



CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031

Phone (507) 238-9461

www.fairmont.org

Fax (507) 238-9469

TO: Planning Commission

FROM: Peter Bode, Planner/Code Enforcement Technician

DATE: May 27, 2021

SUBJECT: Agenda – Regular Meeting
Tuesday, June 1, 2021 at 5:30 p.m.
Fairmont City Council Chambers, 100 Downtown Plaza

Virtual attendance:	1-312-757-3121 311-302-861
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1) Approval of Agenda

2) Approval of Minutes – April 6, 2021

New Business

3) Public Hearing – Conditional Use Permits for 440 Winnebago Ave & 1313 N Hampton St

Old Business

None

5) Adjournment

MINUTES OF THE FAIRMONT PLANNING COMMISSION

Regular Meeting

April 6, 2021 at 5:30 p.m.

City Council Chambers, City Hall, 100 Downtown Plaza

Members present: Ron Davison, Tom Lytle, Tom Mesich, Jon Omvig, Adam Smith, Council Liaison Britney Kawecki

Members absent: *none*

Staff present: City Administrator Cathy Reynolds, Planner/Code Enforcement Technician Peter Bode

Chair Lytle called the meeting to order at 5:30 p.m.

Approval of Agenda: Motion by Smith and second by Davison to approve the April 6, 2021 meeting agenda as presented. Motion carried.

Approval of Minutes: Motion by Omvig and second by Smith to approve the March 2, 2021 meeting minutes as amended. Motion carried.

Public Hearing - 1440 Larsen Ln: Chair Lytle opened the public hearing. Bode presented a Home Occupation Permit for a massage therapy service to operate at 1440 Larsen Ln. Bode stated that the proposal meets the performance standards of Article IX of the Fairmont Zoning Code and that staff supported granting the permit.

Members discussed the proposal. No additional public comments were presented.

Motion by Smith and second by Davison to close the public hearing. Motion carried.

Motion by Smith second by Mesich to approve the Home Occupation Permit for a massage therapy studio at 1440 Larsen Ln. Motion carried.

Old Business: *None*

Adjournment: Motion by Mesich and second by Smith to adjourn. Motion carried and the meeting adjourned at 5:42 p.m.

Respectfully submitted,

Peter Bode

Planner/Code Enforcement Technician

GENERAL INFORMATION

Applicant: James L. Johnson

Property Owner: James L. Johnson, Charles R. Smith et. al.

Request: Conditional Use Permit for a salvage yard in an I-1 district

Address(s): 440 Winnebago Ave, 1313 N Hampton St

Parcel Number(s): 23.245.0330, 23.245.0480

Zoning: Light Industrial (I-1)

Surrounding Land Use: Single Family Residential (R-1), Light Industrial (I-1)

Review Date: June 1, 2021

BACKGROUND

On February 2, 2021, the Planning Commission gave the applicant 90 days to apply for new or amended conditional use permits for any property where their business is active. The applicant has applied for conditional use permits for 440 Winnebago Avenue and 1313 North Hampton Street to continue operations related to salvage, storage, auto repair, and auto sales.

In February, staff recommended that the existing conditional use permit for 440 Winnebago Avenue be revoked and that the applicant be given 90 days to apply for new permits because Car Parts Direct violated four of the original permit's 12 conditions, injuring the public welfare.

Staff evaluate the new requests for both properties in this single report for the purpose of clarity. Where there are differences in conditions or recommendations between the properties, those are specified.

POLICY CONSIDERATIONS

The Fairmont 2040 Comprehensive Plan guides the use of this neighborhood as Traditional Family Residential. The long-range vision for this section of the Winnebago Avenue corridor is to develop single-family homes and small format multifamily residential homes close to the ballpark.

The properties are currently zoned I-1 Light Industrial. The zoning district allows salvage yards as a conditional use if certain standards are met, including that the proposal be in conformance with the City's comprehensive plan.

The applicant's description of the use of the 1313 North Hampton Street is "storage." The property is currently used to store more than 10 vehicles of varying degrees of operability. *City Code Section 26-160* designates that conditional uses include "auto, truck, farm implement and salvage yards of more than 10 units." Staff interpret this Code to include the current and proposed use of the property as needing a conditional use permit.

The applicant's description of the use of the 440 Winnebago Ave is "auto repair/salvage yard/auto sales." Auto repair is a permitted use of the zoning district and does not require a conditional use permit. As discussed above, salvage yards require a conditional use permit here. Per *City Code Section*

26-160, auto sales require a conditional use permit here because they are normally permitted in a B-3 General Business district.

Taken together, staff evaluate a proposed conditional use permit for 440 Winnebago Ave for a salvage yard of more than 10 units and auto sales, understanding that the property is also used for auto repair. Staff evaluate a proposed conditional use permit for 1313 North Hampton Street for a salvage yard of more than 10 units.

REVIEW OF CONDITIONAL USE STANDARDS

City Code Section 26-80 sets standards for reviewing proposed conditional use permits:

1. Must be in conformance with the comprehensive plan.

The 2040 Comprehensive Plan guides the long-term use of the neighborhood, including both parcels, as Traditional Family Residential. This designation includes single-family homes with the potential for small format multifamily residential and small format commercial uses.

Staff assess that the proposed uses are incompatible with the Comprehensive Plan's long-term vision for the neighborhood. Salvage yards are generally light industrial in nature and include frequent hauling of vehicles, parts salvaging, local pollution emission, and some loud noise. In staff's opinion, they are better placed in areas of the community that are away from residences and close to other light or heavy industrial uses. Auto sales here are likely less impactful but are still inconsistent with the long-term vision of the neighborhood.

2. Must not be detrimental or injurious to the general vicinity and uses already permitted in the area.

Surrounding uses are generally residential: single family homes are adjacent to both sites. During last year's annual review of the existing conditional use permit for 440 Winnebago Ave, staff found violations of conditions set forth by the Planning Commission which injured the surrounding public welfare. By staff's assessment, these violations indicated that the use expanded over time, added new components, and outgrew a single lot to eventually becoming much more impactful to the neighborhood than what was originally envisioned.

Additionally, the lack of adequate off-street parking to accommodate the combination of uses for both employees and customers frequently results in the public parking lot across the street being used by employees and customers which was intended for the public to visit the ball fields.

3. Must not impede the normal and orderly development of surrounding vacant property.

Staff evaluate that development of single-family homes and small format multifamily homes will be limited by the proposals because their proximity to salvage yards or auto sales businesses may be undesirable.

4. Will be served by adequate utilities, public roads, and municipal facilities. Such requirements for public facilities shall not be detrimental to the economic welfare of the city.

Staff find that both sites would be adequately served by public infrastructure.

5. Must not cause offensive odors, fumes, dust, noise, and vibration that would be injurious or a nuisance to adjacent uses and the surrounding area.

The applicant proposes to place a 8-foot tall fence around the area used for storage of vehicles at 1313 N Hampton St. However, some offensive odors, fumes, dust, noise, or vibration may emit from the normal operation of salvage vehicle storage.

6. Will conform to specific standards of this chapter applicable to the particular use.

Auto, truck, farm implement, and salvage yards of more than 10 units

6(a). Provide eight-foot screening.

The applicant proposes to place a 8-foot fence around the outside portion of salvage storage at the 1313 N Hampton St site.

6(b). Provisions made to control and reduce the number of units stored outside the screening.

The applicant proposes to store all salvage vehicles within fencing and only allow customer parking in front of the 440 Winnebago Ave site.

6(c). Provide for adequate access to all parts of yard for firefighting equipment.

The applicant proposes to comply with this requirement.

RECOMMENDATION

Staff believe that the proposal for salvage and auto storage yards at 440 Winnebago Avenue and 1313 North Hampton Street and an auto sales business at 440 Winnebago Avenue are incompatible with the vision of the 2040 Comprehensive Plan. The Plan guides the long-term character of the neighborhood as Traditional Single Family residential. The proposed use is inconsistent with that guidance and will likely detract from future single-family residential and small format multifamily development.

In general, because of the accumulative nature of the current and proposed use, staff believe that the use's impact will likely grow to affect more of the residential neighborhood. This is evidenced by the use growing beyond the original permit's conditions and the applicant's intention to acquire additional parcels.

Staff believe that salvage yards, along with auto storage and service are important services that the community relies on. However, it is clear that other areas of town could better accommodate the proposals.

For these reasons, staff do not support granting conditional use permits for a salvage yard and auto sales business at 440 Winnebago Avenue and an auto/salvage storage yard at 1313 North Hampton Street.

If conditional use permits were to be granted, staff offer the following conditions for consideration:

1. That the business maintain an active industrial stormwater permit from Minnesota Pollution Control Agency and follow the guidance in Minnesota Pollution Control Agency document p-p2s8-03 "Sector M: Automotive salvage yards."
2. That suitable impervious surface be placed beneath the storage of any vehicle or part, and that storm water runoff is controlled and/or treated to prevent oil, gas, or other contaminants from entering the storm water system.
3. That any required land disturbance permitting be obtained for site grading activities greater than 5,000 square feet.
4. That the architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot. All fencing must be maintained so as the passing public may not see into its confines.
5. That the lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from a public right-of-way.
6. That vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with the requirements of this chapter.
7. That open storage and refuse from the use shall be adequately contained and controlled on-site. Parts and equipment must be stored indoors or within required screening.
8. Business hours are not before 6:00 a.m. or after 8:00 p.m.
9. All vehicles associated with any use of the property be stored indoors or within required screening except vehicles driven to the site that same day by employees or customers.
10. (A) *440 Winnebago Ave*: No more than 25 vehicles associated with any use are stored on the property at any given time.

(B) *1313 N Hampton St*: No more than 50 vehicles associated with any use are stored on the property at any given time.

11. That the business does not produce noise, light, or odor that is offensive to neighboring properties.

Respectfully submitted,

Peter Bode

Planner/Code Enforcement Technician

440 Winnebago Ave ↓



↑ 1313 N Hampton St

CITY OF FAIRMONT
Planning & Zoning
Application Form

NOTE TO APPLICANT: This is a comprehensive application form. Only those items related to your specific type of development are to be completed. All items applicable must be included prior to acceptance of the application.

Name of Applicant: James Johnson Address: 1879 300th Ave Phone#: 236 6532
Winnebago MN 56098

Street Address of Proposal: 440 Winnebago Ave

Legal Description of Property: T+J 2nd Addn Lot 1 + N 1/2 of 2 Blk 4 (EX W 50')

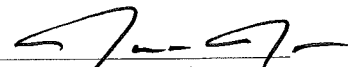
Existing Use of Property: Auto repair / Salvage yard / Auto Sales

Proposed Use of Property: Auto repair / Salvage yard / Auto Sales

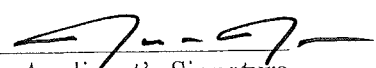
Type of Application	Fee	Submission Requirements (Attached)
<input type="checkbox"/> Appeal/Code Amendment	\$150.00	7
<input type="checkbox"/> Administrative Appeal	50.00	8
<input checked="" type="checkbox"/> Conditional Use Permit	150.00	4, 6(d-g)
<input type="checkbox"/> Home Occupation Permit	30.00	9
<input type="checkbox"/> Minor Plat	90.00	2(a), 5 (a-b)
<input type="checkbox"/> Planned Unit Development	150.00	1, 4, 6(d-g)
<input type="checkbox"/> Preliminary Plat	150.00	5 (b), 6
<input type="checkbox"/> Rezoning	150.00	1
<input type="checkbox"/> Variance	90.00	2,3

I HEREBY CERTIFY THAT THE INFORMATION AND EXHIBITS HERewith SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

James Johnson
 Owner's Name(Printed)


 Owner's Signature

James Johnson
 Applicant's Name (Printed)


 Applicant's Signature

City Staff Use Only
DATE FILED: _____
DATE FEE PAID: _____
MEETING DATE: _____
NOTICES SENT (DATE): _____
NOTIFICATION OF EXTENSION (LETTER SENT): _____

0350

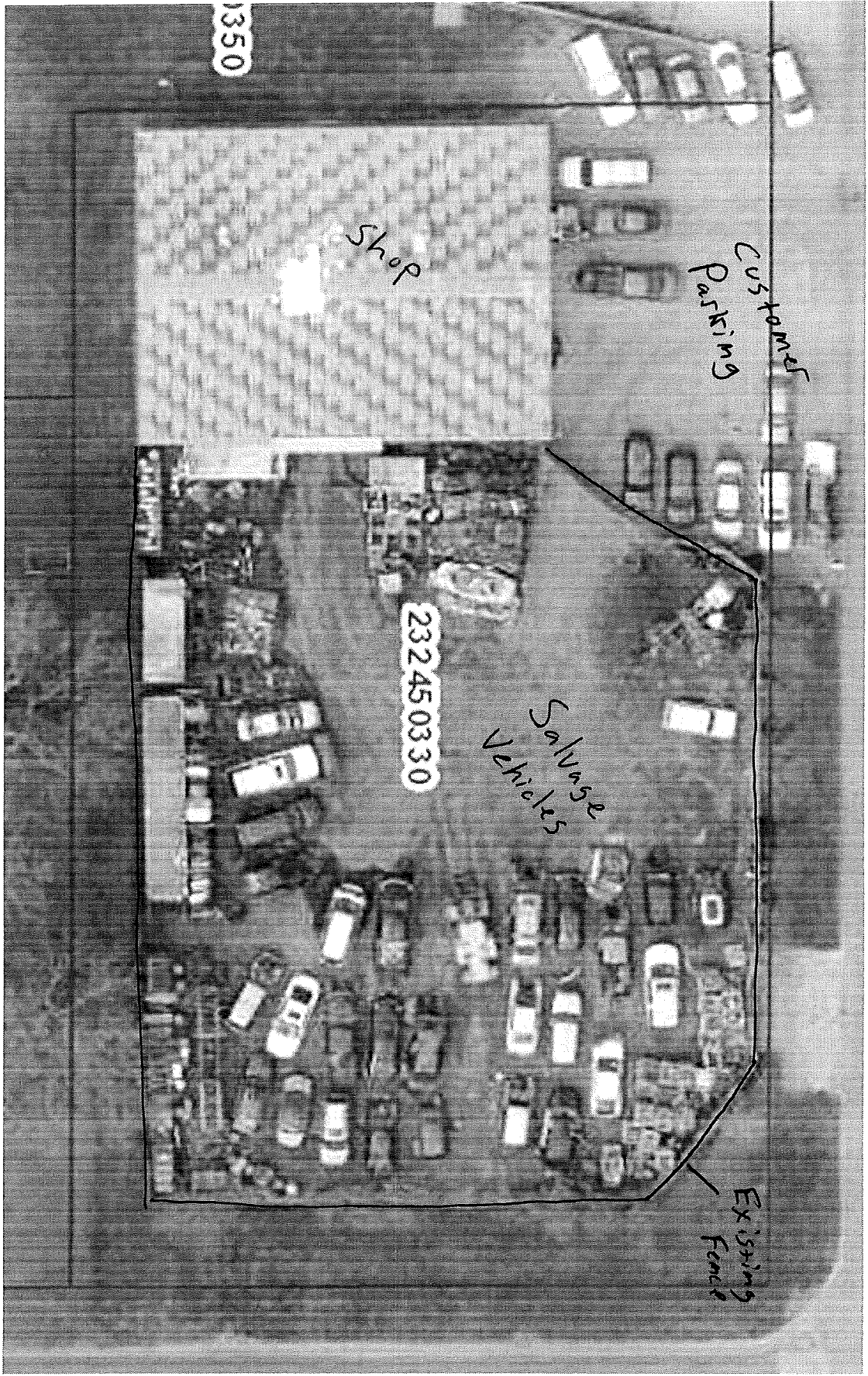
Shop

Customer
Parking

232450330

Salvage
Vehicles

Existing
Fence



Minnesota Vehicle Dealer License - Zoning Verification

The Zoning Official for the jurisdiction in which the dealership resides must complete this form.

Zoning District: I-1 Light Industrial

This form is for (check one): Primary Location Additional Location (Attach a separate Commercial Checklist PS2410 for each location)

DEALER NAME: Car Parts Direct DEALER NUMBER: _____

Street 440 Winnebago Avenue

City Fairmont State MN Zip 56031 County Marble

Type of Dealer's License (check one)

- NEW
- USED
- LESSOR
- WHOLESALE
- BROKER
- AUCTIONEER
- SALVAGE POOL
- LIMITED USE VEHICLE

Please check appropriate statement:

This dealership is permitted use within the above zoning district for the type of business indicated above and there are no zoning complaints or enforcement actions pending at this time.

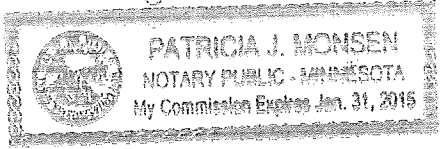
This dealership is permitted *conditional use* within the above zoning district for the type of business indicated above and there are no zoning complaints or enforcement actions pending at this time. (Must attach a copy of the conditional use permit.)

Printed Name of Zoning Authority: Heanne Zurling

Zoning Authority Phone Number (507) 238-9461, ext 2233

Heanne Zurling
(Signature of Zoning Authority)

Subscribed and sworn to before me this
24th day of Jan 20 11
NOTARY PUBLIC Patricia J. Monsen
COUNTY: Marble
MY COMMISSION EXPIRES 1-31-15



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Planning & Zoning
Application Form

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Name of Applicant: James Johnson Address: 1879 300th Ave. Phone#: 236 6532
Winnebago MN 56098

Street Address of Proposal: 1313 Hampton St. N

Legal Description of Property: T+J 2nd Addn N 123.2' 0 of W 150' lot 10 + 563'
of W 150' lot Blk 4

Existing Use of Property: Storage

Proposed Use of Property: Storage

Type of Application	Fee	Submission Requirements (Attached)
<input type="checkbox"/> Appeal/Code Amendment	\$150.00	7
<input type="checkbox"/> Administrative Appeal	50.00	8
<input checked="" type="checkbox"/> Conditional Use Permit	150.00	4, 6(d-g)
<input type="checkbox"/> Home Occupation Permit	30.00	9
<input type="checkbox"/> Minor Plat	90.00	2(a), 5 (a-b)
<input type="checkbox"/> Planned Unit Development	150.00	1, 4, 6(d-g)
<input type="checkbox"/> Preliminary Plat	150.00	5 (b), 6
<input type="checkbox"/> Rezoning	150.00	1
<input type="checkbox"/> Variance	90.00	2,3

I HEREBY CERTIFY THAT THE INFORMATION AND EXHIBITS HERewith SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Charles R. Smith

Owner's Name(Printed)

Charles R. Smith

Owner's Signature

James Johnson

Applicant's Name (Printed)

James Johnson

Applicant's Signature

City Staff Use Only

DATE FILED: _____

DATE FEE PAID: _____

MEETING DATE: _____

NOTICES SENT (DATE): _____

NOTIFICATION OF EXTENSION (LETTER SENT): _____

Building
Cold Storage

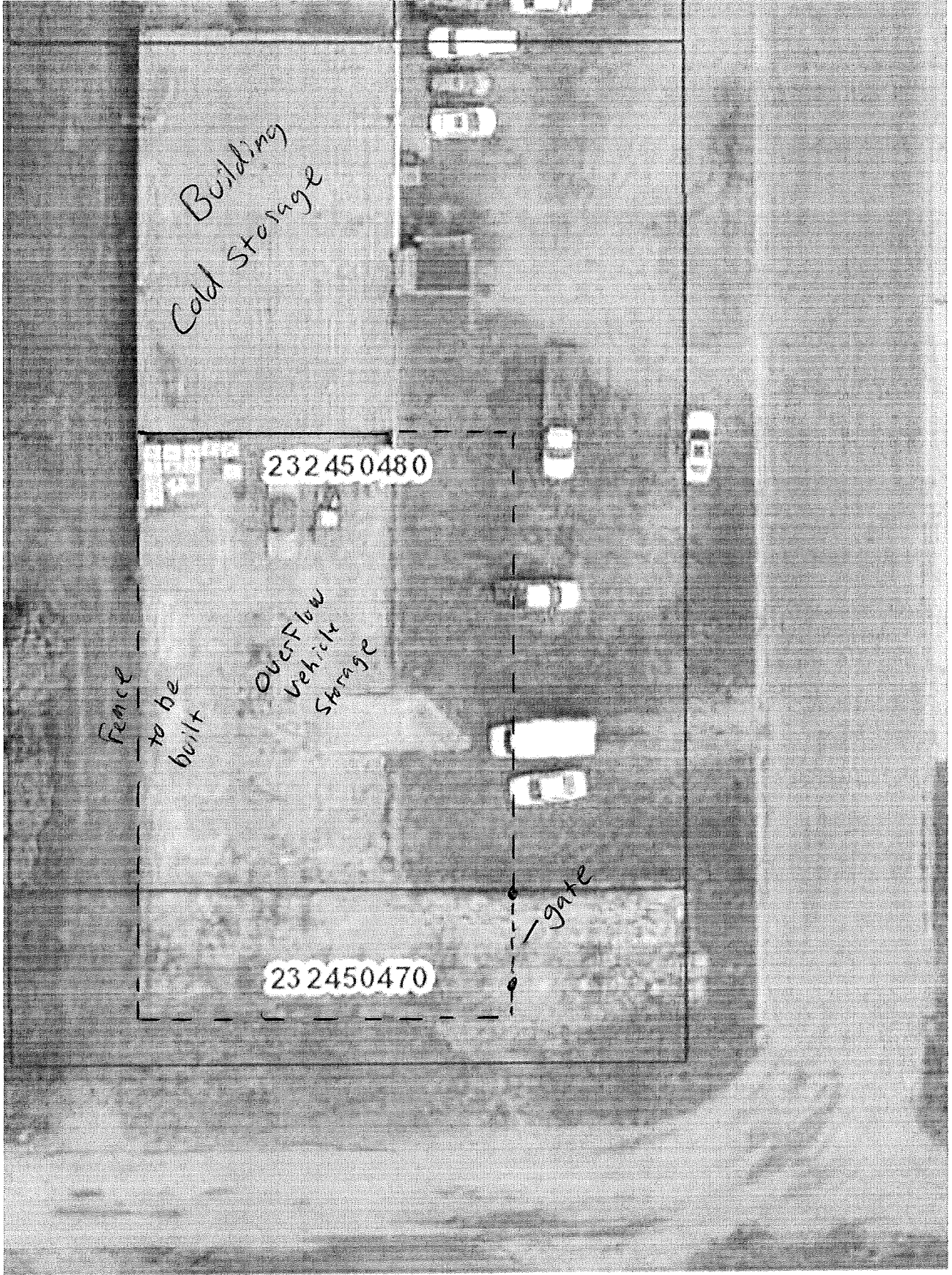
232450480

Fence
to be
built

Overflow
Vehicle
Storage

232450470

gate





Phone (507) 238-9461

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**CITY OF FAIRMONT
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Fairmont Planning Commission will meet at the City Hall Council Chambers, 100 Downtown Plaza, Fairmont, MN 56031 at 5:30 p.m. on Tuesday, June 1, 2021 to conduct a Public Hearing to review the following item:

James Johnson
440 Winnebago Ave (Parcel ID 23.245.0330)
Conditional Use Permit for a salvage yard in an I-1 zone

James Johnson
1313 N Hampton St (Parcel ID 23.245.0480)
Conditional Use Permit for a salvage yard in an I-1 zone

Members of the public wishing to provide public comments may attend in person or by calling **1-312-757-3121** and entering the access code **311-302-861** at the time of the meeting. Written comments can also be submitted to City of Fairmont, attention Patricia Monsen, 100 Downtown Plaza, Fairmont, MN 56031.

Patricia Monsen
City Clerk
(Published in Fairmont Photo Press on May 19, 2021)



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Patricia Monsen
City Clerk

You are receiving this notice by mail as a neighboring property owner who could be affected by the proposed request. You have the right to provide public comment.

ABRAHAMSON, SHARON J
306 WINNEBAGO AVE
FAIRMONT, MN 56031

ANDERSEN, PRESTON R & SANDRA
1406 N PRAIRIE AVE
FAIRMONT, MN 56031

ANKLAM, GARY
1400 N PRAIRIE AVE
FAIRMONT, MN 56031

BECKER-SHUMSKI, MARY DANIELLE
1307 N GRANT
FAIRMONT, MN 56031

BENSCHOTER, CODY E
1319 N GRANT
FAIRMONT, MN 56031

BISHOP, KRISTYLIN M
1306 N ELM ST
FAIRMONT, MN 56031

BLAIR, RONALD & LINDA
31631 130TH ST
WINNEBAGO, MN 56098

BULFER, KIMBERLY K
1301 GRANT ST N
FAIRMONT, MN 56031

CHILDS, THOMAS E & KATHLEEN A
1410 N PRAIRIE AVE
FAIRMONT, MN 56031

DETERT, RICHARD
1318 ELM ST N
FAIRMONT, MN 56031

DK PROPERTY LLC
767 SHOREACRES DR
FAIRMONT, MN 56031

DOYLE, KIRK WILSON
1314 N ORIENT
FAIRMONT, MN 56031

DRIEHORST, ERIC, AMBER WENZEL
1308 N ORIENT ST
FAIRMONT, MN 56031

EBERT, JULIE A
1306 PRAIRIE AVE N
FAIRMONT, MN 56031

FAIRMONT ECONOMIC DEVELOP AUTH
100 DOWNTOWN PLAZA
PO BOX 751
FAIRMONT, MN 56031

FAIRMONT INVESTMENT GROUP LLP
PO BOX 303
FAIRMONT, MN 56031

FAIRMONT, CITY OF
100 DOWNTOWN PLAZA
FAIRMONT, MN 56031

FLOHRS, DARRIN L, REBECCA L FLAHER
1307 N ORIENT ST
FAIRMONT, MN 56031

GREFE, JACKIE
730 E WILSON AVE
ARCADIA, WI 54612

HANNING, JERRY
1317 NO ORIENT
FAIRMONT, MN 56031

HARRIS, NICHOLAS
704 WASHINGTON AVE
FAIRMONT, MN 56031

HEIDECKER, CRAIG & A BOOMGAARDE,
476 AMBER LAKE DR
FAIRMONT, MN 56031

HENNAGER, DAVID R
1331 N PRAIRIE AVE
FAIRMONT, MN 56031

HOUSING & REDEV AUTH - FMNT
500 HOME ST
FAIRMONT, MN 56031

JENSEN, KENT & CYNTHIA
324 E 9TH ST
FAIRMONT, MN 56031

JEWISON, MARK
1075 75TH AVE
SHERBURN, MN 56171

JOHNSON, JAMES L
1879 300TH AVE
WINNEBAGO, MN 56098

JOHNSON, JAMES L
440 WINNEBAGO AVE
FAIRMONT, MN 56031

JOHNSON, RICKY L
312 WINNEBAGO AVE
FAIRMONT, MN 56031

KOCH, SHAWN
1224 N ORIENT ST
FAIRMONT, MN 56031

KUEHL, STEVEN & BARBARA
1324 N ORIENT
FAIRMONT, MN 56031

KUEKER, JAMIE R & NICOLE J
1227 N ORIENT ST
FAIRMONT, MN 56031

LARSON, MICHAEL & JULIE
512 WINNEBAGO AVE
FAIRMONT, MN 56031

LUNN, SANDRA
1229 PRAIRIE AVE N
FAIRMONT, MN 56031

MADSEN, CASSIDY L
1225 N ORIENT ST
FAIRMONT, MN 56031

MARTIN COUNTY, % MARTIN COUNTY AL
201 LAKE AVE STE 201
FAIRMONT, MN 56031

MCCONNELL, TIM
922 N NORTH AVE
FAIRMONT, MN 56031

MCCONNELL, TIMOTHY K & TRACY L
922 N NORTH AVE
FAIRMONT, MN 56031

MCLELLAN, JASON
1317 N PRAIRIE AVE
FAIRMONT, MN 56031

MOSLOSKI, JERALD L & DEBRA M
508 WINNEBAGO AVE
FAIRMONT, MN 56031

POULSON, KEITH DOUGLAS
1215 N ORIENT ST
FAIRMONT, MN 56031

PRITTS, HARRY D & JACQUELINE, % RIC
785 SHOREACRES DR
FAIRMONT, MN 56031

PROCHNIAK, STEVEN A & G
1218 N PRAIRIE AVE
FAIRMONT, MN 56031

RAHM, DUSTIN P
309 E 13TH ST
FAIRMONT, MN 56031

RIEGEL, MARIE LLP
PO BOX 972
FAIRMONT, MN 56031

RUBIO, ROSIE
1313 N ORIENT ST
FAIRMONT, MN 56031

SCHAEFER FAMILY REVOC LIV TST, % C
1232 N ORIENT
FAIRMONT, MN 56031

SCHOCK, RANDY C
411 WINNEBAGO AVE
FAIRMONT, MN 56031

SCHULTZ, TED W
1225 N PRAIRIE AVE
FAIRMONT, MN 56031

SLATER, MARLIN
1318 N ORIENT
FAIRMONT, MN 56031

SMITH, CHARLES R & LINDA M
407 E 12TH ST
FAIRMONT, MN 56031

SMITH, CHARLES R
407 E 12TH ST
FAIRMONT, MN 56031

SUBBERT, JASON W & LOIS J
1304 N ORIENT ST
FAIRMONT, MN 56031

SUBBERT, PATRICIA
403 E 12TH ST
FAIRMONT, MN 56031

THEOBALD, KEVIN C
1221 N PRAIRIE
FAIRMONT, MN 56031

THIESSE, NICHOLAS ERIC
104 GUIDE ST N
WELCOME, MN 56181

TRIPLETT, ROBERT E
1212 N PRAIRIE
FAIRMONT, MN 56031

WEERTS, JAMES A & CLARICE L
2008 RIVERSIDE DR
BURBANK, CA 91506

WEGNER, LINDSEY
1307 N PRAIRIE AVE
FAIRMONT, MN 56031

WERNER, MARVIN R JR
1315 N PRAIRIE
FAIRMONT, MN 56031

WERNER, OTTO S
1317 N GRANT ST
FAIRMONT, MN 56031

WINCH, KENNETH E & V L
1316 N PRAIRIE
FAIRMONT, MN 56031

WOLNER, MATTHEW A
502 S VALLEY VIEW CT
FAIRMONT, MN 56031

ZHENG RENTAL PROPERTIES LLC
1570 FALCON DR
FAIRMONT, MN 56031

ZIEMER, BEN L & BERNYCE M
321 WINNEBAGO AVE
FAIRMONT, MN 56031