



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

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TO: Planning Commission

FROM: Peter Bode, Planner & Zoning Official

DATE: July 29, 2022

SUBJECT: **Agenda – Regular Meeting**
Tuesday, August 2, 2022 at 5:30 p.m.
City Council Chambers, City Hall, 100 Downtown Plaza

1) Approval of Agenda

2) Approval of Minutes – June 7, 2022 *Page 1*

New Business

3) Public Hearing – Rezoning of 93 Acres North of George Lake & West of Holland St *Page 3*

Old Business

None

4) Adjournment

MINUTES OF THE FAIRMONT PLANNING COMMISSION

Regular Meeting

June 7, 2022 at 5:30 p.m.

City Council Chambers, City Hall, 100 Downtown Plaza

Members present: Ron Davison, Tom Mesich, Jon Omvig, Rin Porter, Council Liaison Britney Kawecki

Members absent: Tom Lytle

Staff present: City Administrator Cathy Reynolds, Planner & Zoning Official Peter Bode

Chair Omvig opened the meeting at 5:30 p.m.

Approval of Agenda: Motion by Porter and second by Mesich to approve the meeting agenda as presented. Motion carried.

Approval of Minutes: Motion by Davison and second by Mesich to approve the April 5, 2022 minutes as presented.

Public Hearing - Rezoning of 93 acres north of George Lake and west of Holland St: Chair Omvig opened the public hearing at 5:32 p.m. Bode presented a proposal by Carlson Walters Group (CWG) to rezone their land of 93 acres north of George Lake and west of Holland St, PIN 23.037.0150, from R-1 Single Family Residential to B-1 Neighborhood Business.

Brandon Edmundson, representing CWG, spoke on behalf of the group to introduce the proposal.

Kathleen Gronewald, residing at 1447 Larsen Lane, commented and wrote against the request.

Kenneth Simmering, residing at 1404 Holland Street, commented against the request.

Susan Barnes, residing at 129 West Anna Street, commented and wrote against the request.

James Maynard, residing at 1831 Oakwood Drive, commented against the request.

Robert True, residing at 1435 Holland Street, commented against the request.

Jolynne Bockman, residing at 1321 Holland Street, commented against the request.

Molly Meyer, residing at 1332 Holland Street, commented against the request.

Elaine Lieder, residing at 214 West Anna Street, commented and wrote against the request.

Deanna Shaikoski, residing at 1608 Ida Street, commented in favor of the request.

Jeffrey Schuett, residing at 1306 Holland Street, commented against the request.

Kris Nielsen, residing at 1435 Larsen Lane, commented against the request.

Marlene Shell, residing at 1426 Holland Street, commented against the request.

James Marushin, residing at 1420 Holland Street, commented against the request.

Paul Miller, residing at 1905 Memorial Park Drive, commented against the request.

Garth Carlson, representing GWG, spoke on behalf of the group.

Motion by Mesich and second by Davison to enter written comments into the record, all members having read them, instead of reading each out loud. Motion carried. Bode presented written comments by those not in attendance for the Commission:

Larry and Kris Behrens, residing at 1602 Ida Street, wrote against the request.

Ken Carlson, 226 West Anna Street, wrote against the request.

Mike Johnson, residing at 1426 Holland Street, wrote against the request.

Dennis and Carol Madsen, residing at 1517 Lucia Avenue, wrote in regard to the request.

Tabb Meyer, residing at 1332 Holland Street, wrote against the request.

Dale and Kathy Ratcliff, residing at 1204 Lucia Avenue, in regard to the request.

Ruth True, residing at 1435 Holland Street, wrote against the request.

Bill Bockman, residing at 1321 Holland Street, wrote against the request.

Sandra McKay, residing at 220 West Anna Street, wrote against the request.

Brian and Nicole Allen, residing at 202 West Anna Street, wrote against the request.

There were no further public comments. Motion by Porter and second by Mesich to close the public hearing. Motion carried and the public hearing closed at 6:38 p.m.

Members discussed the proposal.

Motion by Porter to deny the request to rezone the land to B-1 Neighborhood Business because the proposal is not in the best interest of physical development of the city, is not consistent with the Comprehensive Plan, and does not address access challenges. No member seconded and the motion failed.

Motion by Mesich and second by Davison to deny the request to rezone the land to B-1 Neighborhood Business because the proposal is not in the best interest of physical development of the city, the district is too broad and includes potential uses not consistent with the Comprehensive Plan.

Chair Omvig called for a roll call vote. Davison, Mesich, Omvig, and Porter voted aye. No members voted nay. Motion carried.

Old Business: *None*

Adjournment: There were no additional agenda items. Chair Omvig adjourned the meeting at 7:29 p.m.

*Respectfully submitted,
Peter Bode*



MEMORANDUM

TO: Planning Commission
FROM: Peter Bode, Planner & Zoning Official
DATE: July 29, 2022
RE: PIN 23.037.0150 – Rezoning Application

Background

Carlson Walters Group, LLC (CWG) has applied to rezone a portion of their 93-acre parcel north of George Lake and west of Holland Street, PIN 23.037.0150, from its current designation of (R-1) Single Family Residential to (A) Agriculture Transition. The property owner plans to develop a campground on the land, with the potential future expansion of residential housing and a restaurant.

On June 7, 2022, the Planning Commission held a public hearing to review a proposal by the applicant to rezone the property to B-1 Neighborhood Business. The Planning Commission denied the request because the proposal was not in the best interest of the physical development of the city; the proposed district was too broad and included potential uses not consistent with the Comprehensive Plan. Generally, the Commission discussed wanting more detail to go along with a rezone petition, like a subdivision or PUD proposal, given the zoning code is currently in the process of being updated.

Per *City Code Section 26-36*, property owners may initiate a request to amend the City’s official zoning map for their parcel. In this case, the applicant now proposes an (A) Agriculture Transition designation as it allows for the establishment of a campground as a conditional use. Campgrounds in the city are allowable with PUDs in business districts, and as conditional uses of the Agriculture Transition district.

Staff discuss two major topics in this report: the technical state of the current rezone application and the concept of the Agriculture Transition district relative to the Comprehensive Plan. Additionally, we provide options by which the Planning Commission may proceed.

Technical Elements of the Proposal

The applicant states in their cover letter that at the June meeting, the Planning Commission “generally seemed in favor of a campground at this location, but requested the parcel be subdivided such that the location of the campground would be specifically designated on the application.”

Staff agree with this characterization of the Planning Commission’s discussion. What is being described in this application’s cover letter, separating the 93-acre parcel into pieces designated for various uses and zones, is a subdivision instead of a rezone. This petition’s concept drawing goes on to show blocks, lots, streets, and three different zoning designations.



This concept plan proposes a boundary be recognized on the singular parcel between the western portion to be rezoned to (A) and the eastern portion to remain (R-1). This drawn boundary is marked by GPS points. These GPS points, for purposes of subdividing land, are problematic because they are not indicated to be marked by a surveyor registered as licensed in the State of Minnesota. Surveyors are licensed after extensive education and practice so that property owners and governments can be confident their work is valid and accurate. Registered surveyors will generally use physical markers to determine boundaries. Additionally, in the case of subdivision of land, legal physical descriptions will be used to precisely determine boundaries.

Staff believe the proposal to divide the 93-acre parcel into two or three districts with boundaries should be done as part of a subdivision instead of a simple rezone. The City Code’s subdivision chapter provides standards to guarantee accuracy and due consideration of the elements of subdivision, including requiring the work be completed by a registered surveyor.

During multiple conversations with the applicant, staff have communicated these issues we identify with the petition. The applicant indicated to staff that they intended to proceed with this final application for the Planning Commission’s public hearing August 2.

Staff ask that the Planning Commission deny the petition for a simple rezone because of the following significant technical problems with the application:

1. The proposal as described in its cover letter and concept plan approaches a subdivision of land more than a simple rezone.
2. The boundary lines shown to be subdividing land are not indicated to be marked by a registered surveyor.

Agriculture Transition

Fairmont Forward: 2040 Comprehensive Plan was adopted as the City’s comprehensive plan in January of 2021. Years of work by the Planning Commission and the community culminated in this plan which anticipates changes in Fairmont over the next several decades. As a major component of the plan, land is guided to be used for different purposes and in various formats throughout the city. This guidance is detailed in the plan’s land use chapter on page 32.

Staff recommend using the Comprehensive Plan’s guidance for the area as the Planning Commission’s foundation for evaluating the proposal. The 2040 Comprehensive Plan guides this area of land to be Mixed Use Neighborhood (MUN). MUN, as described on page 35 of the plan, envisions a sustainable urban village concept here. This includes small-format neighborhood commercial uses mixed with residential and institutional uses. The guidance emphasizes quality of site design, connectivity, and efficient use of infrastructure. Urban village concepts which are sustainable prioritize use of public space, walking and cycling use, and the reduction of generated and pulled vehicle traffic.



In particular, MUN designates development here to include the following uses:

- Small format retail
- Restaurants
- Small offices
- Multifamily residential
- Public and quasi-public gathering spaces
- Outdoor dining
- Parking
- Institutional uses

Wrapping these residential and small-format commercial uses together, MUN prioritizes that development scale and mass should be designed to be in harmony with the surrounding neighborhood context. The MUN district is decidedly not agricultural in nature, and does not describe any uses which approach a campground. Traffic generated by a destination campground, for example, conflicts with MUN guidance that the neighborhood sustainably prioritize public space, walking and cycling use, and the reduction of vehicle traffic.

In 2021, staff evaluated a proposal by CWG to rezone the property to (A) Agriculture Transition in support of a campground. Staff suggested at this time that the A district would not be consistent with the Comprehensive Plan's guidance of the area to be Mixed Use Neighborhood (MUN). In addition to the plan's guidance that the area be developed as an urban village concept, staff also note that the A zone is primarily used to zone recently-annexed land for eventual development into residential, commercial, or industrial designations, or to preserve open area for parks or wildlife.

In addition to problematic technical elements of the application, staff recommend the petition be denied because (A) Agriculture Transition is not consistent with the Comprehensive Plan.

Options to Proceed

During June's public hearing, the topic of a subdivision was discussed. The Planning Commission suggested that it would like more detail about the proposal in order to better inform a rezone decision. As part of a subdivision, the proponent is provided with the ability to show more real detail about the dynamics of the development. This detail could include boundaries, blocks and lots, zones, streets and access, elevation contours relative to George Lake, etc.

Staff believe the current application takes a step back from those suggestions by proposing the parcel be rezoned to a district which is incompatible with the Comprehensive Plan, and subdividing the land without following the subdivision process.



The Planning Commission may proceed with the following options:

- 1) Approve and recommend to City Council the request to rezone the parcel to (A) Agriculture Transition while stating its findings that the proposal is in the best interest for physical development of the City. The City Council would schedule a public hearing for the request and make a final decision.
- 2) Deny the request while stating its findings that the proposal is not in the best interest for physical development of the city. Staff recommend denial because of the two technical problems with the proposal as well as our findings that the (A) Agriculture Transition district is not consistent with the Comprehensive Plan. The Commission may state more than one reason for denial. The applicant may appeal the decision to the City Council. The Commission may, in addition to denial, ask the applicant to reapply with more information, or with a major subdivision dividing the land into parcels if desired.
- 3) Table the question for further discussion at a future meeting. The Planning Commission may ask staff for additional analysis.

*Respectfully submitted,
Peter Bode, Planner & Zoning Official*

Attachments:	Sattelite photo of parcel	Page 7
	Application to rezone	Page 8
	Concept Plan	Page 14
	City Code for (A) Agriculture Transition	Page 15
	Page 35 of Comprehensive Plan	Page 17
	Public comments	Page 18



230370180

23 03 70 155

230370300

230380140

W MARGARET ST

230370170

W CHRISTINA ST

W CHRISTINA ST

23 03 70 150

W ANNA ST

230370230

LARSEN LN

LUCIA AVE

HOLLAND ST

23 16 20 600

230370250

23 03 90 760

23 03 70 240

23 03 70 260

ES AVE

7

23 16 20 600

N MAIN ST

W 11



KRAHMER,
SHAFFER &
EDMUNDSON LTD

Kim A. Shaffer
Brandon J. Edmundson, *also licensed in Iowa*
Sara L. Edmundson
Derrick M. Greiner
Peter A. Odgren
Bruce A. Krahmer *of counsel*

June 22, 2022

Planning Commission
City of Fairmont
100 Downtown Plaza
Fairmont, MN 56031

RE: Application for Rezoning of Tax Parcel ID #23.037.0150

Dear to whom it may concern,

Enclosed please find an application for rezoning filed on behalf of the Carlson Walters Group, LLC ("CWG"). The CWG is the owner of a 92 acre parcel in Martin County with the parcel ID number of 23.037.0150. The parcel is currently zoned R-1, single family residential and is being utilized as farmland.

CWG previously filed an application requesting to rezone this parcel to B-1 as a mixed use property. CWG requested the B-1 zoning at the behest of the city and under the impression that it was the only zoning appropriate for the current comprehensive plan for the subject parcel. At the planning commission meeting where the prior application was considered, concerns were raised by the commissioners that a B-1 zoning designation for this property was too broad and could potentially allow for development outside of what the commissioners had in mind for this parcel. The commissioners generally seemed in favor of a campground at this location, but requested the parcel be subdivided such that the location of the campground would be specifically designated on the application. Lastly, the commissioners seemed to favor of leaving the area adjacent to the existing neighborhood as residential so as to keep the integrity and cohesion of that area consistent for the local residents.

As such, CWG is now requesting a re-zoning of only the proposed campground area as reflected on the attached exhibit. Specifically, CWG is requesting a change in zoning of the western teal shaded portion of the property from R-1 to the "A Agricultural – Transition District." This is the portion of the property where the campground would be located. The plan is for the eastern portion of the property to remain zoned R-1, and the group may potentially look at re-zoning the green shaded area to the south to R-3, multiple family residential as a possible additional future development.

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KRAHMER, SHAFFER & EDMUNDSON LTD.

At this time, CWG is only applying for the zoning change for the campground, and they will follow up with a CUP application once the zoning change is approved. CWG is trying to make this development work within the confines of what the planning commission, the neighboring community and the city have asked of them.

CWG requests that the Planning Commission consider this proposal as soon as possible. During the last meeting, the commission referenced the possibility of holding a special meeting to accelerate the consideration of a follow up or new application. CWG would request a special meeting be had if that will allow for an earlier consideration of this application. If you have any questions or need any further information regarding the enclosed application, please do not hesitate to reach out to me at the number or email below.

Yours truly,

KRAHMER, SHAFFER & EDMUNDSON, LTD.



Brandon J. Edmundson

brandon@krasha.com

Encl: Rezoning Application and Exhibit

**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: Carlson Walters Group, LLC
Address: 301 N. Water Street, New Ulm, MN 56073 Phone#: 507-269-4958

Street Address of Proposal: Parcel ID: R23.037.0150 Sec. 6 TWP.102 R.30

Legal Description of Property: See Attached.

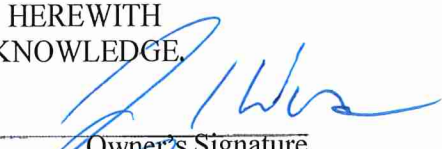
Existing Use of Property: Farmland

Proposed Use of Property: Campground and residential development. See potential development plan attached.

Type of Application	Fee	(Attached) Submission Requirements
<input type="checkbox"/> Appeal/Code Amendment	\$150.00	7
<input type="checkbox"/> Administrative Appeal	50.00	8
<input 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 checked="" type="checkbox"/> Rezoning	150.00	1
<input type="checkbox"/> Variance	90.00	2,3

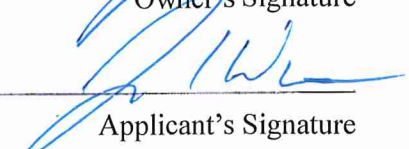
I HEREBY CERTIFY THAT THE INFORMATION AND EXHIBITS HERewith SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Jon Walters, Carlson Walters Group, LLC
Owner's Name(Printed)


Owner's Signature

Jon Walters, Carlson Walters Group, LLC

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): _____

1. A map drawn to scale of at least 100 feet to an inch portraying the land in question with the length and location of each boundary thereof.
2.
 - a) A legal description and registered survey of the property indicating current building setbacks, existing easements, the length and width of parcel, and location of property lines and pins.
 - b) A detailed and legible site plan of the proposal requiring the variance.
3.
 - a) Statement of how the proposed variance is:
 - i. In harmony with the general purposes and intent of the City's code.
 - ii. Consistent with the City's Comprehensive plan.

Both documents can be found for review on the City's web site: www.fairmont.org

 - iii. Meets the requirements of "Practical Difficulties," set forth in Minn. Stat. 462.357 Subd. 6. Appeals and Adjustments.

MN Stat. 462.357 Subd. 6 Appeals and adjustments.

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

4. A complete site plan, including but not limited to: Location and elevation of proposed structures, driveways, parking and loading areas, topography and site drainage, improvements, architectural plans.
5.
 - a) A certified document from the Martin County Auditor stating that all assessments on the proposed minor subdivision would be redivided proportionately on the subdivided parcels.
 - b) Martin County Ditch Assessment Division Agreement (attached).
6. Six (6) copies of the plat will be submitted containing the following information:
 - a) Legal description of property to be platted.
 - b) Name of proposed plat, name and address of owners, registered engineer or surveyor, owners of adjacent property, zoning, date, approximate north point, and graphic scale not less than 1" - 100'.
 - c) A vicinity sketch of not more than 1" - 200', showing all existing subdivisions, streets and tract lines of acreage parcels, together with parcels of land within 300 feet of the outer boundaries of the proposed subdivision.
 - d) Contours at an interval of two (2) feet. If natural contours are to be changed more than two (2) feet, a grading plan should be submitted indicating approximate final elevations.

- e) The location of such surface features as property lines, buildings, railroads, utilities, natural and proposed drainage courses, natural features and similar items.
 - f) The location and size of such sub-surface features as proposed and existing or nearest available sanitary and storm sewers, water mains, culverts, drain pipes or ditches, road surfacing and similar items.
 - g) Any sites proposed for schools, parks, playgrounds; provisions for major thoroughfares, etc., so that the time and manner of their dedication to the City or School District may be considered or determined.
7. Statement of appeal or proposed code change.
 8. Statement why the action taken is not appropriate and should be overturned.
 9. Description of proposed home occupation and site or building plan (if applicable).

EXHIBIT "A"

The South One-half of the Northeast Quarter (S1/2 of NE1/4) of Section Six (6), Township One Hundred-two (102), North of Range Thirty (30), West of the Fifth Principal Meridian, excepting therefrom the North Two and One-half (2-1/2) acres of the East Five (5) acres of said tract. That part of Government Lot One (1) together with that part of the Northwest Quarter of the Southeast Quarter (NW1/4 of SE1/4) of Section Six (6) in Township and Range aforesaid which lies North of Lake George and Center Creek, bounded and described as follows, viz: Beginning at the Northwest (NW) corner of the Southeast Quarter (SE 1/4) of said Section Six (6) running thence South along the West line of said Southeast Quarter (SE 1/4) Three Hundred-twenty feet (320') to the middle of said creek; thence Southeasterly (SE'ly) along the middle of said creek to a point twenty-five (25) rods South and One Hundred Seventy-five feet (175') East of the Northwest (NW) corner of the Southeast Quarter (SE1/4) of said Section Six (6); thence East Six Hundred Eighty feet (680') along the North boundary of slaughter house grounds and a two (2) acre tract belonging to the City of Fairmont to an iron stake; thence South along the East line of said two (2) acre tract One Hundred Twenty feet (120') to the shore of Lake George; thence Easterly (E'ly) along the shore of said Lake to the East line of the Southeast Quarter (SE 1/4) of said Section Six (6); thence North along said East line Nine Hundred Fifty-nine feet (959') to the Northeast (NE) corner of the Southeast Quarter (SE1/4) of said Section Six (6); thence West along the North line of said Southeast Quarter (SE1/4) Two Thousand Six Hundred Forty-eight and One Half feet (2,648-1/2') to the place of beginning.

All that part of the Northeast Quarter of the Northeast Quarter (NE1/4 of NE1/4) of Section Six (6), Township One Hundred-two (102), Range Thirty (30), lying West of the center line of the road bisecting said premises, it being intended to convey a tract of 19.51 1/3 acres in the Northeast Quarter of the Northeast Quarter (NE1/4 of NE1/4) of Section Six (6), Township One Hundred-two (102), Range Thirty (30), bounded by lines as follows: Beginning at the Northwest (NW) corner of said Northeast Quarter of Northeast Quarter (NE1/4 of NE1/4) running thence East on the town line 5.34 chains; thence South 26°38' East, 21.58 6/10 chains; thence West 1/8th Section line, 14.85 8/10 chains; thence North on 1/8th Section line, 19.34 8/10 chains to place of beginning, being a part of the land described in a deed recorded in Book 136 of Deeds on Page 17 in the office of the Register of Deeds of Martin County, Minnesota.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS OF LAND:

The 1.79 acre tract as described in that certain Warranty Deed dated August 16, 1932, recorded September 2, 1932, in Book 166 of Deeds, on Page 630 thereof.

A 0.283 acre tract described in that certain Warranty Deed dated May 12, 1971, recorded June 2, 1971, in Book 294 of Deeds, on Page 617 thereof.

The land as described in that certain Warranty Deed dated June 1, 1971, recorded June 23, 1971, in Book 294 of Deeds, on Page 727 thereof.

The land platted as Hollandale Addition, recorded July 13, 1950, in Envelope No. 128.

The land as described in that certain Warranty Deed dated December 1, 1989, recorded December 7, 1989, as Document No. 296487.

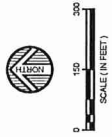
The land platted as Hollandale Second Subdivision, recorded April 11, 2007, as Document No. 2007R-388800.

ZONING DISTRICT AMENDMENT EXHIBIT

DATE	APRIL 2022
SCALE	AS SHOWN
DRAWN BY	MSH
CHECKED BY	CHS
CONTRACT NO.	
JOB NUMBER	2020-11825

PROJECT NO.	C1.1
SHEET	26
GEORGE LAKE MASTERPLAN	
CARLSON WALTERS GROUP	
FARMHOUT, MINNESOTA	
CONCEPT SITE PLAN	

NOT FOR CONSTRUCTION



PROPOSED USES

	DENOTES PROPOSED A-2 Zoning
	DENOTES PROPOSED R-1 Zoning
	DENOTES PROPOSED R-3 Zoning
	DENOTES PROPERTY BOUNDARY
	DENOTES PROPOSED LOT LINES

Sec. 26-151. - A Agriculture-transition district.

- (a) *Scope.* This section applies to the A agricultural-transition district.
- (b) *Permitted uses.* Permitted uses are as follows:
 - (1) Agriculture, including residential dwellings, crop farming, raising and training domestic animals for noncommercial purposes. All uses subject to state pollution control standards. Maximum numbers of livestock permitted:
 - a. On five (5) acre plots but less than ten (10) acres: Number of large and small domestic livestock permitted are two (2) large animals and four (4) small animals.
 - b. On ten (10) or more acre plots: Number of large and small domestic livestock permitted are one (1) large, adult animal per acre and two (2) small animals or animals under one (1) year of age per acre.
 - (2) Public parks, recreational areas, wildlife areas and game refuges.
 - (3) Nurseries and tree farms.
 - (4) Essential services.
- (c) *Permitted accessory uses.* Permitted accessory uses are as follows:
 - (1) Home occupations.
 - (2) Living quarters of persons employed on the premises.
 - (3) Operation and storage of such vehicles, equipment and machinery which are incidental to permitted or conditional uses allowed in this district.
 - (4) Signs.
- (d) *Conditional uses.* Conditional uses require a conditional use permit based upon procedures set forth in this chapter and are as follows:
 - (1) Government and public utility buildings and structures necessary for the health, safety and general welfare of the community provided that:
 - a. When abutting a residential use in a residential district, the property is screened and landscaped in compliance with article VII.
 - b. The provisions of article II, division 4 are considered and satisfactorily met.
 - (2) Commercial outdoor recreational areas including golf courses and clubhouse country clubs, swimming pools and similar facilities provided that:
 - a. The principal use, function or activity is open, outdoor in character.
 - b. Not more than five (5) percent of the land area of the site be covered by buildings or structures.
 - c. When abutting a residential use in a residential district, the property is screened and landscaped in compliance with article VII.
 - (3) Commercial riding stables, dog kennels and similar uses provided that:
 - a. Animal building, holding, grazing and exercise areas are located a minimum of one thousand (1,000) feet from any commercial, industrial, or residential district.
 - b. The land area of the property containing such use meets the minimum established for the district.
 - c. The provisions of article II, division 4 are considered and satisfactorily met.
 - (4) Recreational, travel vehicle camp sites (not including mobile homes) and resorts provided that:

- a. The land area of the property containing such use meets the minimum established for the district.
 - b. The site to be served by a major street or highway capable of accommodating generated traffic.
 - c. All driveways and parking areas be hard surfaced.
 - d. The site is served by municipal sewer and water.
 - e. Not more than five (5) percent of the land area of the site be covered by permanent buildings or structures.
 - f. The location of such use be at minimum one hundred (100) feet from any existing abutting residential district.
 - g. All signing, or visual communication devices be in compliance with article VIII.
 - h. The provisions of article II, division 4 are considered and satisfactorily met.
- (5) Machine shops shall be a conditional use with restrictions, in the A agriculture-transition district provided that:
- a. The machine shop shall be constructed in a manner to provide off-street parking in compliance with article VIII.
 - b. Any machine shops located less than three hundred (300) feet from any R zone shall be screened in compliance with article VII.
 - c. All materials and equipment shall be stored in a manner to prevent their being visible from the street.
 - d. The use of signs shall be in compliance with article X, and the machine shop shall be limited to the use of one (1) sign only visible from the street. Said sign shall not exceed thirty-two (32) square feet in area.
 - e. Any machine shop located less than three hundred (300) feet from any R zone shall comply with all the performance standards of article VII.
- (6) Agricultural related buildings and structures. Provided that:
- a. When abutting a residential use or a residential district, the property shall be screened and landscaped in compliance with article VII.
 - b. The same yard requirements shall be maintained as are required for the primary structure.
- (e) *Lot area, height, lot width and yard requirements.*
- (1) No parcel of land shall be created which is less than five (5) acres in size.
 - (2) No height limitation shall be imposed for any agricultural building except where hazardous conditions may result. All other buildings shall not exceed thirty-five (35) feet in height.
 - (3) Lot width, three hundred (300) feet minimum.
 - (4) Yard requirements:
 - a. Front yard, one hundred (100) feet minimum.
 - b. Side yards, thirty (30) feet minimum.
 - c. Rear yard, fifty (50) feet minimum.

(Ord. No. 89-6, §§ 1, 2, 4-24-89; Ord. No. 96-7, 9-23-96)

		<ul style="list-style-type: none"> • Parking • Makerspace
--	--	---

MUN	Mixed Use Neighborhood	Development Characteristics	
<p>This land use district is intended to provide for a mix of uses for an urban village concept which includes small commercial, residential and institutional uses all within a walking distance of each other. Allowed mix of uses include both horizontally (a mix of uses across properties in the district) as well as vertically (buildings with a mix of commercial on the first floor and residential on upper stores).</p> <p>Older, first-generation shopping centers are candidates for adaptive reuse and redevelopment to meet modern market needs. As newer shopping centers age, they will also be candidates for adaptive redevelopment into more dense, mixed use centers, particularly where access to trails and transit is provided. Site improvements should emphasize design quality, connectivity and efficient use of infrastructure.</p>	Height Range	1-3 stories	
	Building Form & Design	Existing forms vary. Redevelopment should be oriented to primary streets and have pedestrian access. Outdoor gathering spaces and pocket parks are encouraged. Scale and mass should be designed to be in harmony with surrounding neighborhood context while serving as a neighborhood node of activity.	
	Density	10-40 units per acre	
	Transportation	As neighborhood centers, these areas should provide adequate trail and sidewalk access, however adequate parking should be provided as not to impact neighbors.	
	Uses		
	Primary	<ul style="list-style-type: none"> • Small format retail • Restaurants • Small offices • Multifamily residential 	
	Secondary	<ul style="list-style-type: none"> • Public and quasi-public gathering spaces • Outdoor dining • Parking • Institutional uses 	

MUE	Mixed Use Employment Center	Development Characteristics	
<p>Mixed employment centers include existing business parks and industrial spaces, intermixed with housing, and are located along rail lines in historic areas of Fairmont. These employment centers are opportunities to introduce additional “front-of-house” office components to</p>	Height Range	1-4 stories	
	Building Form & Design	Varies, generally large format buildings designed for flexible interior layout. Office and public uses should be oriented towards primary streets. Historic buildings should be preserved when possible.	
	Density	10-40 units per acre	



Phone (507) 238-9461

CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031
www.fairmont.org ♦ citygov@fairmont.org

Fax (507) 238-9469

**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, August 2, 2022 to conduct a Public Hearing to review the following item:

Carlson Walters Group, LLC
93 acres of land north of George Lake, west of Holland St (Parcel ID 23.037.0150)
Rezone from (R-1) Single Family Residential to (A) Agriculture Transition

Members of the public wishing to provide public comment may attend the meeting. Written comments can also be submitted to City of Fairmont, attention Patricia Monsen, 100 Downtown Plaza, Fairmont, MN 56031.

Questions about the proposal can be directed to Peter Bode, Planner & Zoning Official at pbode@fairmont.org or 507-238-3940.

Patricia Monsen
City Clerk
(Published in Fairmont Sentinel on July 20, 2022)



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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.

AARON & TERESA HAYCRAFT
1104 LUCIA AVE
FAIRMONT, MN 56031

BILL J & JOLYNNE G BOCKMAN
1321 HOLLAND ST
FAIRMONT, MN 56031

BRENT BUHMANN
PO BOX 692
FAIRMONT, MN 56031

CARLSON WALTERS GROUP LLC
301 N WATER ST
NEW ULM, MN 56073

CHERYL L & WARREN TABATT
1427 HOLLAND ST
FAIRMONT, MN 56031

CITY OF FAIRMONT
100 DOWNTOWN PLZ
FAIRMONT, MN 56031

COMMUNITY OPTIONS & RESOURCES
PO BOX 333
SHERBURN, MN 56171

DALE L & ELAINE I PRICE
1903 HIGHWAY 9
LAKOTA, IA 50451

DARCY J JONES
1116 LUCIA AVE
FAIRMONT, MN 56031

DENNIS K & DORANN J MONTGOMERY
1140 LUCIA AVE
FAIRMONT, MN 56031

DIANE DELORAS THEOBALD ETAL, LIFE
1421 HOLLAND
FAIRMONT, MN 56031

DONNA MITCHELL
1338 HOLLAND ST
FAIRMONT, MN 56031

ERIC & JESSICA JULIG WEEDMAN
1307 HOLLAND ST
FAIRMONT, MN 56031

ETHAN E & MARY ANN KOCH
1313 HOLLAND ST
FAIRMONT, MN 56031

ETHAN THATE
648 50TH ST
DUNNELL, MN 56127

EUGENE & SUSAN GOERNDT
1345 HOLLAND
FAIRMONT, MN 56031

FAIRMONT CEMETERY ASSOC
900 FAIRLAKES AVE
FAIRMONT, MN 56031

GARRY L & JULIE A BERHOW
1415 HOLLAND ST
FAIRMONT, MN 56031

ISAIAH L JOHNSON
1301 LUCIA AVE
FAIRMONT, MN 56031

JACQUELINE K SPENCER
1155 FAIRLAKES AVE N
FAIRMONT, MN 56031

JAMES A & KATHLEEN GRONEWALD
1447 LARSEN LN
FAIRMONT, MN 56031

JAMES MARUSHIN, MEGAN MARUSHIN
1420 HOLLAND ST
FAIRMONT, MN 56031

JASON D & MICHELLE R JUNKER
1424 HOLLAND ST
FAIRMONT, MN 56031

JEFFREY S SCHUETT
PO BOX 643
FAIRMONT, MN 56031

JOHN W & JANE M THATE
418 W MARGARET ST
FAIRMONT, MN 56031

JOYCE SWANSON
1326 HOLLAND ST
FAIRMONT, MN 56031

KAREN EUSTATH
1335 HOLLAND ST
FAIRMONT, MN 56031

KATHRYN & KENNETH SIMMERING
1404 HOLLAND ST
FAIRMONT, MN 56031

KEVIN K & SONJA S FORTUNE
1414 HOLLAND ST
FAIRMONT, MN 56031

LLOYD A CLEMMENSEN, BARBARA G CI
1346 HOLLAND ST
FAIRMONT, MN 56031

MARLENE ANN SHELL
1426 HOLLAND ST
FAIRMONT, MN 56031

NEIL W & REBEKAH D CHAFFEE
1320 HOLLAND ST
FAIRMONT, MN 56031

RANDY MILLER
1905 MEMORIAL PARK DR
FAIRMONT, MN 56031

RUTH A & ROBERT J TRUE
1435 HOLLAND ST
FAIRMONT, MN 56031

RUTH ANN JONES
1132 LUCIA AVE
FAIRMONT, MN 56031

SETH M BECKER, AMY M BECKER
1112 LUCIA AVE
,

SUSAN M HAMMER
1400 HOLLAND ST
FAIRMONT, MN 56031

TABB LESTER & MOLLY D MEYER
1332 HOLLAND ST
FAIRMONT, MN 56031

TERRANCE & ANITA DUFFEY
505 LUCIA AVE
FAIRMONT, MN 56031

TSU CHUN CHEN
1319 HOLLAND ST
FAIRMONT, MN 56031

VIRGIL H & SANDRA L KOPESCHKA
505 W MARGARET ST
FAIRMONT, MN 56031

Peter Bode

From: kathy Gronewald [REDACTED]
Sent: Thursday, July 21, 2022 9:14 AM
To: Peter Bode; Patty Monsen; Cathy Reynolds; Deb Foster; Michele Miller; Wayne Hasek; Britney Kaweck; Randy Lubenow; Wayne Hasek
Subject: CWG

I am at a loss to understand why this is coming before the Planning and Zoning Commission. The access to the proposed campground property has not been resolved. Until this has been resolved, I would ask that a decision on this application be tabled until such time as a safe and legal access is available.

The following is from the Fairmont City Code:

“Article III - Zoning District Regulations, Sec. 26-151-A Agriculture-transition district, (d) Conditional uses, (4) Recreational, travel vehicle camp sites (not including mobile homes) and resorts provided that: (b) **The site to be served by a major street or highway capable of accommodating generated traffic.** (h) The provisions of article II, division 4 are considered and satisfactorily met.

Article II-Division 4-Conditional Use Permits, Sec. 26-76-Purpose. ...These conditional uses require particular consideration as to their **effect on and location in relation to adjacent established or intended uses, their effect on traffic and adjoining roads...**”

The architect drawing attached to the application is using Anna Street as the point of access to the campground. Anna Street is a residential, two-way street, that is 32 feet wide from curb to curb. Anna Street from North North Avenue to the west is only **3 blocks** long. **A reasonable person would find that Anna Street is not a major street.**

The developers have stated that they expect the campground to include 200 to 250 campsites (I don't believe they have a definite number). They have also stated that they anticipate 80% to be permanent, seasonal sites. Using the lower number of 200 at 80%, that would be 160 campers and RVs traveling on Anna Street several times a year, leaving 40 campers and RVs traveling on Anna Street daily or for a weekend. The 3 blocks of Anna Street cannot accommodate this generated traffic safely. Also, the developers have repeatedly stated that campers, on an average, spend \$300 a weekend by shopping locally, eating at local restaurants, and making other purchases. If this is true, this would mean additional traffic, up to 200 vehicles daily (at least on the weekend), traveling on Anna Street to spend this money at local establishments. The 3 blocks of Anna Street cannot accommodate this generated traffic.

The developers have stated to the neighborhood residents that if we (the neighborhood residents) don't want them using Anna Street, we should lobby our council members to get the City of Fairmont to extend Margaret Street for the primary access. Once again, I am at a loss why Margaret Street would even be considered. It also is a residential, two-way street, that is 32 feet wide from curb to curb from North North Avenue to the west. **A reasonable person would find that Margaret Street is also not a major street.**

The lack of due diligence on the part of the developers in determining that they did not have a safe and legal access required by the City of Fairmont Ordinances before purchasing this property for a campground is on them, and until they have a safe and legal access, any application should be tabled.

Kathy Gronewald

Peter Bode

From: [REDACTED]
Sent: Sunday, July 24, 2022 8:26 PM
To: Michele Miller
Cc: Bruce Peters; Britney Kaweck; Randy Lubenow; Wayne Hasek; Peter Bode; RDavison@fairmont.org; TLytle@fairmont.org; TMesich@fairmont.org; JOmvig@fairmont.org; RPorter@fairmont.org; Cathy Reynolds
Subject: Notice of Public Hearing- Carlson Walters Group LLC to be held Tuesday, August 2, 2022

Dear Ms. Miller:

My name is Kathy Simmering and I reside on Holland Street in Fairmont, Minnesota. I have many concerns and questions regarding the request to rezone 93 acres of land north of George Lake, west of Holland St. (parcel ID 23.037.0150, from (R-1) Single Family Residential to (A) Agriculture Transition.

First, the City of Fairmont Notice of Public Hearing indicates it is 93 acres that the request to rezone entails. Was this an error? Does Carlson Walters Group LLC plan to rezone the ENTIRE parcel consisting of 93 acres to Agricultural?

What about the area just west of Holland Street that they told us would be a new housing development? It would seem that would no longer be zoned as R-1 Residential. Would the housing development then be located in the Agricultural zone even though it borders the existing residential area on Holland Street, or will they eventually phase out the residential housing development to do what they want in an Agricultural Zone if the request is approved? Would R-1 Single family dwellings even be allowed in an Agricultural Zone? Why is the request in this Notice of Public Hearing only addressing the Agricultural request when the developers stated they were "ready" to begin the housing project? I question this as it seems like the developers change their minds so often I'm not sure what to believe.

As for the condos, the developers would need to request this area to be rezoned as R-3 Multiple Family dwelling sometime in the future. This appears to be a way to divide up this property into several different zones, so why is the request in this Notice of Public Hearing only addressing the Agricultural request especially if the R-1 Single Family housing project was the first phase of their plan?

Questions:

How is (A) Agriculture TRANSITION zoning defined?

What types of construction are allowed?

What would prevent the developers to give up on the campsite project and build hog barns or other farm related construction (if allowed in this zone) once they get their Agricultural Zoning approved?

My personal feelings:

If the developers are granted permission to proceed with their projects against the wishes of the residents involved, the entrance to the CAMPSITE development MUST NOT be accessed via Anna, Lucia or Margaret Street as they are requesting. This was the main consensus of the majority of the residents on Anna, Lucia, Larson Lane and Holland Street and other adjacent streets along with the residents in the Margaret Street area as previously expressed at the Planning Commission Meeting on June 7th. I feel access to the new residential area behind Holland Street (if and only if it is ever actually done,) could use Anna and Lucia but ONLY to the housing development with NO campsite and bar traffic allowed. The developers must find another entrance to their campsite from a road not a residential street.

No additional reconstruction of city residential streets should be allowed by the city of Fairmont just to accommodate the developers in their personal endeavor, at the cost of the homeowners.

I am not opposed to future development and do not want to ruin someone's big dream of what they feel is a great idea, but I'm personally not convinced this group and their plans for the betterment of Fairmont is in the best interest of Fairmont. I have reservations about their integrity from information I received about previous business dealings.

I hope the Planning Commission and the City Council Members take into consideration the wishes of all the residents who are affected by this proposed project.

Respectfully submitted,
Kathryn Simmering