

**CITY OF COLUMBUS
PLANNING COMMISSION MEETING
ALTERNATIVE MEETING FORMAT
STATUTES SECTION 13D.021
07.15.20**

The 07.15.2020 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 member Kris King, and Pam Wolowski. Present via telephone were Commission members: Steve Wagamon, and Barb Bobick; City Administrator Elizabeth Mursko; City Associate Planner Ben Gutknecht; City Planner Dean Johnson; and Administrative Technician Rochelle Busch. The meeting was held in a telephonic meeting format.

Also, in attendance via telephone were: Mayor Jesse Preiner; City Council members: Janet Hegland, and Shelly Logren; John Bodger, Kendall Friese, Annette Rivard, Tim Vaghn, Craig Lundberg, Liz Otremba, and Josh Pribyl.

AGENDA APPROVAL

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

APPROVAL – APPROVAL OF PLANNING COMMISSION MEETING MINUTES ON 06.17.20

Motion by King to approve the minutes of the 06.17.2020 regular Planning Commission meeting as written. Second by Wolowski. Votes as follows: King – Aye, Wolowski – Aye, Wagamon – Aye, Hanegraaf – Aye. Motion carried.

APPROVAL – PUBLIC HEARING MINUTES – BARE HOME, 14744 HORNSBY ST NE, CUP AMENDMENT (PC20-110) REQUEST 06.17.20

Motion by Wolowski to approve the Public Hearing minutes for a conditional use permit amendment to update the design of the architectural elevations approved by the City Council on 11.25.19 at 14744 Hornsby St NE, held on 06.17.20, as written. Second by King. Votes as follows: King – Aye, Wolowski – Aye, Bobick - Aye, Wagamon – Aye, Hanegraaf – Aye. Motion carried.

BARE HOME, 14744 HORNSBY ST NE, CUP AMENDMENT (PC20-110) REQUEST

At the previous meeting on 06.17.2020, the Planning Commission Members decided to continue discussion of the request on 07.15.2020. At the 06.17.2020 meeting, Pribyl stated he was going to revise the design and state the changes to the Commissioners. The applicant presented two new elevation designs, they are described as “design A” and “design B” in the discussion.

Bare Home Representative, Liz Otremba, stated the reason for the changes on the two new proposed building elevations. She felt the two designs that they had come up with helped break up the building. She noted that the landscape plan will not change from the approved 2019 plan.

Chairman Hanegraaf noted that the commission members should state which design they would prefer, and they can send a motion to the council after that. He noted he would choose design B.

King stated her choice would be design B. She likes vertical lines on the building. She stated she thinks the gray is too low and would like if it came up higher.

Wolowski agrees with King that the gray should come up higher. Her choice between the two would be B as well.

Bobick would prefer the approved design on 11.25.2019. However, she would like to see A. She likes the double stripe on the bottom

Wagamon stated he thought that parts of both are great. He would prefer A.

Hanegraaf asked for the opinion of Pribyl and Otremba. They stated they would prefer design A.

Findings of Fact

1. The City received a Conditional Use Permit (CUP) Amendment application from Bare Home on May 11, 2020. The application was found complete.
2. The 60-day review deadline is July 10, 2020.
3. The 120-day review deadline is September 8, 2020.
4. The property is approximately 13.2 acres and at 14744 Hornsby St. NE, legally described as Lot One Block One, JP Ecommerce, Anoka County, Minnesota (PIN 25-32-22-12-0003).
5. The neighboring property directly to the north is a vacant parcel also owned by JP Ecommerce. The neighboring property to the east is a single-family dwelling and agriculture and to the South is another single-family dwelling. To the west is Interstate 35.
6. The Property is currently zoned Commercial Showroom (C/S).
7. The original CUP was approved on October 10, 2018. The first Amendment to the CUP, approved on November 25, 2019, allowed a change to the building elevation from an approved pre-cast exposed aggregate building exterior to a smooth pre-cast painted panel, painted in three colors, one white tone and two gray tones, arranged as pillars on the North, West, and South elevations. The purpose of this CUP amendment is to allow another change to the building elevation from the three-color pillar design to a two-color design, white and gray. The proposal is to break the building into thirds on the North, West, and South elevations, with the bottom two thirds painted gray with a large band of white wrapping the top third. Additionally, the Phase I landscape plan dated October 8, 2019 is being revised to replace nine (9) service berries and twenty-one (21) dwarf arctic willows with twenty (20) service berry trees on the West Elevation.
8. The East elevation is not changing from the approved November 25, 2019 building elevations.
9. The blue metal accent and sign, approved in 2018, will also remain as approved.
10. The proposed amendments to the building elevations is for the 103,280 square foot building currently on site which is the location of the Bare Home Warehouse/distribution facility "Phase 1", which was approved by the City of Columbus in 2018 via CUP process.

11. The proposed amendments to the building elevations are consistent with Section 7A-775 of the City Code regarding C/S District Design Standards.
12. The narrative, received 05.11.20, suggests that the landscape plan dated 06.04.20 has been updated to compliment the proposed amended elevation design. The twenty (20) Service Berry trees will break up the bottom one third of the West elevation, and with the addition of meadow prairie plantings Bare Home proposes this will further blend the building into the surrounding environment and continue to support the company's pollinator friendly initiatives. It appears this revision also facilitates improved visibility of the blue Bare Home sign.
13. The Planning Commission held a public hearing on the Bare Home CUP Amendment Application on June 17th, 2020.

Recommendations

Based upon the Findings of Fact, the Planning Commission recommends approval of the Bare Home (JP Commerce) CUP Amendment, subject to the following remaining relevant conditions:

1. The CUP is contingent upon recommendations of the City Engineer.
2. The CUP is contingent upon recommendations of the City Attorney.
3. The CUP is contingent upon detailed plan review and approval by the City Building Official.
4. The CUP is contingent upon detailed plan review and approval by the Fire Marshall.
5. The CUP is contingent upon permitting by Rice Creek Watershed District.
6. Phase 2 development on the Property will be subject to building department review unless amended. Phase 2 also requires a supplemental landscape plan and administrative approval.
7. All exterior lighting for both Phase 1 and Phase 2 shall be shrouded and directed away from adjacent properties and public streets and shall be reviewed and approved by the City Engineer and Building Official prior to installation
8. Development of the Property shall be consistent with the CUP application forms and documentation received for Phase 1 including, but not limited to, Phase 1 Site Improvement Plans, pages 1-11, by Carlson McCain, dated August 13, 2018; floor plans, prepared by Bauer Design Build, dated August 13, 2018; the "Description of proposed Conditional Use", prepared by JP Ecommerce, undated narrative; the Bare Home CUP amendment application and narrative, dated September 12, 2019; and the second Bare Home CUP amendment application and narrative, dated May 11, 2019 as well as the Building elevations dated May 14, 2020 and updated landscape plans dated 06.04.20.
9. The CUP documentation is subject to modification by the City prior to issuance to Bare Home (JP Ecommerce).
10. No other uses or intensification are allowed on the Property without an amendment to the CUP.
11. In the event the City Council determines, in its sole discretion, that the use of the Property is not being operated in accordance with any term or condition contained herein, the CUP may be revoked by the City upon proper notice and a hearing. The City shall notify regulatory authorities that have issued licenses or permits in connection with the CUP of any such revocation.
12. 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.

13. 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 Hanegraaf to recommend the Bare Home elevation design, at 14744 Hornsby Street, listed as “Design B” in materials submitted on 07.09.20 with the application, to the City Council for the Conditional Use Permit Amendment. 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 07.22.2020.

PUBLIC HEARING – PIN# 24-32-22-43-0002, VACANT PROPERTY, OUTFRONT MEDIA LLC, INTERIM USE PERMIT (PC20-103) REQUEST

At this time, a public hearing was held to consider a request for an interim use permit for a large off-premises sign in compliance with the amended Chapter 7B of the City Code in the I-35 Corridor located at 24-32-22-43-0002. Separate minutes for the public hearing are prepared.

PIN# 24-32-22-43-0002, VACANT PROPERTY, OUTFRONT MEDIA LLC, INTERIM USE PERMIT (PC20-103) REQUEST

Wolowski specified the column cover designs look good. She noted that the decisions being made by the Planning Commission at this meeting set a precedent for the covers, on future applications.

Bobick stated she thought these designs will look nice.

Wagamon asked if they were voting on the designs that were attached in the agenda packet. Gutknecht explained he asked upfront to provide examples of the imitation stone design to better convey how the product would look. The hope was that this would assist the Planning Commission on determining if imitation stone was an agreeable product.

King stated that the base of 6 feet was not high enough when they were talking about Clear Channel adding a base to their pole design. She noted that the Council was also concerned about the height of a base. King is accepting of having more than one design in the community, but a base standard should be set for height to keep with a complimentary look going forward.

Findings of Fact

1. The Interim Use Permit (IUP) application for a Large Off-Premise Sign (billboard) owned by Outfront Media, LLC (Outfront) was received on February 28, 2020 and upon review was deemed incomplete for review with a letter sent on 03.09.20. Additional materials were submitted on 03.16.20 and the application was again deemed incomplete with a letter sent 03.17.20.
2. The applicant submitted additional materials 06.09.20, and upon review was deemed complete with a letter sent 06.11.20.

3. The 60-day review deadline is August 11, 2020.
4. The 120-day review deadline is October 9, 2020.
5. The billboard is located within a leased area on “Property” that is approximately 19 acres (PIN: 24-32-22-43-0002) on property legally described as part of South Half of Southeast Quarter (S ½ of SE ¼) of Section 24, Township, 32, Range 22, Lying Westerly of Center Line of Hornsby St and Easterly of Right of Way of I35.
6. The Property is zoned as the Community Retail (C/R) district.
7. The use of erecting a Billboard is an interim use in the CR District, subject to the conditions and requirements of Section 7B-310 of the City Code.
8. The existing billboard is static and has been in place approximately 20 years. The first IUP for the billboard was approved on February 16, 2000.
9. The neighboring property due east consists of a legal nonconforming residential land use, the neighboring properties to the north and south are both commercial land uses. Due west is Interstate 35.
10. Outfront Media currently owns and operate five (5) billboards in the City of Columbus, all of which are permitted via IUP.
11. Two (2) of the five (5) billboard IUPs expired as of February 16, 2020.
12. Initially, Outfront applied for two IUPs for billboards currently operating with an expired IUP. However, one of the two applications was withdrawn by Outfront on 05.05.2020 and a demolition permit application was sent shortly after.
13. The proposed column enclosure consists of an imitation stone panel. According to the applicant’s narrative dated 02.28.20, this has been found to be most successful when covering an existing pole while not increasing weight or wind loads.
14. The imitation stone is proposed to extend the entire length the support pole, with the oval “Columbus” sign situated near the top of the column. The “Columbus” sign, illustrated on a drawing dated 06.09.20, will be constructed of aluminum with a coil-coated paint or brushed metal finish.
15. The lighting on the billboard will remain the “Sign-Vue LED II” which was installed on this billboard three (3) years ago.
16. The design appears to fulfill the intent of Section 7B-310 (E.16.a-d.) of the City Code. However, the proposed design does require Planning Commission approval in conjunction with the IUP application approval process as outlined in Section 7B-310 (E.16.a)
17. The Planning Commission held a public hearing to consider the Interim Use Permit on July 15th, 2020.

Recommendations

Based upon the above Findings of Fact, the Interim Use Permit for Outfront Media LLC the Planning Commission recommends approval subject to the following Recommendations:

1. The IUP is subject to the review and recommendations of the Building Official.
2. The IUP is subject to the review and recommendations of the City Attorney.

3. The IUP shall comply with and is subject to all provisions of the City's Zoning Ordinance regarding Large Off-Premises Signs, including but not limited to the provisions of Section 7B-310.
4. The IUP shall be valid for a term of ten (10) years from the date of approval, subject to earlier expiration or revocation as otherwise provided herein.
5. Upon expiration of the Interim Use Permit, the applicant may apply for another Permit or appropriately notice the Zoning Administrator of plans to remove the billboard, as outlined in Section 7B-310 (F) of the City Code.
6. The billboard shall be updated with improved column cover design, dated 02.28.20, and "Columbus" ~~sign logo~~, dated 06.09.20, and located as indicated on the Certified Survey dated 03.16.20.
7. The "Columbus" sign shall be placed on the column over at two thirds (2/3) the height of the billboard column.
8. Any plans to convert the static sign to a dynamic sign during the term of this Permit must follow the amendment process outlined in Section 7B-310 (F.3.) of the City Code.
9. In the event the City Council determines, in its sole discretion, that the billboard is not being conducted in accordance with any term or condition contained herein, the Permit may be revoked by the City Council upon proper notice and a hearing.
10. The applicant shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the Permit, including reasonable attorney's fees and consultant fees.
11. The Permit provided herein is issued solely for the benefit of Outfront Media LLC and may not be sold, assigned, or otherwise transferred in any manner whatsoever.
12. The applicant shall reimburse the City for all out of pocket expenses incurred in the review and issuance of the IUP and for all ongoing inspections and enforcement actions required for the IUP.

Motion by Wolowski to recommend approval based on adopting the findings of fact 1-17 and Recommendations 1-12, in the Columbus staff report dated 07.16.20, with the specification of having the Columbus sign 2/3rd up the pole, to the City Council for the Interim Use Permit application at PIN# 24-32-22-43-0002, Vacant Property, for a large off-premise sign consistent with application materials submitted with the application on 06.09.2020. 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 07.22.2020.

PUBLIC HEARING – 16811 NOTRE DAME ST NE, KENDALL FRIESE, INTERIM USE PERMIT FOR A RESIDENTIAL ZONE BUSINESS (PC20-111) REQUEST

At this time, a public hearing was held to consider a request for an interim use permit to operate a residential zone business consisting of truck storage for over the road hauling, trailer repair and/or fabrication business located at 16811 Notre Dame Street. Separate minutes for the public hearing are prepared.

16811 NOTRE DAME ST NE, KENDALL FRIESE, INTERIM USE PERMIT FOR A RESIDENTIAL ZONE BUSINESS (PC20-111) REQUEST

Friese commented that he thought most of the noise had decreased. He is willing to shut the doors to accommodate for the noise. He has sold 2 trailers and is currently waiting the new owner to pick them up. He is also in the process of getting the repairs completed on a few other trailers and will be selling them. He is willing to have better planning to eliminate the noise. He is not opposed to having more structured times of business. He did note that he will need at least 3 trailers on site.

King stated that his application and business must go along with the ordinances. She has concern that he won't be able to keep all items in the building, and thus be out of compliance.

Wolowski noted that the applicant is in the Rural Residential district. Any business in the Rural Residential district must be invisible. She does not believe that the recommendations can be met. There has been a lot of activities documented by the applicant as to how the business is conducted, however she has not deduced what will be going on at the property and needs further clarity.

Bobick doesn't believe that business belongs in a residential area. She noted even if everything was kept inside it would still be noisy.

Wagamon agrees with what is being said. He stated that the trailers and noise seemed to be the biggest issues. He feels as though that type of business doesn't belong in a residential district.

Hanegraaf agrees with other commission members.

Findings of Fact

1. The Interim Use Permit (IUP) application for a Residential Zone Business (RZB) operated by Kendall Friese was received on May 28, 2020.
2. The application was found complete for review with a letter sent on 06.17.20
3. The 60-day review deadline is July 27, 2020.
4. The 120-day review deadline is September 25, 2020.
5. Friese has been operating the business on his residential Property for at least 20 years, first consisting of a small accessory building with outdoor storage of equipment, trucks, and trailers and repair and fabrication of semi-trailers. After a fire in 2017, a newly constructed accessory building of approximately 5,630 s.f. currently houses equipment and serves as a place to make semi-truck and trailer repairs indoors, noncompliant outdoor storage of trailers appears to have continued since the construction of the new building.
6. The Property is a total of 4.84 acres located at 16811 Notre Dame St NE, (PIN: 11-32-22-42-0005) on property legally described as Lot one, Block two, Tessier Estates, Subject to Easement of Record, Anoka County Minnesota ("Property").
7. The Property meets dimensional standards outlined and required by *Section 7A-806 (B.)*.
8. The Property is zoned Rural Residential (RR).
9. The neighboring properties in directly connected to the Property in all cardinal directions consist of residential properties of similar or larger acreage.
10. Residential Zone Businesses are an interim use in the RR District, subject to the conditions and requirements of Section 7A-806 of the City Code.
11. Friese currently resides on the Property, with the principal use being residential.

12. Currently Friese does not appear to be in compliance with City Code *Section 7A-806 (G.)*, as it appears there is approximately (13) tractor trailers stored outside on the Property, as indicated in aerial photography dated April 5, 2020 on the Anoka County GIS Public Pictometry page.
13. The current business operation consists of the following activities:
 - a. Friese leaving the property with the semi-truck once every ten (10) days.
 - b. Driving to town for parts and supplies two to three (2-3) times a week.
 - c. All truck and trailer repairs are entirely within the newly constructed accessory building, highlighted on site plan dated 06.15.20, with no repair operation being staged outside.
 - d. Trailer repairs consists of breaks, airline, and suspension work as well as riveting and fabrication of the outer shell on a semi-trailer. Friese spends approximately ten to twenty (10-20) hours per year on riveting, and approximately ten (10) days per month on fabrication.
 - e. Truck repairs consist of axel, springs, suspension, airline, breaks, tire work, minor exhaust, and electrical work.
 - f. Approximately 80% of the accessory building is used for tractor and trailer repair. Typically, the building is used for the repair and storage operation ten to fifteen (10-15) days per month, or one to two (1-2) weeks a month, or during colder months for equipment storage.
 - g. Occasionally Friese will purchase or sell equipment, but per correspondence on 07.07.20, this is done through a dealer and not on premise.
14. The operating hours of the business are 7:00 a.m. - 7:00 p.m. Monday through Friday.
15. Friese is the only employee of the business, with no plans to hire any additional staff.
16. Friese does not expect the need for customer parking as he does not have any clients or customers.
17. Friese has stated that currently there is no need for a business sign.
18. There is no planned expansions or renovations to the accessory building in which the business takes place.
19. Any waste, such as metal/aluminum, produced by repairs and maintenance within the accessory building are properly disposed of or recycled.
20. All equipment used for the business is properly licensed.
21. In the narrative dated 05.28.20, Friese states the business does not generate noise and is low impact. Continuing that the business is invisible to all neighbors, who will only see the residence, and an accessory building.
22. The Planning Commission held a public hearing to consider the Interim Use Permit on July 15th, 2020.

Recommendations

Based upon the above Findings of Fact, the Interim Use Permit for Kendall Friese the Planning Commission recommends denial of the IUP as the applicant does not meet ordinance criteria for an Interim Use Permit for an Residential Zoned Business subject to the following recommendations:

1. The Residential Zone Business shall comply with and is subject to all of the provisions of the City's Zoning Ordinance regarding Residential Zone Business, including but not limited to the provisions of *Section 7A-806*.
2. The permit shall be valid for a term of two (2) years from the date of approval, subject to earlier expiration or revocation as otherwise provided herein.
3. The Residential Zone Business shall be limited to the indoor storage and accessory repair work of Semi-trucks and trailers, and limited trucking of commerce of once per ten days.
4. All waste produced by the business shall be properly disposed of. The Property shall in no way be operated as a salvage yard.
5. All storage of vehicles, trailers, and related materials shall be stored indoors and out of public view.
6. The Residential Zone Business will be conducted entirely within the accessory buildings in the rear of the Property, indicated on the Site Plan dated 06.15.20.
7. The conduct of the business shall be consistent with descriptions provided in Friese's correspondence with Staff, outlined in Finding of Fact number 13.
8. Business hours shall be 7:00 a.m.- 7:00 p.m. Monday through Friday.
9. Absolutely no outdoor storage or display of trucks, trailers, and equipment associated with the business shall be permitted and any associated vehicles or equipment currently on site shall be removed or properly stored at the time of issuance of this permit.
10. No other business shall be conducted on the property.
11. Friese shall remain the sole employee of the Residential Zoned Business.
12. The Residential Zone Business shall comply with all relevant noise and pollution standards outlined by the Minnesota Pollution Control Agency (MPCA).
13. The Residential Zone Business shall not generate odors, gases, hazardous waste, fumes, or other conditions that interfere with or infringe upon the quiet possession and enjoyment of surrounding properties.
14. Friese shall comply with all local, State, and federal laws, regulations, and ordinances in the conduct of the Residential Zone Business.
15. In the event the City Council determines, in its sole discretion, that the Residential Zone Business is not being conducted in accordance with any term or condition contained herein, the Permit may be revoked by the City Council upon proper notice and a hearing.
16. Friese shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the Permit, including reasonable attorney's fees and consultant fees.
17. The Permit provided herein is issued solely for the benefit of Friese and may not be sold, assigned, or otherwise transferred in any manner whatsoever.
18. The applicant shall reimburse the City for all out of pocket expenses incurred in the review and issuance of the IUP and for all ongoing inspections and enforcement actions required for the IUP.

Motion by Hanegraaf to recommend denial based on the findings presented and the testimony from Friese indicating a continued need for trailers and on the basis that the applicant is unable to meet recommendations 1, 3, 4, 5, 6, 8, 9, and 13, in the Columbus staff report dated 07.15.20 to the City Council for the Interim Use Permit application at 16811 Notre Dame ST for a Residential Zone Business that consist of Semi-Truck and Trailer repair and limited personal truck driving, consistent with application materials submitted with the application on 05.28.2020. Second by King. Votes as follows: King – Aye, Wolowski – Aye, Bobick - Ney, Wagamon – Ney, Hanegraaf – Aye. Motion carried.

This matter will go before the City Council at their meeting on 07.22.2020.

PUBLIC OPEN FORUM

Nothing to report.

CITY ADMINISTRATOR'S REPORT

Mursko indicated that the design standard ordinance is ready for review and would like to hold a meeting on 08.19.20 jointly with the City Council, to be held in the community center to accommodate social distancing standards. Gauging on the response from the Planning Commission, the start time will be 6pm.

PLANNING COMMISSION MEMBERS' REPORT

Wolowski hard to do what we did today, regarding denial of the IUP, but stated that what they had done with good job.

ATTENDANCE - NEXT CC MEETING

Bobick is scheduled to attend the City Council meeting on 07.22.2020.

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

Meeting adjourned at 9:07 p.m.

Respectfully Submitted:

Rochelle Busch, Administrative Technician