

**CITY OF COLUMBUS
JOINT CITY COUNCIL PLANNING COMMISSION MEETING
ALTERNATIVE MEETING FORMAT
STATUTES SECTION 13D.021
01.06.2021**

The 01.06.2021 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 and Barb Bobick; via telephone Pam Wolowski and Bob Berens. Present were Council members Mayor Jessie Preiner, Janet Hegland and Rob Busch, via telephone Sue Wagamon and Shelly Logren. Present in City hall were City Associate Planner Ben Gutknecht; City Planner Dean Johnson; and City Attorney Bill Griffith. 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, Wolowski – Aye, Bobick- Aye, Hanegraaf – Aye, Berens – Aye, Preiner – Aye, Logren – Aye, Busch – Aye, Wagamon – Aye, Hegland – Aye. Motion carried.

APPROVAL – APPROVAL OF JOINT MEETING MINUTES ON 10.27.20

Motion by Bobick to approve the minutes of the 10.27.2020 Joint Planning Commission City Council meeting as written. Second by King. Votes as follows: King – Aye, Wolowski – Aye, Bobick- Aye, Hanegraaf – Aye, Berens – Abstain. Motion carried.

APPROVAL – APPROVAL OF JOINT MEETING MINUTES ON 11.18.20

Motion by Wolowski to approve the minutes of the 11.18.2020 Joint Planning Commission City Council meeting as written. Second by Bobick. Votes as follows: King – Aye, Wolowski – Aye, Bobick- Aye, Hanegraaf – Aye, Berens – Abstain. Motion carried.

APPROVAL – APPROVAL OF JOINT MEETING MINUTES ON 12.02.20

Motion by Bobick to approve the minutes of the 12.02.2020 Joint Planning Commission City Council meeting as written. Second by Hanegraaf. Votes as follows: King – Aye, Wolowski – Aye, Bobick- Aye, Hanegraaf – Aye, Berens – Abstain. Motion carried.

CONTINUED DISCUSSION I-35 NEW ZONING DISTRICTS DISCUSSION

During this portion of the meeting, the City Attorney, Bill Griffith completed a presentation regarding the legal guidance for the role as a decision maker for the City of Columbus. In the presentation members reviewed the authority of City Council to make decisions based on the standards accepted from a legislative right.

The first point was the discussion pertaining to a question that had come up in past Joint Meetings, what are the merits of having all Uses be Conditional versus allowing some Uses to be permitted by right. Griffith outlined that one reason for accepting certain uses as permitted by right, is to encourage those who are looking for a place to set up a business to continue looking at Columbus, and not to appear as if the City may be somewhat more restrictive than others by requiring every use be Conditional. If the City doesn't have any permitted uses in the freeway district to be exclusive of businesses in the area, you may end up being passed by a developer as the path to approval is not as clear.

Some permitted uses are granted from the State and are mandated. Group homes would be one of those uses that would be permitted by right from State Statutes, if under a certain occupancy. The group had discussed being that it is a permitted right and inquired if a group home could be placed in a district that isn't zoned as a residential district. Griffith noted that a group home must be placed in a residential zone as statute allows.

Permitted uses would be for those uses that the policy makers would feel comfortable with the definition and standards for each use. In permitted uses, a thorough site plan review is the only requirement that needs to take place to move forward with approval. Furthermore, if the City has a good definition of what the specific permitted use is, and the applicable standards, the City can enforce the code in the future should an approved permitted use change into a use that is not permitted and no longer meets the required standards. In summary to this, Griffith noted it helps uniformity to have a well thought out hierarchy of uses.

Concerns over permitted uses was brought to light by the members stating that many industries are evolving quickly, and it may be hard to protect against a use that the City does not want. The members questioned whether it would be better to only offer conditional uses. One example within the City that was brought up by the group was Gander Mountain. When the store originally opened it had very limited outdoor display. As it is today, with a company change Gander Outdoors is housing many travel trailer units in the parking lot as display, which was not the intention of the original permit. This example brought up another question that had been posed at previous Joint Meetings, what are good ways to set standards for allowable outdoor display or outdoor storage, beyond screening requirements?

Griffith noted that there are various ways to set standards for allowable outdoor display of finished product, such as the outdoor display area cannot be larger than the gross floor area of the primary building. Or the outdoor display area cannot be larger than a certain percentage of the gross floor area of the primary building.

Griffith had noted that Gander Outdoors is currently closing locations within cities that are becoming too strict on their outdoor display. This is a current issue that the City is working through and has discussed with the business owners.

At this time, Griffith discussed another question regarding performance standards that had been asked at a previous meeting. The question was asked if the City could require certain building products have applicable and appropriate warranties and craftsmanship standards. Griffith pointed out that the State already regulates this, as does a portion of the City's building code. To go

forward and create further standards would require further enforcement and may be seen as too restrictive.

Another business was brought up in the discussion on uses. Horticultural Services had previously completed a non-binding discussion on a location that was off West Freeway Drive. They classified their business as an office. However, they were planning on keeping materials and their fleet of trucks on site. During the review of the non-binding concept, the Council and Planning Commission determined that the use of their location was a contractor shop, not an office, which is what they had stated in the narrative. However, although an Office was a permitted use and part of the proposed business, the primary function of the land use was proposed outdoor storage of equipment and material. Griffith noted that this concept becomes a question of how the City defines a use. The primary function of the business dictates what zone they are in. In this example, this business would fit better in a district zoned for contractor shops. In summary, the Planning Commission and City Council should review land use applications based off the primary function of the land, land use, and not a portion of the business.

Griffith during the presentation also reviewed Due Process for public hearings. Notices to the public are required for interim uses, comprehensive plan changes, variances, and conditional use permits. A permitted use requires a site plan process but not a public notice. It was also noted that the policy could also be amended to allow a public comment period for Site Plans, should the policy makers want, but this is not required.

He also noted that the public hearings are not intended to allow cross-examination of the applicant but to give persons an opportunity to be heard. During the hearing, it is necessary to keep a record of the documents and testimony received. It is necessary to have the proper documentation and record of the reasons for the decisions made.

Gutknecht noted that the next joint meeting with the City Council and Planning Commission they will be reviewing the determination of uses and their applicable districts. Staff has asked that the Planning Commission and City Council to look at neighboring communities Permitted and Conditional uses. They asked them to note the communities' districts to observe where other communities have placed the districts, what uses are placed in those districts, and if they are permitted or conditional. This task is not intended to mimic the districts in other communities and copy them to our own community, but more to see if staff, City Council and Planning Commission can determine what the reasoning and justification was for making said uses permitted or conditional. During the next meeting, that exercise/research will be helpful to look back at for our proposed districts and uses to determine what uses could or should be permitted in the City's proposed districts, and the associated justification for this decision.

PUBLIC OPEN FORUM

Nothing to report.

CITY ADMINISTRATOR'S REPORT

Mursko reviewed a list for housekeeping ordinances for 2021. If any ideas for ordinance work come along they will add to the list.

Logren asked to add subdivision for small land splits versus major subdivision developments. She had asked that staff and the joint committee look at the application process.

Logren had also added to investigate ways the City can better communicate with the public, with information and updates for public notices.

Another topic that she would like to add is the front yard definition. The code appears to be difficult to understand when applying it to certain uses.

PLANNING COMMISSION MEMBERS' REPORT

Wolowski thanked Griffith for the presentation and stated this information will help with the further conversations.

King and Berens noted they appreciated the presentation.

Hanegraaf went by a few Loves and they looked very presentable. Travel south into White Bear township, on premise they have the city logo on the base.

ATTENDANCE - NEXT CC MEETING

Bobick is scheduled to attend the City Council meeting on 01.13.2021.

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

Meeting adjourned at 8:57 p.m.

Respectfully Submitted:

Rochelle Busch, Administrative Technician