

**CITY OF COLUMBUS  
PLANNING COMMISSION MEETING  
ALTERNATIVE MEETING FORMAT  
STATUTES SECTION 13D.021  
06.17.20**

The 06.17.2020 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 Barb Bobick. Present via telephone were Commission members: Steve Wagamon, and Pam Wolowski; City Administrator Elizabeth Mursko; City Planning Technician 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; Megan and Chad Toft, Rob and Kathy Osterberg, Liz Otremba, Josh Pribyl, Danielle DeVito, and Greg Stotko.

**AGENDA APPROVAL**

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

**APPROVAL – APPROVAL OF PLANNING COMMISSION MEETING MINUTES ON  
06.03.20**

*Motion* by Wolowski to approve the minutes of the 06.03.2020 regular Planning Commission meeting as written. Second by Bobick. Votes as follows: King – Aye, Wolowski – Aye, Bobick - Aye, Wagamon – Aye, Hanegraaf – Aye. Motion carried.

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

At this time, a public hearing was to consider a request 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. Separate minutes for the public hearing are prepared.

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

During discussion Council Person Janet Hegland noted that the design approved 11.25.19, was a 3-color design that showed dimension and broke up the stark white of the building. She stated that the new design presented was a flat appearance with the displayed 2 color scheme.

Liz Otremba, Bare Home representative, stated her new design was completed with the intent to honor the architecture that was built, as well as the Bare Home brand. Her thoughts were that it

would balance the white and blend it into what is around the property, as well as enhance the bare Home marquee.

Council Person Shelly Logren stated she visited the site with the color samples printed by City staff and noted that the samples are not the actual colors that will be used. She also stated her thoughts on the proposed design gave the building the appearance of a shoe box with a top on it. She felt as though the building will not fit in with the surroundings.

Otremba noted that it was difficult for the printed version to be able to be exact representation of the paint being used.

Hegland stated that in the Council Chambers there is a representation of the actual colors being presented painted on a sample brick. Planning Commission members passed the brick around to look at the paint sample.

King asked if the colors on the block are what was approved on 11.25.19? Otremba stated that was correct. She noted that the “UFO” color will not be in the new building elevations.

Bobick agrees with the approved alteration on 11.25.19. She likes the 3 colors.

Wagamon stated that he has no problem with the new building. He believes the brand logo sticks out well on the building background. He noted that he was unfamiliar with the steps taken along the way to get to the amended version being presented.

Wolowski reviewed all the records from the beginning of the application. She doesn't agree with the design change.

King stated she has sat through many meetings on this subject. She feels as though it doesn't give the dimension of the last design approved. In her opinion the building doesn't meet the intent of the district. She recommended coming back with something closer, to the approved design.

Building height approximately 40 feet and the tree height will be about 9 feet.

Hegland stated to the council that during a previous meeting they approved 2 different designs. During the meeting they talked about not having the bright white. She stated that having another meeting won't change any decisions.

Hanegraaf did not favor the about the 2020 proposal. I like the one on 11.25.19. He felt as though it has more architectural dimension.

Josh Pribyl stated he will revise the design and present it to the Planning Commission at the next meeting.

Hanegraaf moved to continue the discussion until 07.15.2020.

## **CST COMPANIES, 14045 LAKE DR NE CUP (PC20-105) REQUEST**

The recommendation from the Planning Commission on 06.05.19 was passed to City Council for approval. Council members asked the Planning Commission to revise and work out some issues with CST around the staff report and conditions for the CUP.

Mursko noted that most all businesses on Lake Dr are CUP, as they all have noise, traffic, odor, etc., and with the conditions the intent is to mitigate all things that will affect others.

Megan Toft read the questions and the answers sent in response.

Regarding the piles of ground and colored mulch being held on site, Megan Toft noted that there will be 1 pile of each color. After coloring, the product needs to have adequate time to dry.

Mursko asked for clarification around how many colors and the dimensions of said piles. M. Toft stated 3-4 colors of mulch will be held on site. She noted that the pile height and size, would be the same as Welch's.

King clarified that there would be piles of each color and bins of each color. Where on the site would the piles be stored? M. Toft noted the placement would be right next to the coloring machine. M. Toft noted that the piles would sit for 12-48 hours, after being colored to have adequate dry time. She can't say how many would be there but estimates between 1-4 piles. The pile number will depend on which colors are selling and need to be manufactured to fill the needs of their business. M. Toft noted that it is not the intent is to not color right away. However, there were many concerns around the coloring process they have decided to give full explanation in order to get approval for the process up front.

Planner Johnson asked for clarification as the original narrative, before there was a commitment to color on site, was to haul the ground tree waste off site. With the coloring taking place in Columbus now, will there be hauling any chips uncolored? Will any of the uncolored product be stored on the property? M. Toft noted 80-90% offsite and 10% would stay and get colored

Gutknecht spoke with Fire Chief, Al Newman, he would like to know what plans CST has to mitigate fires on site? Gutknecht stated mulch specifically, as in the past there was a fire in the area on a mulch pile that was escalated quickly. Chad Toft noted that he was aware of the fire discussed and they didn't keep the organics out of it. When organics are kept in the mulch piles the temperatures can get extremely high and produce fires. C. Toft noted that the policy at Elk River is to temperature test the piles. He stated they will do the same procedure at the Columbus site. Gutknecht noted that Newman recommends a buffer between wetland and the tree waste pile will help contain fires. C. Toft noted that at Elk River they have much larger piles. He stated there won't be fires at the Columbus location.

King stated she doesn't feel that 1A has been answered. If they aren't going to put the biggest one in what would they put in. M. Toft noted that it would be a smaller coloring machine, as the large one wouldn't fit on site.

Danielle DeVito, from MN Dept of Agriculture stated that conditions would follow MDA, MN AG and DNR rules. She would recommend including the Federal and State tests, but not to specify which tests as those are ever changing.

Bobick stated she was frustrated over the many items that had changed since the beginning of that application process, specifically the amount of grinding done on site, the coloring now that will be taking place, the piles that will be held and the noise complaints. She stated that the citizens heard the public hearing and are going off the information that was given at that time. She also noted that there are contradictions to the decibels readings versus what was written in the narrative.

M. Toft spoke to the contradicting information on the decibel readings, was due to where the readings were taking place. The higher readings were taken from the manual. The reading was showing the decibel reading in the motor box. The smaller of the two readings were done on site with two of the commission members taken at the Elk River location. They are confident that they will be in compliance with noise levels required under the Minnesota Statute.

Wolowski stated she doesn't want to have them incur the cost of fire prevention if there are not facts showing that is an increased risk.

Mursko noted that the regulations with noise would be under the MN State regulations. M. Toft noted she is 100% certain they will be less noisy than Cemstone and Northpine. King asked are you lower than the state statute? M. Toft confident that they are lower than the state statute.

King noted that in the Findings of Fact it listed simply "less hours in the winter". She would like to see set hours in place, even if they work less. M. Toft stated to list 7am to 7pm during the winter season, although they will work less. King asked if Sundays hours would be 10am to 4pm. M. Toft stated that those hours would be fine.

King added that a potential word error was made in #15 of the Findings of Fact. She recommended changing "flooring machine" to "coloring machine".

Gutknecht was requested to make changes to #25 to better represent who would be allowed to drop off tree waste at the CST location.

M. Toft asked that #26 of the Finding of Fact be edited to represent that they will not only haul to Elk River. They occasionally will haul directly to a jobsite for contractors.

Discussion around the specifics of a brand of a coloring machine concluded to alter the Findings of Facts omit a brand from the language. Gutknecht will also add that the coloring machine will be onsite in 2021.

Commission members spoke of the decibel testing that took place previously. The concern of the noise was a common question amongst neighbors during the public hearing. Planner Johnson noted that the current condition requires CST to meet MPCA standards. During the testing all machinery on site will run, and if it doesn't meet the standard, Johnson stated a piece of machinery must be removed.

The Planning Commission proceeded to work through the conditions on the application.

The noted to make an addition of the Fire Chief and completing an annual fire department inspection. C. Toft had previously noted that the practice was in place for fire mitigation. The City would accept the recommendation to take temperature tests on the piles.

Revision of #6 to include both the federal and state regulated pest and quarantine regulations.

The date for #7 was extended through the June 17<sup>th</sup> meeting.

The commission members requested the language change in #12 with the addition of "and ground mulch" in order to better outline the height of material piles.

The addition of #13 was recommended from discussion taken from earlier in the evening. The planning commission would like to outline the number of piles and the size of each pile to prevent any extensive piles in size and quantity held onsite.

M. Toft asked whether #20 was pertaining to private owned and contactor trucks coming on site for loading. Johnson stated that was not the intent. It was in reference to any vehicles residing on site. He also noted to add "or similar quiet back up alarms" to give more options, rather than just the white noise and broadband back-up alarms.

The commission members asked for a final site plan to be submitted with the clarifications discussed.

Johnson #29 applicants say that confident that they will abide

M. Toft asked for clarity in #17 of the traffic. Gutknecht will revise to recognize the different traffic types in the findings.

Hegland asked the applicants if any pre-ground mulch would be coming to Columbus. M. Toft stated that no pre-ground mulch hauled to Columbus.

At this time Planning Commission Chair, Ron Hanegraaf, requested any comments from the property neighbors, the Osterberg's. Kathy Osterberg stated she had a question on traffic circulation. She had a slight concern about preventing any customers coming down their driveway and turning around. M. Toft stated that most people would come in off Lake Drive and turning at the gate. She did state they would be placing a sign and lighting to help direct customer flow. Kathy Osterberg stated for the record she would like to discuss what works best for both of us in

preventing people driving down their driveway. M. Toft agrees to work that concern through with the Osterberg's.

### Findings of Fact

1. The City received a Conditional Use Permit (CUP) application from CST Companies, LLC ("CST") on February 28, 2020 and deemed incomplete with a letter sent on March 12, 2020.
2. Upon review of further information submitted by CST on April 15, 2020, the Planning staff deemed the CUP application complete for review with a letter sent April 17, 2020.
3. The 60-day review deadline is June 16, 2020.
4. The 120-day review deadline is August 15, 2020.
5. A 60-day written notice of extension was sent and delivered to applicants on June 11, 2020, extending the review deadline from June 16, 2020 to August 15, 2020.
6. The property in question is a total of 25.57 gross acres, with 4.4 net usable acres, located at 14045 Lake Dr. NE, legally described as Part of the North Half of the Northeast Quarter (N1/2 of NE1/4) of Section 33, Township 32, Range 22, lying Easterly of County State Aid Highway (CSAH) 23, subject to easement of record, Anoka County, Minnesota (PIN 33-32-22-11-0003).
7. The Property is zoned Commercial Industrial (C/I).
8. The neighboring properties directly to the north include a used car dealership and two single-family residences. The neighboring property to the east is a single-family dwelling, and the property to the south is a mini storage facility.
9. The residential property to the east takes its access through the Property via documented easement, however the private driveway does not remain entirely within the easement of record.
10. There is an existing building (Single-family dwelling) on the Property, which the applicant proposes to demolish.
11. The applicants propose to erect a 14,688 square foot building on the southerly portion of the Property, with 21 paved parking proposed in the front, consistent with City Code.
12. ~~The proposed building materials and architectural design plan dated 04.14.20 and~~ proposed building materials described on June 17, 2020 appear to be consistent with the intent of Section 7A-795 of the City Code.
13. CST would own the location, and lease back to CST Distribution LLC and CST Transportation Inc.
14. The applicant's hours of operation are currently estimated to be:
  - a. Monday through Friday, 7:00 a.m. to 7:00 p.m. ~~for the months of April through August.~~
  - b. ~~Less hours in the winter.~~
  - c. Saturday will be 8:00 a.m. to 5:00 p.m. for the months of April through June, and 8:00 a.m. to Noon for the months of July through October.
  - d. They may be open some Sundays from 10 a.m. to 4 p. m. ~~should higher sales require it.~~
15. The applicant proposes to have four to five full time employees and the owner on site.
16. The equipment on site will consist of pay loaders, forklifts, a coloring machine, and a portable wood grinder.

16. ~~The estimated traffic levels will vary seasonally, during the winter there will primarily be just the three to four employee vehicles. Whereas spring through fall they estimate twenty to thirty (20-30) cars a day, which is based off anticipated sales.~~
17. ~~Applicants anticipate truck traffic to consist of ten to fifteen (10-15) trucks per day, based on anticipated sales.~~
17. Employee and contractor/retail sales activities traffic are anticipated to be 20-30 automobiles per day and 10-15 trucks per day.
18. CST company truck traffic are anticipated to be approximately 1-10 trucks per non-grinding days, and approximately 12-17 trucks on grinding days.
19. Tree waste drop off traffic is anticipated to be 10-12 vehicles per day during normal business hours.
20. The CUP application is to permit a business consisting of an estimated 60% contractor wholesale of dry goods, and 15% retail sale of dry goods. An estimated 25% of the business will be dedicated to the grinding/storage of tree waste. Additionally, the property will have an outdoor showroom of landscape products. The building will consist of an indoor office and warehousing facility for distribution and storage of bulk dry goods in the C/I district. The ground mulch will be hauled off site. ~~to the Elk River facility for coloring unless future sales warrant coloring on.~~
21. The site plan dated 06.02.20 indicates a landscaped showroom area at the very front of the property to show available product, which is shown in "Landscape Supply Display Area" dated April 2020.
22. Directly east of the landscaped area is proposed outdoor storage of palletized pavers, wall block, natural stone, and bagged mulch which is proposed to be stacked no higher than six (6) feet and organized in three rows. On the other side of the palletized product is proposed material bins, ranging from four (4) feet to ten (10) feet in height, within the bins is mulch, soil, sand, and aggregate rock for bulk sale.
23. South of the outdoor display of products is the proposed 14,688 square foot building, which consist of the office (3,001 s.f.), warehouse 4,920 s.f.), equipment service (4,512 s.f.) and washing bay (2,256 s.f.).
24. Directly east of the proposed wash bay is a proposed fuel station with double wall fuel storage tank at 2,000-3,000 gallons within a concrete containment and an outdoor storage area for five (5) semi-trailers, as indicated on the Civil Plans dated 06.02.20.
25. The Site Plan, dated 06.02.20, indicates the wood mulching and manufacturing area as 35,000 square feet (200'x179') and is located northeast of the building, lying just west of the existing residential property.
26. The wood mulching and manufacturing area is proposed to be used for the storage of wood material, with plans to bring in a portable grinder up to ten (10) times per year when an adequate amount of material has been collected.
27. The applicant will allow tree waste ~~wood~~ to be dropped off for mulching by City of Columbus contractors and homeowners ~~for mulching~~ as well as other regional residents, contractors, developers, tree trimmers, etc.
28. The mulch product will be hauled offsite. ~~to the Elk River location to be packaged and colored. With only a small amount remaining onsite for bulk sale. Packaging and coloring of mulch will only be done at the Elk River location unless future sales warrant coloring on site.~~

29. Currently the applicant ~~does not have~~ plans to bring the coloring machine to the Columbus site ~~in 2021, but in the event that business demands increase they will in the future.~~ The “Cheetah Coloring Machine” that would be used for coloring is stated to be quieter than a lawnmower. The colorant specifications indicate that they are nontoxic, and water based.
30. The piles of tree waste or ground mulch piles are anticipated to be a maximum of fifteen to eighteen feet (15-18’) in height.
- ~~29. The applicant state they have done decibel testing for noise at the Elk River location during peak season, and the noise level was gauged at a peak of 89 decibels, which is the equivalent of heavy traffic or a power mower per MPCA guidelines. Applicants state that machines shall only be run during business hours.~~
31. Applicants are confident all state noise regulations will be met.
32. The applicants will not compost any product on the Property. The only smell anticipated is that of mulched cedar.
33. The applicants propose a ten (10) foot privacy fence to be constructed on the north property line, stretching from Lake Dr. entrance to the residential property on the east.
34. Applicants submitted an updated Civil plan and Landscape plan dated 06.02.2020. Updates include, updated landscaping and screening on the east lot line, proposed to be a coniferous tree species meeting the 95% opacity. Updated fencing height on northern property line at a proposed 10 feet. Updated gate locations and driveway access as to not restrict access to neighboring property. The addition of the preliminary location of mulch coloring machine for proposed future use.
35. The Planning Commission held a public hearing on the CST CUP Application on May 20<sup>th</sup>, 2020.
36. Applicant met with the neighbors to the east on 05.22.20 to discuss property access, screening, and noise concerns.
37. CST testified at the 05.20.2020 Public Hearing that they will inspect every vehicle dropping off tree waste for the chipping pile to ensure the correct wood is being accepted.

### Recommendations

Based upon the above Findings of Fact, the Conditional Use Permit (CUP) for CST Companies, LLC (CST) should be approved subject to the following conditions:

1. Approval of the CUP is contingent upon recommendations and comments made by the City Engineer.
2. Approval of the CUP is contingent upon recommendations and comments made by the Fire Marshal/Fire Chief, and Building Official and an annual fire department inspection.
3. Approval of the CUP is contingent upon recommendations and comments made by the City Attorney.
4. Approval of the CUP is contingent upon requirements by the Anoka County Highway Division.
5. Approval of the CUP is contingent upon requirements by Rice Creek Watershed District.
6. Approval of the CUP is subject to state and federal regulated pest and quarantine movement guidelines and regulations. ~~regarding pests and guidelines pertaining to pests~~

~~and quarantine contingent upon recommendations and comments made by the Department of Agriculture.~~

7. Conduct of the business shall be consistent with the application and additional materials received and deemed complete by the City on April 17, 2020 and as revised and supplemented through the June 17, 2020 meeting.
8. The grinding of wood for mulch shall not be a regular use of the property and shall only occur when necessary and is allowed ten (10) weeks per year, forty (40) hour a week or less, and shall only occur during the week day from 8:00 a.m. to 4:30 p.m. CST Companies shall notify the three adjacent residential neighbors and the City of Columbus via email one week prior to anticipated grinding activities.
9. CST Companies shall provide written protocol that conveys they can thoroughly inspect delivery of wood and materials that Columbus residents and contractors bring to ensure that there shall be no disposing of rotten wood or other organic materials on site.
10. All equipment associated with moving dry goods and mulching material shall be kept in the building on the Property. With the exception of the Mulching Machine and Coloring Machine.
11. The business may have up to 5 semi-trailers stored on site in the area indicated on the Site Plan dated 04.14.20.
12. Piles of tree waste and ground mulch shall not exceed heights of fifteen (15') through eighteen (18') feet.
13. Up to four (4) piles of colored mulch may be located on the pavement west of the tree waste area, not exceeding one hundred (100) cubic yards per color.
14. The palletized materials shall not be stacked higher than six (6') through ten (10') feet.
15. Bulk material (i.e. colored mulch) bins shall not be higher than ten (10') through twelve (12') feet in height.
16. The palletized materials, bulk bins, and mulching area shall all be cleaned such as to not cause tracking beyond its respective site, and to prevent tracking of materials on the public right of way.
17. A revised access easement and driveway maintenance agreement must be negotiated with the residential property owner to the east, located at 14063 Lake Dr. to permit permanent and reasonable access.
18. CST shall submit updated Architectural Plans that outlines the proposed colors ~~for all~~ and materials on the building as presented at the June 17, 2020 Planning Commission meeting.
19. There are to be no chemicals, gasses, hazardous wastes, fumes, or odors including that of composting organic material, on the Property as a result of this business, excepting normal smells associated with that of fresh mulched wood during the mulching process, and excepting normal fumes associated with properly maintained vehicles and equipment.
20. All CST trucks and equipment with back up alarms shall be retrofitted with "white noise" or "broadband" back-up alarms or similar quiet back up alarms.
21. Signage on the Property will require the applicant to apply for a sign permit from the City.
22. Site lighting information must be included in final set of civil plans.
23. A final Site Plan shall be submitted with clarifications from the June 17, 2020 Planning Commission Meeting. ~~Per approved Site Plan dated 06.02.2020 and conditions outlined~~

~~in this Staff Report.~~ No other uses or intensification are allowed on the Property without an amendment to the CUP.

24. 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, including but not limited to air quality, water quality, noise standards and odor regulations.
25. The Applicant must maintain valid certification received from all relevant State of Minnesota regulatory agencies for all permitted use on the property.
26. Approval of the Conditional Use permit does not absolve the applicant of any other permitting requirements such as Building, Watershed District, County, etc.
27. 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.
28. The CUP, 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.

*Motion by King to recommend to the City Council the CST Companies, 14045 Lake Dr NE CUP request, for approval subject to Revised Planner Report dated 06.17.20, with the findings of fact 1-37 and recommendations 1-28, with the amendment to #2 to include "Fire Chief," and "and an annual fire department inspection." #6 revision to "Approval of the CUP is subject to state and federal regulated pest and quarantine movement guidelines and regulations." Amendment to # 7 "and as revised and supplemented through the June 17, 2020 meeting". Addition to # 12 "and ground mulch. Addition to # 13 "Up to four (4) piles of colored mulch may be located on the pavement west of the tree waste area, not exceeding one hundred (100) cubic yards per color". Amendment to #18 "CST shall submit updated Architectural Plans that outlines the proposed colors for all and materials on the building as presented at the June 17, 2020 Planning Commission meeting". Addition to #20 "with back up alarms" and "or similar quiet back up alarms". Amendment to #23 "A final Site Plan shall be submitted with clarifications from the June 17, 2020 Planning Commission Meeting". Seconded by Hanegraaf. Votes as follows: King – Aye, Wolowski – Aye, Bobick - Ney, Wagamon – Aye, Hanegraaf – Aye. Motion carried.*

This matter will go before the City Council at their meeting on 06.18.2020.

## **PUBLIC OPEN FORUM**

Nothing to report.

## **CITY ADMINISTRATOR'S REPORT**

Nothing to report.

## **PLANNING COMMISSION MEMBERS' REPORT**

King billboards and markings, council is going to decide. Gutknecht will take testimony or opinions should send it via email. Gutknecht is currently waiting to hear back from Clear Channel on the represented markings. Logren noted that they have marked at 6, 12, and 17 feet.

King stated she was happy to see that Aces has opened back up.

Wolowski reminded that there will be no meeting until after the 4<sup>th</sup> of July.

### **ATTENDANCE - NEXT CC MEETING**

King is scheduled to attend the City Council meeting on 06.24.2020.

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

Meeting adjourned at 9:45 p.m.

Respectfully Submitted:

Rochelle Busch, Administrative Technician