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Phone (507) 238-9461

CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031  
[www.fairmont.org](http://www.fairmont.org) ♦ [citygov@fairmont.org](mailto:citygov@fairmont.org)

Fax (507) 238-9469

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**To:** Planning Commission

**From:** Peter Bode, Planner & Zoning Official

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

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- 1) Approval of Agenda
- 2) Approval of Minutes – June 6, 2023

New Business

- 3) Public Hearing – CUP – 635 Pioneer Dr
- 4) Public Hearing – CUP Review – 1313 N Hampton St

Old Business

None

- 5) Adjournment

## MINUTES OF THE FAIRMONT PLANNING COMMISSION

### Regular Meeting

June 6, 2023 at 5:30 p.m.

City Council Chambers, City Hall, 100 Downtown Plaza

**Members present:** Tyler Benschoter, Angela Grafstrom, Tom Mesich, Rin Porter, Council Liaison Britney Kawecki

**Members absent:** *None*

**Staff present:** Planner & Zoning Official Peter Bode

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

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

**Approval of Minutes:** Motion by Grafstrom and second by Porter to approve the May 2, 2023 minutes as presented. Motion carried.

**Public Hearing – Preliminary and Final Plat – Fmt. Ind. Park 12<sup>th</sup> Addn.** Chair Mesich opened the public hearing. Bode presented the Fairmont Industrial Park Twelfth Addition preliminary and final plat. Bode stated that staff's findings support approval of the plat because it conforms to Chapters 24 and 26 of the City Code as well as is consistent with the 2040 Comprehensive Plan.

There were no public comments.

Motion by Benschoter and second by Porter to close the public hearing. Motion carried.

Members discussed the proposal.

Motion by Porter and second by Grafstrom to approve Planning Commission Resolution 2023-2 and recommend to City Council the Fairmont Industrial Park Twelfth Addition preliminary and final plat as presented. Motion carried.

**Public Hearing – Planned Unit Development – L1 B1 of Fmt. Industrial Park 12<sup>th</sup> Addn.:** Chair Mesich opened the public hearing. Bode presented a Planned Unit Development request by Midwest Shop Condos to develop industrial condominiums at Lot 1 Block 1 of the proposed Fairmont Industrial Park Twelfth Addition. Bode stated that staff's findings support approval of the PUD with conditions.

Andy Noll, representing Fairmont Growth & Opportunity Corporation, property owner of the subject land, spoke in favor of the request.

Daniel Sprague, representing Midwest Shop Condos, spoke in favor of the request.

There were no further public comments.

Motion by Benschoter and second by Porter to close the public hearing. Motion carried.

Members discussed access to the site and site traffic flow. Bode stated that staff reviewed the proposal and believe the design is sufficient for phase 1 and 2 development as proposed.

Motion by Benschoter and second by Grafstrom to approve Planning Commission Resolution 2023-3 and recommend to City Council the Planned Unit Development as proposed, with staff's recommended conditions, and the condition that the Fairmont Fire Department review the site layout and provide comment to City Council relating to access for fire services. Motion carried.

**Old Business:** *None*

**Adjournment:** There were no additional agenda items. Chair Mesich adjourned the meeting at 6:21 p.m.

*Respectfully submitted,*  
*Peter Bode*



## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Peter Bode, Planner & Zoning Official  
**DATE:** September 5, 2023  
**RE:** **635 Pioneer Dr – CUP for a Water-Oriented Accessory Structure**

Steve Petrowiak, property owner of a single-family home at 635 Pioneer Dr, has applied for a conditional use permit to build a water-oriented accessory structure (WOAS) near the shore of George Lake. 635 Pioneer Drive abuts George Lake to the north with a relatively flat shoreline.

The structure is proposed to be placed 240 square feet (15 by 16 feet) in area and 24 feet from the ordinary high water level (OHWL) of George Lake. The structure is proposed to be used to store water-oriented items.

The normal structure setback from the OHWL is 50 feet. Upon recommendation of the Planning Commission, City Council adopted a revision to the zoning code in January clarifying the status of structures close to the water. Under City Code 26-503, WOAS structures like the one proposed are able to be placed closer to the water if certain development conditions are met. These conditions, listed below, should be made part of the CUP if granted:

1. The structure must not exceed 10 feet in height and cannot occupy an area greater than 250 square feet.

The applicant proposed a height of 10 feet or less. The structure is proposed to be 240 square feet in area. Because the structure will be over 200 square feet in area, a building permit will be needed.

2. The structure is not in the Bluff Impact Zone.

This lot does not have a bluff.

3. The setback of the structure from the OHWL must be at least 10 feet.

The applicant proposes an OHWL setback of 24 feet.

4. The structure is not a boathouse as defined under MN Stat. Sec. 103G.245.

The structure is not a boathouse per MN definitions.

5. The structure must be treated to reduce visibility as viewed from public waters and adjacent shorelines by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.

The applicant proposes to color the structure dark brown to blend into the usual natural features of this lot.



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6. The structure must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

The applicant does not propose facilities to allow human habitation or sanitation.

7. The structure may have the lowest floor placed lower than the elevation specified in City Code Sec. 26-519 if the structure is designed to accommodate internal flooding, constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

The applicant proposes to place the structure within the elevation requiring that flood-resistant materials are used. The applicant proposes to build with flood-resistant materials and flood openings as required. Staff recommend a condition below which requires the applicant call for a Planning and Zoning inspection alongside a Building and Safety final inspection to verify that flood-resistant materials and flood openings have been provided as required.

The City administers its shoreland management regulations in partnership with Minnesota Department of Natural Resources. DNR has provided comment for this application which is attached.

Staff find the proposal conforms to the City's Comprehensive Plan and City Code, will not impede orderly development, or otherwise be detrimental to the general vicinity. Considering applicable statute and code, staff recommend approval of the CUP with the seven conditions above and three additional:

8. The applicant obtain a land disturbance permit before any land is disturbed or construction begins.
9. The applicant obtain a building permit before construction begins.
10. The applicant call for a Planning and Zoning inspection alongside a Building and Safety final inspection to verify that flood-resistant materials and flood openings have been provided as required by FEMA Technical Bulletin 2 – Flood Damage-Resistant Materials Requirements and Minnesota DNR.

Staff have prepared a resolution for the Commission's consideration. The Commission may approve or deny the resolution by motion, or amend it.

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

**Attachments:** Planning Commission Resolution 2023-4  
Application for CUP  
Minnesota DNR comment  
City Code 26-503

**CITY OF FAIRMONT  
PLANNING COMMISSION  
RESOLUTION 2023-4**

**RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR A WATER-ORIENTED ACCESSORY  
STRUCTURE AT 635 PIONEER DRIVE**

**Whereas**, Steve Petrowiak has applied for a conditional use permit to place a water-oriented accessory structure at 635 Pioneer Drive ,and;

**Whereas**, Minnesota DNR has provided comment on the application stating that the proposal appears to meet City Code 26-503, and;

**Whereas**, City staff recommend the request be approved with conditions contained in their report, and;

**Whereas**, the Fairmont Planning Commission held a public hearing on the topic September 5, 2023.

**Now therefore**, be it resolved by the Fairmont Planning Commission that it makes the following findings of fact:

1. The applicant proposed a height of 10 feet or less. The structure is proposed to be 240 square feet in area.
2. This lot does not have a bluff.
3. The applicant proposes an OHWL setback of 24 feet.
4. The structure is not a boathouse per MN definitions.
5. The applicant proposes to color the structure dark brown to blend into the usual natural features of this lot.
6. The applicant does not propose facilities to allow human habitation or sanitation.
7. The applicant proposes to place the structure within the elevation requiring that flood-resistant materials are used. The applicant proposes to build with flood-resistant materials and flood openings as required.
8. The proposal conforms to the City's Comprehensive Plan and City Code, will not impede orderly development, or otherwise be detrimental to the general vicinity.

**Be it further resolved** by the Fairmont Planning Commission that it recommends to Fairmont City Council that the conditional use permit for a water-oriented accessory structure at 221 Krahmer Drive be approved with the following conditions:

1. The structure must not exceed 10 feet in height and cannot occupy an area greater than 250 square feet.
2. The structure is not in the Bluff Impact Zone.
3. The setback of the structure from the OHWL must be at least 10 feet.
4. The structure is not a boathouse as defined under MN Stat. Sec. 103G.245.
5. The structure must be treated to reduce visibility as viewed from public waters and adjacent shorelines by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.

6. The structure must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
7. The structure may have the lowest floor placed lower than the elevation specified in City Code Sec. 26-519 if the structure is designed to accommodate internal flooding, constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
8. The applicant obtain a land disturbance permit before any land is disturbed or construction begins.
9. The applicant obtain a building permit before construction begins.
10. The applicant call for a Planning and Zoning inspection alongside a Building and Safety final inspection to verify that flood-resistant materials and flood openings have been provided as required by FEMA Technical Bulletin 2 – Flood Damage-Resistant Materials Requirements and Minnesota DNR.

Passed by the Planning Commission of the City of Fairmont on this 5<sup>th</sup> day of September, 2023.

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Tom Mesich, Chair

**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: Steve Petrowiak Address: 635 Pioneer Dr. Phone#: 236-4960

Street Address of Proposal: 635 Pioneer Dr. Fairmont

Legal Description of Property: \_\_\_\_\_


Existing Use of Property: Residential

Proposed Use of Property: Residential

Type of Application	Fee	Submission Requirements (Attached)
___ Appeal/Code Amendment	\$150.00	7
___ Administrative Appeal	50.00	8
___ Conditional Use Permit	150.00	4, 6(d-g)
___ Home Occupation Permit	30.00	9
___ Minor Plat	90.00	2(a), 5 (a-b)
___ Planned Unit Development	150.00	1, 4, 6(d-g)
___ Preliminary Plat	150.00	5 (b), 6
___ Rezoning	150.00	1
___ 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.

Steve Petrowiak  
Owner's Name(Printed)

  
Owner's Signature

Steve Petrowiak  
Applicant's Name (Printed)

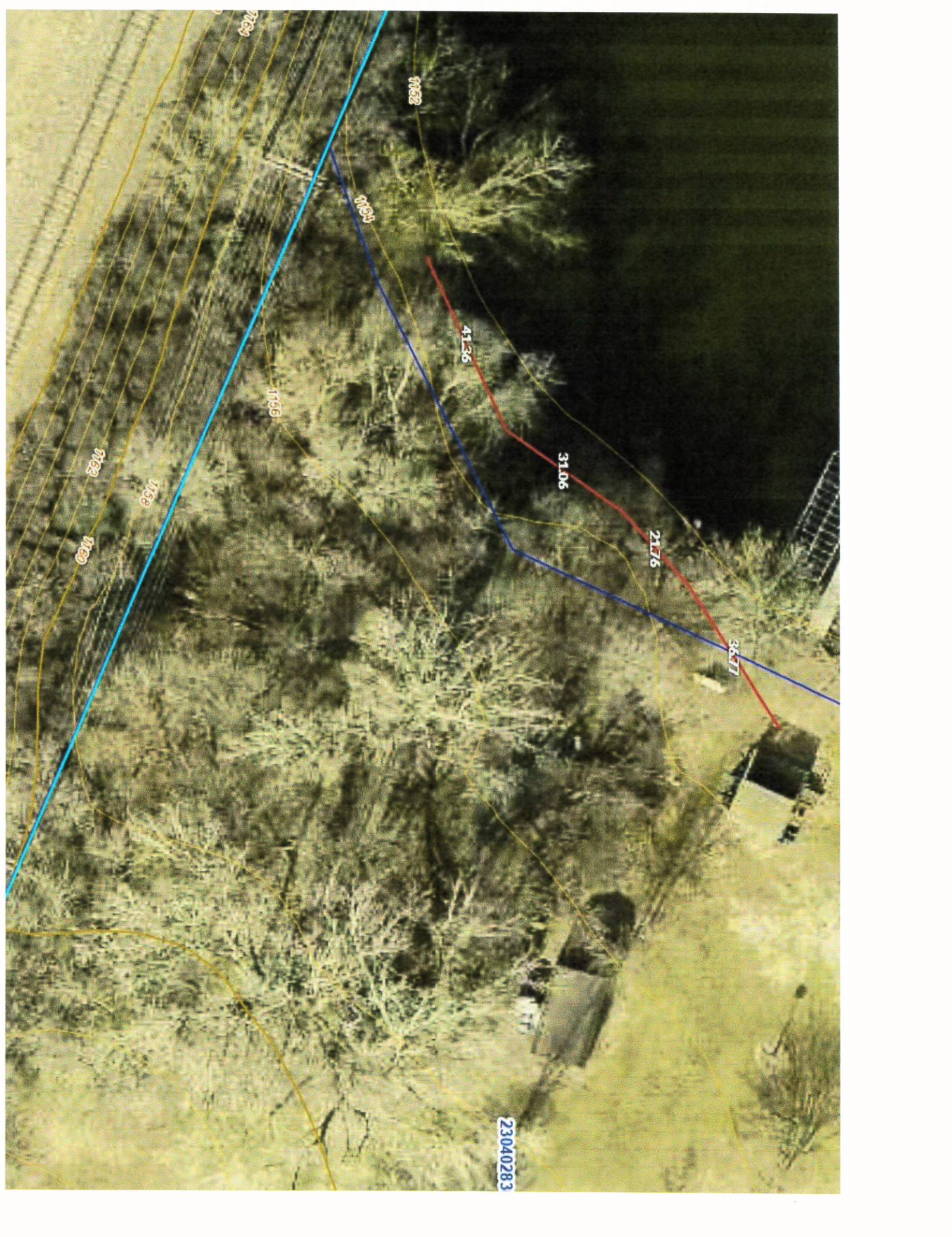
  
Applicant's Signature

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



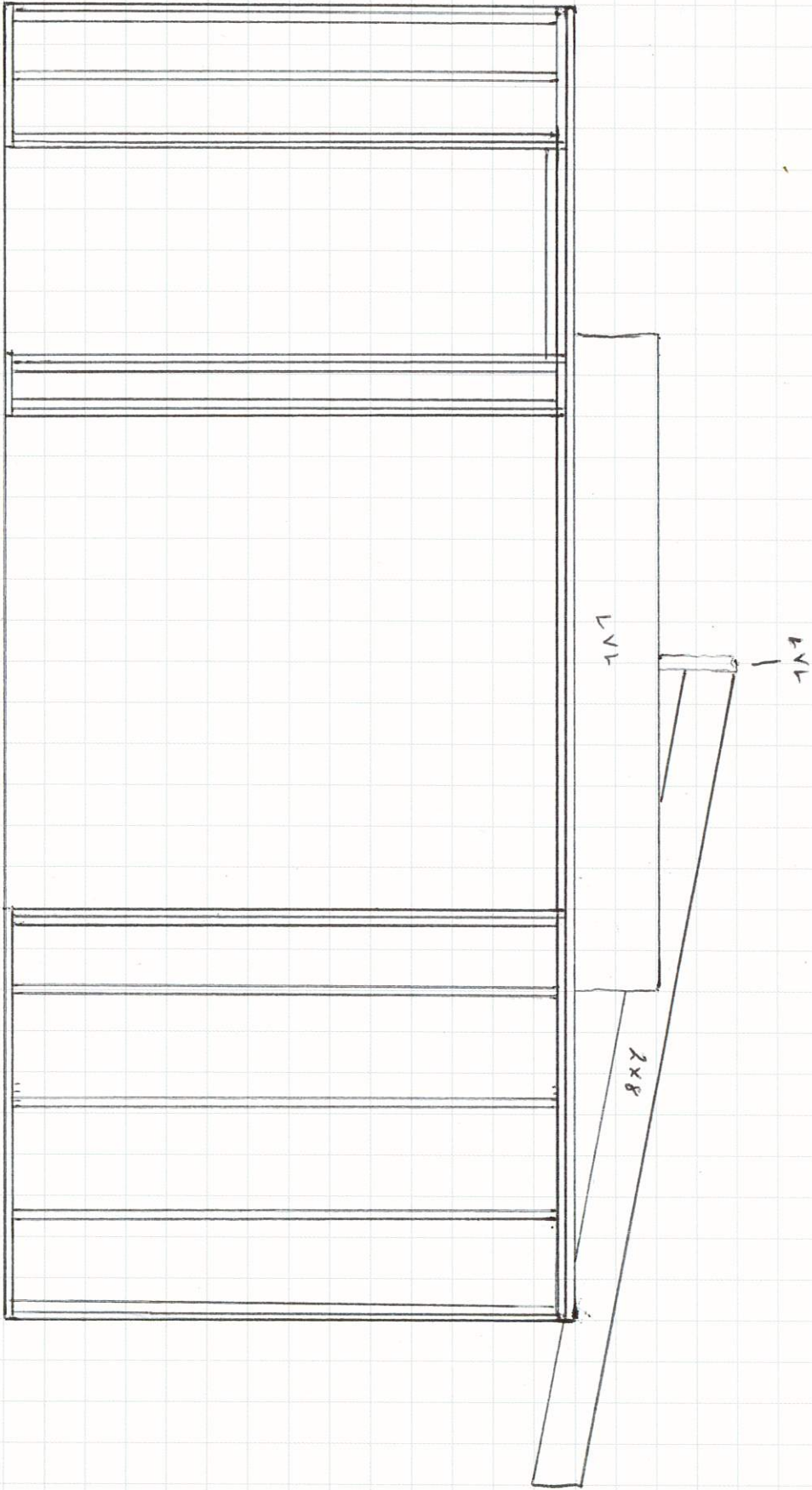
Hi, this is Steve Petrowiak. I live at 635 Pioneer Dr. I'm looking to replace a storage shed I have down by the water. We had one removed because it didn't fit our needs anymore. We are looking to put a different one back in to store our grandchildren's toys, kayaks and lawn furniture down by the water. I've been working with Peter Bode to get everything done right. It isn't going to be a permanent structure. It's going to be 16' x 15.5' to keep it under the 250 sq. ft. requirement and under the 10' height. I'll be using the flood resistant materials required for use down in that area. It'll be 24' away from the ordinary high water level boundary. We plan on using a dark brown color to have it blend into the background. I've been reviewing the paperwork from Peter to follow all of the requirements for the water oriented structure. I believe I have accomplished that. Thank you for your time.

Steve



23040283

Front Sill



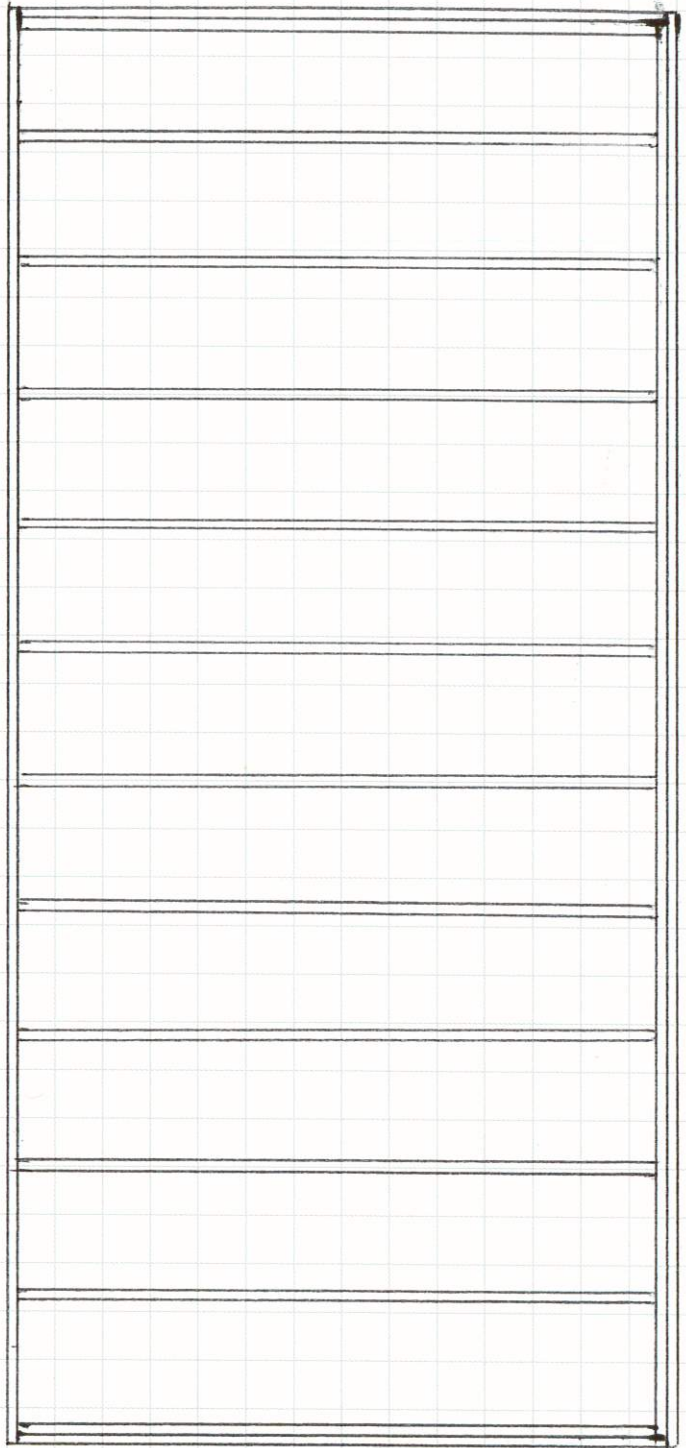
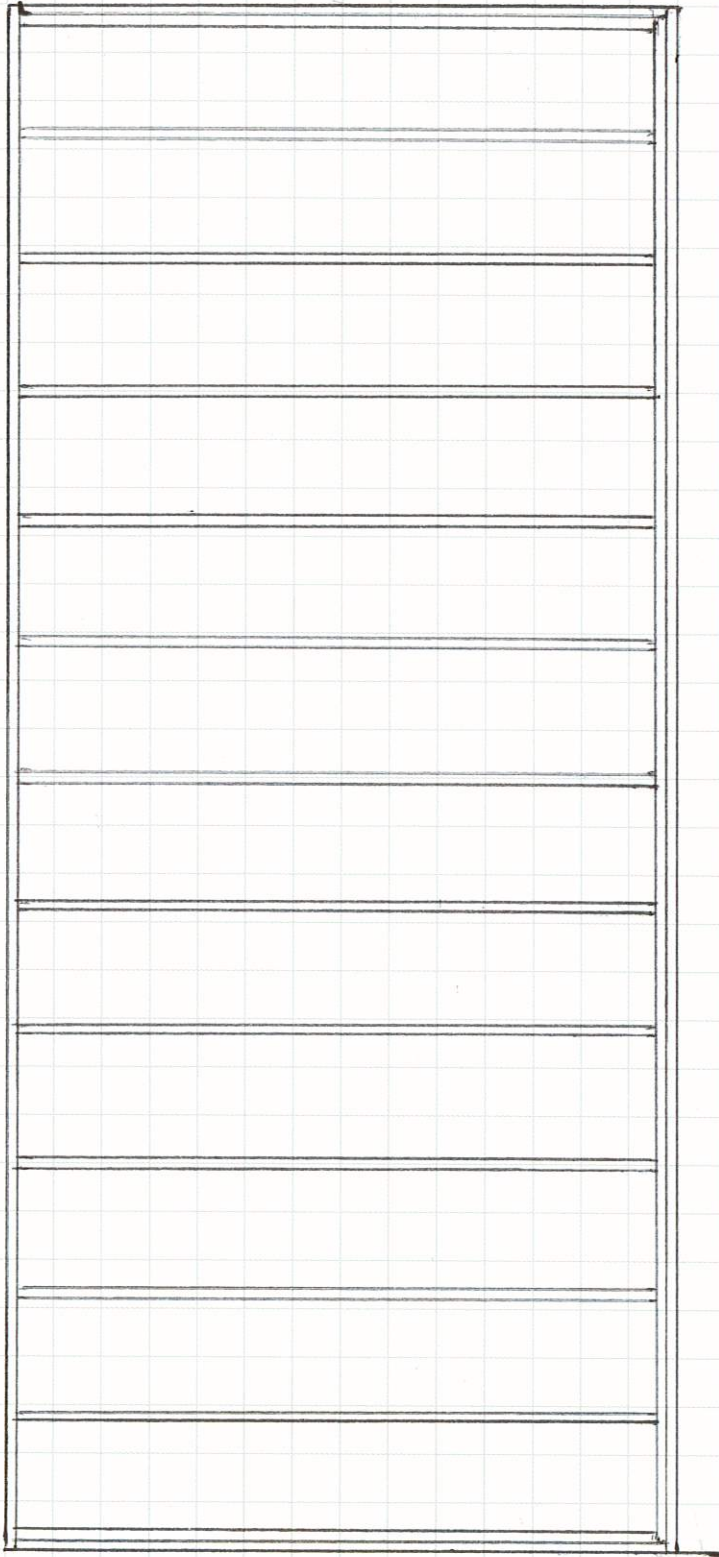
1x1



**MANKO**  
WINDOW SYSTEMS INC.

PHONE: 515/288-7427      800/532-1160      FAX: 515/288-6968  
700 NEW YORK AVENUE, DES MOINES, IA 50313  
PHONE: 402/331-6989      800/345-4248      FAX: 402/334-5554  
13333 LYNAM DRIVE, OMAHA, NE 68138

Back Wall



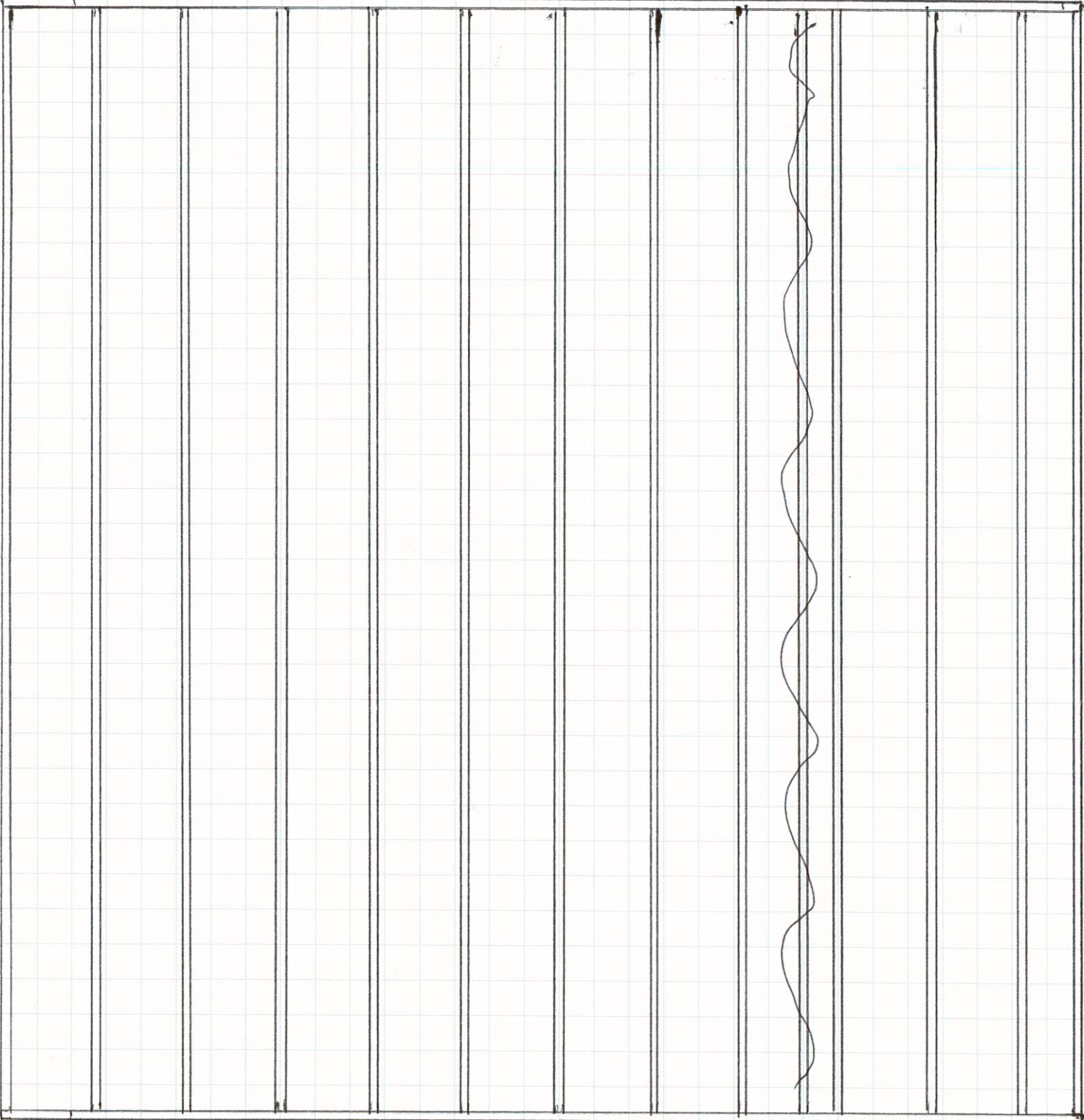
Side Walls



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Floor



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13333 LYNAM DRIVE, OMAHA, NE 68138

August 30, 2023

Peter Bode  
City of Fairmont Planning & Zoning Official  
100 Downtown Plaza  
Fairmont, MN 50631

**RE: Conditional Use Permit Application for Steve Petrowiak - PID 230402830, George Lake, Martin County**

Dear Mr. Bode,

Thank you for sending this Condition Use Permit (CUP) application for review. The application requests approval for a replacement Water Oriented Accessory Structure (WOAS) measuring 16' x 15.5' and less than 10' in height. This structure is proposed to be setback approximately 24-feet from the Ordinary High Water Level (OHWL) for George Lake (1152.80 ft NGVD29 or 1153.03 ft NAVD88). This structure is proposed to be constructed of flood resistant materials recommended in FEMA Technical Bulletin 2 – Flood Damage-Resistant Materials Requirements and will be colored to blend in with the surrounding area. Please consider the following comments for your consideration:

- The application meets City of Fairmont's Ordinance (Sec.26-503, item c) standards for a Water Oriented Accessory Structure: the facility is not in the Bluff Impact Zone, setback from OHWL is more than 10-feet, area is less than 250 ft<sup>2</sup>, and the structure will be treated to reduce visibility.
- As the structure will be placed with a lowest-floor elevation below the required 3-feet minimum above OHWL, (Sec 26-519), the structure must be designed to accommodate internal flooding with placement of flood vents or other automatic openings on at least two sides of the structure sized equal to 1-sq.inch for every sq. foot of the structure. Additionally, any utilities and electrical components must be elevated to accommodate for wet-floodproofing standards. As such, **it is recommended that an inspection be completed to verify that the structure has been designed to accommodate these standards.**

As proposed, the CUP application appears to meet the City of Fairmont Shoreland Ordinance for WOAS. Please note that should any work below the OHWL occur, a DNR Public Waters Work Permit may be required.

Sincerely,



Erynn Jenzen  
Area Hydrologist  
507-389-8809  
erynn.jenzen@state.mn.us

EC: Todd Kolander, DNR District Manager

## Sec. 26-503. - Shoreland overlay district (SOD).

- (a) The shorelands of the city are designated as the shoreland overlay district. The purpose of the shoreland overlay district is to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of these protected waters of the city.
- (b) Permitted uses in the district are all permitted uses allowed and regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the official zoning map of the city.
- (c) Conditional uses in the district are as follows:
  - (1) All conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the official zoning map of the city.
  - (2) One (1) water-oriented accessory structure per lot provided it complies with the following provisions:
    - a. The structure must not exceed ten (10) feet in height and cannot occupy an area greater than two hundred fifty (250) square feet.
    - b. The structure or facility is not in the bluff impact zone;
    - c. The setback of the structure or facility from the ordinary high water level must be at least ten (10) feet;
    - d. The structure is not a boathouse as defined under M.S., § 103G.245;
    - e. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
    - f. The structure must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
    - g. Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in section 26-519 if the structure is designed to accommodate internal flooding, constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
- (d) Any uses of shorelands in existence prior to June 30, 1984, which are permitted within the applicable underlying zoning district, but do not meet the minimum lot area, setbacks, or other dimensional requirements of this division are substandard uses. Substandard uses other than

uses regulated in subsection (e) shall be allowed to continue. However, any structural alteration or addition to a substandard use on waterfront lots that will increase the substandard dimensions shall not be allowed.

(e) Prohibited uses are in the district. Any uses which are not permitted or conditional uses as regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the official zoning map of the city.

(Ord. No. 86-4, § 7.11(II)(B)(2), 6-30-86; Ord. No. 2022-14, § 2, 1-9-23)