



To: Planning Commission

From: Peter Bode, Planner & Zoning Official

Subject: **Agenda – Regular Meeting**
Tuesday, March 7, 2023 at 5:30 p.m.
City Council Chambers, City Hall, 100 Downtown Plaza

- 1) Approval of Agenda **Page 1**
- 2) Election of Chair
- 3) Approval of Minutes – December 6, 2022 **Page 2**

New Business

- 4) Public Hearing – Rezoning of 800 E Margaret St **Page 3**
- 5) Public Hearing – Annual Review of CUP/HOP Permits **Page 10**

Old Business

None

- 6) Adjournment

MINUTES OF THE FAIRMONT PLANNING COMMISSION

Regular Meeting

December 6, 2022, at 5:30 p.m.

City Council Chambers, City Hall, 100 Downtown Plaza

Members present: Ron Davison, Tom Mesich, Rin Porter

Members absent: Tom Lytle, Jon Omvig, Council Liaison Britney Kawecki

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

A quorum of members were in attendance and called the meeting to order at 5:30 p.m.

Motion by Davison and second by Porter to elect Mesich as acting chair. Motion carried.

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

Approval of Minutes: Motion by Porter and second by Davison to approve the October 4, 2022 minutes as presented. Motion carried.

Public Hearing - CUP at 420 Lake Aires Rd: Chair Mesich opened the public hearing. Bode presented a request for a conditional use permit for a boathouse at 420 Lake Aires Road and recommended approval with the presented conditions.

Keith Kearney, the applicant, asked members to approve the request.

There were no additional public comments. Motion by Porter and second by Davison to close the public hearing. Motion carried.

Members discussed the proposal. Motion by Davison and second by Mesich to approve and recommend the conditional use permit for a boathouse at 420 Lake Aires Road as presented. Motion carried with Porter voting no.

Public Hearing - Water-oriented Accessory Structures Amendment: Chair Mesich opened the public hearing. Bode presented Ordinance 2022-14 to remove boathouses as a conditional use of the shoreland management district and replace them with water-oriented accessory structures as directed by City Council.

Keith Kearney, 420 Lake Aires Road, commented in support of the amendment.

There were no additional public comments. Motion by Porter and second by Davison to close the public hearing. Motion carried.

Members discussed the proposal. Motion by Porter and second by Davison to recommend approval of Ordinance 2022-14 as drafted to City Council. Motion carried.

Old Business: *None*

Adjournment: There were no additional agenda items. Chair Mesich adjourned the meeting at 5:55 p.m.

Respectfully submitted, Peter Bode



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

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MEMORANDUM

TO: Planning Commission
FROM: Peter Bode, Planner & Zoning Official
DATE: March 7, 2023
RE: **800 E Margaret St – Rezoning Application**

Martin County has applied to rezone the entire parcel at 800 East Margaret Street (PIN 23.038.0110) to B-3 General Business. The City of Fairmont’s zoning map indicates the northern portion of the parcel as B-3 General Business and the southern portion of the parcel as R-3 Multi-Family Residential. Martin County intends to build a Public Safety and Justice Center on the property.

Typically, parcels should be zoned with a single designation because each parcel may only support one principal use. Most parcels in Fairmont are indicated with a single zone but there are a small number that have been divided by the City’s zoning map by another line for a variety of geographic reasons. Ensuring these parcels retain a single zoning designation is a priority of this year’s zoning code update.

In the case of 800 East Margaret Street, before development occurs the property should first be rezoned to a single designation consistent with the City’s Comprehensive Plan. The 2040 Comprehensive Plan guides this parcel to be Commercial, supporting a range of business uses including government buildings which are accessible to the public. B-3 General Business is the closest zoning designation fitting the Commercial guidance and government buildings would be permitted by right under B-3.

Staff recommend the request to rezone 800 East Margaret Street to be entirely B-3 General Business be approved and recommended to City Council because the proposal is consistent with the 2040 Comprehensive Plan and the intent of City Code.

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

Attachments: Application to rezone
Satellite photos of the area
Pages 36 and 38 of Comprehensive Plan



February 16, 2023

Peter Bode
Planner and Zoning Official
City of Fairmont
100 Downtown Plaza
Fairmont, Minnesota 56031
Tel. 507-238-3940

Re: Martin County
New Justice Center
Commission No. 212154

Dear Mr. Bode:

Wold is submitting this application for re-zoning 800 East Margaret Street in Fairmont, Minnesota (hereafter referred to as "the property") on behalf of the Martin County Board of Commissioners in regard to the New Public Safety and Justice Center planned for the property. It was brought to our attention by our Civil consultants, Bolton & Menk that the Fairmont Zoning Map showed two different zoning classifications for the same site. The northern portion of the site is classified as B-3 General Business, while the southern portion is classified as R-3 Multiple Family. Joey Obeidzinski, the civil design engineer on our project reached out to your office on October 18, 2022 to inquire about this discrepancy and what action if any was recommended. We were informed that the city was planning a thorough review of the zoning code for mid 2023, which would include "ensuring that each parcel in the city is clearly defined with one zoning district." (quoted from email dated 10.19.2023) It was stated at that time that the intention of the planning and zoning department would be to re-draw the boundaries of the zoning districts such that the entire site in question would be classified as B-3 General Business. Since the design of the New Public Safety and Justice Center is nearing completion, it is in the County's best interest to submit an application for re-zoning the property at this time. This will ensure that the property they intend to use for a new Governmental Building (a permitted use under the zoning code for B-3 General Business Districts) would not require a conditional use permit or be subject to other delays or fees as a result of the apparently unintended discrepancy of the zoning classification of the property. As such we respectfully submit this application for re-zoning the entire property to B-3 General Business for your review and consideration. If you have any questions about the contents of the application, please contact me at the phone number or email address below.

Sincerely,

Wold Architects and Engineers

A handwritten signature in black ink that reads "Matt Efteland".

Matt Efteland
Job Captain
mefteand@woldae.com
651.895.6547

cc: Scott Higgins, County Coordinator
Jonathan Loose, Wold
Aaron Ausing, Wold

TD/COU_Martin/212154/crsp/feb23

Wold Architects and Engineers
332 Minnesota Street, Suite W2000
Saint Paul, MN 55101
woldae.com | 651 227 7773

**PLANNERS
ARCHITECTS
ENGINEERS**

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.

201 Lake Avenue

Name of Applicant: Scott Higgins Address: Fairmont, MN 56031 Phone#: (507) 238-3126

Street Address of Proposal: 800 Margaret East Street, Fairmont, MN 56031

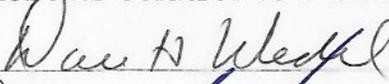
Legal Description of Property: See Attached

Existing Use of Property: Farmland

Proposed Use of Property: Government Building

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 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.

Dave Wedel 
 Owner's Name(Printed) Owner's Signature

Scott Higgins 
 Applicant's Name (Printed) Applicant's Signature

City Staff Use Only

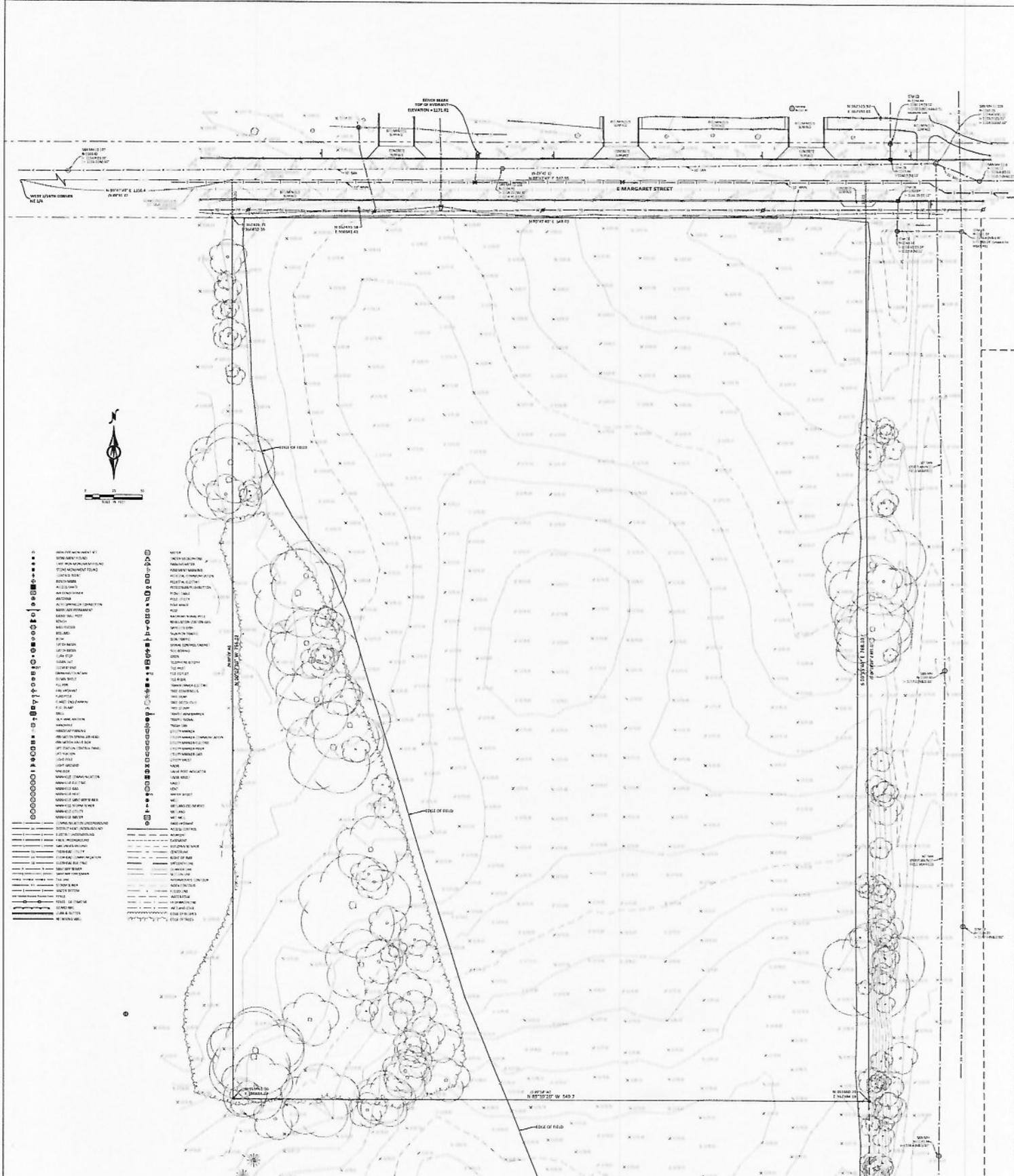
DATE FILED: _____

DATE FEE PAID: _____

MEETING DATE: _____

NOTICES SENT (DATE): _____

NOTIFICATION OF EXTENSION (LETTER SENT): _____



Verticality and other data shown are approximate only, according to the methods provided by the surveyor. It is not intended to be used for any purpose other than that for which it was prepared. The user of this map should be aware that the accuracy of the data shown is not guaranteed by the surveyor. The user of this map should be aware that the accuracy of the data shown is not guaranteed by the surveyor. The user of this map should be aware that the accuracy of the data shown is not guaranteed by the surveyor.

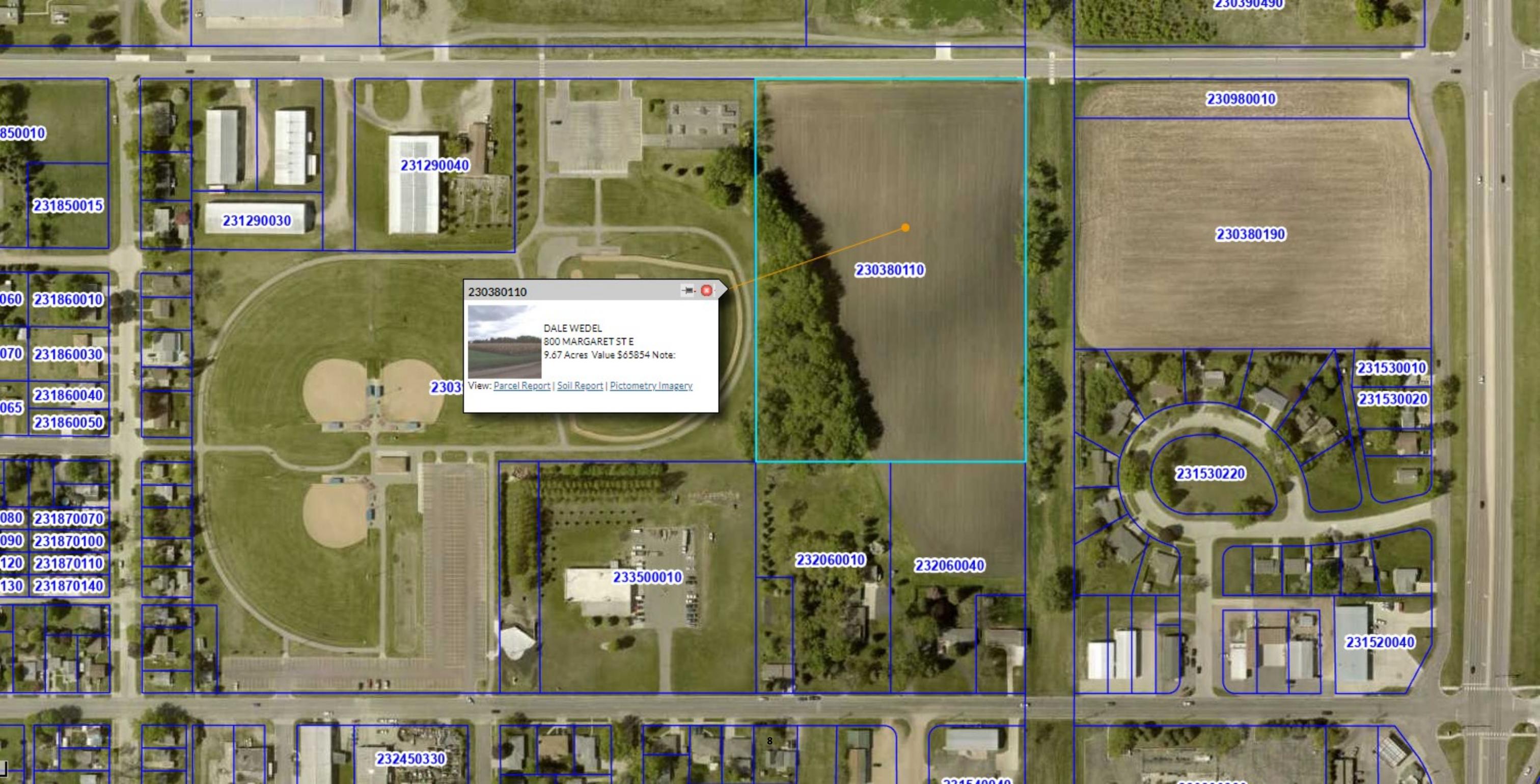
SURVEYOR'S CERTIFICATION
 I, the undersigned, being duly qualified and licensed as a Professional Engineer in the State of Minnesota, do hereby certify that the above is a true and correct copy of the original survey as shown to me by the client, and that the same is a true and correct copy of the original survey as shown to me by the client, and that the same is a true and correct copy of the original survey as shown to me by the client.

	TOPOGRAPHIC SURVEY CITY OF ANTHONY, MINNESOTA	PROJECT NO. 100-100-100 SHEET NO. 100-100-100
	BOLTON & MENK PROFESSIONAL ENGINEERS 100-100-100	DATE: 10/10/10 SCALE: AS SHOWN

EXHIBIT "A"

(2) Other real property situated in the County of Martin
State of Minnesota, described as follows:

- (a) Silver Lake Farm - Northeast Quarter (NE 1/4) of Northeast Quarter (NE 1/4), Southwest Quarter (SW 1/4) of Northeast Quarter (NE 1/4), & Govt. Lot One (1), all in Section Six (6), Township One Hundred One (101) North, Range Thirty (30) West of 5th P.M., cont. 106.61 acres more or less, subject to public easements of record.
- (b) 60.90 Acres in Silver Lake Twp. - North Half (N 1/2) of Southeast Quarter (SE 1/4), Section Thirty-three (33), & also West Half (W 1/2) of Southwest Quarter (SW 1/4) of Section Thirty-four (34), all in Township One Hundred One (101) North, Range Thirty (30) West of 5th P.M., excepting therefrom 99.1 acres as are described in Book 298 of Deeds, Page 445, as Instrument No. 228227, in the office of Co. Recorder, Martin Co., MN, together with an easement for ingress & egress & a road 2 rods wide as reserved in aforesaid document recorded in Book 298 of Deeds, Page 445. Net acreage 60.90 acres more or less.
- (c) 9.67 Acre Parcel in City of Fairmont - Tract of land in South Half (S 1/2) of Northeast Quarter (NE 1/4) of Section Five (5), Township One Hundred Two (102) North, Range Thirty (30) West of 5th P.M., bounded & described as follows, to-wit: Beg. at point on East & West 1/16th line of Northeast Quarter (NE 1/4) of said Sec. 5, 1156.4 ft. North 89°45' East of West 1/16th corner of said NE 1/4; thence cont. North 89°45' East a distance of 547.95 ft. on said 1/16th line to West right of way line of Chicago, St. Paul, Minneapolis & Omaha Railroad, thence South 0°18'20" East on West right of way line a distance of 801.1 ft.; thence South 89°58' West a distance of 549.7 ft.; thence North 0°10' West to point of beginning. Excepting North 33 ft. thereof conveyed to City of Fairmont for street purposes by Deed recorded in Book 288 of Deeds, Page 351. Area of parcel 9.67 acres. Subject to easement for construction, maintenance & repair of storm & sanitary sewers dated 4/28/52, recorded 5/15/52, in Book 19 of MR, Page 510, in records of Co. Recorder, Martin Co. MN.



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DALE WEDEL
800 MARGARET ST E
9.67 Acres Value \$65854 Note:

View: [Parcel Report](#) | [Soil Report](#) | [Pictometry Imagery](#)

2303

231530010

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080 231870070

090 231870100

120 231870110

130 231870140

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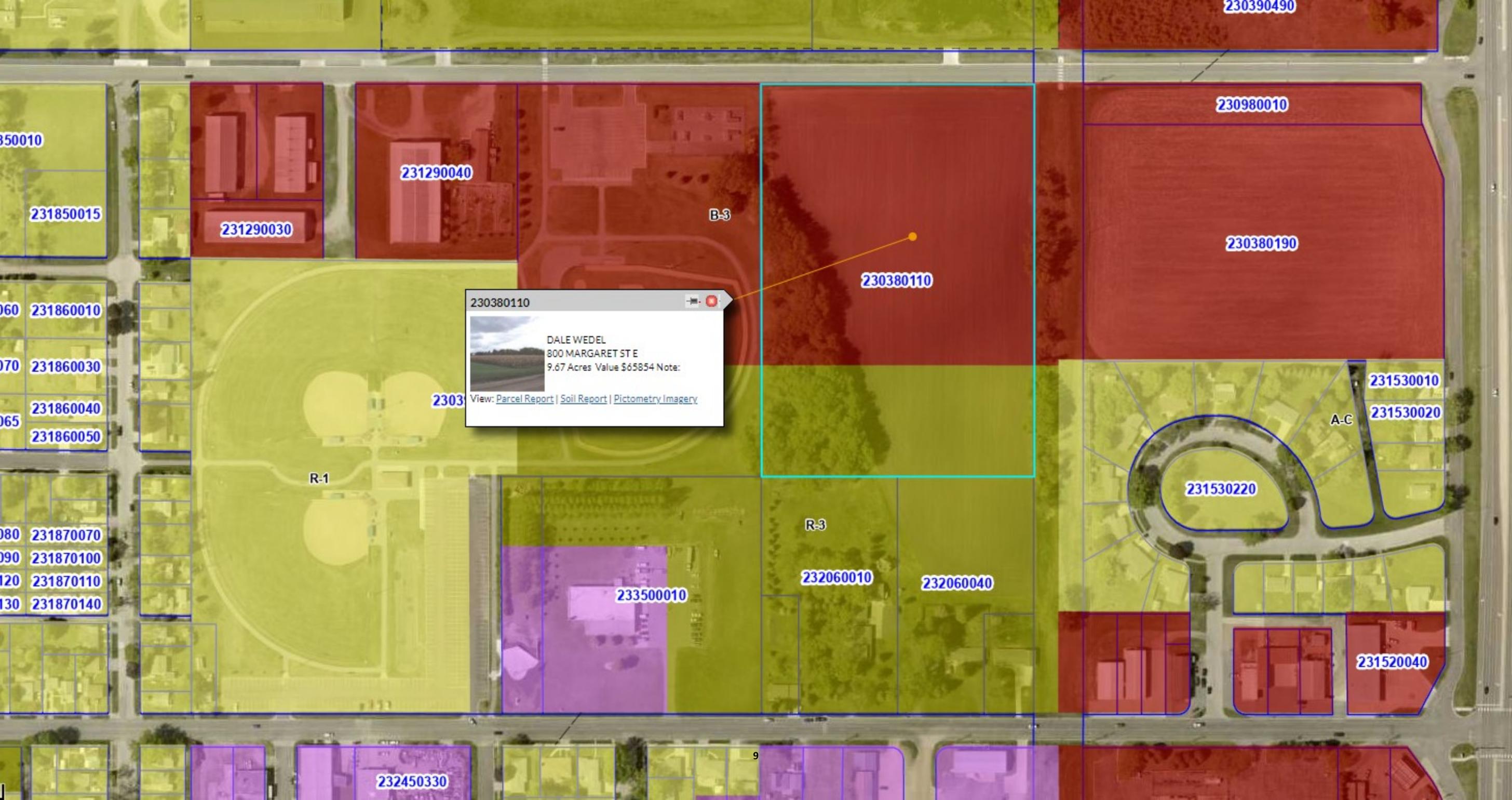
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B-3

230380110

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DALE WEDEL
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A-C

R-1

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080 231870070

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R-3

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MEMORANDUM

TO: Planning Commission
FROM: Peter Bode, Planner & Zoning Official
DATE: March 7, 2023
RE: **2023 Annual Conditional Use and Home Occupation Permit Review**

City Code regarding conditional use and home occupation permits requires that the Planning Commission review existing permits every year for conformance to their respective performance standards. The Planning Commission may also waive future reviews for individual conditional use permits until such a time the Commission decides it would like to review the permit again.

Permittees were notified by mail of the public hearing and review. Staff present the below list of conditional use and home occupation permits for the Commission’s review:

Conditional Use Permits

<u>Permittee</u>	<u>Use</u>	<u>Address</u>
David M King	Car wash in B-3	1100 Spruce St
Mike Bettin	Truck Wash in B-3	2301 N State St
Vista Prairie at Goldfinch Estates	90-unit & 36-unit facilities in R-3	850 Goldfinch St
Day Plumbing & Heating	Plumbing shop in B-3	1410 E Blue Earth Ave
MVAC Headstart Center	Nursery school in B-1	625 Johnson St
Car Parts Direct	Salvage yard in I-1	440 Winnebago Ave
Gary Quist	Light industrial in B-3	1903 N State St
Sisseton Lakeshore Properties	Planned Unit Development	445 Lake Ave
St Paul Lutheran Church	Electronic sign in R-1	211 Budd St
BFI Real Estate Holdings	Pylon sign exceeding 40 feet	2235 N State St
Lakeview United Methodist	Residential facility in R-3	610 Summit Ave
Bed & Biscuits, LLC	Kennels in I-1	1041 Marcus St
Car Parts Direct	Salvage yard in I-1	1313 N Hampton St
Kwik Trip	Motor fuel station	217 S State St



Home Occupation Permits

<u>Permittee</u>	<u>Use</u>	<u>Address</u>
Carol Cress	Office for refrigeration equipment	214 Budd St
Jason Bremer	Men's grooming products	1044 Sioux Ave
Dianne M Bittenbinder	Art studio & art classes	650 Embassy Rd
Kathleen K Schmid	Massage therapy studio	135 Hodgeman Ave
Koni J Dilly	Massage therapy studio	820 S Prairie Ave
Joel Kotewa	Office storage & painting	314 E 5th St
Dale & Deb Ruschy	Business office	1540 Charles St
Chris Larson	Beauty salon	2213 Albion Ave
Debra M Meyer	Dog grooming salon	619 N Grant St
Ruth A. True	Beauty salon	1435 Holland St
Rick DeBoer	Sign painting	1321 N Elm St
Dawn Kastner	Beauty salon	702 Burton Ln
John & Jane Thate	Business office	418 W Margaret St
Keldron Loge	Home parts business	315 Tilden St
Heather Gilderhus	Beauty salon	411 Webster St
Brian Meade	Massage therapy studio	1517 N State St
Jeannie Carritt	Masage therapy studio	1440 Larsen Ln

No complaints from the public have been received by Planning and Zoning relating to any permittee’s compliance with performance standards. Staff make the following note for the Commission’s review:

1. Car Parts Direct – 1313 N Hampton St – CUP:

This permit was granted by the Planning Commission in June of 2021 with the condition that a fence be maintained to screen all contents of the lot and that the building permit for the fence be granted within six months. A permit for the fence has not been granted by the Building and Safety Department. Staff have been in contact to remind the permittee about completing the application and required plans.

The Planning Commission may grant a time extension to the permittee, recommend to staff that the permit be revoked, or recommend to staff that the issue is brought to City Council for discussion.



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

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By motion, the Planning Commission may approve all reviewed permits for use another year or approve all reviewed permits except any specified permit for use another year. The Planning Commission may also take action on a second motion as described above.

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

Attachments: Minutes from the June 15, 2021 Planning Commission meeting
Sattelite photo of 1313 N Hampton St

MINUTES OF THE FAIRMONT PLANNING COMMISSION

Special Meeting

June 15, 2021 at 5:30 p.m.

2nd Floor Conference Room, 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 Omvig and second by Smith to approve the June 15, 2021 meeting agenda as presented. Motion carried.

Continued Discussion - 440 Winnebago Ave & 1313 N Hampton St: Chair Lytle invited further discussion relating to conditional use permits for Car Parts Direct. Bode presented new information and updated proposed conditions. Members discussed the proposed permits.

Motion by Mesich and second by Omvig to modify the original Conditional Use Permit for 440 Winnebago Avenue to allow a salvage yard and auto sales business with the following conditions:

1. 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 of property values or constitute a blighting influence.
2. That the entire site other than that taken up by a building, structure, or plantings shall be surfaced with a material to control dust and drainage. This surfacing is subject to approval by appropriate city staff.
3. 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 public right-of-way.
4. That vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with the requirements of this chapter.
5. That open storage and refuse shall be adequately contained and controlled on-site.
6. Any other condition as deemed necessary to protect public health, safety, and general welfare.
 - i. Business hours are not before 6:00 a.m. or after 8:00 p.m.
 - ii. Business must repair, paint, and make the fence presentable to the area.
 - iii. Business must landscape and establish plantings around the fence that take on a residential character.
 - iv. The fence and gate must be solid so that the contents behind the fence are not visible from the street.
 - v. That no more than 40 vehicles be stored within the fence.
 - vi. That no more than 10 vehicles be parked or stored outside the fence. Vehicles parked or stored outside the fence may be employee vehicles, customer vehicles waiting for repair, or vehicles for sale. Vehicles parked or stored outside the fence may not be salvage vehicles.
 - vii. Business provides for adequate access to all parts of the yard for firefighting equipment.

Motion carried.

Motion by Omvig and second by Mesich to approve a Conditional Use Permit for 1313 N Hampton St to allow a salvage yard with the following conditions:

1. That the business maintain an 8-foot fence around all vehicle storage areas.
2. The fence be maintained to adequately screen all contents.
3. That open storage and refuse from the use must be adequately controlled on-site. Parts and equipment must be stored indoors or within required screening.
4. That there be no draining of fluids or dismantling of vehicles on the site.

5. That the entire site other than that taken up by structures, plantings, or landscaping not used for storage be surfaced with a material to control dust and drainage. This surfacing is subject to approval by appropriate city staff.
6. That the business does not produce noise, light, or odor that is offensive to neighboring properties.
7. That business hours are between 6:00 a.m. and 8:00 p.m.
8. That the business provide adequate access to all parts of the yard for firefighting equipment.
9. That a building permit for the fence be granted within 6 months.

Motion carried.

Old Business: *None*

Adjournment: There were no additional agenda items. Chair Lytle adjourned the meeting at 7:07 p.m.

*Respectfully submitted,
Peter Bode*

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232450480



JAMES LLOYD JOHNSON
1313 HAMPTON ST N
0.6272 Acres Value \$33597 Note:

View: [Parcel Report](#) | [Soil Report](#) | [Pictometry Imagery](#)