

**CITY OF COLUMBUS
JOINT CITY COUNCIL PLANNING COMMISSION MEETING
ALTERNATIVE
MEETING FORMAT
STATUTES SECTION 13D.021
02.17.2021**

The 02.17.2021 Joint City Council Planning Commission meeting for the City of Columbus was called to order at 6:00 p.m. by Chair Ron Hanegraaf at the City Hall. Present were Commission members Kris King, Barb Bobick, and Bob Berens. Present were Council members Mayor Jessie Preiner and Janet Hegland. Present via telephone Rob Busch, Sue Wagamon and Shelly Logren. Present in City hall were City Associate Planner Ben Gutknecht, and City Planner Dean Johnson. Via Telephone City Administrator Elizabeth Mursko and Administrative Technician Rochelle Busch.

The meeting was held in a telephonic meeting format.

AGENDA APPROVAL

Motion by King to approve agenda as written. Second by Hegland. Votes as follows: King – Aye, Bobick- Aye, Hanegraaf – Aye, Berens – Aye, Preiner – Aye, Logren – Aye, Busch – Aye, Wagamon – Aye, Hegland – Aye. Motion carried.

APPROVAL OF CORRECTION TO THE PLANNING COMMISSION MEETING MINUTES ON 01.20.21

Motion by King to accept the following correction to the 02.03.21 Planning Commission Meeting minutes, the correction being that the minutes approved at the 02.03.21 meeting are for the 01.20.21 PC meeting minutes, instead of the incorrect 01.13.21. Second by Hanegraaf. Votes as follows: King – Aye, Bobick- Aye, Hanegraaf – Aye, Berens – Aye. Motion carried.

APPROVAL OF PLANNING COMMISSION MEETING MINUTES ON 02.03.21

Motion by King to approve the minutes of the 02.03.2021 Planning Commission meeting as written. Second by Hanegraaf. Votes as follows: King – Aye, Bobick- Aye, Hanegraaf – Aye, Berens – Abstain. Motion carried.

APPROVAL – PUBLIC HEARING – ADAM NOVAK, VARIANCE, 18345 BENDER ST NE (PC21-102) REQUEST 02.03.21

Motion by King to approve the Public Hearing minutes for a request 18345 Bender St NE, Adam Novak, Variance Request from City Code Section 7A-805 (E) reduce the side yard setback for the construction of an accessory building, as written. Second by Hanegraaf. Votes as follows: King – Aye, Berens – Aye, Bobick- Aye, Hanegraaf – Aye. Motion carried.

APPROVAL – PUBLIC HEARING – MARTY AND JANICE COLE, VARIANCE REQUEST, PID 30-33-22-33-0042 (PC21-103) REQUEST 02.03.21

Motion by King to approve the Public Hearing minutes for a request 18345 Bender St NE, Adam Novak, Variance Request from City Code Section 7A-805 (E) reduce the side yard setback for the construction of an accessory building, as written. Second by Hanegraaf. Votes as follows: King – Aye, Berens – Aye, Bobick- Aye, Hanegraaf – Aye. Motion carried.

CONTINUED DISCUSSION I-35 NEW ZONING DISTRICTS DISCUSSION: FINAL USE DESIGNATIONS

Staff took the recommendations presented to them by the Joint Committee from the last meeting and assembled a draft ordinance. The purpose of the meeting was to present the staff recommended use designations and review past approved use definitions to the Committee and address higher level decisions. The goal was to have a discussion that resulted in providing staff with further guidance for the drafting of a formal ordinance. Gutknecht reviewed the documents that were handed out in the packets, which were the District Purpose and Uses Review Document, Use Review Table, Use Definitions, Metro Are Permitted Uses Examples, and Proposed Zoning Map.

The first document under review was the District Purpose and Uses Review Document and Use Review Table. The purpose for this document was to provide the Committee with an opportunity to review the staff recommend Use designation and to check for consistency throughout the ordinance as far as language being used and the Uses presented in each district.

The reason for the drafting of this document was due to direction from the Committee following a January work session with the City Attorney, he recommended adding more permitted uses in the freeway district, and less conditional uses providing for an easier application review process for the uses that did not need as stringent of a review and to encourage commercial development to come to the freeway districts by not having a stringent review process up front.

Johnson began by outlining the existing standards for Site Plan review of Permitted Uses in the existing ordinance. In summary, it requires the Planning Commission to review the site plan and recommend to City Council their findings throughout the process. City Council then reviews and approves or denies the application, which is similar to the current Conditional Use Permit approval process. The biggest difference between conditional and permitted uses is a public hearing and notice to the public. As currently structured, the proposed ordinance indicates the mixed-use districts requiring a PUD, which requires a conditional use. Staff is not recommending that this current structure change, as it is in place due to the special consideration that come with mixed-use development.

Continuing the review, Johnson stated that all uses in the Freeway districts require connection to public utilities. Berens questioned if renewable energy would be able to take place of the public utilities. Johnson stated there is nothing in the code that prevents renewable energy conversion. As technology increases and design changes are made, it is customary to have the flexibility to review renewable energy or alternative energy. Examples such as roof top solar would be accessory uses, which will be a discussion for another meeting. The clarification was made that public sewer and water is what was being addressed in the district review. The consensus of the group was instead

of stating “connect to public utilities”, the language should state something to the effect of “connect to public sewer and water”. The change in language will be made to every district that public utility hookup is necessary.

Under the conditional uses, Johnson would like to clean up the language classifying retail goods and make them the unanimous throughout all of the districts. The group consensus was to make language consistent for retail businesses throughout the ordinance.

Johnson discussed that in the draft copy, many of the once conditional uses have since been moved to the permitted uses. Staff has used permitted uses that are customary in adjacent communities and have left others to be conditional uses.

Members of the group stated that should a use be permitted, there must be a clear and specific definition for said Use. The group addressed another concern pertaining to permitted uses, they stated that they would like to make sure that the public is heard, which is why they are leaning towards more conditional uses and less permitted uses. Concerns over the possibility of being overlooked for development because there isn’t enough uses listed as permitted arose. Others in the group are not sure that this is a valid concern.

Discussion from the group noted that permitted uses are good to have in the ordinance to make businesses coming in know exactly what is expected. However, the group would like to keep the control over the limited amount property available and have more conditional uses than permitted. Johnson stated that he understood the groups points and noted that consensus over permitted uses that are included in the districts, should be very clear. For example, uses such as, gas stations with retail services, licensed day care services, etc. are clear and rarely is there a misunderstanding of what the business consists of. Conditional uses should be the majority of the uses that could be up for discussion around what the business does. Concerns were presented to state that if all uses are permitted, additional conditions would not be added as with during the conditional use process. Johnson noted that just because you make a use a conditional use, does not grant one a City to regulate the business individually with additional conditions that aren’t already outlined in the Ordinance. The Planning Commission and City Council has no more authority to create regulations if it is a CUP, than if it is a permitted use. Johnson reiterated that this is a policy decision and wants to make sure that everyone understands the regulating between the CUP and permitted uses won’t be much different. Final discussion on the permitted use conclusion was the group would like more to see more conditional uses and less permitted uses. Any permitted use should be clearly defined. There was consensus to add childcare facility to every district as a permitted use. The remainder of the conditional uses will stay as is, as that is how the majority voted.

District specific discussion took place. The following list outlines in the details regarding the conclusions of changes made by the joint City Council and Planning Commission.

General Business District

- Add “indoor boarding” to veterinary clinic and small animal boarding and day care. In the definition, the conclusion was to stipulate no outdoor kennels. The group has also decided that this change should be made for every district.
- Add “indoor” to commercial recreation make it “indoor commercial recreation”. Consensus was to make this change made to all districts.

General commercial district

Under this district “Commercial Office Campus” was previously listed as a use and has since been removed. Mursko recommends adding it into the district. All agree to add commercial office campus to the General Commercial district as a CUP.

Highway commercial district

- Add “Rental” to indoor construction equipment sales and services. Include in the definition that large equipment, primary indoor storage or “x” number of outdoor storage and needs a large building. All agree.
- Johnson added family in front of movie theaters, as to exclude adult movie theaters. All members agree on this.

The group had discussion pertaining to the topic of single-family dwellings as a permitted uses in the new mixed use medium density district. Johnson explained that under the legal non-conforming classification, the residents can rebuild or sell, however they cannot expand the home or build any exterior building. Taking the current single-family dwellings out as a permitted use, will eliminate obstacles for how the group has decided they would like the future of the Mixed-Use district to look. An important take away of the conversion of the properties is that they are not forcing any one out of their homes, but the current residents will have to accept the new changes to the district. It was pointed out that making single-family dwellings legal non-conforming, may make it more difficult to find a residential buyer because banks know that if the property would go into foreclosure, they would be responsible to find a commercial buyer. However, it was stated that it wasn’t impossible to find a bank to provide a loan, it just may not be the smaller regional banks. When asked for consensus on keeping single-family dwelling permitted the mixed-use district or not, it was decided to remove them as permitted. They also agreed the property owners should be notified of the change at this ordinance’s adoption.

The group consensus was they had accomplished most of what they set out to do at the meeting. Johnson and Gutknecht will start drafting the formal ordinance. During a separate meeting with Planning Commission, will have discussion on definitions and the formal ordinance. Planning Commission then would go forward with a recommendation to the City Council for acceptance on the completed ordinance.

PUBLIC OPEN FORUM

Nothing to report.

CITY ADMINISTRATOR'S REPORT

Nothing to report.

PLANNING COMMISSION MEMBERS' REPORT

Nothing to report.

ATTENDANCE - NEXT CC MEETING

King is scheduled to attend the City Council meeting on 02.24.2021.

Motion by Berens to adjourn. Second by Bobick. Votes as follows: King – Aye, Bobick - Aye, Hanegraaf - Aye, Berens – Aye, Logren- Aye, Hegland - Aye, Busch -Aye, Wagamon – Aye, Preiner- Aye. Motion carried.

Meeting adjourned at 9:11 p.m.

Respectfully Submitted:

Rochelle Busch, Administrative Technician