

CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031
Phone (507) 238-9461 www.fairmont.org ◆ citygov@fairmont.org

Fax (507) 238-9469

To: Planning Commission

From: Peter Bode, Planner & Zoning Official

Subject: Agenda – Regular Meeting

Tuesday, October 3, 2023 at 5:30 p.m.

City Council Chambers, City Hall, 100 Downtown Plaza

1) Approval of Agenda Page 1

2) Approval of Minutes – September 5, 2023 Page 2

New Business

3) Public Hearing – CUP – 1760 N State St Page 4

4) Public Hearing – Rezone – 800 E Margaret St Page 14

Old Business

None

5) Adjournment

MINUTES OF THE FAIRMONT PLANNING COMMISSION

Regular Meeting
September 5, 2023 at 5:30 p.m.
City Council Chambers, City Hall, 100 Downtown Plaza

Members present: Tyler Benschoter, Tom Mesich, Rin Porter

Members absent: Angela Grafstrom, Council Liaison Britney Kawecki

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 Porter and second by Benschoter to approve the June 6, 2023 meeting minutes as presented. Motion carried.

Public Hearing – CUP – 635 Pioneer Dr Chair Mesich opened the public hearing. Bode presented a Conditional Use Permit request by Steve Petrowiak at 635 Pioneer Drive to build a Water Oriented Accessory Structure. Bode stated that staff's findings support approval of the CUP with conditions.

There were no public comments.

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

Members discussed the proposal.

Motion by Benschoter and second by Porter to approve Planning Commission Resolution 2023-4, amended with an additional condition that the property owner obtain a Public Waters Work Permit from Minnesota DNR if any work is to be completed below the OHWL. Motion carried.

Public Hearing – CUP Review – 1313 N Hampton St: Chair Mesich opened the public hearing to continue the annual review of the salvage yard CUP at 1313 N Hampton St. The review was continued from the March 7, 2023 meeting of the Planning Commission.

Jamie Johnson, owner of Car Parts Direct, updated the Commission that a building permit to build the required 8-foot tall fence around vehicles was obtained as required. Construction is ongoing.

There were no further public comments.

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

Members discussed the permit and Johnson's update.

Motion by Benschoter and second by Porter to approve the Car Parts Direct Conditional Use Permit for a salvage yard to operate in 2023 at 1313 N Hampton Street subject to the fence being completely constructed by the 2024 annual review. Motion carried.

Old Business: *None*

Adjournment: There were no additional agenda items. Chair Mesich adjourned the meeting at 5:51 p.m.

Respectfully submitted, Peter Bode



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MEMORANDUM

TO: Planning Commission

FROM: Peter Bode, Planner & Zoning Official

DATE: October 3, 2023

RE: 1760 N State St – CUP for a Retail Tire Shop and Tire Installation

MAF Holdings II, property owner of a commercial lot at 1760 N State St, has applied for a conditional use permit to build a Les Schwab retail tire and tire installation shop on the property. Zoned for B-3 General Business use, the lot is surrounded by other commercial uses as well as other parcels which are zoned for B-3 and I-1 Light Industrial.

The applicant proposes a building in the southwest of the property where customers may purchase tires and have them fitted inside one of building's garages. Services able to be performed at the site would include installation of tires and small tire-adjacent repairs like replacement of brake pads. For taller vehicles like semis, a canopy is proposed alongside the building. The applicant provides a set of northern and eastern accesses to Center Creek Drive to ensure vehicles may enter and exit in an orderly manner.

Under the B-3 General Business district, tire sales and service is a conditional use.

Staff find that 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. Staff recommend the permit be granted with the following conditions in order to ensure the use remains consistent with the character of the neighborhood:

- 1. That there be no exterior storage of tires on the site.
- 2. That any interior storage of tires is consistent with the requirements of the Minnesota State Building and Fire Codes.
- 3. That any vehicles parked or stored on the site's exterior between the hours of 9:00 p.m. and 7:00 a.m. are operable with all tires fitted.
- 4. That no customer vehicles remain on the site longer than 5 business days.
- 5. That no major repair, meaning the repair of engines, body work, framework, welding, or painting, be conducted on the site.
- 6. That the applicant obtain any Minnesota Department of Transportation approvals required for the use before construction begins.
- 7. That the applicant obtain a land disturbance permit, if required based on the size of disturbance, before any land is disturbed or construction begins.
- 8. That the applicant obtain a building permit before construction begins.



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9. That the applicant call for a Planning and Zoning inspection alongside a Building and Safety final inspection to verify that the requirements of this permit and City Code have been fulfilled.

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

Phone (507) 238-9461

Attachments: Planning Commission Resolution 2023-5

Satellite photo of the area Application for CUP

CITY OF FAIRMONT PLANNING COMMISSION RESOLUTION 2023-5

RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR A RETAIL TIRE AND TIRE INSTALLATION SHOP AT 1760 N STATE ST

Whereas, MAF Holdings II has applied for a conditional use permit to operate a retail tire and tire installation shop at 1760 North State Street (PIN 23.338.0010), and;

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

Whereas, the Fairmont Planning Commission held a public hearing on the topic October 3, 2023.

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

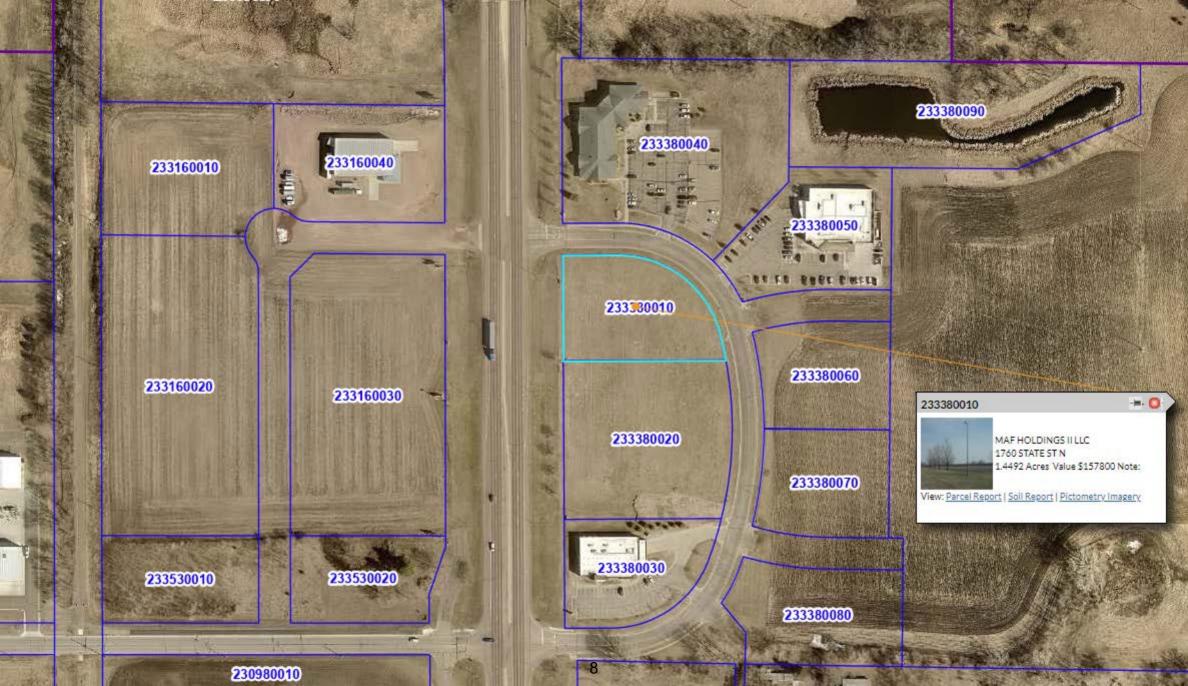
- 1. The applicant proposes a use which is consistent with the Comprehensive Plan's guidance for the physical development of the area.
- 2. The applicant proposes a use which will not be detrimental or injurious to the general vicinity and uses already permitted in the area.
- 3. The applicant proposes a use which will not impede the normal and orderly development of surrounding vacant property.
- 4. The applicant proposes a use which will be served by adequate utilities, public roads, and municipal facilities.

Be it further resolved that the Fairmont Planning Commission recommends to the Fairmont City Council that the conditional use permit for a retail tire and tire installation shop at 1760 North State Street be approved with the following conditions:

- 1. That there be no exterior storage of tires on the site.
- 2. That any interior storage of tires is consistent with the requirements of the Minnesota State Building and Fire Codes.
- 3. That any vehicles parked or stored on the site's exterior between the hours of 9:00 p.m. and 7:00 a.m. are operable with all tires fitted.
- 4. That no customer vehicles remain on the site longer than 5 business days.
- 5. That no major repair, meaning the repair of engines, body work, framework, welding, or painting, be conducted on the site.

- 6. That the applicant obtain any Minnesota Department of Transportation approvals required for the use before construction begins.
- 7. That the applicant obtain a land disturbance permit, if required based on the size of disturbance, before any land is disturbed or construction begins.
- 8. That the applicant obtain a building permit before construction begins.
- 9. That the applicant call for a Planning and Zoning inspection alongside a Building and Safety final inspection to verify that the requirements of this permit and City Code have been fulfilled.

Passed by the Planning Commission of the City of Fa	irmont on this 3 rd day of October, 2023.
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: Doug Foster Address: 370 Wabasha St N Ste 300 Phone#:		
Street Address of Proposal: 1760 State St N, Fairmont MN		
Legal Description of Property: Lot 1, Block 1, CENTER FREEK COMMONS ADDITION		
Existing Use of Property: B-3 General Business, Vacant Lot		
Proposed Use of Property: <u>B-3 General Business, Auto Shop – Minor repair</u>		

Type of Application	Fee	Submission Requirements (See back)
Appeal/Code Amendment	\$150.00	7
Administrative Appeal	50.00	8
X Conditional Use Permit	150.00	4, 6(d-g)
Home Occupation Permit	30.00	9
Minor Plat	90.00	2, 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.

MAF HOLDINGS II LLC

Owner's Name (Printed)

Owner's Signature

Doug Foster, KLJ Engineering

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):	



370 Wabasha St N, STE 300 St Paul, MN 55102 651-726-5052

KLJENG.COM

September 5, 2023
Peter Bode
Planner & Zoning Official
City of Fairmont
100 Downtown Plaza
Fairmont, MN 56031

Re: Les Schwab Tire Center CUP Application

Dear Mr. Bode:

We are proposing the construction of a Les Schwab Tire Store at State St and Center Creek Dr. The property is zoned as B-3 (Business). According to City of Fairmont Ordinances we must apply for a CUP for Minor Auto Repair shops. The focus of the business is selling new tires. Minor repairs may occur related to the replacement of tires, however repairs will NOT require the removal of the engine head or pan, engine, transmission or differential. No incidental body and fender work, minor painting or upholstering will occur. Building and parking setbacks as well as minimum parking spots required all met City of Fairmont standards with no variances requested.

Sincerely,

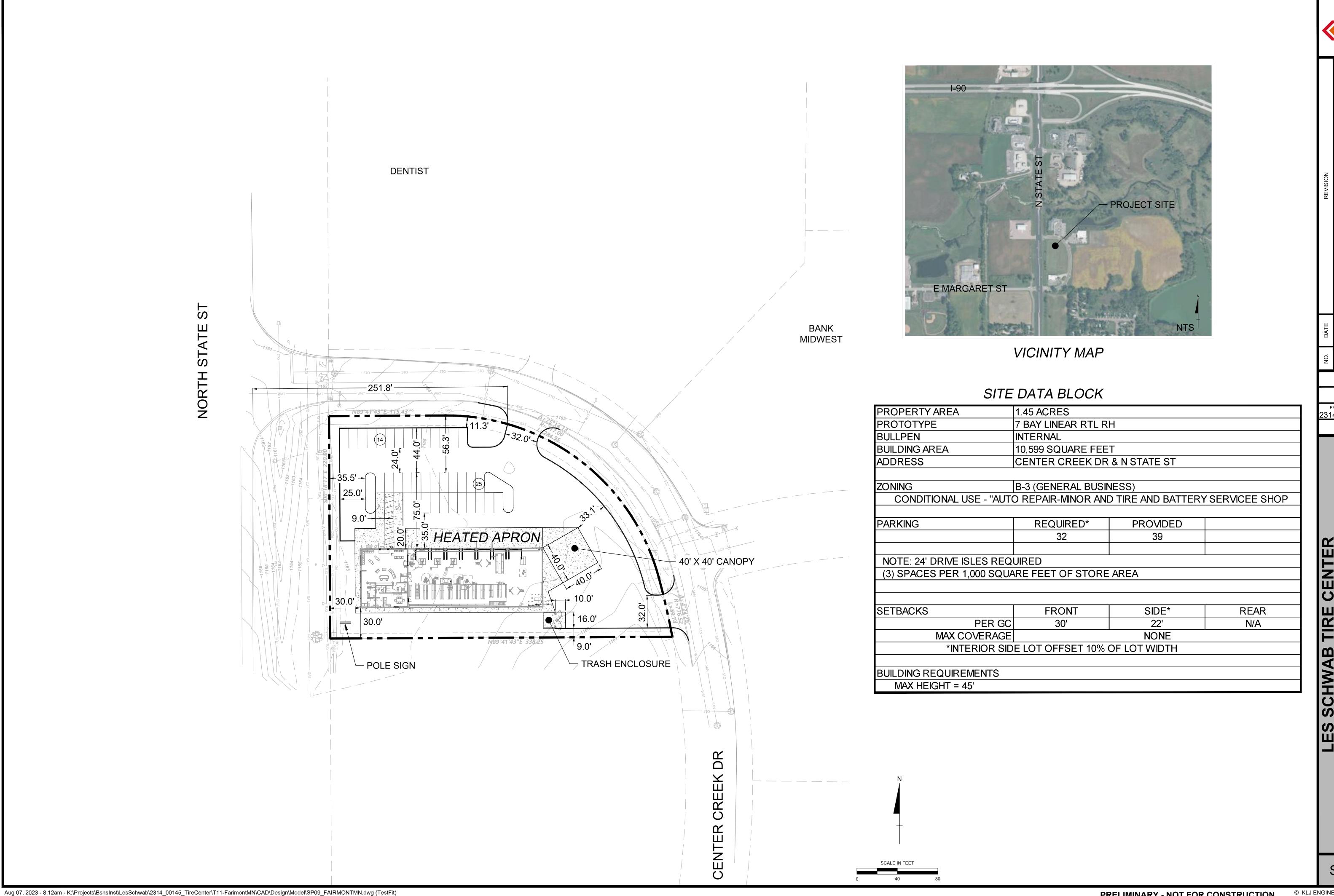
Doug Foster, PE Design Engineer

Enclosure(s): CUP Application, Existing Site and Proposed Grading/Drainage Site

Project #: 2314-00145.11

)oug Foster

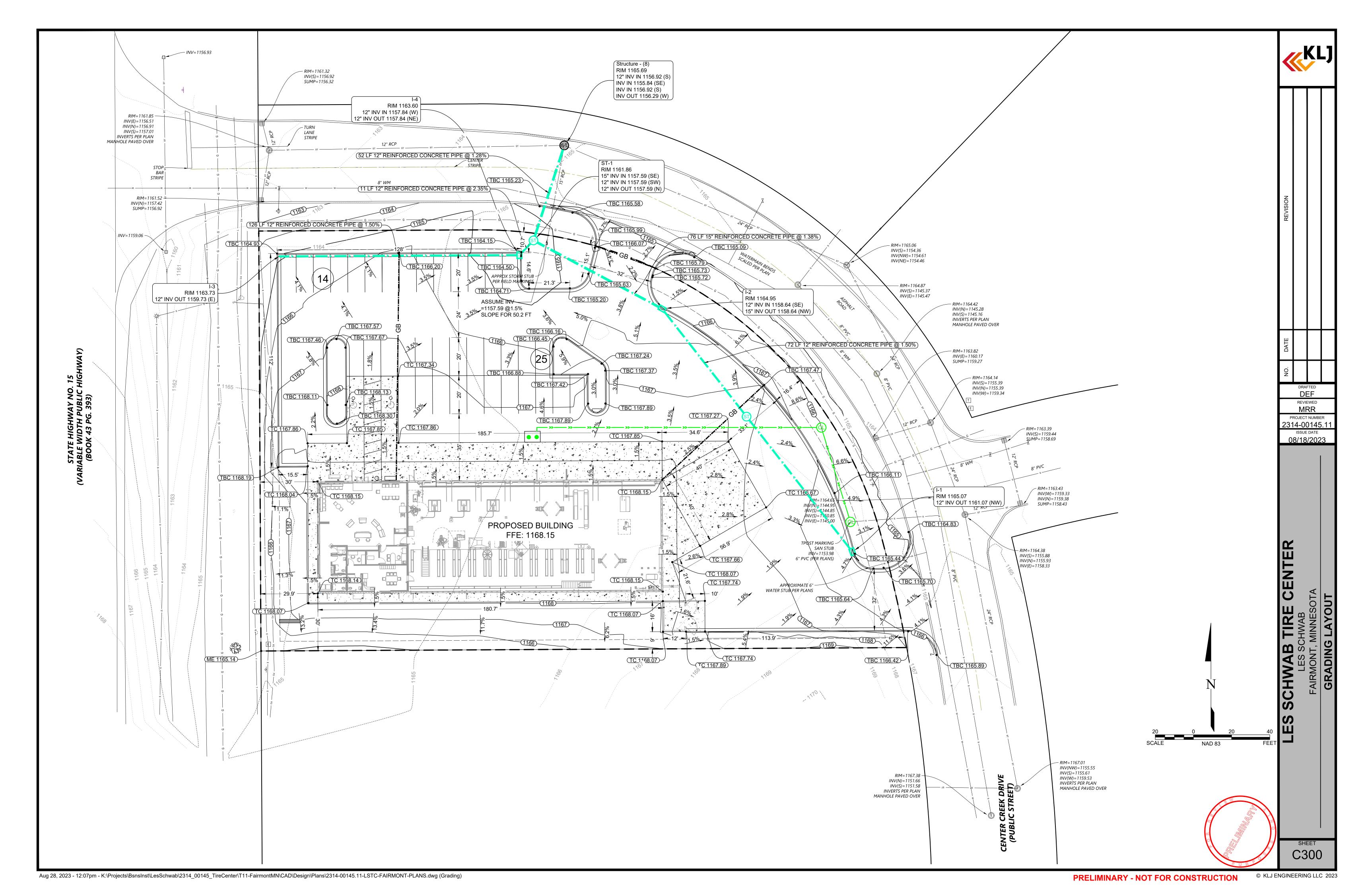
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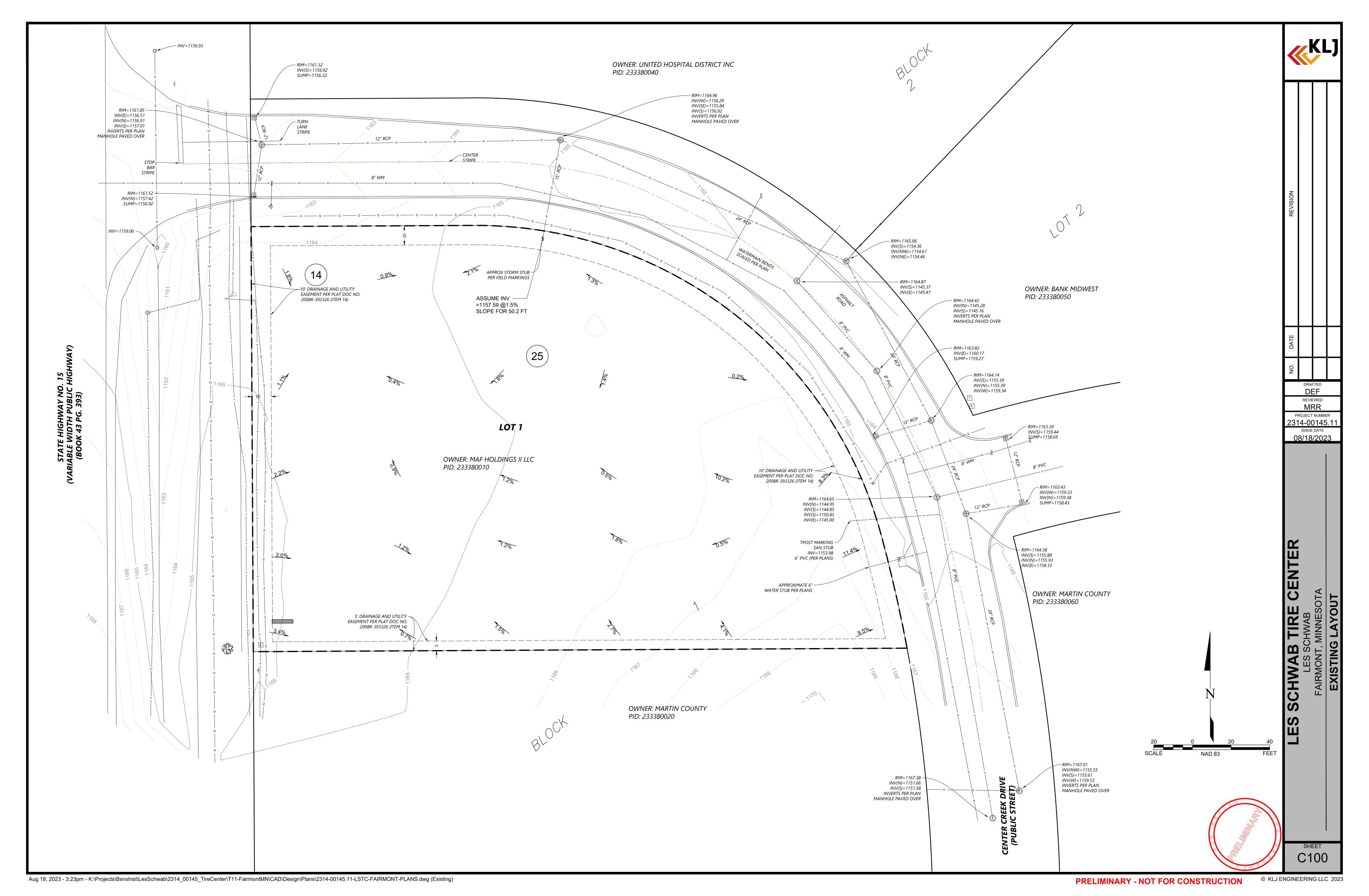


DEF MRR 2314-00145 T1

SCHWAB TIRE CENTER

SP-09







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Fax (507) 238-9469

MEMORANDUM

TO: Planning Commission

FROM: Peter Bode, Planner & Zoning Official

DATE: October 3, 2023

Phone (507) 238-9461

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 Center on the site.

Martin County submitted an identical request earlier this year to achieve the rezone. The Planning Commission approved the request and recommended that City Council do the same. Martin County withdrew its previous request before it was placed on the City Council's agenda. Between the first application and this application, there have been no factual changes to the proposal, Comprehensive Plan, or conditions at the site that would change staff's analysis of the request.

Typically, parcels should be zoned with a single designation because each parcel may only support one principal use. While most parcels in Fairmont are indicated with a single zone, a number of them have been divided by the City's zoning map by another line for a variety of geographic reasons. Allowing subdivision without consistent zoning changes to follow was a poor mapping practice utilized many years ago. Ensuring these parcels retain a single zoning designation is a priority of the upcoming 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 because the proposal is consistent with the 2040 Comprehensive Plan and the intent of City Code, and because the request represents an effort to correct a poor zoning practice from the past.

Respectfully submitted,
Peter Bode, Planner & Zoning Official

Attachments: Planning Commission Resolution 2023-6

Application to rezone Satellite photos of the area

Pages 36 and 38 of the Comprehensive Plan

CITY OF FAIRMONT PLANNING COMMISSION RESOLUTION 2023-6

RECOMMENDING APPROVAL OF A REQUEST TO REZONE 800 E MARGARET ST TO B-3 GENERAL BUSINESS

Whereas, the County of Martin and property owner Dale Wedel have applied to rezone the parcel at 800 East Margaret Street (PIN 23.038.0110) to be entirely B-3 General Business, and;

Whereas, City staff recommend the request be approved because it is consistent with the 2040 Comprehensive Plan and the intent of City Code, and because the request represents an effort to correct a poor zoning practice from the past, and;

Whereas, the Fairmont Planning Commission held a public hearing on the topic October 3, 2023.

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

- 1. The request is consistent with the 2040 Comprehensive Plan's guidance for the area south of Margaret Street to be Commercial.
- 2. The request is consistent with the intent of City Code to divide the city into zones and districts and regulate therein the location and use of structures and land.
- 3. The proposal is consistent with the intent of City Code to promote the orderly development of commercial and public areas.
- 4. By designating the parcel with a single zone, the request represents an effort to correct a poor zoning practice from the past.

Be it further resolved that the Fairmont Planning Commission recommends to the Fairmont City Council that the request to rezone 800 East Margaret Street to B-3 General Business be approved.

Passed by the Planning Commission of the City of Fairmont on this 3 rd day of October, 2023.	
Fom 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: <u>Dale Wedel</u> Address: <u>1477 208th Ave, Fairmont, MN</u> Phone#			
Street Address of Proposal: 800 Mar	garet East Street, Fairm	ont, MN 56031	
Legal Description of Property: See Att	ached		
Existing Use of Property: Farmland			
Proposed Use of Property: Government	ent Building		
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)	
	30.00	9	
Home Occupation Permit 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	
X 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. Dale Wedel Owner's Name(Printed) Owner's Signature Dale Wedel Applicant's Name (Printed) Applicant's Signature			
DATE FILED: DATE FEE PAID: MEETING DATE: NOTICES SENT (DATE):			
NOTIFICATION OF EXTENSION (LETTER SENT):			



Peter Bode, Planner & Zoning Official City of Fairmont 100 Downtown Plaza Fairmont, Minnesota 56031

Re: Wedel Property / Martin County Rezoning Application Commission No. 212154

Dear Peter:

Wold is submitting this application for re-zoning 800 E Margaret Street in Fairmont, Minnesota (hereafter referred to as "the property") on behalf of Dave Wedel and the Martin County Board of Commissioners. 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.

On October 18, 2022 Bolton & Menk reached out to the City and inquired 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 October 19, 2023) It was stated at that time that the intention of the planning and zoning department would be to redraw the boundaries of the zoning districts such that the entire site in question would be classified as B-3 General Business.

To date, the city has yet to complete a more comprehensive correction of their zoning districts. Since the intention of the County is to purchase the property for development of a New Public Safety and Justice Center, they have determined the best approach is to expedite this re-zoning with a separate application. 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 your discretion.

Thanks,

Wold Architects and Engineers

than Loose | P.E., LEED AP

cc: Scott Higgins, County Coordinator Michael Klass, Wold

SS/COU_Martin/212154/crsp/sept23

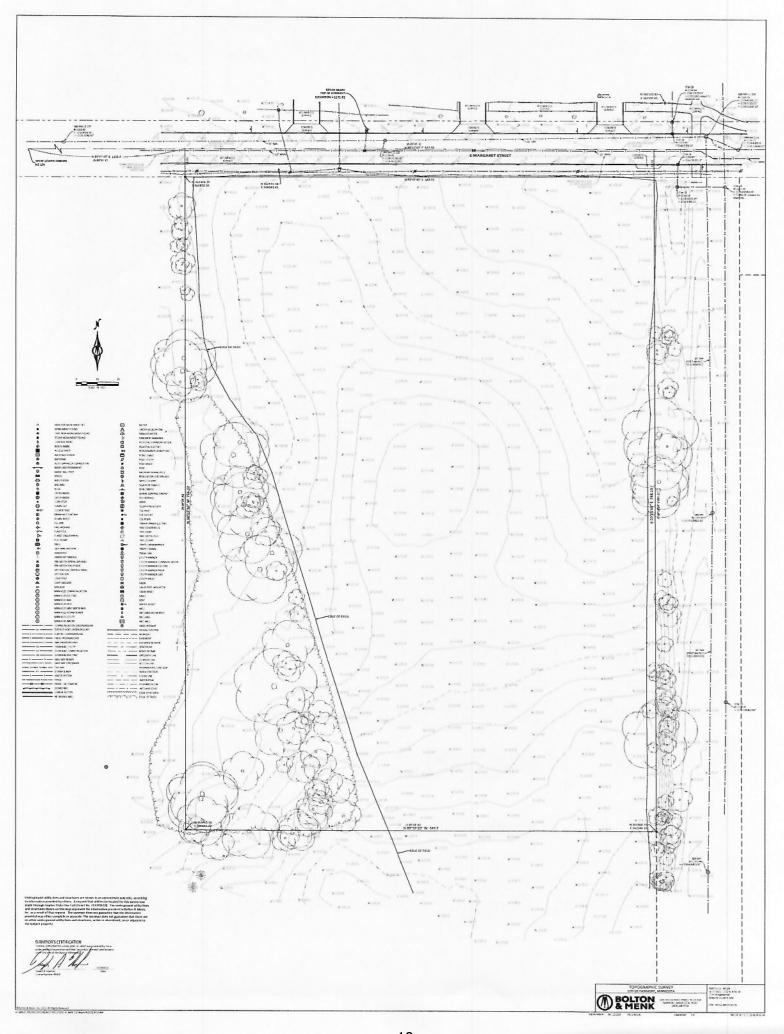
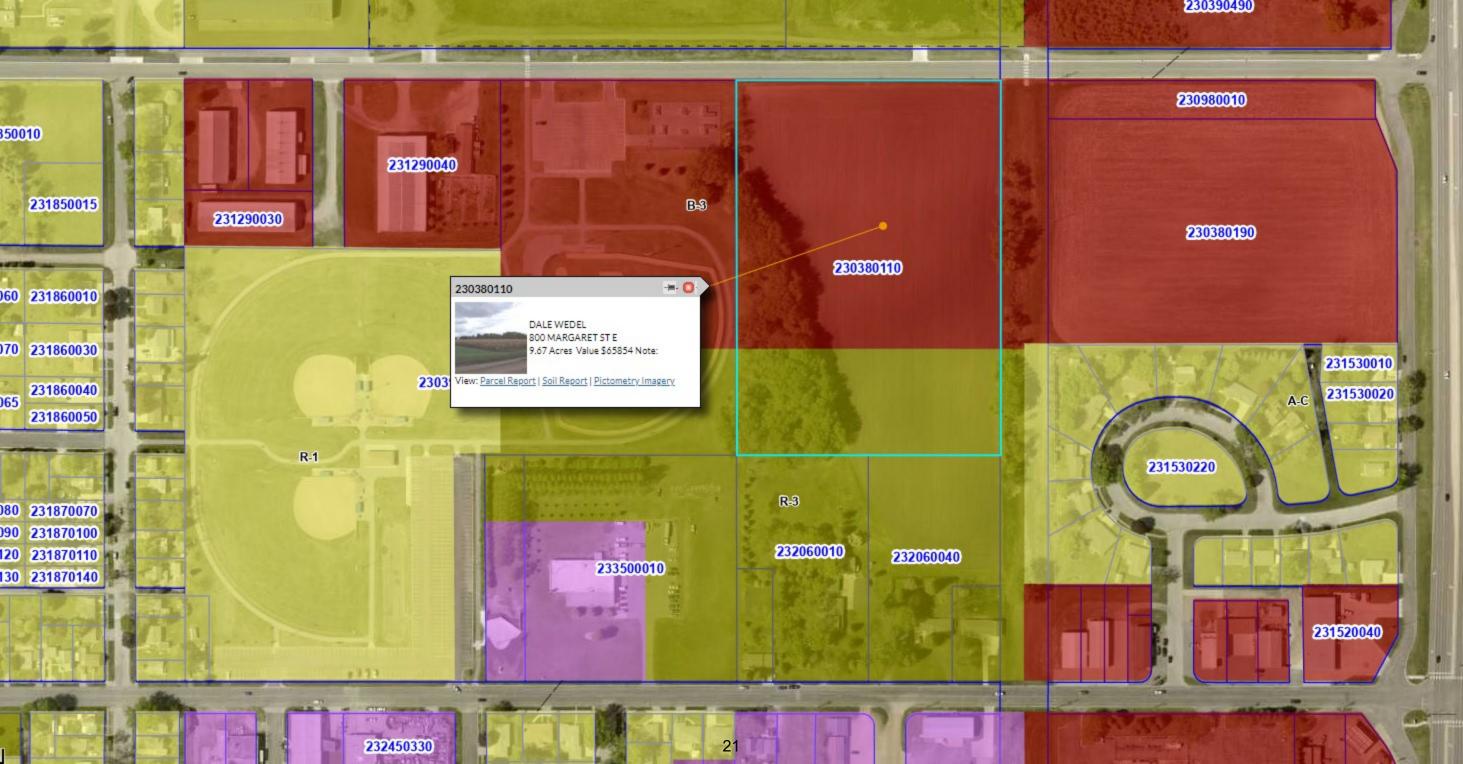


EXHIBIT "A"

- (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 Twsp. 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 NE1/4; 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 Doed 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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existing industrial facilities, and to integrate commercial support services and employee-serving amenity businesses. Workforce-oriented housing may be appropriate within mixed	Transportation	Automobile and freight connections. Oftentimes rail connections and spurs. Trail and sidewalk connections to maintain walkability. Parking should be scaled to specific use and employment expectations.
employment centers, provided it is well-integrated and not situated	Uses	
to create conflicts between residential and non-residential land uses. Historic industrial buildings should be preserved when possible as they are great candidates for re-use into commercial and retail spaces.	Primary	 Light and advanced manufacturing Agribusiness Office Retail, entertainment, and restaurant/brewery Multifamily residential Makerspaces and arts studios
New employment centers should be designed to incorporate a mix of uses in a walkable, high- quality district.	Secondary	 Warehouse and distribution Public and quasi-public gathering spaces Parking Railroads and right of way Outdoor storage

С	Commercial	Development Characteristics	
Located at gateways and along auto-oriented corridors in the city,		Height Range	1-3 stories or up to 40 feet
these areas are reserved for commercial use only. General commercial, retail, business services and automobile-oriented commercial uses are typical here. Light manufacturing and office development may also be present. Underutilized and vacant	Building Form & Design	Varies, a mix of small format stores, large big box, and strip mall. Buildings are typically auto-oriented and setback from the street, however, attention should be paid to design, landscaping, and site design to ensure a high-quality community aesthetic and to create a positive impression of the community.	
sites sho	uld prioritize	Density	NA
redevelo	pment and reuse sites.	Transportation	Typically auto-oriented, but site planning should consider trail and transit connections.
		Uses	
		Primary	RetailService and medicalOfficeRestaurant
		Secondary	Light manufacturingParkingOutdoor dining

2040 Land Use Map

