garage towards the south side lot line and to remove the existing breezeway by replacing it with 7 feet of garage space towards the home. The application also includes the reconstruction of a deck on the rear of the structure. None of the proposed improvements impede on the required side, rear, or front yard setbacks in the Commercial/Industrial District. The applicant's lot is a 1.2-acre legal nonconforming residential lot in the Commercial/Industrial district. The neighboring parcel to the south is occupied by a larger Commercial/Industrial use, and the neighboring lots to the north are similar sized legal nonconforming residential lots.

Variance Findings:

A variance is a legally permitted deviation from the literal requirements of the City Zoning Ordinance. Variances may be granted in instances where the landowner establishes that there are practical difficulties in complying with the Zoning Ordinance and the landowner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance. The Planning Commission, acting as the Board of Adjustment, must hold a public hearing and make a recommendation on the application to the City Council. In examining practical difficulties, pursuant to City Code Section 7A-525 the Board of Adjustment and City Council must make the following findings:

1. The landowner proposes to use the property in a reasonable manner.
2. The practical difficulty or plight of the landowner is unique to the subject property and is not created by the landowner.
3. The variance, if granted, will not alter the essential character of the neighborhood or City.
4. The terms of the variance are consistent with the Comprehensive Plan.
5. The variance, if granted, is in harmony with the purpose and intent of the Zoning Ordinance.
6. The practical difficulty is not created solely by economic considerations.

Staff has analyzed the following variance application: A variance to City Code Section 7A-470 to repair and expand an existing legal nonconforming single-family dwelling in the C/I district to allow for the replacement and expansion of

an attached two-car garage, and find the following facts:

1. The landowner proposes to use the property in a reasonable manner.

Staff finds that the landowner proposes to use the Property in a reasonable manner. The Property is developed as an existing single-family dwelling in an area of mixed residential, commercial, and industrial uses. The proposed expansion is a reasonable use and consistent with the historic use of the Property, as well as the use of several surrounding parcels.

2. The plight of the landowner is due to circumstances unique to the property and is not created by the landowner.

The existing single-family dwelling was constructed in 1948 and is an approximately 850 square-foot home with two beds and one bath. The existing structure is uniquely small by modern standards and is in need of repairs. The applicant's request will provide an affordable solution to maintaining existing housing stock. The applicant did not construct the residence and did not create the circumstances necessitating the request.

3. Granting the variance is in harmony with the purpose and intent of the Zoning Ordinance.

The purpose and intent of the C/I District is to limit development based on soil conditions, high water table and lack of public utilities in the district. Under the current circumstances, the Property has existing septic and private water and the construction is taking place largely in the existing footprint, with minor expansions. The City Code is intended to further the health, safety, and public welfare. The proposed variance will allow for the construction of a modern code-compliant addition and is consistent with these purposes and intent.

4. 4. Granting the variance is consistent with the City's Comprehensive Plan.

The City's 2040 Comprehensive Plan includes several Housing Goals that support the application, including: preserving existing housing stock, maintaining homeownership, and availability of affordable housing as a long-term community value. Comp Plan 48-49. While the Property is not strictly affordable housing, it is market rate and within the "modest home" category of under \$250,000. Accordingly, the variance is consistent with the Comp Plan's goals to preserve existing housing stock and maintain affordability.

5. The variance if granted, will not alter the essential character of the neighborhood or City.

The character of the neighborhood is largely made up of Commercial and Industrial business, situated along the main arterial (Lake Dr.) that the applicant's parcel is located on. Additionally, there are roughly 11 similarly sized legal nonconforming lots located near the applicant's property also located along Lake Dr. If the variance is granted the essential character of the neighborhood and City will not be altered.

6. The practical difficulty is not created solely by economic considerations.

The practical difficulties necessitating the variance request are not created solely by economic considerations, but rather the legal nonconformity of the applicant's parcel and the City Code regulating the amount of value in improvements that can be made to a structure.

Staff Recommendation(s):

Staff recommends that the Planning Commission adopt the above findings 1-96 and **approve** the application for a variance to City Code Section 7A-470 to repair and expand an existing legal nonconforming single-family dwelling in the C/I district to allow for the replacement and expansion of an attached two-car garage as shown in the proposed drawings dated 3/26/2020, subject to the following conditions of approval:

1. Applicant must meet the standards outlined in Section 7A-805, including compliance with well and septic requirements, accessory building must be harmonious with the principal dwelling, accessory building must meet all required setbacks, and meet requirements outlined by the City Building Official
2. The applicant must submit any and all other materials required by the building official to complete a Building Department review.

Motion Bobick to recommend approval based on adopting the findings of fact 1-6 and subject to conditions 1-2 in the Columbus staff report dated 04.15.20 to the City Council for the Variance application at 14323 Lake drive to repair and expand the existing legal nonconforming structure single family dwelling consistent with the plans submitted with the variance application on 03.13.2020. Second by King. Votes as follows: King – Aye, Wolowski – Aye, Bobick - Aye, Wagamon – Aye, Hanegraaf – Aye. Motion carried.

This matter will go before the City Council at their meeting on 04.22.2020.

PUBLIC HEARING – UNIQUE STREET INC., CUP, 13821 LAKE DR (PC20-106) REQUEST

At this time, a public hearing was to consider request for a conditional use permit to operate a vehicle service (customization) and repair business in the C/I district. Separate minutes for the public hearing are prepared.

UNIQUE STREET INC., CUP, 13821 LAKE DR (PC20-106) REQUEST

Wolowski asked the applicant about signage. He stated they would be using current signage and replacing the face. The code for the city on signage will be followed.

Findings of Fact

1. The Conditional Use Permit application was received on March 3, 2020, and upon further information submitted March 12, 2020 was found complete for review.
2. The 60-day review deadline is May 11, 2020.
3. The 120-day review deadline is July 10, 2020.
4. The lot is a total of 2.27 acres located at 13733 Lake Dr. NE, on property legally described as that Part of the Southeast ¼ of Northwest ¼ of Sec 33-32-22 Anoka County, MN Lying ELY of the ELY Right-Of-Way Line of County State Aid Hwy No 23 (Formerly known as US Hwy No 8) Lying NLY of the S 239.10 Ft as Measured at Right Angles to & Parallel with the S Line of Said Southeast ¼ of Northwest ¼ & Lying SLY of the North 865 Feet as Measured Along the East Line of Said Southeast ¼ of Northwest ¼ EX RDS Subj to Ease of Rec.
5. The Property is zoned Commercial/Industrial (C/I).
6. The neighboring property to the north is a van conversion/car collision center. The neighboring property to the east is a large greenhouse center, and the property to the south is a mini storage facility.
7. There is an existing building on the Property that the applicant proposes to use.
8. The proposed use and configuration of the Property will be similar to the past uses or vehicle repair and sales and there is no proposed new excavation or site work.
9. The Conditional Use Permit application is to permit a body repair and customization and minor engine repair shop in the C/I district.

10. The applicant noted that there is a minute opportunity for there to be vehicle sales on the premises. To this date they have not resold a vehicle, if it were to happen the applicant states it would be less than five (5) times a year.
11. The C/I district conditionally permits vehicle service and repair businesses and body shops.
12. The use will not involve uses, activities, processes, materials, equipment, and conditions of operations that will be detrimental or generate excessive production of traffic, noise, smoke fumes, glare, or odors.
13. All work is client based and typically based on a customer looking to repair, restore, or customize a vehicle as a project.
14. All painting will be done inside the existing building in an enclosed paint booth on site indicated by the floor plan dated 03.12.20.
15. The removal and recovery of any air conditioning freon or hazardous liquids will be done off site at a sublet mechanic.
16. All customization and repairs would be made inside the existing building as indicated on the floor plan dated 03.12.20.
17. The floor plan dated 03.12.20 also depicts an office area, reception, car lift, spray booth, frame rack, and work stalls all inside the existing building.
18. The applicant does not expect to have multiple vehicles stored on the property due to the nature of the appointment scheduling; however, any vehicles storage would be inside or on the Class 5 gravel indicated on the site plan dated 01.22.19.
19. Including the applicant, there are currently a total of two (2) employees, with plans on hiring one additional employee.
20. The Landowner of the property (Don Waldoch) has new vehicles stored on the North portion (approximately 60 feet by 240 feet fenced in area) of the Property as depicted on the site plan dated 01.22.19.
21. There will be three (3) employee parking spots as indicated on the site plan dated 01.22.19.
22. There will be seven (7) paved customer parking spots west of the entry fence as indicated on the site plan dated 01.22.19 and noted by the applicant in memo dated 03.12.20.
23. The business hours for customers will be 9:00 a.m. to 6:00 p.m. Monday- Friday.
24. Working hours will be 8:00 a.m. to 8:00 p.m. Monday- Friday.

25. The Property already has existing utilities such as electric, water, and septic installed. The SSTS location is outlined on the site plan dated 01.22.19.
26. A CUP was issued to Northern Technologies International Corporation in September 2017 for a corrosion management manufacturing and services business. The business is no longer on the Property.
27. A CUP was issued to California Cars Connections in March 2019 for car storage repair and sales business. The business is no longer on the Property.
28. The Planning Commission held a public hearing on the Unique Street Conditional Use Permit Application on 04.15.2020.

Recommendations

Based upon the above Findings of Fact, Conditional Use Permit for Unique Street Inc. should be approved subject to the following:

1. The CUP shall be contingent upon any access permitting requirements of Anoka County.
2. The CUP shall be contingent upon any permitting requirements of Rice Creek Watershed District.
3. The CUP shall be contingent upon any permitting requirements of the Minnesota Pollution Control Agency, including but not limited to air quality and hazardous materials.
4. The Conditional Use Permit, once issued, may be revoked upon a finding by the City Council that the property and/or use is not in compliance with the conditions for approval of such use, following notice and hearing.
5. Conduct of the business shall be consistent with the application and additional materials received and deemed complete by the City on March 12, 2020.
6. All repairs, customization, framework, and painting shall be conducted inside the building in areas outlined on the Floor Plan dated 03.12.20.
7. All equipment associated with repair and customization of the vehicles shall be kept in the building on the Property.
8. Any and all uses allowed in the CUP shall be constructed, maintained, and practiced consistent with all applicable federal, state, and local laws and regulations.
9. There are to be no chemicals, odors, gasses, hazardous wastes, or fumes on the Property as a result of this business, excepting normal emissions and discharges associated with operation of motor vehicles.

10. Typical hours of operation on the Property are 8:00 a.m. to 8:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. Monday through Friday for customers.
11. There shall be no storage of vehicles used only for parts allowed on the Property.
12. There shall be no storage of junked or abandoned vehicles allowed on the Property.
13. Signage on the Property will require the applicant to apply for a sign permit from the City.
14. An updated Site Plan is required to show all information outlined in the applicant's memo dated 03.12.20 and the Floor Plan submitted 03.12.20, so that all information is on a single Site Plan.
15. No other uses or intensification are allowed on the Property without an amendment to the CUP.
16. The abandoned CUP issued to Northern Technologies International Corporation on September 13, 2017 is hereby terminated.
17. The abandoned CUP issued to California Cars Connection on March 27, 2019 is hereby terminated.
18. The applicant shall reimburse the City for all out of pocket expenses incurred in the review and issuance of the CUP and for all ongoing inspections and enforcement actions required for the CUP.

Motion by King to recommend approval for the conditional use permit application at 13733 lake drive for the operation of a vehicle repair and customization business consistent with the application materials dated 03.12.20 to the City Council, based on adopting the findings of facts 1-28 and subject conditions 1-18 from the planners report dated 03.31.20. Second by Wolowski. Votes as follows: King – Aye, Wolowski – Aye, Bobick - Aye, Wagamon – Aye, Hanegraaf – Aye. Motion carried.

This matter will go before the City Council at their meeting on 04.22.2020.

PUBLIC OPEN FORUM

Nothing to report.

CITY ADMINISTRATOR'S REPORT

Update on Viking Industrial, the house at 9203 Lake Drive was demolished. Grading on the property has begun. Plan to have building panels delivered by mid-May.

Zurich street will be extended North of Lake Dr. Therefore, there has been change in the layout of the building. The small changes are the doors and parking moved due to north leg of Zurich.

Gutknecht state on the west elevations, the lighter panels have been removed. King asked why they decided to do that. Gutknecht responded he had reached out to Viking and has yet to hear a response no response from company at this point. Wolowski stated she liked it before. She felt it helped it break up the flat wall. Hanegraaf noted on the printed handout, the colors look the same. Gutknecht noted that A2 had a better depiction of what it would look like. Bobick stated she liked the landscaping. She felt that with all the new landscaping you won't notice the change on the west elevation.

Mursko noted the changes will go to the Council prior to issuing the building permit.

PLANNING COMMISSION MEMBERS' REPORT

King and Wolowski stated that Hanegraaf did a wonderful job on running the meeting.

Hanegraaf thanked everyone for being mindful of social distancing, as to not pass illness.

Bobick stated she miss everyone and gave wishes of staying well.

Wagamon noted he was excited to meet the rest of the Planning Commission Members in person.

ATTENDANCE - NEXT CC MEETING

Wolowski is scheduled to attend the City Council meeting on 04.22.2020.

Motion by Wolowski to adjourn. Second by King. Votes as follows: King – Aye, Wolowski – Aye, Bobick - Aye, Wagamon – Aye, Hanegraaf – Aye. Motion carried.

Meeting adjourned at 8:04p.m.

Respectfully Submitted:

Rochelle Busch, Administrative Technician