

PLANNING COMMISSION MINUTES

January 25, 2021

The Fergus Falls Planning Commission met on January 25, 2020 in the Council Chambers of City Hall. The meeting was opened at 6:37 PM. Members present were: (√√ indicates those present in the Council Chambers, √ indicates those present by phone / video connections due to the outbreak of COVID-19).

√√ Jeff Stanislawski
√ Laurel Kilde
Craig Gantner
√√ Don Suiter
√ Kelsee Macintosh-Ellig
√√ Scott Rachels
√ Vern Johnson

City staff in attendance included Darrin Welle, Sourcewell Planner, Klara Beck, Community Development Manager, and Jill Hanson who took minutes for the meeting.

APPROVAL OF MINUTES

The minutes of the November 22, 2020 meeting were reviewed and Chair Stanislawski entertained a motion to approve the minutes. It was so moved by Commissioner Kilde and seconded by Commissioner Rachels. Passed by the following vote:

Ayes: Stanislawski, Kilde, Macintosh-Ellig, Johnson, Suiter, Rachels,

Nays: None

Absent: Gantner

PUBLIC HEARING TO CONSIDER A REQUEST FOR AN CONDINATIONAL USE PERMIT (CUP) TO SPLIT DUPLEXS INTO INDIVIDUAL LOTS IN AN R-2 ZONE LOCATED AT 1703, 1705, 1707 & 1709 CASCADE STREET SOUTH. REQUESTED BY DOVAVAN ROGNESS OF PRAIRIE VIEW DEVELOPMENT

Chair Stanislawski asked City staff to explain the request. Darrin Welle stated that the applicate is requesting a CUP to split the duplex buildings on each site on Cascade Street. The proposed development was recently platted in 2019. The applicant made lots large enough to build duplexes on the lot. The applicant is now seeking to split the duplexes into two individual lots for sale. The individual lots meet the minimum lot sizing for this zone. A party wall agreement has been submitted by the applicant.

Darrin explained the ordinances and zoning codes at apply to this request, and the general provision. Codes states that a Conditional Use Permit may be issued to allow the separate sale of attached dwelling units with land for two-family dwellings, subject to the following conditions.

(1) The permit shall be for the life of the building only.

(2) A party wall agreement or covenant must be filed with each deed, which clearly defines the responsibility of each owner for all utilities and utility hookups, maintenance, improvements, reconstruction encompassing portions of all of the property and other areas of mutual concern.

In reviewing applications of conditional use permits, the Planning Commission and the Council may attach whatever reasonable conditions they deem necessary to mitigate anticipated adverse impacts associated with these uses, to protect the value of other property within the district, and to achieve the goals and objectives of the comprehensive plan. In all cases in which conditional uses are granted, the Council shall require evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

Darrin stated that the seven Proposed Findings listed in the staff report were created with the idea of approval of the CUP request with the conditions listed. If the commission does not agree with any of the

findings, then the commission should look at are there conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

Darrin stated a condition for the Prairie View Development Conditional Use Permit:

1. Must abide by the party wall agreement provisions.

Public Hearing to consider a request for a CUP to Split the Duplexes in an R-2 Zone located at 1703, 1705, 1707, & 1709 Cascade Street South into individual dwelling was opened to the public at 6:43 PM
Chair Stanislawski asked if anyone else wished to speak on this request.

Chair Stanislawski closed the Public Hearing to the Public at 6:44 PM, and bought the meeting back to the Planning Commission for discussion. There was no discussion.

Commissioner Rachels made a motion to recommend to approve the Conditional Use Permit request by Prairie View Development to split the Duplexes located at 1703, 1705, 1707, & 1709 Cascade Street South into individual dwelling, with the condition that the party wall agreement be recorded to each deed. It was seconded by Commissioner Suiter.

Passed by the following vote:

Ayes: Stanislawski, Kilde, Macintosh-Ellig, Suiter, Johnson, Rachels

Nayes: None

Absent: Gantner

UPCOMING APPLICATIONS

Darrin Welle informed the PC of some Public Hearings coming before the PC in the future:

- Varince Setback Request to be presented on February 22

OLD BUSINESS: B-6 ZONE & LIGHT INDUSTRIAL USES, DISCUSSION

Chair Stanislawski asked City Staff to open the ordinance discussion. Darrin presented the draft for the changes to Ordiances No. 10, Eighth Series for the B-5 & B-6 zones and Light Industrial Uses.

The purposed definition for Light Industrial: means a category of uses that is capable of operation in such a manner as to control the external effects of manufacturing processes such as smoke, noise, vibration, soot, and odor. It includes limited intensity levels of manufacturing and assembly activities primarily from previously prepared or refined materials, or from raw materials that do not need refining, warehousing of produced products on site with limited direct public access, research and development, packaging, and associated offices and similar uses as determined by the City Planner within an enclosed building. This use category includes, but is not limited to, food processing, contractors, textiles, wood products, tool and die, printing, pharmaceuticals, machinery manufacturing or assembly, research and development, laboratories, but excludes basic industrial processing from raw materials or other heavy industrial uses.

The following wording would be added to the B-5 and B-6, Shopping Business District:

(2) B-6, Sub-Regional Shopping Center. Within a B-6, Sub-Regional Shopping Center Business District, no building or land shall be used, except for one or more of the following uses, subject to division (C)(2) below:

(a) Drive-in restaurants;

(b) Any uses as permitted and regulated in the B-3, General Business District; except that, no dwellings shall be permitted;and

(c) Indoor recreation –such as trampoline parks, skating and archery, etc.

(10) Light Industrial Uses; subject to the following:

(a) There shall be no outside storage of materials or goods unless an allowed retail use is permitted in the zone in conjunction with the manufacturing business to sell a finished product.

(b) There shall be no uses that produce fumes, exhaust, or other nuisance conditions outside of the structure.

There was some discussion about the defining of Light Industrial and allowed uses, and the process for this ordinance change. Darrin mentioned there would be a special PC Meeting on February 1, 2021 at 5:00 PM for the public hearing on the Ordinance changes for the B-5 & B-6 zone.

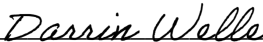
CITY PLANNER UPDATES

Chair Stanislawski asked for updates from the City Planner. There were none.

The next meeting will be Special PC meeting on February 1, 2021 at 5:00 PM.

The next meeting Regular PC meeting will be on February 22, 2021 at 5:30 PM.

The meeting adjourned at 6:50 pm.



Darrin Welle
Sourcewell Planner

PLANNING COMMISSION MINUTES
February 1, 2021

The Fergus Falls Planning Commission held a special meeting on February 1, 2021 in the Council Chambers of City Hall. The meeting was opened at 5:00 p.m. Members present were: (√√ indicates those present in the Council Chambers, √ indicates those present by phone / video connections due to the outbreak of COVID-19).

√√ Jeff Stanislawski
√ Laurel Kilde
Craig Gantner
√ Don Suiter
√ Kelsee Macintosh-Ellig
√√ Scott Rachels
√ Vern Johnson

City staff in attendance included Darrin Welle, Sourcewell Planner, Klara Beck, Community Development Manager, Andrew Bremseth, City Administrator, and Jill Hanson who took minutes for the meeting. Also present was Annie Deckert.

PUBLIC HEARING TO CONSIDER AN ORDINANCE TEXT AMENDMENT TO B-5 & B-6 ZONE & ADD LIGHT INDUSTRIAL USES TO THESE ZONES. REQUESTED BY CITY OF FERGUS FALLS.

Chair Stanislawski asked City Staff to open the ordinance discussion. Darrin presented the draft for the changes to Ordinances No. 10, Eighth Series for the B-5 & B-6 zones that were discussed at prior PC meetings.

The purposed definition for Light Industrial: means a category of uses that is capable of operation in such a manner as to control the external effects of manufacturing processes such as smoke, noise, vibration, soot, and odor. It includes limited intensity levels of manufacturing and assembly activities primarily from previously prepared or refined materials, or from raw materials that do not need refining, warehousing of produced products on site with limited direct public access, research and development, packaging, and associated offices and similar uses as determined by the City Planner within an enclosed building. This use category includes, but is not limited to, food processing, contractors, textiles, wood products, tool and die, printing, pharmaceuticals, machinery manufacturing or assembly, research and development, laboratories, but excludes basic industrial processing from raw materials or other heavy industrial uses.

The following wording would be added to the B-5 and B-6, Shopping Business District:

(2) B-6, Sub-Regional Shopping Center. Within a B-6, Sub-Regional Shopping Center Business District, no building or land shall be used, except for one or more of the following uses, subject to division (C)(2) below:

- (a) Drive-in restaurants;
- (b) Any uses as permitted and regulated in the B-3, General Business District; except that, no dwellings shall be permitted; and
- (c) Indoor recreation –such as trampoline parks, skating and archery, etc.

(10) Light Industrial Uses; subject to the following:

- (a) There shall be no outside storage of materials or goods unless an allowed retail use is permitted in the zone in conjunction with the manufacturing business to sell a finished product.
- (b) There shall be no uses that produce fumes, exhaust, or other nuisance conditions outside of the structure.

Darrin stated that no comments were received on this request from the public prior to the meeting tonight.

Public Hearing to Consider an Ordinance Text Amendment to B-5 & B-6 Zones & Add Light Industrial Uses to these Zones was opened to the public at 5:03 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

Annie Deckert of Greater Fergus Falls stated that she supposed the ordinance amendments.

Chair Stanislawski closed the Public Hearing to the Public at **5:05 PM**, and bought the meeting back to the Planning Commission for discussion. There was no discussion.

Commissioner Rachels made a motion to recommend the Ordinance changes as presented. It was seconded by Commissioner Kilde. Passed by the following vote:

Ayes: Stanislawski, Kilde, Macintosh-Ellig, Suiter, Rachels, Johnson

Nayes: None

Absent: Gantner

CITY PLANNER UPDATES

Chair Stanislawski asked for updates from the City Planner. There were none.

The next meeting will be a Special Meeting on February 17, 2021 at 5:00 PM.

The next regular meeting will be on February 22, 2021 at 5:30 PM.

The meeting adjourned at 5:07 pm.

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Darrin Welle

Sourcewell Planner

PLANNING COMMISSION MINUTES
February 17, 2021

The Fergus Falls Planning Commission held a special meeting on February 17, 2021 in the Council Chambers of City Hall. The meeting was opened at 5:02 p.m. Members present were: (√√ indicates those present in the Council Chambers, √ indicates those present by phone / video connections due to the outbreak of COVID-19).

√√ Jeff Stanislawski
√ Laurel Kilde
√√ Craig Gantner
√ Don Suiter
√ Kelsee Macintosh-Ellig
√√ Scott Rachels
√ Vern Johnson

City staff in attendance included Darrin Welle, Sourcewell Planner, Klara Beck, Community Development Manager, Andrew Bremseth, City Administrator, and Jill Hanson who took minutes for the meeting. Also present were Katie & Troy Tysdal, Thane Schmidt, Megan Beckler, and Tere Mann.

PUBLIC HEARING TO CONSIDER AN ORDINANCE TEXT AMENDMENT TO A-2021-2: SOLAR ENERGY SYSTEMS. REQUESTED BY CITY OF FERGUS FALLS.

Chair Stanislawski asked City Staff to open the ordinance discussion. Darrin presented the draft for the changes to Ordinances No. 11, Eighth Series that would amend city Code Chapter 154.135 through 154.138 relating to Solar Energy Systems. Darrin stated that the amendment includes comprehensive updates to all sections regulating solar energy systems. Darrin explained that he had a redline version and a clean version, plus some updates that were added this afternoon. Darrin read the updates that were added or deleted after the last joint discussion in the redline version of the ordinance.

Darrin stated that he did receive some comments on this request from the public prior to the meeting tonight. Darrin noted that we did receive a request this afternoon from Katie Tysdal to share the MN Solar Model Ordinance (2020) and Aurdal Township Renewable Energy Zoning Ordinance (2021). These ordinances were sent to the PC this afternoon and will be shared this evening during the meeting. Katie Tysdal also stated that she would like to share some comments during the public hearing tonight.

Commissioner Kilde mentioned a few items that she would like to address in the ordinance. She felt that residents should be allowed to have a few different locations to place the solar panels beside the backyard sometimes that is not the best location for the panel. Commissioner Kilde mentioned that maybe a solar application should be reviewed by someone besides a City employee. There was some discussion about what happens if the application does not meet the code requirements, and Darrin replied a variance request could be presented. Commissioner Kilde wanted to know if it is clear that someone can ask for a variance if there, solar request does not meet the code requirements. Darrin replied that City Code states that a variance can be presented for anything in City Code that does not meet the code requirements.

Public Hearing to Consider an Ordinance Text Amendment to A-2021-2: Solar Energy Systems was opened to the public at 5:14 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

Katie Tysdal, Broken Down Dam Road, stated that she wants to make sure that the City Ordinance meets requirements of the MN Solar Model Ordinance. Ms. Tysdal made some comments relating to City Ordinance:

- City height limit in the ordinance is 25 feet, but the MN Solar Model is 15 feet.
- Setbacks from property lines are greater in the County ordinances that Ms. Tysdal cited.
- Roadway setbacks from the MN Model ordinance are greater than the proposed City ordinance.
- Communication and power lines should be buried.

- Fencing or screening should not be on property line. It should be wildlife friendly and provide a year round screen if the screen is trees and/or bushes. Concerns about removal of larger Trees.
- Concerns about the solar site causing problems with the operations of electrical applications.
- Concerns about noise and security lighting on the solar site.
- Solar easements that could block Sunlight to adjoining properties.

Thane Schmidt, 23050 Birchwood Lane Road, mentioned he spoke to the PC in October 2020 about getting some information on the solar project and did not receive feedback from the PC on this project.

Megan Beckler, 22599 Birchwood Estates Lane, had some questions about roadway setback and the possible visual impacts to motorist.

Darrin Welle replied to the questions that were asked:

- 25 feet is what is in the current City Ordinance and 15 feet mentioned in MN Solar is the height for accessory uses for residential use. A Conditional Use Permit could address the height and/or setback concerns.
- The right-a-way is measured from the center of the road on the MN Solar Model. Normally a setback is established by where it is located. The model cited uses what the codes are for those locations.
- Communication & power lines can be buried underground, if so there is language to review for that.
- Fences on property lines or screening can be looked at in the CUP process or updated in the code.
- Trees/shrubs can be looked at in the CUP process as well.
- Noise & security lighting were not mentioned in the MN Solar Model. We do have City Ordinances on the book that limit noise and lighting City wide, and would apply to the Solar Ordinance.

It was noted that the City does not currently have a long-range comprehensive plan, but there are discussions about doing one. Andrew Bremseth mentioned that the City Council does have some plans in place and they are working toward development a comprehensive plan for the City.

Tere Mann, Fergus Falls, asked why are the changes made to the ordinance today were not on the City website yet, and Darrin explained that new version would be updated on the City website by tomorrow morning. We did not receive the information until late afternoon today. Ms. Mann asked if this is the last chance to make changes to the ordinance before it goes to the City Council for final approval. Darrin replied that he can do the update discussed this evening, and it can be present to the PC again before it goes to the City Council. It was noted that the City Council will have two readings of the ordinance and changes can be made at that time.

Katie Tysdal stated that she would like the ordinance to have a lower height requirement and how we should be looking at the solar ordinances from other communities that have more experience with solar ordinances.

Troy Tysdal stated that he had concerns about interference with the operations of electrical applications, noting that Otter Tail Power Company would not guaranteed there would not be interference. There was some discussion about interference issues.

Andrew Bremseth asked how would the City be able to enforce an interference issue. Andrew stated that the interference issue would be a civil matter. It was noted that the ordinance would cover the limit requirements and a Conditional Use Permit could cover more.

Thane Schmidt mentioned that this project was not presented before the PC yet and how the PC is

supposed to advise the City Council on the use of property. Darrin Welle replied that the PC is looking at an ordinance amendment not one specific piece of property.

Commissioner Rachels asked about a timeline for this Solar Ordinance amendment. Darrin replied that the PC is looking at it tonight, the public hearing could be continued on February 22, and then it could go to the City Council at the beginning of March. Andrew Bremseth restated that the City Council will have two readings of the ordinance and changes can be made at that time. If there were any major changes to the ordinances, it could be sent back to the PC for further review.

Commissioner Rachels stated that he would like to see a print out of the ordinance with the changes discussed tonight.

There was some discussion about items to be considered.

- Megan Beckler suggested look at the Aurdal Township Solar Model.
- Tory Tysdal had concerns about an EAW being approved before the ordinance is amendment, because of grandfathering. Andrew Bremseth replied that the City has to approve a building permit, and the permit will not be issued until the ordinance amendment is approved.
- Chair Stanislawski thought there should be discussion about transmission line being buried vs. being above ground
- Katie Tysdal wanted to make sure that the height issue was discussion.

Darrin mentioned that the Aurdal Township Model and MN Solar Model Ordinance were from the Tysdals and we received it from them late this afternoon. Darrin stated that he would added more information to the packet on the City website. Darrin mentioned that the developer is responsible for the noise, light, and interference cause by their site.

Commissioner Suiter stated that a residential City like Fergus Falls might have more restrictions then a rural area like the Aurdal Township. We should be comparing city solar ordinances of the same size to get a better comparison. The property line fencing should be more on Otter Tail Power Company land.

There was some discussion about continuing the public hearing on February 22 at 5:30 PM and Darrin Welle would provide some updated drafts of the ordinance to review that evening.

Commissioner Kilde made a motion to continue the public hearing on February 22, 2021 at 5:30 PM. It was seconded by Commissioner Rachels. Passed by the following vote:

Ayes: Stanislawski, Kilde, Macintosh-Ellig, Suiter, Rachels, Johnson, Gantner

Nayes: None

Absent: None

CITY PLANNER UPDATES

Chair Stanislawski asked for updates from the City Planner. There were none.

The next regular meeting will be on February 22, 2021 at 5:30 PM.

The meeting adjourned at 6:08 pm.



Darrin Welle

Sourcewell Planner

PLANNING COMMISSION MINUTES
February 22, 2021

The Fergus Falls Planning Commission held a regular meeting on February 22, 2021 in the Council Chambers of City Hall. The meeting was opened at 5:31 PM. Members present were: (√√ indicates those present in the Council Chambers, √ indicates those present by phone / video connections due to the outbreak of COVID-19).

√√ Jeff Stanislawski
√ Laurel Kilde
√ Craig Gantner
√√ Don Suiter
√ Kelsee Macintosh-Ellig
√√ Scott Rachels
√ Vern Johnson

City staff in attendance included Darrin Welle, Sourcewell Planner, Klara Beck, Community Development Manager, and Jill Hanson who took minutes for the meeting. Also present and spoke at the meeting were Brian Draxten and Randy Synsteline of Otter Tail Power Company (OTPO), Bill Davis, Megan Beckler, Tere Mann, and Katie Tysdal.

APPROVAL OF MINUTES

The minutes of the January 25, 2021, February 1, 2021 and February 17, 2021 meetings were reviewed and Chair Stanislawski entertained a motion to approve the minutes. It was so moved by Commissioner Rachels and seconded by Commissioner Kilde. Passed by the following vote:

Ayes: Stanislawski, Kilde, Macintosh-Ellig, Johnson, Suiter, Rachels, Gantner

Nays: None

Absent: None

CONTINUATION OF PUBLIC HEARING TO CONSIDER AN ORDINANCE TEXT AMENDMENT TO A-2021-2: SOLAR ENERGY SYSTEMS FROM FEBRUARY 17, 2021. REQUESTED BY CITY OF FERGUS FALLS.

Public Hearing to Consider an Ordinance Text Amendment to A-2021-2: Solar Energy Systems was continued on February 22, 2021 at 5:33 PM. Chair Stanislawski asked Darrin Welle to present the updated draft for the changes to the solar ordinance that was discussed at the prior PC Meeting February 17, 2021.

Darrin read the updates that were added after the public hearing discussion at the last PC Meeting:

1. Height limits were changed from 25 feet to 20 feet
2. Setbacks to property lines were updated to match the Stearns County minimum of 50 feet
3. Setbacks for dwelling was left as is, following the model ordinance
4. Communication line between panels left as is, matches Stearns County
5. Fencing & Screening –updated to require screening of fences within required setbacks of existing dwelling & other residential zones
6. Removal of mature trees on site are discouraged
7. Noise and lighting same as City Code
8. Stray voltage – is a civil matter between property owners per the City Attorney
9. Road setbacks were updated

Darrin mentioned that he received three comments from the public prior to the meeting tonight. These comments were emailed to the PC prior to the meeting.

- Katie Tysdal: Three Solar ordinances examples, an article on solar electromagnetic interference & some comments.
- Randy Synsteline (OTPC): A sample table of other community’s solar ordinances, and article on solar electromagnetic interference from the Renewable Energy Program Office, and some comments about above ground electrical systems.

- Tere Mann: Comments on reviewing the ordinance and doing an Environmental Impact Statement, and an article from the MN Board of Water & Soil Resources on solar friendly habitats.

Brian Draxten, OTPC Manager of Resource Planning, explained how OTPC is working on becoming greener and a reliable source of energy. Mr. Draxten stated the OTPC felt the current ordinance drafts are reasonable and supports them. He noted that OTPC would like to have the option of above ground and underground collection/communication system. The height restriction of 20 feet is acceptable.

Bill Davis, Aurdal Deputy Clerk and retired OTPC employee, mentioned that on February 11th the City Administrator and Councilmen Jim Fish attended the Aurdal Township meeting and were provided information from Aurdal township relating to the solar ordinance, a full week before Katie Tysdal sent the City information on February 17th for the special PC meeting that evening.

Mr. Davis mentioned that City's plans for a long-range comprehensive plan and why would there be islands in the solar plan. Mr. Davis stated the City Administrator and Jim Fish stated at the February 11th Aurdal Township meeting that Aurdal could review and compare the City's draft solar ordinance with Aurdal's solar ordinance. Mr. Davis noted that to date Aurdal Township has not received a draft of the ordinance and they would like to review it before it goes to the City Council. Mr. Davis stated that it was mentioned to the City Administrator and Jim Fish that Aurdal Township property owners expected to be reimbursed for any lost in their property values due to this project

Mr. Davis mentioned the MN Regulatory Compliance and how Solar farms that have a generating capacity of 50 megawatts or more of power, should fall under the jurisdiction of the Minnesota Public Utilities Commission, and Solar Farm Energy Systems generating less than 50 megawatts shall require a Conditional Use Permit. The OTPC would be putting in 49 megawatts so they would not be reviewed by the State of MN. Mr. Davis had concerns over some past violations that were not addressed by OTPC and possible problems with this new solar farm.

Commissioner Suiter stated that the PC is just looking at rewriting the solar ordinance. We are not looking at the OTPC request. Commissioner Kelsee mentioned that the solar ordinance would have to work for any project that comes before the City Council.

Megan Beckler had some questions about the side yards and the setbacks. Darrin replied the ordinance draft is on the City website for everyone to view and how solar energy systems as part of a solar farm shall be at a minimum of 50 feet from the outside perimeter to all property lines of the solar farms and meet all public water body setbacks in City code. In the event of multiple parcels being utilized for the entire solar farm, the outermost property line shall be required to meet the setback.

If the solar panel were on your personal property, you would follow rules for an accessory setback. Housing unit setback of 150 feet from any existing residential dwelling, except setback may be reduced by 50% if the solar energy system array is fully screened from the setback point of measurement and a written agreement of the reduced setback from the owner(s) of the existing residential dwelling unit is recorded with the Otter Tail County Recorder, Otter Tail County, Minnesota.

Tere Mann stated that we are planning for the future and it would be better if the ordinance is more restrictive, because someone can always apply for a variance. Tere Mann talked about an Environmental Impact Statement. It was noted that the City needs to protect the islands in the ordinance.

Katie Tysdal mentioned looking at the Stearns County ordinance and having larger setbacks in the City ordinance. OTPC can work with individual homeowners on reduced setbacks.

Chair Stanislawski closed the Public Hearing to the Public at **6:05 PM**, and bought the meeting back to the Planning Commission for discussion. There was some discussion.

Commissioner Macintosh-Ellig stated that she does not feel that she is ready to vote on this ordinance. Commissioner Rachels explained that the ordinance has guideline and a Conditional Use Permits are required for many of the request.

Commissioner Kilde stated that there has not been a residential discussion on the solar requirements. Darrin that explained that the resident guidelines for solar panels have been in place for years as accessory uses. There was some discussion about accessory uses.

Commissioner Johnson stated that he felt we have our bases covered with a Conditional Use Permit. Commissioner Suiter mentioned the purpose of the PC in the ordinance updates process. Commissioner Kilde asked what is the next step with this process.

Darrin explained that the PC is reviewing the updated Solar Ordinance amendment and just making a recommendation to the City Council on the updated ordinance presented tonight. Then it would go to the City Council for review. Darrin stated that the City Council would have at least two readings of the ordinance and the public can make more commits.

Darrin explained a solar farm request would require a Conditional Use Permit and there would be a public hearing and that is where the conditions would be added to the request. If a residential homeowner were looking at a larger solar panel grouping, it would require a Interim Use Permit. Darrin mentioned the abandonment clause for accesory uses that was added to ordinance making the parcel owner responsible for the removal of all obsoleted or unused systems within 12 months of cessation of operations.

Commissioner Rachels made a motion to recommend the updated Solar Ordinance changes as presented to the City Council. It was seconded by Commissioner Gantner. Passed by the following vote:

Ayes: Stanislawski, Kilde, Suiter, Rachels, Johnson, Gantner

Nayes: Macintosh-Ellig

Absent: None

NEW BUSINESS:

Chair Stanislawski asked if there was any new business. There was none.

UPCOMING APPLICATIONS

Darrin Welle informed the PC at present there are no applications coming before the PC.

OLD BUSINESS:

Chair Stanislawski asked if there was any old business. There was none.

CITY PLANNER UPDATES

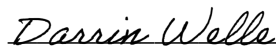
Chair Stanislawski asked for updates from the City Planner. There were none.

CITY COUNCIL UPDATES

Chair Stanislawski asked if there were any Council updates. There were none.

The next regular meeting will be on March 22, 2021 at 5:30 PM.

The meeting adjourned at 6:22 pm.



Darrin Welle
Sourcewell Planner

PLANNING COMMISSION MINUTES

March 22, 2021

The Fergus Falls Planning Commission held a regular meeting on March 22, 2021 in the Council Chambers of City Hall. The meeting was opened at 5:30 PM. Members present were: (√√ indicates those present in the Council Chambers, √ indicates those present by phone / video connections due to the outbreak of COVID-19).

Jeff Stanislawski
√ Laurel Kilde
√ Craig Gantner
Don Suiter
√ Kelsee Macintosh-Ellig
√√ Scott Rachels
√ Vern Johnson

City staff in attendance included Darrin Welle, Sourcewell Planner, Klara Beck, Community Development Manager, and Jill Hanson who took minutes for the meeting. Also, present and spoke at the meeting were Chris Schuelke, Chair of the Heritage Preservation Commission (HPC).

APPROVAL OF MINUTES

The minutes of the February 22, 2021 meeting were reviewed and Acting Chair Kilde entertained a motion to approve the minutes. It was so moved by Commissioner Johnson and seconded by Commissioner Macintosh-Ellig. Passed by the following vote:

Ayes: Kilde, Macintosh-Ellig, Johnson, Rachels, Gantner

Nayes: None

Absent: Stanislawski, Suiter

CONSIDER A RECOMMENDATION FROM THE HERITAGE PRESERVATION COMMISSION TO DESIGNATE THE VICTOR LUNDEEN COMPANY BUILDING LOCATED AT 126 WEST LINCOLN AVENUE AND THE NORTHERN PACIFIC DEPOT LOCATED AT 423 CASCADE STREET TO THE FERGUS FALLS REGISTER OF HISTORIC PLACES.

Acting Chair Kilde asked City staff to explain the request. Darrin Welle stated that Chris Schuelke, Chair of the Heritage Preservation Commission, is present and asked him to explain the request. Mr. Schuelke stated that the HPC voted to recommend local historic designation for the Victor Lundeen Company Building, located at 126 West Lincoln Avenue, and the Northern Pacific Depot, located at 423 Cascade Street. It was noted that letters of support were received from both property owners and those letters were included with the applications. Mr. Schuelke mentioned that a local designation is the first step towards moving forward with an application to place the home on the National Register of Historic Places. Commissioner Gantner, the owner of the Northern Pacific Depot, is currently in the process of applying for the National Register and supports the request to add the Northern Pacific Depot to the list of Local Register. There was some discussion about the two properties.

Darrin explained that the Planning Commission is being asked to review the recommendation from the HPC and make a recommendation to the City Council to designate the Victor Lundeen Company Building located at 126 West Lincoln Avenue, and the Northern Pacific Depot located at 423 Cascade Street as locally designated landmarks. The City Council would then hold a public hearing on the two request and then decide if the two properties should be placed on the Fergus Falls Register of Historic Places.

Commissioner Macintosh-Ellig made motion to recommend the local designation requests of the Victor Lundeen Company Building and the Northern Pacific Depot to the City Council. It was seconded by Commissioner Rachels. Passed by the following vote:

Ayes: Kilde, Macintosh-Ellig, Johnson, Rachels, Gantner

Nayes: None

Absent: Stanislawski, Suiter

Abstained: Gantner

ORDINANCE UPDATES DISCUSSION:

Acting Chair Kilde asked City Staff to open the ordinance discussion. Darrin explained that tonight the PC could start the discussion on drafting ordinance updates by looking at the some more ordinances change for the I-1 zone, B-2 zone, and B-3 zone. In addition, some changes for accessory buildings and fencing.

Darrin explained the changes that he was suggesting:

I-1 Zone – addition: “uses permitted or conditionally permitted in the B-2 zone, unless regulated differently elsewhere in this chapter”. This would allow some commercial uses in the I-1, I-2 and I-3 zones. This would not allow any residential uses in the industrial zones still.

B-2 and B-3 Zone – addition: Auto parts, retail, gas filling/convenience store, museums, community centers, art galleries, and similar cultural facilities, pawn shops. This would allow these uses in the B-5 & B-6 zones and Industrial zones as well.

B-2 Zone – these uses would be permitted and not require a CUP: Retail bakeries, cabinet or carpenter shops, dry cleaning establishments, laundries & laundrettes, upholstery & furniture repair shops.

Acting Chair Kilde mentioned some environmental concerns about dry cleaning establishments and it was noted that they would still needs to follow federal guidelines. There was some discussion and the PC felt that maybe dry cleaning establishments should have conditional use permits and not be a permitted use in the B-2 zone. The PC stated they would like to see more information on the licensing for dry cleaning establishments, and look at other city’s zoning for dry cleaning establishment. There was some discussion about the zones where dry cleaning establishment would be allowed. Darrin explained that our current code allowed them in B-3, B-5 and B-6 zones.

Commissioner Rachels made motion to continue the discussion on the ordinance changes to the business zones until next month. It was seconded by Commissioner Macintosh-Ellig. Passed by the following vote:

Ayes: Kilde, Macintosh-Ellig, Johnson, Rachels, Gantner

Nayes: None

Absent: Stanislawski, Suiter

Accessory Buildings & Fencing Ordinances:

Darrin outlined ordinance changes that he was suggesting for accessory buildings and fencing. Darrin explained the setbacks and placement requires for accessory buildings in different residential zones. He mentioned wording changes based on a percentage of the lot size, and removal of the wording for rear 1/3 of back lot line. Adding wording that would allowed on detached accessory building on side yard, noting that the side yard accessory building could not extend in front of the house. Darrin explained an example map of where a detached accessory building could be located. Acting Chair Kilde Laurel mentioned some changes that she would like to see in the wording relating to the ordinance. Darrin explained how a property owner could have more than one accessory building on their property as long as it is 30% or less of the lot size.

There was some discussion about how accessory buildings should not be higher than the height of the house on the property, and how accessory buildings should match the siding of the house on the property. Commissioner Johnson mentioned his concern about the construction of pole sheds in the City limits. Commissioner Rachels suggest that the PC asked the City Building Official to the next meeting to discuss pole sheds in the City limits.

Darrin stated that relating to the City Ordinance a fence is defined as any partition, structure, wall or gate, wider than 4 feet in width. Darrin explained that a fence must be entirely on the property of the property owner and maintainable on both side by the fence owner. Darrin mentioned that the standards for fencing materials, height requirements based on the location of the fence on the property, and special requirements for corner lot fencing. There was some discussion about the height limits for certain locations and/or zoned based on whether you can see through the fence or not. It was noted that fencing should be attractive and safe. The PC discussed the amount of space needed for maintenance on both sides of a fence based on the material the fence was made of,

and if there should be setback requirements in the code for fences. It was suggest that the PC asked the City Building Official to a PC meeting to discuss fencing issues and setbacks.

Commissioner Rachels made motion to have Darrin Welle draft an ordinance based on the discussion this evening and bring it back to the PC for forth review. Also, invite the City Building Official to attend the PC meeting to discussion the purposed ordinance changes. It was seconded by Commissioner Macintosh-Ellig.

Passed by the following vote:

Ayes: Kilde, Macintosh-Ellig, Johnson, Rachels, Gantner

Nayes: None

Absent: Stanislawski, Suiter

UPCOMING APPLICATIONS

Darrin Welle informed the PC at present there are no applications coming before the PC.

OLD BUSINESS:

Acting Chair Kilde asked if there was any old business. There was none.

CITY PLANNER UPDATES

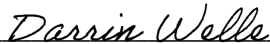
Acting Chair Kilde asked for updates from the City Planner. Darrin stated there were none. Acting Chair Kilde mentioned that Darrin would be leaving the City this later this Spring.

CITY COUNCIL UPDATES

Acting Chair Kilde asked if there were any Council updates. There were none.

The next regular meeting will be on April 26, 2021 at 5:30 PM.

The meeting adjourned at 6:31 pm.



Darrin Welle

Sourcewell Planner

PLANNING COMMISSION MINUTES

April 26, 2021

The Fergus Falls Planning Commission held a regular meeting on April 26, 2021 in the Council Chambers of City Hall. The meeting was opened at 5:30 PM. Members present were: (√√ indicates those present in the Council Chambers, √ indicates those present by phone / video connections due to the outbreak of COVID-19).

√√ Jeff Stanislawski
√ Laurel Kilde
√ Craig Gantner
Don Suiter
Kelsee Macintosh-Ellig
√√ Scott Rachels
√ Vern Johnson

City staff in attendance included Darrin Welle, Sourcewell Planner, Klara Beck, Community Development Manager, and Jill Hanson who took minutes for the meeting.

APPROVAL OF MINUTES

The minutes of the March 22, 2021 meeting were reviewed and Chair Stanislawski entertained a motion to approve the minutes. It was so moved by Commissioner Rachels and seconded by Commissioner Kilde. Passed by the following vote:

Ayes: Stanislawski, Kilde, Johnson, Rachels, Gantner

Nays: None

Absent: Macintosh-Ellig, Suiter

PUBLIC HEARING TO CONSIDER A REQUEST FOR AN CONDINATIONAL USE PERMIT (CUP) TO EXPAND AN EXISTING HOSPITAL IN AN R-2 ZONE LOCATED AT 712 CASCADE STREET SOUTH. REQUESTED BY LAKE REGION HEALTHCARE MEDICAL PROPERTIES LLC.

Chair Stanislawski asked City staff to explain the request. Darrin Welle explained that there is currently a medical clinic or hospital on site. The applicate, LRH Medical Properties LLC, is requesting a CUP to expand their building so that they can enclose another cancer treatment vault. The proposed addition does not get any closer to the lot line then the existing building. The proposed building is 1,135 sq.ft. but would only have a single person capacity in the machine. The addition will be no closer to the alley then the existing building, which is 50' away from the neighboring parcels. Darrin explained a some maps and diagrams of the site plan.

Darrin stated that the seven Proposed Findings listed in the staff report were created with the idea of approval of the CUP request with the conditions listed. If the commission does not agree with any of the findings, then the commission should look at are there conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

Darrin stated a condition for the LRH Medical Properties Conditional Use Permit:

1. Must abide by all local and state laws pertaining to the expansion. Including any conditions of prior permits must be followed.

Darrin mentioned that he received an email from Buzz & Ann Lundeen, 117 Channing Avenue East. Are south of the hospital. The Lundeens have concerns about LRH driving pilings into the ground for the expansion of the cancer treatment center. This process can causes a lot of noise and create ground movement that can shake the neighboring houses and cause damage. The Lundeens wanted to make sure that LRH would reimburse neighboring homeowners for any damages to their homes or garages caused by the expansion.

Public Hearing to consider a request for a CUP to Expand an Existing Hospital in an R-2 Zone located at 712 Cascade Street South was opened to the public at 5:35 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

Chair Stanislawski closed the Public Hearing to the Public at 5:36 PM, and brought the meeting back to the Planning Commission for discussion. There was some discussion about liability insurance for the contractor. Commissioner Rachels mentioned it would be a civil matter between the Hospital and property owners.

Commissioner Kilde made a motion to recommend to approve the Conditional Use Permit request by LRH Medical Properties LLC to expand the existing hospital located at 712 Cascade Street South with the condition and the proposed findings as presented. It was seconded by Commissioner Johnson.

Passed by the following vote:

Ayes: Stanislawski, Kilde, Johnson, Rachels, Gantner

Nays: None

Absent: Macintosh-Ellig, Suiter

PUBLIC HEARING TO CONSIDER A REQUEST FOR VARIANCE TO PLACE A DETACHED ACCESSORY GARAGE WITHIN THE FRONT AND SIDE YARD OF A PROPERTY LOCATED AT 421 FRIBERG AVENUE IN AN R-1 ZONE. REQUESTED BY TERRY & RHONDA CRAFT.

Chair Stanislawski asked City staff to explain the request. Darrin Welle explained that Terry & Rhoda Craft are asking for a variance to place a detached approximate 10' x 16' accessory garage within the front yard of their property located at 421 Friberg Avenue. As this property sits, there is no "rear yard" to place a structure due to the hill on the back of this house. This house was built before city zoning regulations and does not lend itself to detached accessory construction the way the code requires today. This shed was moved on to the property already, but did not require a building permit to move on due to being under 200 sq.ft. in size. The applicant submitted a letter with their application

Darrin explained the ordinances and zoning codes that apply to this variance request in an R-4 Zone.

Front yard regulations:

- a) There shall be a front yard having a depth of not less than 30 feet.
- b) There shall be a front yard having a depth of not less than 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfare plan.
- c) There shall be a front yard on each street side of a corner lot. No accessory building shall project into the required front yard bordering either street.

Accessory Buildings:

- a) A detached accessory building shall not be located in any required front or side yard.
- b) A detached accessory building not over one story and not exceeding 19 feet in height shall have matching facade of the primary structure and shall occupy not more than 30% of the area of any rear yard.

Darrin explained a map of the area and the setbacks required. Darrin stated that Minnesota Statute Section 462.357, SUBD. 6 provides:

- Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) 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 (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

Darrin stated that the six Proposed Findings listed in the staff report were created with the idea of approval of the variance request. If the commission does not agree with any of the findings, then the commission should look at are there conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

Public Hearing to Consider a Request for a Variances to Place a Detached Accessory Garage with the front yard of the property located at 421 Friberg Avenue in an R-1 Zone. Requested by Terry & Rhonda Craft was open to the public at 5:41 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

Chair Stanislawski closed the Public Hearing to the Public at 5:42 PM, and bought the meeting back to the Planning Commission for discussion. There was some discussion about the type of shed and siding on the shed. Commission Johnson stated that there is no rear yard to place a structure because of the hill on the lot.

Commissioner Kilde made a motion to recommend to approve the Variance request by Terry & Rhonda Craft to place a detached accessory garage within their front and side yard, including the proposed findings as presented. It was seconded by Commissioner Rachels. Passed by the following vote:

Ayes: Stanislawski, Kilde, Johnson, Rachels, Gantner

Nayes: None

Absent: Macintosh-Ellig, Suiter

PUBLIC HEARING TO CONSIDER A REQUEST FOR VARIANCE TO ESTABLISH TWO LOTS NOT MEETING THE MINIMUM LOT AREA AND SIDE/REAR SETBACKS LOCATED AT 1901 & 2001 WEST LINCOLN AVENUE IN AN B-6 ZONE. REQUESTED BY WESTRIDGE MALL PARTNERSHIP LLC.

Chair Stanislawski asked City staff to explain the request. Darrin Welle explained that the mall owners are asking for a variance to deviate from the minimum lot area and setbacks of the B-6 zone. Splitting off the stand-alone building will be similar to the area that the tire store operates next door. This will require some parking around the building, but we do not know the intended use of the building yet. There is parking around the structure. Darrin explained a site diagram.

Darrin explained the ordinances and zoning codes that apply to this variance request in a B-5 & B-6 Zones.
Setback regulations:

- In a B-5 or B-6, Shopping Center District, there shall be front, side and rear setbacks of not less than 50 feet from all property lines.

Lot area regulations:

- The area of land to be included in a B-5 or B-6, Shopping Center Business District, shall be: more than four acres in a B-6, Sub-Regional Shopping Center.

Darrin explained a map of the area and the setbacks required. Darrin stated that Minnesota Statute Section 462.357, SUBD. 6 provides:

- Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) 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 (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

Darrin stated that the six Proposed Findings listed in the staff report were created with the idea of approval of the variance request. If the commission does not agree with any of the findings, then the commission should look at are there conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

Public Hearing to Consider a Request for a Variances to Establish two lots not meeting the minimum lot area and side/rear setbacks located at 1901 & 2001 West Lincoln Avenue in an B-6 Zone. Requested by Westridge Mall Partnership LLC was open to the public at 5:45 PM
Chair Stanislawski asked if anyone else wished to speak on this request.

Chair Stanislawski closed the Public Hearing to the Public at 5:47 PM, and bought the meeting back to the Planning Commission for discussion.

Commissioner Kilde made a motion to recommend to approve the Variance request by Westridge Mall Partnership LLC, including the proposed finding as presented. It was seconded by Commissioner Johnson. Passed by the following vote:

Ayes: Stanislawski, Kilde, Johnson, Rachels, Gantner

Nayes: None

Absent: Macintosh-Ellig, Suiter

PUBLIC HEARING TO CONSIDER A REQUEST FOR THE PRELIMINARY PLAT TO SUBDIVIDE TWO PARCELS OF PROPERTY LOCATED AT 1901 & 2001 WEST LINCOLN AVENUE. REQUESTED BY WESTRIDGE MALL LIMITED PARTNERSHIP

Chair Stanislawski asked City staff to explain the request. Darrin Welle explained that an application has been submitted to the City of Fergus Falls by Interstate Engineering on behalf of the property owner, Westridge Mall Limited Partnership, to plat two parcels of land located at 1901 & 2001 Lincoln Avenue West in Fergus Falls for the proposed sale of the newly subdivided parcel. The property being platted is zoned B-6 (Sub-Regional Shopping Center District). The proposed plat subdivides the parcel into three parcels, one containing the footprint of the retail store “Dollar Store”, some adjacent floor space and adjacent parking area, A standalone building along the frontage road that use to be a “Napa”, and the other containing the remainder of the existing Westridge Mall footprint and parking lots. Darrin briefly explained some maps and a plat for the request.

Darrin stated that the proposed plat includes the subdivision of two parcels of property currently owned by the Westridge Mall Limited Partnership. The parcel includes both the existing floorplan of Dollar Store and the area to the west of the store as well as planned shared parking, entrances, walkways, hallways, and walls. The other lots contains a stand-alone building along the frontage road that was used as a Napa store. The store is currently vacant. Interstate Engineering has prepared the proposed plat on behalf of the Westridge Mall Limited Partnership, who is proposing to sell the subdivided parcel. There is a 50-foot wide ingress/egress utility easement that wraps around the front.

Darrin explained the ordinances and zoning codes at apply to this request, and the proposed finding:

1. The plat meets all of the requirements for a preliminary plat and no new development is proposed/needed.
2. The plat would be serviced by utilities that are already in the area.
3. The plat will not be detrimental to the health, safety, or welfare to the community since the area will remain a retail use and not be changed with the new lot created.

Darrin stated a condition for the Westridge Mall Preliminary Plat request:

1. The applicants enter into a developer’s agreement, to be approved by the city attorney. This shall address things such as, but not limited to, needed updates to utilities and infrastructure.

Public Hearing to Consider a Request for a Preliminary Plat to subdivide two parcels of property located at 1901& 2001 West Lincoln Avenue. Requested by Westridge Mall Limited Partnership was open to the Public at 5:50 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

Chair Stanislawski closed the Public Hearing to the Public at **5:51 PM**, and bought the meeting back to the Planning Commission for discussion. There was no discussion.

Commissioner Kilde made a motion to approve the Preliminary Plats to subdivide two parcels of property located at 1901 & 2001 West Lincoln Avenue requested by Westridge Mall Limited Partnership with the findings as presented and all the conditions mentioned. It was seconded by Commissioner Rachels. Passed by the following vote:

Ayes: Stanislawski, Kilde, Johnson, Rachels, Gantner

Nayes: None

Absent: Macintosh-Ellig, Suiter

UPCOMING APPLICATIONS

Darrin Welle informed the PC of a Public Hearing coming before the PC in the future:

- Variance Request – Accessory Structure in the Side/Front Yard

OLD BUSINESS - ORDINANCE UPDATES DISCUSSION:

Commissioner Kilde made motion to table the ordinance discussion this evening and bring it back to the PC at the next meeting. It was seconded by Commissioner Rachels. Passed by the following vote:

Ayes: Stanislawski, Kilde, Johnson, Rachels, Gantner

Nayes: None

Absent: Macintosh-Ellig, Suiter

CITY PLANNER UPDATES

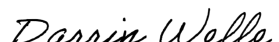
Chair Stanislawski asked for updates from the City Planner. Darrin had none. Commission Kilde asked for an update on the hiring of a new planner. Klara Beck stated that the City has been interviewing some candidates and hopes to hire someone soon. Commissioner Kilde thanked Darrin Welle for all his hard work as the Planning Consultant for the City. It was noted that Darrin hopes to be able to be here for the May PC meeting to wrap up some of the ordinance discussions.

CITY COUNCIL UPDATES

Chair Stanislawski asked if there were any Council updates. There were none.

The next regular meeting will be on May 24, 2021 at 5:30 PM.

The meeting adjourned at 5:54 pm.



Darrin Welle
Sourcewell Planner

PLANNING COMMISSION MINUTES

May 24, 2021

The Fergus Falls Planning Commission held a regular meeting on May 24, 2021 in the Council Chambers of City Hall. The meeting was opened at 5:30 PM. Members present were: (√√ indicates those present in the Council Chambers, √ indicates those present by phone / video connections due to the outbreak of COVID-19).

√√ Jeff Stanislawski
√√ Laurel Kilde
Craig Gantner
√√ Don Suiter
√ Kelsee Macintosh-Ellig
Scott Rachels
√√ Vern Johnson

City staff in attendance included Darrin Welle, Sourcewell Planner, Klara Beck, Community Development Manager, and Jill Hanson who took minutes for the meeting. Also present were LeRoy Thompsn, RC Drews Commissioner Vern Johnson joined the meeting at 5:33 PM.

APPROVAL OF MINUTES

The minutes of the April 26, 2021 meeting were reviewed and Chair Stanislawski entertained a motion to approve the minutes. It was so moved by Commissioner Kilde and seconded by Commissioner Suiter. Passed by the following vote:

Ayes: Stanislawski, Kilde, Macintosh-Ellig, Suiter

Nayes: None

Absent: Rachels, Gantner, Johnson

PUBLIC HEARING TO CONSIDER A REQUEST FOR VARIANCE TO PLACE A DETACHED ACCESSORY STRUCTURE WITHIN THE FRONT AND SIDE YARD OF A PROPERTY LOCATED AT 640 WEST BRICH AVENUE IN AN R-2 ZONE. REQUESTED BY LEROY THOMPSON.

Chair Stanislawski asked City staff to explain the request. Darrin Welle explained that Terry & Carol Thompson are asking for a variance to place a detached 8 x 10' accessory garage within the front yard of two streets, not meeting front setbacks. This is defined as the area from the road right of way to the front of the primary structure. The structure is about 5' off of the right-of-way to both Birch Avenue and Buse Street. As this property sits there is no "rear yard" to place a structure on the back of this house. This house was built before city zoning regulations and does not lend itself to detached accessory construction the way the code requires today. This shed was moved on to the property already, but did not require a building permit to move on due to being under 200 sq.ft. in size. The shed may sit a little farther off of Birch Avenue than 5 feet, but is closer to Buse than Birch by the looks of it.

Darrin explained the ordinances and zoning codes that apply to this variance request in an R-2 Zone.

Front yard regulations:

- a) There shall be a front yard having a depth of not less than 30 feet.
- b) There shall be a front yard having a depth of not less than 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfare plan.
- c) There shall be a front yard on each street side of a corner lot. No accessory building shall project into the required front yard bordering either street.

Accessory Buildings:

- a) A detached accessory building shall not be located in any required front or side yard.
- b) A detached accessory building not over one story and not exceeding 19 feet in height shall have matching facade of the primary structure and shall occupy not more than 30% of the area of any rear yard.

Darrin explained a map of the area and the setbacks required. Darrin stated that Minnesota Statute Section 462.357, SUBD. 6 provides:

- Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) 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 (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

Darrin stated that the six Proposed Findings listed in the staff report were created with the idea of approval of the variance request. If the commission does not agree with any of the findings, then the commission should look at are there conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

Public Hearing to Consider a Request for a Variances to Place a Detached Accessory Structure with the front yard of the property located at 640 West Brich Avenue in an R-2 Zone. Requested by LeRoy & Carol Thompson was open to the public at 5:37 PM

Chair Stanislawski asked if anyone else wished to speak on this request. LeRoy Thompson, 640 West Brich Avenue, stated there was no room for a shed in the backyard or the east side of the property.

Chair Stanislawski closed the Public Hearing to the Public at 5:38 PM, and bought the meeting back to the Planning Commission for discussion. There was no discussion.

Commissioner Kilde made a motion to recommend to approve the Variance request by LeRoy & Carol Thompson to place a detached accessory structure within their front and side yard, including the proposed findings as presented. It was seconded by Commissioner Johnson. Passed by the following vote:

Ayes: Stanislawski, Kilde, Johnson, Macintosh-Ellig, Suiter

Nayes: None

Absent: Rachels, Gantner

PUBLIC HEARING TO CONSIDER A REQUEST FOR VARIANCE TO PLACE A DETACHED ACCESSORY STRUCTURE WITHIN THE SIDE YARD AND SIDE YARD SETBACK OF A PROPERTY LOCATED AT 720 EAST MOUNT FAITH AVENUE IN AN R-1 ZONE. REQUESTED BY SHERRI EASTERDAY.

Chair Stanislawski asked City staff to explain the request. Darrin Welle explained that Sherri Easterday has asked for a variance to place a detached approximately 8 x 10' accessory garage within the side yard and within 5' of the neighboring property line (a 0' setback is proposed). The structure is about 25' off the road right of way, the same distance as the house from the street. As this property sits there is not much of a "rear yard" to place a structure on the back of this house. This house was built before city zoning regulations and does not lend itself to detached accessory construction the way the code requires today. This shed was moved on to the property already, but did not require a building permit to move on due to being under 200 sq.ft. in size. The shed is placed the same distance off the road as the house. Darrin explained some photos of the property and mentioned there were no comments from the neighbors on the request.

Darrin explained the ordinances and zoning codes that apply to this variance request in an R-1 Zone.

Accessory Buildings:

- a) A detached accessory building shall not be located in any required front or side yard.
- b) A detached accessory building not over one story and not exceeding 19 feet in height shall have matching facade of the primary structure and shall occupy not more than 30% of the area of any rear yard.

Darrin explained a map of the area and the setbacks required. Darrin stated that Minnesota Statute Section 462.357, SUBD. 6 provides:

- Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) 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 (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

Darrin stated that the six Proposed Findings listed in the staff report were created with the idea of approval of the variance request. If the commission does not agree with any of the findings, then the commission should look at are there conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

Darrin stated a recommended condition for the variance request:

1. The structure be painted to match the primary structure facade.

Public Hearing to Consider a Request for a Variances to Place a Detached Accessory Structure with the front yard & side yard setback of the property located at 720 East Mount Faith Avenue in an R-1 Zone. Requested by Sherri Easterday open to the public at 5:42 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

Chair Stanislawski closed the Public Hearing to the Public at 5:43 PM, and brought the meeting back to the Planning Commission for discussion. There was some discussion about the location of the shed and how it should match the primary structure's facade.

Commissioner Kilde made a motion to recommend to approve the Variance request by Sherri Easterday to place a detached accessory structure within her front yard/ side yard with the setback discussed, including the proposed findings as presented, and the recommendation that the shed should be painted to match the primary structure. It was seconded by Commissioner Macintosh-Ellig. Passed by the following vote:

Ayes: Stanislawski, Kilde, Johnson, Macintosh-Ellig, Suiter

Nayes: None

Absent: Rachels, Gantner

Sherri Easterday joined the meeting after the PC made a recommendation to approve her variance request. Klara Beck explained to her the request would be going before the City Council for final approval, noting the conditions that the PC made on the recommendation.

CONSIDER A RECOMMENDATION FROM THE HERITAGE PRESERVATION COMMISSION TO DESIGNATE BROKEN DOWN DAM LOCATED AT 600 BROKEN DOWN DAM ROAD TO THE FERGUS FALLS REGISTER OF HISTORIC PLACES.

Chair Stanislawski asked City staff to explain the request. Klara Beck stated that the HPC voted to recommend local historic designation for Broken Down Dam and its site, located at 600 Broken Down Dam Road. It was noted that the City of Fergus Falls is the owner of the property and had done a resolution consenting to allow for the application. RC Drews from the HPC explained the application providing background on the history of Broken Down Dam and the future clean up plans for the site.

It was explained that the Planning Commission is being asked to review the recommendation from the HPC and make a recommendation to the City Council to designate Broken Down Dam and its site located at 600 Broken Down Dam Road as a locally designated landmark. SHPO will review the application and approve it prior to it being sent to the City Council. The City Council would then hold a public hearing on the request and then decide if the property should be placed on the Fergus Falls Register of Historic Places.

Commissioner Kilde made motion to recommend the local designation requests of Broken Down Dam and the site to the City Council. It was seconded by Commissioner Johnson. Passed by the following vote:

Ayes: Stanislawski, Kilde, Johnson, Macintosh-Ellig, Suiter

Nays: None

Absent: Rachels, Gantner

WESTRIDGE MALL FINAL PLAT

There was some discussion about the how the Westridge Mall Final Plat was not ready to come to the PC for a recommendation yet.

UPCOMING APPLICATIONS

Klara mentioned Public Hearing(s) coming before the PC in the future:

- Westridge Mall Final Plat

ORDINANCE UPDATES:

Chair Stanislawski opened the ordinance discussion. Commissioner Kilde stated that she felt the Ordinance updates looked good. Noting there have been many discussions with Darrin Welle over the last few months and he drafted the changes that the PC discussed. Darrin explained that if the PC is okay with these ordinance updates for additions in uses permitted or conditionally permitted uses in the I-1 zone, B-2 zone, and B-3 zone, and replacement language in the ordinances for accessory buildings and fencing the PC can make a recommendation to the City Council for the ordinance changes. The ordinance updates would be forwarded to the City Attorney, and the City Council would then hold a public hearing on these ordinance updates.

Commissioner Kilde made motion to recommend the updated Ordinance changes for the Industrial & Business Zones, and Accessory Buildings & Fences as presented to the City Council. It was seconded by Commissioner Macintosh-Ellig. Passed by the following vote:

Ayes: Stanislawski, Kilde, Johnson, Macintosh-Ellig, Suite

Nays: None

Absent: Rachels, Gantner

CITY PLANNER UPDATES

Chair Stanislawski asked for updates from the City Planner. Klara Beck stated that the new City Planner will start on June 1. Her name is Karin Flom and she will be a full time planner for the City. Chair Stanislawski and the other Commissioners thanked Darrin Welle for all his hard work as the Planning Consultant for the City over the past few years.

CITY COUNCIL UPDATES

Chair Stanislawski asked if there were any Council updates. There were none.

The next regular meeting will be on June 28, 2021 at 5:30 PM.

The meeting adjourned at 6:10 pm.



City Planner

PLANNING COMMISSION MINUTES

June 28, 2021

The Fergus Falls Planning Commission held a regular meeting on June 28, 2021 in the Council Chambers of City Hall. The meeting was opened at 5:30 PM. Agenda was approved. Members present were: (√ indicates those present in the Council Chambers, √√ indicates those present by phone / video connections).

√ Jeff Stanislawski
√ Laurel Kilde
√ Craig Gantner
Don Suiter
√√ Kelsee Macintosh-Ellig
√ Scott Rachels
√ Vern Johnson

City staff in attendance included Karin Flom, City Planner, Klara Beck, Community Development Manager, Andrew Bremseth, City Administrator, and Jill Hanson who took minutes for the meeting. Also present were John Heyer, John Powel, Mikel Olson, Melvin Frank, Randy Systeien, and John Debreeze.

Chair Stanislawski entertained a motion to amend the Agenda, moving the Variance request to place a detached accessory structure in the side yard of a property located at 623 Woodland Drive to the July 26, 2021 PC Meeting, and adding the Final Plat for the Westridge Mall under old business. It was so moved by Commissioner Kilde and seconded by Commissioner Macintosh-Ellig. Passed unanimously.

APPROVAL OF MINUTES

The minutes of the May 24, 2021 meeting were reviewed and Chair Stanislawski entertained a motion to approve the minutes. It was so moved by Commissioner Rachels and seconded by Commissioner Johnson. Passed unanimously.

PUBLIC HEARING TO CONSIDER A REQUEST FOR A PRELIMINARY PLAT FOR A TWO LOT SUBDIVISION "TIMBER COVER ADDITION TO BE LOCATED AT 1151 FRIBERG AVENUE. REQUESTED BY THE HOUSING & REDEVELOPMENT AUTHORITY OF FERGUS FALLS.

Chair Stanislawski asked City staff to explain the request. Karin Flom stated an application has been submitted to the City of Fergus Falls by Fergus Falls Housing & Redevelopment Authority to plat one parcel of land located at 1151 Friberg Avenue in Fergus Falls for a proposed 24-unit multiple-family structure for the purposes of permanent supportive housing. The property being platted is zoned R-4 (Multiple-Family Residence District). The proposed plat subdivides the parcel into two parcels. One contains the footprint of the HRA office (Lot 1) and the second will contain the footprint of the proposed multiple-family structure (Lot 2). Lot 1 would be approximately 2.29 acres (100,155 square feet) and Lot 2 would be approximately 1.39 acres (60,356 square feet).

Karin explained the proposed plat includes the subdivision of one parcel of property currently owned by the Fergus Falls Housing & Redevelopment Authority. The parcel is 3.68 acres and includes the existing floorplan of the office of the Fergus Falls Housing & Redevelopment Authority, associated driveway and parking lot for the office, and a gravel trail. The remaining area of the parcel is undeveloped. Karin mentioned the applicant previously came to the Planning Commission at the August 24, 2020 meeting with a variance request to construct a multiple-family structure in the rear yard setback and for a parking reduction. The applicant later withdrew the variance application. The proposed plat currently in front of the Planning Commission has the multiple-family structure on the second parcel. The plat allows for the development of the multiple-family structure without needing any variances.

Karin mentioned that a notice for the public hearing was published in the Daily Journal and public notices were mailed to the 52 property owners within 350 feet. The public notice was also mailed to the Minnesota Department of Natural Resources. No inquiries or public comments have been received.

Karin stated that comments on the preliminary plat were sought from staff in the Engineering Department and the Fire Department. Engineering stated that access to Friberg Avenue needs to be limited to one curb cut. Therefore, the proposed driveway on Lot 2 connecting the parking lot to Friberg Avenue via the area on the plat marked "Existing Curb Cut/Access" would need to be removed on the final plat. The Fire Department stated the proposed parking lot configuration on Lot 2 by the multiple family structure was acceptable as long as the building was fully sprinklered. Karin explains some maps of the site noting the lot meet the requirement for an R-4 zone.

Karin explained the ordinances and zoning codes that apply to this request, and the proposed finding:

1. The plat meets all of the requirements for a preliminary plat.
2. The plat allows for the development of the proposed multiple-family structure on Lot 2 without any need for variances.
3. The plat would be serviced by utilities that are already in the area.
4. The plat will not be detrimental to the health, safety, or welfare to the community since the surrounding area is primarily residential.

Karin stated that staff recommends approve of the Timber Cove Addition Preliminary Plat request to the City Council with the following condition:

1. The applicant shall work with the Engineering Department to resolve concerns with the proposed driveway on Lot 2 connecting the parking lot and Friberg Avenue.

Karin stated that the four Proposed Findings listed were created with the idea of approval of the Preliminary Plat request with the condition listed. If the commission does not agree with any of the findings, then the commission should look at are the conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

There was some discussion about how engineering would be resolving the concerns with the driveway.

Public Hearing to Consider a Request for a Preliminary Plat for a two lot subdivide for the property located at 1151 Friberg Avenue. Requested by the Housing & Development Authority of Fergus Falls was open to the Public at 5:38 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

Chris Heyer & John Powel, Moore Engineering, explained that there have been discussion about having a driveway that only allows a right in or right out access onto Friberg Avenue. Moore Engineering stated that they would work with the City to develop a solution for their concerns about the lot 2 driveway.

Patrick Hollister, 200 Willow Court, asked if the building and grounds would be smoke free. Mikel Olson, HRA, stated that the building would be smoke free, but the grounds will not be smoke free. Mr. Hollister was fine with that because he had originally had concerns about residents of the new building walking over to his building to smoke if the grounds were not smoke free.

Melvin Frank, President of Twin Oaks Community Services, stated that his group was happy with the redesigned housing plans and wanted to thank the HRA for making the changes.

Chair Stanislawski closed the Public Hearing to the Public at 5:43 PM, and bought the meeting back to the Planning Commission for discussion. There was no discussion.

Commissioner Kilde made a motion to approve the Preliminary Plats for a two-lot subdivision for the property located at 1151 Friberg Avenue requested by the Housing & Redevelopment Agency of Fergus Falls with the findings as presented and the conditions mentioned. It was seconded by Commissioner Gantner. Passed unanimously.

PUBLIC HEARING TO CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT TO DEVELOP, CONSTRUCT, OPERATE, AND MAINTAIN A SOLAR PHOTOVOLTAIC (PV) PROJECT IN AN R-A ZONE. REQUESTED BY OTTER TAIL POWER COMPANY.

Chair Stanislawski asked City staff to explain the request. Karin stated that the application, Otter Tail Power Company (OTP), is proposing to develop, construct, operate and maintain a 49.9-megawatt alternating current (MW-AC) solar photovoltaic (PV) project ("Hoot Lake Solar). The area of the fenced project site is approximately 310 acres. Karin explained that a "solar farm" is defined in 'Solar Energy Systems 154.136 – Definitions' as "an area of land designated for the purpose of producing photovoltaic electricity as a principal use of the land, for wholesale production or for a community solar production. This includes any use of solar energy systems over 10 acres in size." Solar farms are only allowed as a conditional use in the R-A zone (154.138(A)). Therefore, OTP is coming before the Planning Commission with a conditional use permit application for the project.

Karin state the CUP application includes 21 parcels listed in the application and all parcels within the project boundary are owned by OTP. Karin explained that all the parcels within the CUP application, except for two, are entirely zoned R-A. Two parcels listed in the conditional use permit application have multiple zoning designations. Karin explained a zoning map showing that the solar panels are only being placed on the portions of the parcels that are zoned R-A. Karin mentioned that two additional parcels are not included in the CUP application but located within the project boundary and are zoned R-1. Karin stated that the zoning map does not show any solar panels on the R-1 properties.

Karin stated that the PC's duty is to hold a public hearing on the request, review the application to make sure it is complete and the CUP meets the requirements and standards of the ordinance, and provide additional condition(s) if needed. The City Council will make the final approval on the request and may impose additional reasonable conditions.

Karin explained a proposed map of the site, facility layout, and the surrounding area. Karin stated that the application materials included a set of civil engineering plans for the purposes of the CUP include an overall site plan, overall adjacent property map and index, existing conditions, removal plan (i.e., vegetation and structures), detailed site plan, construction details, and landscape screening. Other materials include a stormwater management report, a photo-simulation report, decommissioning plan, and vegetative management plan. Staff have reviewed the application for the CUP and deemed it complete per the requirements of '154.138 Solar Farms – Allowable Zoning Districts and Design Standards.'

Karin explained the solar farm design standard for the request:

- Height Limit: 20 feet for systems, equipment, and structures
- Setbacks (measured from the edge of the solar system array and excludes security fencing, screening, or berm):
 - 50 feet setback from the outermost property line
 - 50 feet from the right-of-way edge of public roads and rights of ways or 130 feet from centerline of a developed/constructed road (whichever is greater).
 - 150 feet from an existing residential dwelling (reduced by 50% if fully screened and agreement with homeowner).

There was some discussion about the four options for landscape buffers/screening using pines and/or shrubs. Randy Systeien, OTPC, explained that OTPC is working with the property owners on planting options to create screening buffers.

Karin mentioned that 50 letters were sent out to property owners within 350' of the site and only one comment was received. Clarence Johnson, 534 Gutterberg Heights, sent an emailing stating that his wife and he were in support of the project. There were no comments on the request from the Building Official, Engineering Department, and Fire Department.

Karin stated that the seven Proposed Findings listed in the staff report were created with the idea of approval of the CUP request with the conditions listed. If the commission does not agree with any of the findings, then the commission should look at those conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

Karin stated based on the proposed finding, staff recommends approval of the Conditional Use Permit for Otter Tail Power Company with the following condition:

1. In the case of parcels with mixed zoning, solar modules are only to be constructed on portions of the parcel zoned R-A.

Public Hearing to consider a request for a CUP for to Develop, Construct, Operate and Maintain a Solar Photovoltaic (PV) Project in an R-A Zone was opened to the public at 5:59 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

John Debreeze, President the United Prairies Foundation, mentioned there is native prairie near the site that below to the Fish & Game Club and this would be a good option to incorporate native prairie into the site.

Paul Vukonich, OTPC, stated that they are currently working with several habit friendly groups in the area on native planting for the site. The planting that have been selected excess the goal standards of these groups.

Chair Stanislawski closed the Public Hearing to the Public at 6:03 PM, and bought the meeting back to the Planning Commission for discussion. There was no discussion.

Commissioner Kilde made a motion to recommend to approve the Conditional Use Permit request by Otter Tail Power Company for their Solar Photovoltaic Project with the condition and the proposed findings as presented. It was seconded by Commissioner Rachels. Passed unanimously.

NEW BUSINESS

Chair Stanislawski asked if there was any new business. There was none.

UPCOMING APPLICATIONS

Karin mentioned Public Hearing(s) coming before the PC at the July meeting:

- Variance Application V-2021-5 that will be continued at the July PC meeting
- CUP to allow a ground floor Residential Dwelling in a B-2 District
- Variance for an Accessory Building/Shed in a Side Yard
- Preliminary Plat & Variance for Campus Development

FINAL PLAT TO SUBDIVIDE TWO PARCELS OF PROPERTY LOCATED AT 1901 & 2001 WEST LINCOLN AVENUE ZONED B-6. REQUESTED BY WESTRIDGE MALL LIMITED PARTNERSHIP

Chair Stanislawski asked City staff to explain the request. Karin Flom explained that the application has been submitted to the City of Fergus Falls by Interstate Engineering on behalf of the property owner, Westridge Mall Limited Partnership, to plat two parcels of land located at 1901 & 2001 Lincoln Avenue West in Fergus Falls for the proposed sale of the newly subdivided parcel. The property being platted is zoned B-6 (Sub-Regional Shopping Center District). The proposed plat subdivides the parcel into three parcels, one containing the footprint of the retail store “Dollar Store”, some adjacent floor space and adjacent parking area, A standalone building along the frontage road that use to be a “Napa”, and the other containing the remainder of the existing Westridge Mall footprint and parking lots. Karin briefly explained some maps and the plat for the request.

Karin stated that the proposed plat includes the subdivision of two parcels of property currently owned by the Westridge Mall Limited Partnership. The parcel includes both the existing floorplan of Dollar Store and the area to the west of the store as well as planned shared parking, entrances, walkways, hallways, and walls. The other lots contains a stand-alone building along the frontage road that was used as a Napa store. The store is currently vacant. Interstate Engineering has prepared the proposed plat on behalf of the Westridge Mall Limited Partnership, who is proposing to sell the subdivided parcel.

Karin explained that a condition of the Planning Commission's recommendation to the City Council to approve the preliminary plat at the April 26 Planning Commission meeting was a developer's agreement. The developer has signed a developer's agreement, which has been reviewed and agreed to by the City Attorney, City Engineer, and the Fire Department. The only change to the final plat since the review of the preliminary plat include a 15 feet easement along the east line of Lot 2, which was a request of the Engineering Department. Karin mentioned that no public hearing is required on this item because the preliminary plat and final plat approval processes have been conducted separately. A public hearing was held on April 26, 2021 for the preliminary plat.

Karin explained the proposed finding that apply to this request:

1. The plat meets all of the requirements for a final plat and no new development is proposed.
2. The plat would be serviced by utilities that are already in the area. New utilities are addressed in the developer's agreement.
3. The plat will not be detrimental to the health, safety, or welfare to the community since the area will remain a retail use and not be changed with the new lot created.

Karin stated that staff is recommending approval of the final plat to City Council with no conditions.

Commissioner Kilde mentioned that a condition of the Final Plat should be that all utility bills and property taxes must be current as a condition of the subdivision plat. Andrew Bremseth, City Administrator, confirmed that there were outstating utility bills due on the property. Alex from Interstate Engineering stated that the County property tax due would need to be paid for the Final Plat to be recorded by the County.

Commissioner Kilde made a motion to approve the Final Plat to subdivide two parcels of property located at 1901 & 2001 West Lincoln Avenue requested by Westridge Mall Limited Partnership with the findings as presented and all the conditions mentioned. It was seconded by Commissioner Gantner. Passed unanimously.

ORDINANCE UPDATES DISCUSSION:

Chair Stanislawski opened the ordinance discussion. Karin explained that the Building and Engineering departments had some concerns about the ordinance updates that were recommended to the City Council by the PC at the last PC meeting. Karin stated that we need to further discussion the ordinance updates. There was some discussion about what should be the maximum size of a structure in relationship to the size of the total lot. Karin explained some ordinances examples that other Cities in the area have for accessory building, noting that some of them were 30% of the side or rear lot. Commissioner Kilde stated that she thought that 10% would be responsible.

Karin mentioned another concern was the height of the accessory structure. There was some discussion about how the accessory structure would not exceed 19 feet or the height of the primary structure, whichever is greater and would have a façade that matched the primary structure. Commission Rachels mentioned wanting to see more explains and discuss the ordinance updates more at the next meeting. Chair Stanislawski mentioned that we should be giving people as much room for storage as possible. Commissioner Johnson stated that he would like to have more discussion about fence setbacks and maintenance.

There was some discussion and Commissioner Macintosh-Ellig asked is the City Attorney had done a first draft of the ordinance that PC had recommended last month. Karin replied there is a first draft and it has not had its first reading with the City Council yet. The PC stated that they would like to review the ordinance that was drafted.

Commissioner Rachels made motion to table the ordinance update discussion until the next meeting. It was seconded by Commissioner Kilde. Passed unanimously.

CITY PLANNER UPDATES

Chair Stanislawski asked for updates from the City Planner. An introduction was done for Karin Flom, the new City Planner. She gave the PC a summary of her educational background and work experience.

CITY COUNCIL UPDATES

Chair Stanislawski asked if there were any Council updates. There were none.

The next regular meeting will be on July 26, 2021 at 5:30 PM.

The meeting adjourned at 6:30 pm.

Karin Flom
City Planner

PLANNING COMMISSION MINUTES

July 26, 2021

The Fergus Falls Planning Commission held a regular meeting on July 26, 2021 in the Council Chambers of City Hall. The meeting was opened at 5:30 PM. Agenda was approved. Members present were: (√ indicates those present in the Council Chambers).

√ Jeff Stanislowski
√ Laurel Kilde
√ Craig Gantner
√ Don Suiter
√ Kelsee Macintosh-Ellig
√ Scott Rachels
√ Vern Johnson

City staff in attendance included Karin Flom, City Planner, Klara Beck, Community Development Manager, and Jill Hanson who took minutes for the meeting.

Also present were Neil & Alison Haugerud, Molly Nelson, Mike Fletchall, Donovan Rogness, Alex Schwarzhoff, Cora Widstrom, and Sean Sullivan.

Acting Chair Laurel Kilde entertained a motion to amend the Agenda, moving the discussion on Ordinance Updates to the August 23, 2021 PC Meeting. It was so moved by Commissioner Macintosh-Ellig and seconded by Commissioner Rachels. Passed unanimously.

APPROVAL OF MINUTES

The minutes of the June 28, 2021 meeting were reviewed and Acting Chair Kilde entertained a motion to approve the minutes. It was so moved by Commissioner Rachels and seconded by Commissioner Gantner. Passed unanimously.

PUBLIC HEARING TO CONSIDER A REQUEST FOR VARIANCE TO PLACE A DETACHED ACCESSORY BUILDING WITHIN THE SIDE YARD OF A PROPERTY LOCATED AT 623 WOODLAND DRIVE IN AN R-1 ZONE. REQUESTED BY NEIL & ALISON HAUGERUD (JAMES IRWIN CONSTRUCTION, APPLICANT).

Acting Chair Laurel Kilde asked City staff to explain the request. Karin Flom explained that the James Irwin Construction, has applied for a variance on behalf of the property owners Neil and Alison Haugerud at 623 Woodland Drive. The property is located in an R-1, One-Family Residence district. The applicant is proposing to construct an accessory building (14x16 shed) within the side yard. A shed existed next to the house when the property owners purchased the property in 2019. The old shed was demolished this summer. A variance is requested because the accessory building ordinance states a detached accessory building shall not be located in any required front or side yard.

Karin stated that notice for the public hearing was published in the Daily Journal on June 9, 2021 and July 14, 2021. A copy of this public notice was mailed to property owners within 350 feet on June 9, 2021 and the public hearing scheduled for June 28, 2021 was declared continued to July 26, 2021. A total of 20 property owners were included in this mailing. As of publishing this staff report no inquiries or public comments have been received. Copies of the application materials were sent to the City of Fergus Falls Engineering Department, Building Official, and Fire Department and there were no staff comments.

Karin explained the MN Statute and Fergus Falls municipal codes that apply to this variance request, noting that variances are to be evaluated under the practical difficulties test which means:

- a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance
- b) the plight of the landowner is due to circumstances unique to the property not created by the landowner
- c) the variance, if granted, will not alter the essential character of the locality

Economic considerations alone do not constitute practical difficulties. Variances shall only be permitted:

- a) when they are in harmony with the general purposes and intent of the ordinance
- b) when the variances are consistent with the comprehensive plan

Karin stated that the application states a variance is necessary due to circumstances unique to the property are: "these are large lots. A shed in the back 1/3 of the lot when [sic] be a great distance to run power and store snow removal equipment (far from our driveway)." The applicant owns an electric lawn mower. A 2-stall garage is attached to the house.

Karin explained that while staff concur that the proposed variance is in harmony with the general purposes and intent of the R-1 zoning district and would not alter the essential character of the locality, staff do not concur that the requested variance arises from circumstances unique to the property. The size of the lot is similar to others on the block and in the neighborhood. Denial of the variance would not deprive the property owner of the ability to construct and place a shed on the property.

Karin stated that the six Proposed Findings listed in the staff report were created with the idea of denial of the variance request. If the commission does not agree with any of the findings, then the commission should look at are there conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

There was some discussion noting that the new shed would be in the same location as the prior shed.

Public Hearing to Consider a Request for a Variances to Place a Detached Accessory Building with the side yard of the property located at 623 Woodland Drive in an R-1 Zone. Requested by Neil & Alison Haugerud was open to the public at 5:35 PM

Acting Chair Kilde asked if anyone else wished to speak on this request.

Neil Haugerud, 623 Woodland Drive, stated that the old shed was falling apart and had to be removed. He is requesting a variance to replace the old shed with a new shed in the same location, noting that they would match the siding of the house. Mr. Haugerud explained how he would be storing his riding electric mower and snow removal equipment in the shed, and how having the shed in the back 1/3 of his lot when a be great distance to run power and would be a long way from this driveway.

There was some discussion and Karin Flom explained that the practical difficulties test is not met, so that is why she was recommending denial of the variance request.

Alison Haugerud, 623 Woodland Drive, mentioned there is an old drain field and some large trees in the backyard that make it difficult to relocate the shed to the back. .

Acting Chair Kilde closed the Public Hearing to the Public at 5:40 PM, and bought the meeting back to the Planning Commission for discussion. There was some discussion.

Commissioner Macintosh-Ellig made a motion to recommend to approve the Variance request by Neil & Alison Haugerud to place a detached accessory building in their side yard, due to the hardships mentioned. It was noted that the Variance request will include the proposed findings for the request. It was seconded by Commissioner Rachels. Passed unanimously.

PUBLIC HEARING TO CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A GROUND FLOOR APPARMENT IN A B-3 ZONE LOCATED AT 214 EAST CAVOUR AVENUE. REQUESTED BY MOLLY NELSON.

Acting Chair Kilde asked City staff to explain the request. Karin stated that the applicant, Molly Nelson, currently operates a massage therapy business at 214 E Cavour Avenue. The applicant is proposing to divide the building's interior into two spaces. One space on the east side of the building would remain the business and the second on the west side would become living space for the applicant. Karin explained the property is located in B-3, General Business District. Multiple dwellings and apartments are permitted in a B-3 district but must be located on the second floor or above. Ground floor requires a conditional use permit. This is a one-story building and the applicant is coming before the Planning Commission with a conditional use permit application. Karin mentioned that adjacent properties to the subject property are all zoned B-3. The property is bounded to the south and west by railroad tracks. To the north is a three-story multiple family residence (Page House). To the east is a building which is office space. The subject property is located within the boundary defined as Exemptions from Parking Regulations where off-street parking is not required ("Cavour Avenue to the north, Whitford and Friberg Avenues on the east; Washington Avenue on the South; and Vine Street on the west.") Karin explained some diagrams of the site and the proposed layoff of the building.

Karin stated that a notice for the public hearing was published in the Daily Journal, a copy of this public notice was mailed to the 20 property owners within 350 feet, and public notice was also sent to the Minnesota Department of Natural Resources. No inquiries or public comments have been received on this request.

Copies of the application materials were sent to the City of Fergus Falls Engineering Department, Building Official, and Fire Department. No staff comments were received.

Karin stated that the seven Proposed Findings listed in the staff report were created with the idea of approval of the CUP request. If the commission does not agree with any of the findings, then the commission should look at are there conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

Karin stated based on the proposed finding, staff recommends approval of the Conditional Use Permit to the City Council with the following condition:

1. Must abide by all building code regulations pertaining to the interior split of the building.

Public Hearing to consider a request for a CUP allow for a Ground Floor Apartment in an B-3 Zone located at 214 East Cavour Avenue was opened to the public at 5:46 PM

Acting Chair Kilde asked if anyone else wished to speak on this request.

Molly Nelson, 114 West Lincoln Avenue, explained that she has been parking on the street at the site since she opened the business there & plans to continue parking on the street. There have been no problems with this.

Acting Chair Kilde closed the Public Hearing to the Public at 5:47 PM, and bought the meeting back to the Planning Commission for discussion. There was no discussion.

Commissioner Rachels made a motion to recommend to approve the Conditional Use Permit request by Molly Nelson to allow a Ground Floor Apartment in a B-3 zone located at 214 East Cavour Avenue with the condition and the proposed findings as presented. It was seconded by Commissioner Johnson. Passed unanimously.

PUBLIC HEARING TO CONSIDER A REQUEST FOR VARIANCE TO PLACE A DETACHED ACCESSORY BUILDING WITHIN THE SIDE YARD AT 0' SETBACK OF A PROPERTY LOCATED AT 107 EAST ORIOLE DRIVE IN AN R-2 ZONE. REQUESTED BY ELLEN SAUER-DRAEGER.

Acting Chair Kilde asked City staff to explain the request. Karin Flom explained that applicant, Ellen Sauer-Draeger, is proposing to construct and place a 20x16 detached accessory building (shed) in the side yard and within 3 feet of the neighboring property line (a 0 foot setback is proposed) along the west property line at 107 E Oriole Drive. The property is located in an R-2, One- and Two-Family Residence District. A variance is requested because the current accessory building section of the ordinance states that a detached accessory building shall not be located in any required front or side yard. Karin explained some diagrams for the proposed shed site.

Karin stated that a notice for the public hearing was published in the Daily Journal, a copy of this public notice was mailed to the 23 property owners within 350 feet. No inquiries or public comments have been received on this request. Copies of the application materials were sent to the City of Fergus Falls Engineering Department, Building Official, and Fire Department. No staff comments were received.

Karin explained the MN Statute and Fergus Falls municipal codes that apply to this variance request, noting that variances are to be evaluated under the practical difficulties test which means:

- a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance
- b) the plight of the landowner is due to circumstances unique to the property not created by the landowner
- c) the variance, if granted, will not alter the essential character of the locality

Economic considerations alone do not constitute practical difficulties. Variances shall only be permitted:

- a) when they are in harmony with the general purposes and intent of the ordinance
- b) when the variances are consistent with the comprehensive plan

Karin explained that the property is a pie-shaped lot with no rear property line. The rear 1/3 of the rear yard, designated as the area behind the house and within the fence, is occupied by a pool. The proposed placement of the shed has it against the south fence line of the property. The shed would not exceed the visual setback of either the subject property or the neighboring property to the west (104 W Oriole Drive). The existing play structure would be shifted further towards the street.

Karin stated that the six Proposed Findings listed in the staff report were created with the idea of approval of the variance request. If the commission does not agree with any of the findings, then the commission should look at are there conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

Karin stated based on the proposed finding, staff recommends approval of the variance request with the following condition:

1. The structure shall be painted to match the primary structure façade.
2. Must abide by all building code regulations pertaining to the construction of the accessory building.

Public Hearing to Consider a Request for a Variances to Place a Detached Accessory Building in the side yard at 0' Setback of the property located at 107 East Oriole Drive in an R-2 Zone. Requested by Ellen Sauer-Draeger was open to the public at 5:53 PM

Acting Chair Kilde asked if anyone else wished to speak on this request.

Acting Chair Kilde closed the Public Hearing to the Public at **5:54 PM**, and bought the meeting back to the Planning Commission for discussion. There was some discussion about the setback and the property line.

Commissioner Rachels made a motion to recommend to approve the Variance request by Ellen Sauer-Draeger to place a detached accessory building in her side yard with a 0' Setback, including the conditions and proposed findings as presented. It was seconded by Commissioner Kilde. Acting Chair Kilde called for a vote:

All in favor: Rachels, Suiter, Kilde

All opposed: Macintosh-Ellig

Commission Gantner & Commissioner Johnson did not respond.

Motion did not pass for lack of a majority of yes votes. PC is forwarding the request to the City Council without a recommendation.

PUBLIC HEARING TO CONSIDER A REQUEST TO REZONE "CAMPUS ADDITION" FROM R-1 TO R-4 ZONE (LOTS 1 THROUGH 7 INCLUSIVE AND LOT 8 EXCEPT FOR THE SOUTH 20 FEET, BLOCK 1 AND ALL ADJOINING HALVES OF RIGHTS OF WAY) AND R-1 TO R-2 ZONE (LOTS 9 THROUGH 13 INCLUSIVE AND THE SOUTH 20 FEET OF LOT 8 IN BLOCK 1; LOTS 1 THROUGH 11 INCLUSIVE IN BLOCK 2, AND OUTLOT B AND LOTS 1 THROUGH 10 INCLUSIVE IN BLOCK 3 AND ALL ADJOINING HALVES OF RIGHTS OF WAY). REQUESTED BY CAMPUS DEVELOPMENT GROUP LLP (PRAIRIE VIEW DEVELOPMENT, APPLICANT).

Acting Chair Kilde asked City staff to explain the request. Karin Flow explained that the applicant, Prairie View Development, has applied for a rezoning of Campus Addition. The land is currently owned by Campus Development Group, LLP. Karin stated that this area was platted in 2016 (recorded in 2018) as Campus Addition to the City of Fergus Falls. The current zoning of all lots within Campus Addition is R-1, One-Family Residence District.

Karin explained that the rezoning request has two parts. The first is for Lots 1 through 7 (inclusive) and Lot 8 (except the south 20 feet), Block 1 of Campus Addition to be rezoned to R-4, Multiple-Family Residence District. The applicant is also seeking preliminary plat approval from the Planning Commission for Campus View Estates (a replat of Campus Addition). If the rezoning request were to be approved, the R-4 zoning would then apply to the proposed Lot 1, Block 1 of Campus View Estates. The second part of the request is for Lots 9 through 13 (inclusive) and the south 20 feet of Lot 8, all in Block 1; Lots 1 through 11 inclusive in Block 2 and Outlot B; and Lots 1 through 10 inclusive in Block 3; all in Campus Addition to be rezoned to R-2, One- and Two-Family Residence District. If the rezoning request were to be approved, the R-2 zoning would then apply to the proposed Lots 2 through 5 of Block 1; Lots 1 through 8 in Block 2; and Lots 1 through 7 in Block 3; and Outlots A and B of the proposed Campus View Estates. The proposed use of the R-4 zone would be the construction of single-story multiple unit buildings. The proposed use of the R-2 zone would be the construction of single-story twin homes (semi-detached home). The City, however, needs to review the application as if any R-2 or R-4 use would be placed there since rezones are not use specific and no conditions can be made. Instead, the City needs to review if the zone would be compatible.

Karin mentioned the ordinances and zoning codes that apply to this request. Karin explained that the lots in Block 3 of Campus Addition (and the proposed replat, Campus View Estates) are accessed off of Park Street. A dedicated right of way named "Campus Drive" would connect Union Avenue to Park Street and provide access to the lots in Blocks 1 and 2.

Karin stated that the proposed area to be rezoned R-4 has B-3, General Business District land to the northwest. However, this zoning is utilized by the City as a "mixed-use" zoning district which allows for a mix of commercial and residential uses on the same parcel. The current use is multiple-family residential rental properties (Campus View Apartments). To the north is zoned R-A and is the location of the Fergus Falls Veterans Home. Adjacent to the northeast corner of the rezone area is land zoned R-4. Uses in the R-4 area along this block of Park Street include single story twin homes, a two-story eight-plex, and a two-story four-plex. The adjacent land on the other side of Campus Drive are proposed to be rezoned R-2, with the proposed use of single-story twin homes. Karin explained some zoning maps of the site and the conceptual drawings of the homes.

Karin explained the proposed area to be rezoned R-2 would have the proposed R-4 zoning to the north and northwest. Adjacent land to the west is zoned R-A and is undeveloped (fronting along Union Avenue). This land would remain owned by Campus Development Group, LLC and would likely become parking as the Patterson Loop properties continue to be redeveloped into multiple family residences. Adjacent land to the south is zoned R-1 and is developed as single family

detached homes. R-1 zoning also is present on the adjacent land to the east, on the other side of Park Avenue from Fir Avenue through the north corner of Hillside Avenue. The area is developed as single family detached homes. R-2 zoning is present on Park Street just north of Hillside Avenue with some single-family detached homes and single-story twin homes.

Karin stated that a notice for the public hearing was published in the Daily Journal, a copy of this public notice was mailed to the 54 property owners within 350 feet. Karin mentioned that she received one public inquiry in regard to impacts to the property owners relating to utility installations and the property owner's taxes. She also received one phone call of opposition stating concerns about increased traffic, noise, and reducing the view of the open space. Copies of the application materials were sent to the City of Fergus Falls Engineering Department, Building Official, and Fire Department. No staff comments were received.

Karin explained some zoning maps for the area and mentioned the Proposed Findings for this request:

1. The property is currently zoned R-1.
2. For the property to be rezoned to R-4, R-4 zoning is present to the northeast across Park Street. In addition, there is B-3 zoning developed with multiple family residential to the northwest across Patterson Loop.
3. For the property to be rezoned to R-2, R-2 zoning is present to the northeast across Park Street.
4. The respective parcel sizes (as proposed in the preliminary plat of Campus View Estates Addition) are compatible with the R-4 and R-2 zones.
5. While the parcels have been platted, the land is currently undeveloped.
6. The proposed R-2 zoning would provide a transitional buffer between the proposed R-4 zoning and the developed single family detached homes in the surrounding area.

Karin stated that the six Proposed Findings listed in the staff report were created with the idea of approval of the rezoning amendment requested. If the commission does not agree with any of the findings, then the commission should state the reason to support denial.

Public Hearing to Consider a Request for a Zoning Map Amendment to Rezone Campus Addition from R-1 to R-4 and R-1 to R-2 was opened to the Public at 6:09 PM

Acting Chair Kilde asked if anyone else wished to speak on this request.

Acting Chair Kilde closed the Public Hearing to the Public at 6:10 PM, and bought the meeting back to the Planning Commission for discussion. There was some discussion about the rezoning location. Karin noted that there were no changes to the location of the plat, it is the same plat location that was approved in 2016.

Commissioner Macintosh-Ellig made a motion to recommend to approve the rezoning request by Campus Development Group LLC to rezone the Campus Addition from R-1 to R-4 and R-1 to R-2 as presented with the proposed findings. It was seconded by Commissioner Johnson. Passed unanimously.

PUBLIC HEARING TO CONSIDER A REQUEST FOR A VARIANCE FOR "CAMPUS ADDITION" TO REDUCE REAR YARD SETBACK IN THE R-2 ZONE BY 2 FEET FOR THE PROPERTY LOCATED IN CAMPUS ADDITION (LOTS 2 THROUGH 5 IN BLOCK 1; LOTS 1 THROUGH 4 IN BLOCK 2; AND LOTS 1 THROUGH 7 IN BLOCK 3 OF THE PROPOSED REPLAT "CAMPUS VIEW ESTATES ADDITION"). REQUESTED BY CAMPUS DEVELOPMENT GROUP LLP (PRAIRIE VIEW DEVELOPMENT, APPLICANT).

Acting Chair Kilde asked City staff to explain the request. Karin Flow explained that the applicant, Prairie View Development, has applied for a variance as part of the preliminary plat of Campus View Estates Addition to the City of Fergus Falls, a replat of Campus Addition. Karin stated that the land is currently owned by Campus Development Group, LLP. The applicant is proposing to construct single-story twin homes (semi-detached home). A variance of 2 feet of encroachment into the rear yard setback is requested on the proposed Lots 2 through 5 of Block 1; Lots 1 through 4 of Block 2; and Lots 1 through 7 of Block 3 all in the proposed Campus View Estates Addition. The proposed zoning of these lots is R-2, One- and Two-Family Residence District. A variance is requested because the setback requirements for an R-2 lot state that the rear yard requires a depth of not less than 20% of the depth of the lot. The depth of the proposed lots is 120 feet. This is the minimum requirement for an R-2 lot with a two-family dwelling. Karin explained a map of the site.

Karin mentioned the MN Statute and Fergus Falls municipal codes that apply to this variance request, noting that variances are to be evaluated under the practical difficulties test, and how economic considerations alone do not constitute practical difficulties. Variances shall only be permitted:

- a) when they are in harmony with the general purposes and intent of the ordinance
- b) when the variances are consistent with the comprehensive plan

Karin explained that the application stated a variance is necessary due to circumstances unique to the property are: “the width of the property along with the required storm water management and street right of way leaves only enough with east to west to provide 120 foot deep lots.” Karin mentioned that the subject property is vacant, undeveloped land. The proposed Campus View Estates Addition is a replat of Campus Addition which was approved in 2016 (recorded in 2018). Both R-1 (which was the zoning established for Campus Addition) and R-2 establish a rear yard size of 20% of the lot depth. In the case of these lots, both the R-1 and R-2 zones require a minimum lot depth of 120 feet. The zoning setback and lot size requirements for an R-1 or R-2 zone have not changed since that time. Karin stated that the applicant also mentions the right-of-way for Campus Drive as being limiting. Under the City’s subdivision ordinance, the minimum right-of-way width for Campus Drive should be 75 feet. However, the City allowed the current property owner to plat Campus Drive as 66 feet to accommodate three blocks of lots which would meet the 120 feet lot depth requirements. The configuration and width of Campus Drive are not changing from the original plat in the proposed Campus View Estates.

Karin stated while staff concur that the proposed variance is in harmony with the general purposes and intent of the R-2 zoning district and would not alter the essential character of the locality, staff do not concur that the requested variance arises from circumstances unique to the property. Staff suggest the strict application of the R-2 zoning district standards do not impose practical difficulties on the applicant.

Karin stated that a notice for the public hearing was published in the Daily Journal, a copy of this public notice was mailed to the 54 property owners within 350 feet. Karin mentioned that she received one public inquiry in regard to impacts to the property owners relating to utility installations and the property owner’s taxes. She also received one phone call of opposition stating concerns about increased traffic, noise, and reducing the view of the open space. Copies of the application materials were sent to the City of Fergus Falls Engineering Department, Building Official, and Fire Department. No staff comments were received.

Karin explained some maps for the site and stated that these Proposed Findings for this request:

1. The variance is in harmony with the general purposes and intent of the City’s Zoning Ordinance, because the intent is to provide adequate separation from buildings on other lots and adequate green space. The lots in Blocks 2 and 3 would be separated by the Outlot B storm water retention area. The lots in Block 1 are separated from the apartments to the north/northwest by Patterson Loop and City of Fergus Falls right-of-way.
2. The city does not have a comprehensive plan; therefore, this criteria question is not applicable.
3. The applicant proposes to use the property in a reasonable manner, because the proposed development is for single-story twin homes which are a permitted use in the proposed R-2 zoning district.
4. The plight of the landowner is not due to circumstances unique to the property not created by the landowner, because the land is currently undeveloped and has been platted after the adoption of the current subdivision and zoning standards. The existing lots of Campus Addition and the proposed lots in the replat “Campus View Estates Addition” comply with the minimum depth and size requirements of the original R-1 zoning district and the proposed R-2 zoning district.
5. The variance, if granted, will not alter the essential character of the locality, because the proposed use of single-story twin homes (semi-detached homes) are present within the neighborhood and permitted in the proposed R-2 zone.
6. The need for the variance does not involve more than economic considerations, because there are not unique circumstances which create practical difficulties to complying with the R-2 standards. While the developer may have existing building plans for twin homes, these plans can be altered in order to comply with the required minimum setbacks of these lots.

Karin stated based on these six Proposed Findings staff recommends Denial of the variance request. The Planning Commission should consider all facts and testimony after conducting the public hearing and render a decision accordingly. If the commission does not agree with any of the findings, then the commission should look at are there conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

Acting Chair Kilde had some questions about the structure for the additional 2’ ft. Donovan Rogness, the developer, explained that the sunroom is the structure that is over 2’ ft. on the variance request. There was some discussion and the sunroom would be 12’ x 12’ if the variance is approved, it would provide the home owner with an additional 24’ square feet in their sunroom.

Public Hearing To Consider A Request For A Variance For “Campus Addition” To Reduce Rear Yard Setback In The R-2 Zone By 2 Feet For The Property Located In Campus Addition (Lots 2 Through 5 In Block 1; Lots 1 Through 4 In Block 2; And Lots 1 Through 7 In Block 3 Of The Proposed Replat “Campus View Estates Addition”). Requested By Campus Development Group LLP (Prairie View Development, applicant) was open to the public at 6:20 PM
Acting Chair Kilde asked if anyone else wished to speak on this request.

Mike Fletchall, Interstate Engineering, explained how the applicator already has plans for this site and the sunrooms are currently 12' x 12' rooms on those plans. It was noted that these plans are the same plans that were used on the Cascade Street townhouses and all those houses have sold already. There was some discussion about how the stormwater drainage ditch requirement for the site limits the backyards.

Donavan Rogness, 925 Clearview Court, stated that he wanted the additional 2 feet because it is not a very large room, but it has been a popular room for the homeowners. There was some discussion about how the sunrooms are 22 feet from the back property lines of the lots.

Acting Chair Kilde closed the Public Hearing to the Public at **6:25 PM**, and brought the meeting back to the Planning Commission for discussion.

Commissioner Rachels made a motion to recommend to approve the Variance request by Campus Development Group LLC to reduce the rear yard setback in the R-2 zone by 2 feet as presented, noting the drainage ditch is hardship and including the proposed findings as presented. It was seconded by Commissioner Johnson. Passed unanimously.

PUBLIC HEARING TO CONSIDER A REQUEST FOR A PRELIMINARY PLAT FOR A NINETEEN LOT SUBDIVISION "CAMPUS VIEW ESTATES" WHICH IS A REPLAT OF CAMPUS ADDITION. REQUESTED BY CAMPUS DEVELOPMENT GROUP LLP (PRAIRIE VIEW DEVELOPMENT, APPLICANT).

Acting Chair Kilde asked City staff to explain the request. Karin Flom stated an application has been submitted to the City of Fergus Falls by Prairie View Development (on behalf of Campus Development Group LLP) to replat Block 1, Block 2, Block 3, Outlot B, and the adjoining Campus Drive of Campus Addition. Campus Addition approved in 2016 and recorded in 2018. The proposed replat, Campus View Estates Addition, is a three block, nineteen lot subdivision with two outlots, A and B. The current zoning of all lots in Campus Addition are zoned R-1, Single Family Residence District. At the July 26 meeting, the Planning Commission considered a rezoning request for this project site.

Karin explained the original plat, Campus Addition, was platted for single-family detached homes (R-1, One-Family Residence District). It consists of three blocks and a total of 34 buildable lots and two outlots. The proposed replat, Campus View Estates, is proposed to be rezoned from R-1 to R-4 (Multiple-Family Residence District). Pending all required approvals this zoning would apply to Lot 1, Block 1 of Campus View Estates. The proposed plan for this lot is a mix of attached and semi-detached single-story homes for rent. The proposal has twelve dwelling units on Lot 1.

Karin stated that the rezoning request applies to the remainder of the replat and is proposing a rezoning from R-1 to R-2, One- and Two-Family Residence District. Pending all required approvals this zoning would apply to Lots 2 through 5 of Block 1, Lots 1 through 7 of Block 2, Lots 1 through 8 of Block 3, and Outlots A and B. The proposed use on these lots are single-story twin homes (semi-detached) which will be sold. Karin mentioned that the total plat area is 9.1 acres. The area remains undeveloped since the original Campus Addition plat. The plat area is located in between Union Avenue on the west, Park Street on the east, and Patterson Loop on the northwest. Karin explained that Campus Addition included a right of way dedication "Campus Drive" which remains unchanged in the replat. It would connect Union Avenue to Park Street. Karin explained some diagrams of the plat.

Karin explained the R-4 District Standards development proposal for the R-4 section of the project (Lot 1, Block 1 of Campus View Estates) is for 12 dwelling units. There would be three separate buildings: two buildings with five attached units which the applicant has denoted on the plat as a five-plex and one building that would be two units (semi-detached). All buildings will be one-story and have attached garages. The R-4 District allows as a permitted use multiple dwellings and apartment buildings. The proposed R-4 lot meets the dimensional standards for an R-4 zoning district. These standards include a 30' front yard on both the Campus Drive and Park Street sides; a 15 foot side lot setback and in between buildings, and a rear yard of 20% the depth of the lot. The lot width and depth are also in compliance. An R-4 lot must be 80 feet wide and 120 feet deep. The lot also meets the minimum lot size requirements for an R-4 zone. An R-4 lot must be a minimum of 10,000 square feet. For each dwelling unit, the minimum lot area is 2,500 square feet. The Fergus Falls zoning ordinance permits allowances (either subtractions or additions) of 1,000 square feet per dwelling unit. Therefore, the required minimum lot area is 2,300 square feet per dwelling unit. The minimum lot size for 12 dwelling units is 27,600 square feet. The proposed R-4 lot is 71,796 square feet. The R-4 district further limits lot coverage and floor area ratio, or FAR. No more than 35% of an R-4 lot may be covered by buildings and the maximum FAR is 0.55. All proposed buildings are single-story. The proposed 5-plex area is 7,682 square feet. The proposed duplex area is 2,076 square feet making the total footprint and square footage of all proposed building 17,440 square feet. This is a lot coverage ratio of 24.3% and an FAR of 0.24. Minimum off-street parking requirements are determined by use. Multiple dwelling and planned unit developments consisting of townhouses must provide at least two parking spaces for each dwelling unit. The proposed rental units would have an attached two-stall garage.

Karin explained the R-2 District Standards development proposal for the R-2 section of the project (Lots 2 through 5 of Block 1; Lots 1 through 7 of Block 2; Lots 1 through 7 of Block 3; Campus View Estates) is for single-story twin homes (semi-detached homes). The homes would be sold. In the application, the developer has proposed to split the parcels after construction along the shared party wall. There are a total of eighteen proposed R-2 lots. Each lot would have one twin home for a total of 36 dwelling units. Two-family dwellings (such as a twin home) are a permitted use in the R-2 zoning district. Not all of the R-2 lots meet the required dimensional standards. The applicant is seeking a variance to reduce the required rear yard setback by 2 feet. In the R-2 zone, the required rear yard is 20% of the depth of the lot. This variance request applies to Lots 2 through 5 of Block 1; Lots 1 through 4 of Block 2; and Lots 1 through 7 of Block 3. All other lots (Lots 5 through 7 of Block 2) meet the minimum required rear yard size. All lots meet the 30' front yard and 5' side yard setbacks. All lots meet the two-family R-2 standards which are a total lot area of at least 9,000 square feet and width and depth of 75 feet by 120 feet. Minimum off-street parking requirements are determined by use. Two-family dwellings must provide two parking spaces for each family or dwelling unit. The proposed twin homes have a two-stall garage attached to each dwelling unit.

Karin stated comments on the preliminary plat were sought from staff in the Engineering Department, Building Official, and Fire Department. Engineering requested the applicant make changes to the plat and the applicant has begun to address them.

Karin stated that a notice for the public hearing was published in the Daily Journal, a copy of this public notice was mailed to the 54 property owners within 350 feet. Karin mentioned that she received one public inquiry in regard to impacts to the property owners relating to utility installations and the property owner's taxes. She also received one phone call of opposition stating concerns about increased traffic, noise, and reducing the view of the open space.

Karin explained some maps for the site and mentioned the five Proposed Findings listed for this request:

1. The plat meets all of the requirements for a preliminary plat.
2. No changes are being made to the platted right-of-way of Campus Drive.
3. The plat allows for the development of the proposed multiple-family structures on Lot 1, Block 1 without the need for any variances
4. The plat would be serviced by utilities that are already in the area. The applicant is seeking a TIF from the City of Fergus Falls for additional infrastructure which would be part of Campus Drive.
5. The plat will not be detrimental to the health, safety, or welfare to the community since the surrounding area is residential and the proposed development is also residential

Karin stated that the five Proposed Findings listed above were created with the idea of approval of the Preliminary Plat request with the following Recommended Conditions listed below:

1. The existing plat lot utility easements from the previous "Campus Addition" plat shall be vacated.
2. The final plat shall split the lots so each twin home unit is on its own separate lot.
3. The final plat shall illustrate all plat lot easements for the new twin home lots.
4. The applicant shall add to the plat the information which was requested by the Engineering Department.
5. Amend the existing Storm Water Permit from Campus Addition and make any necessary changes to the storm water retention on Outlot B.
6. Enter into a Storm Water Pond Maintenance Agreement with the Engineering Department.
7. If the Planning Commission agrees with the staff recommendation of denial of the variance request, the final plat shall be adjusted to comply with the R-2 rear yard setback requirements.

Karin stated that if the PC does not agree with any of the findings, then the PC should look at are the conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

Public Hearing to Consider a Request for a Preliminary Plat for a Nineteen lot subdivide "Campus View Estates" which is a Replat of Campus Addition. Requested by the Campus Development Group LLP (Prairie View Development, applicant) was open to the Public at 6:38 PM

Acting Chair Kilde asked if anyone else wished to speak on this request.

Alex Schwarzhoff, Interstate Engineering, mentioned that Condition #5: there is no existing stormwater permit, the outlot stormwater pond will be redesigned to the new layout; Condition #6: was not sure if it would be need because the developer will have homeowner's agreement for the maintain of the storm water pond.

It was noted that Condition #7 would not apply if the City Council approves the variance request.

Acting Chair Kilde closed the Public Hearing to the Public at **6:40 PM**, and brought the meeting back to the Planning Commission for discussion. There was some discussion about the stormwater issues being addressed by the City Engineering Department.

Commissioner Macintosh-Ellig made a motion to approve the Preliminary Plat for a nineteen-lot subdivision "Campus View Estate" which is a replat of the Campus Addition property requested by the Campus Development Group LLP with the Proposed Findings as presented and the Conditions Recommended, noting the changes to Conditions #5 & #6 and removal of Condition #7. It was seconded by Commissioner Rachels. Passed unanimously.

PROPOSED GROUP HOME USE

Acting Chair Kilde asked City staff to explain the request. Karin Flom explained a community organization, Welcome House, is looking to purchase an R-1, One-Family Residence District zoned property and operate transitional housing (i.e., short term rental) to pregnant women, some who may already have children. The rooms would be rented out and the kitchen and bathroom facilities would be shared by all residents.

Karin stated that the only applicable permitted use to the proposal is a single-family detached dwelling. A single family under our zoning code is defined as: (1) an individual, (2) two or more persons related by blood or marriage, or (3) a group of not more than five unrelated persons. The proposed use would have more than five unrelated people living together and therefore is not considered a permitted use in the R-1 zone. Minnesota statute requires that certain state licensed facilities (such as residential group homes and day cares) are allowed as a permitted use in a single family zone. For a group home facility, it is considered a permitted use if a group home serves six or fewer persons. The City of Fergus Falls zoning code reflects this minimum requirement and also allows a group home via a conditional use permit if it serves more than six persons. This is addressed in Section 154.046, Permitted Uses in all Zones and Districts. However, the proposed Welcome House does not meet the criteria to be a State licensed residential facility.

Karin explained since this use is allowed under state statute in other cases, staff are seeking authorization from the Planning Commission to research and propose a zoning ordinance update to accommodate group homes that do not meet the criteria to be considered a state licensed residential facility. Representatives from Welcome House are present tonight to discuss their plans with the PC. Staff would like there to be discussion from the Planning Commission about questions or concerns to research and/or address in an ordinance amendment proposal.

Cora Widstrom, 1816 Minnesota Drive, explained that she is on the Board of the Welcome House and how this house would fit their needs. Cora stated that Welcome House would not be doing housing rental, but instead people could come there and stay while they are looking for other housing, noting the average stay is expected to be around six months. The Welcome House is asking for help to get this property and how their purchase agreement for the property would expire on September 4, 2021.

Sean Sullivan, 1003 North Vine Street, stated that there is a huge need for this type of housing and that he hopes the City is able to amend their ordinances for allow for this type of temporary housing.

There was some discussion about how this request could not be approved through a CUP or a variance and it would need to be an ordinance amended and the timeline of such a process.

Karin stated that she would like the PC to authorize staff to research and propose a zoning text ordinance update to accommodate group homes which do not meet the definition of a state licensed residential facility. There was some discussion about how the City has already been in discussions with the City attorney about this request. Karin stated that we have to amend the ordinance for this use and other similar uses. Karin explained that conditions could be added to a request if the ordinance is amended.

Commissioner Kilde made motion to authorize staff to research and propose a zoning text ordinance update to accommodate group home not covered under the current ordinance and present it at the next meeting. It was seconded by Commissioner Macintosh-Ellig. Passed unanimously.

REGIONAL TREATMENT CENTER MASTER PLAN UPATE

Acting Chair Kilde opened the discussion on the RTC Master Plan update. Bill Hickey, one of the consultants from Collaborative Design Group who did the RTC Master Plan draft, did a presentation through Zoom on the RTC Master Plan draft. Bill Hickey noted that the Government Services Center and City Park are suggested to remain the same. Bill explained that the plan took into consideration feasible reuses for the campus through study. Bill mentioned the gateways to the property, the sweep of the buildings, parking, and the views of the historic property. He noted that some of the historic district is outside of the City limits. Bill stated that restoring the main building entrance should be a priority.

Acting Chair Kilde asked about a timeline on the completion of RTC Master Plan, and Bill Hickey mentioned that the work will be done by the end of the month to meet the grant deadline of July 30th. Acting Chair Kilde requested a full written draft of the RTC Master Plan that was presented so they PC could read it and then make comments. Bill stated that he would distribute the draft through Klara Beck.

UPCOMING APPLICATIONS

Karin mentioned the following items coming before the PC at future meetings:

- Final Plat for Campus View Estates
- Final Plat for the HRA Timber Cover Addition

CITY PLANNER UPDATES

Acting Chair Kilde asked for updates from the City Planner. There were none.

CITY COUNCIL UPDATES

Acting Chair Kilde asked if there were any Council updates. There were none.

The next regular meeting will be on August 23, 2021 at 5:30 PM.

The meeting adjourned at 7:27 pm.

Karin Flom
City Planner

PLANNING COMMISSION MINUTES

August 23, 2021

The Fergus Falls Planning Commission held a regular meeting on August 23, 2021 in the Council Chambers of City Hall. The meeting was opened at 5:30 PM. Agenda was approved. Members present were: (√ indicates those present in the Council Chambers).

- √ Jeff Stanislawski
- √ Laurel Kilde
- Craig Gantner
- √ Don Suiter
- √ Kelsee Macintosh-Ellig
- Scott Rachels
- √ Vern Johnson

City staff in attendance included Karin Flom, City Planner, Klara Beck, Community Development Manager, and Jill Hanson who took minutes for the meeting. Also present was Mike Fletchall.

APPROVAL OF MINUTES

The minutes of the July 26, 2021 meeting were reviewed and Chair Stanislawski entertained a motion to approve the minutes. It was so moved by Commissioner Kilde and seconded by Commissioner Macintosh-Ellig. Passed unanimously.

FINAL PLAT FOR A THIRTY-SEVEN (37) LOT SUBDIVISION “CAMPUS VIEW ESTATES ADDITION” WHICH IS A REPLAT OF CAMPUS ADDITION. REQUESTED BY ROGNESS CONTRACTING SERVICES ON BEHALF OF PRAIRIE VIEW DEVELOPMENT LLC THE APPLICANT.

Chair Stanislawski asked City staff to explain the request. Karin Flom stated an application has been submitted to the City of Fergus Falls by Rogness Contracting Services on behalf of property owner Prairie View Development, LLC for a final plat approval of Campus View Estates Addition. This is a replat of Campus Addition. Prairie View Development, LLC has become the property owner since the preliminary plat application and public hearing.

Karin explained the preliminary plat was approved with conditions by the Planning Commission at a public hearing on July 26, 2021 and by the City Council (with the same conditions) at its August 2, 2021 meeting. The PC and City Council also approved a variance and authorized the City Attorney to draft a rezoning ordinance. These entitlements are necessary to accommodate the preliminary plat as proposed. The variance approval process is complete. The second and final reading of the rezoning request is scheduled for the September 7th City Council meeting. Karin stated that the total plat area is 9.1 acres. The area remains undeveloped. The plat area is located in between Union Avenue on the west, Park Street on the east, and Patterson Loop on the northwest. A dedicated right of way (“Campus Drive”) would connect Union Avenue to Park Street. Campus Drive was dedicated as part of the previous plat Campus Addition and remains unchanged.

Karin explained that the conditions of preliminary plat approval prior to the final plat, as recommended by the Planning Commission and approved by City Commission, were the following:

1. The existing plat lot utility easements from the previous “Campus Addition” plat shall be vacated.
2. The final plat shall split the lots so each twin home unit is on its own separate lot.
3. The final plat shall illustrate all plat lot easements for the new twin home lots.
4. The applicant shall add to the plat the information which was requested by the Engineering Department.
5. Amend the existing Storm Water Permit from Campus Addition and make any necessary changes to the storm water retention on Outlot B (if applicable).
6. Enter into a Storm Water Pond Maintenance Agreement with the Engineering Department (if applicable).

For Condition #1, Karin stated now that the real estate sale has taken place the applicant can move forward with vacating the existing plat lot utility easements from "Campus Addition." This vacation process is achieved via ordinance and will take a few months. Engineering is willing to allow the Campus Addition easement vacation process to proceed independently of the final plat approval process. The new lots on Campus View Estates Addition will be recorded with their own utility easements and the vacation of the originals can occur separately.

For Condition #2, Karin stated the applicant submitted a final plat which now has each side of the twin home on its own lot. The exception is Lot 1, Block 1 which is the location of the proposed rental units. The Engineering Department also finds the final plat to have sufficiently addressed conditions #3 and #4.

Karin stated that the Engineering department finds conditions #5 and #6 have been addressed. The Outlot B storm water pond is a sufficient size for the proposed development of twin homes and a Storm Water Pond Maintenance agreement is not necessary at this time.

Karin explained some maps for the site and mentioned the five Proposed Findings listed for this request:

1. The plat meets all of the requirements for a final plat.
2. The applicant has obtained the variance required for the proposed development of the plat area.
3. The second reading and vote on the rezoning is scheduled for September 7, 2021.
4. The plat would be serviced by existing utilities on Park Street. The applicant is seeking a TIF from the City of Fergus Falls for additional infrastructure which would be part of Campus Drive.
5. The plat will not be detrimental to the health, safety, or welfare to the community since the surrounding area is residential and the proposed development is also residential.

Karin stated that the five Proposed Findings listed above were created with the idea of approval of the Final Plat request with the following Recommended Conditions listed below:

1. Successful adoption of the rezoning ordinance at its second reading at the September 7, 2021 City Council meeting.

Karin stated that if the PC does not agree with any of the findings, then the PC should look at whether there are conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

Commissioner Kilde made a motion to approve the Final Plat for a thirty-seven-lot subdivision "Campus View Estates Addition" which is a replat of the Campus Addition property requested by the Prairie View Development LLP with the proposed findings as presented and the conditions recommended. It was seconded by Commissioner Johnson. Passed unanimously.

ORDINANCE UPDATES DISCUSSION:

Chair Stanislawski opened the ordinance discussion on accessory buildings. Karin explained at the June 26, 2021 PC meeting, staff presented examples of what the proposed changes to Section 154.091 Accessory Buildings could look like on different size lots around town. Karin mentioned the proposal is to limit the size of an accessory building (or accessory buildings combined) in residential districts to 15% of the total lot area and 5,000 square feet in R-A zones. The PC requested staff to provide more information on options and what they would look like on a lot.

Karin stated that the information being presented tonight focuses on the size limits for accessory buildings. Other requirements of the proposed ordinance include an accessory building attached to the main building must comply with setback requirements applicable to the main building; if it is detached the setbacks are 5' from the side or rear property line for R-A and R-1 and 3' for R-2, R-3, and R-4; and accessory buildings would now be allowed in the side or rear yard. There would be no restrictions on placement within the side or rear yard.

Karin presented some examples of houses with accessory buildings and tables illustrating the maximum size possible for an accessory building based on two current proposals for the Fergus Falls ordinance update. One alternative would be 10% of lot area and the second alternative would be 15% of lot area. Karin mentioned the

two proposals for accessory building size limits in Fergus Falls exceed common limits set in local neighboring communities. For the 15% limit, this begins at around lot sizes of 0.2 acres and for the 10% limit at around 0.25 acres.

Karin explained a zoning analysis table of parcels zoned R-1 or R-2 and the percent of parcels in each size band: 64% of R-1 parcels are 0.3 acres or more; 19% of R-2 parcels are 0.3 acres or more.

- Under the 10% limit, allowable size of accessory buildings for a parcel 0.3 acres or more could range from 1,306 square feet to over 4,356 square feet.
- Under the 15% limit, the limit for a parcel 0.3 acres or more could range from 1,960 square feet to over 6,534 square feet.

Karin stated that determining the allowable size of accessory buildings by a percentage of the total lot area (either 10% or 15%) would give the potential for very large structures on many lots of the single-family residence districts. Depending on the situation, the footprint of an ‘accessory’ structure could exceed the primary building.

Karin stated that based on this information, staff is recommending the Planning Commission consider the following limits:

- In all residential R districts with a lot size of one acre or less, the total allowable square footage of all detached accessory buildings individually or combined is 1,000 square feet, as measured by the footprint of the structure.
- In all residential R districts with a lot size of more than one acre, the total allowable square footage of all detached accessory buildings individually or combined is 5% of the total lot area, as measured by the footprint of the structure.
- Regardless of the above limits, detached accessory buildings shall not cover more than 30% of the rear or side yard area.

Karin explained this would include properties zoned R-A. Land zoned R-A in the City of Fergus Falls does not always mean it is being used for agricultural or single-family residence purposes. An analysis of parcels zoned R- A revealed 283 parcels with 144, or around half, in private ownership. All other owners are the varying levels of government, churches, schools, hospitals, etc. Of the 144 R-A privately owned properties, 23% are less than 1 acre. This means for the 77% of privately-owned R-A properties that are over 1 acre, the allowable size of an accessory building would be 5% of the lot area. For a lot size just over an acre, 5% of the total lot area would allow for an accessory building of up to 2,178 square feet to be constructed (depending on the size of the rear yard).

Commissioner Kilde had some questions about a grid that had been put together for a prior PC meeting limiting the total square footage of allowable accessory buildings based on lot size. Commissioner Kilde stated that she felt these were too restrictive. She noted that many of the accessory buildings are already larger than the ordinance and not wanting to be too restrictive. There was some discussion about the purpose of these ordinance updates, making structures fit the area, and how people can still apply for a variance request. There was some discussion about how the idea was to make variances request needed less because the accessory building ordinance would be less restrictive.

Commissioner Johnson felt we should be getting away from allowing metal pole sheds in the city limits. There was some discussion about how they could be done to match the facade of the primary structure. The PC discussed possibly allowing pole barns or certain moved-in structures with a CUP. Karin Flom stated that she would need to research the CUP idea for the pole building construction.

Commissioner Kilde made motion to recommend the updated ordinance changes from the May 2021 PC meeting for accessory buildings with the amendments of: (1) the maximum size of detached accessory structures (individually or combined) shall be no greater than 10% of the total lot size and (2) create a new letter for a conditional use permit requirement for pole or prefabricated structures after researching the topic and (3) add

“matching or better façade and materials of the primary structure” to letter (C). It was seconded by Commissioner Suiter. Passed unanimously.

Karin Flom explained at a prior PC meeting there was a request information about fence setbacks and maintenance, noting the ordinance text proposes entirely replacing the current fence ordinance which says very little about fences. Karin listed the highlights of changes:

- Boundary line fences must be completely located on the property of the person/company constructing the fence. It can be placed on the common property line if the adjoining property owner agrees. The owner of the fence must be able to maintain both sides of the fence. No setback is defined in terms of feet for the purposes of maintenance.
- Residential properties will have a fence height limit of 6 feet in any yard. Currently, there is no fence height limit in the ordinance. If a residential-zone parcel abuts a business or industrial zone on a side or rear lot line, an 8 foot fence is allowed.
- Front yard fences for residential areas are limited to 50% opacity and must be of a decorative material. Decorative is defined as picket, split rail, and decorative iron/brick.
- Commercial and industrial properties are allowed a fence height of 10 feet.

Karin stated that neither current practice nor the draft ordinance include any administrative review of a proposed fence. Particularly with regards to the requirement that a fence can be constructed on the property line ‘if the adjoining property owner agrees’ and the new design requirements related to fences in the front yard (e.g., 50% opacity), violations of the code by property owners would be probable and correcting a code violation related to the placement, material, or design of a fence after construction could be quite costly to a property owner. The City could save itself time and money in code enforcement and prevent noncompliance before it occurred if an administrative review and permit process existed. As one example, Alexandria requires a permit application for boundary line fences with a fee of \$25.

Karin explained there were no ordinance changes for fences from the May 2021 version. The PC discussed setbacks of 1 or 2 feet from the property line for maintenance of the fence by the owner of the fence. Commissioner Kilde suggest using the city of Alexandria fence ordinance. Commissioner Johnson voiced strong concern about having a larger setback for maintenance of the fence. There was discussion about having no setback and up to 2 feet of setback.

Commissioner Johnson made motion to update the suggested ordinance language from the May 2021 meeting and add a 2 foot setback for fences. It was seconded by Commissioner Suiter. Passed unanimously.

PROPOSED GROUP HOME USE

Chair Stanislawski asked City staff to explain the request. Karin Flom stated at the July 26, 2021 meeting the Planning Commission directed staff to research and propose a zoning text ordinance update to accommodate group homes which do not meet the definition of a state licensed residential facility. Karin explained that a community organization, Welcome House, sought to purchase a single family detached home in the R-1, One-Family Residence District and operate transitional housing (i.e., short term rental) to pregnant women, some of whom may already have children. The rooms would be rented out and the kitchen and bathroom facilities would be shared by all residents. The proposed use would have more than five unrelated people living together and therefore is not considered a permitted use in the R-1 zone.

Karin stated that other Minnesota cities provide various uses in their codes which could accommodate a proposed use such as transitional housing for pregnant women and single mothers. However, each approach the topic in slightly different ways. In reviewing other zoning code definitions and the proposed ordinance language, the PC should consider where and at what scale is appropriate for this housing type.

Karin explained the draft ordinance update for Fergus Falls defines a “rooming house” as a conditional use in any residential or industrial zone. A rooming house would be limited to serving 6 or fewer people in the lower density residential zones (R-A, R-1, R-2). It could serve more than 6 if located in a multiple family

or industrial district, as long as such occupancy numbers were permitted under Minnesota building code. It specifies the information that must be provided in a conditional use permit application (similar to how the solar ordinance requires specific information). It also defines that a CUP can be terminated if a rooming house is not meeting licensing or operating requirements by any government agency. Together these requirements are intended to ensure the health, safety, and welfare of occupants of the housing and neighboring property owners while allowing for innovative housing types in Fergus Falls.

Karin stated that an application for a CUP for a rooming house must include the following information:

- The proposed maximum number of occupants.
- Floor plan of the building showing sleeping facilities, bathrooms, common areas, and cooking facilities. The drawing need not be to scale but dimensions must be provided.
- Description of services provided, if any, to residents of the housing.
- Location and number of off-street parking spaces.
- How the housing will be staffed and supervised.
- Any other information requested by City staff, Planning Commission, or City Council.

There was some discussion limiting the number of people per bedroom, parking issues in R-1 and R-2 zone, fire codes for these types of housing units, limiting the zones that can have these types of housing, and possibly adding more restrictions in R-4 zone. Commissioner Macintosh-Ellig felt that the PC needs to craft this ordinance very carefully to ensure safety for residents and protecting the City. Karin stated that the PC should review the ordinance suggestions and the PC can discuss it more at a future meeting.

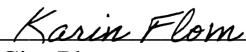
STAFF UPDATES

Karin mentioned the following items coming before the PC at future meetings:

- Final Plat for the HRA Timber Cover Addition

The next regular meeting will be on September 27, 2021 at 5:30 PM.

The meeting adjourned at 6:57 pm.



City Planner

PLANNING COMMISSION MINUTES
September 27, 2021

The Fergus Falls Planning Commission held a regular meeting on September 27, 2021 in the Council Chambers of City Hall. The meeting was opened at 5:30 PM. Agenda was approved. Members present were: (√ indicates those present in the Council Chambers).

- √ Jeff Stanislawski
- √ Laurel Kilde
- Craig Gantner
- Don Suiter
- √ Kelsee Macintosh-Ellig
- Scott Rachels
- √ Vern Johnson

City staff in attendance included Karin Flom, City Planner, Klara Beck, Community Development Manager, and Jill Hanson who took minutes for the meeting.

APPROVAL OF MINUTES

The minutes of the August 23, 2021 meeting were reviewed and Chair Stanislawski entertained a motion to approve the minutes. It was so moved by Commissioner Macintosh-Ellig and seconded by Commissioner Johnson. Passed unanimously.

PUBLIC HEARING TO CONSIDER A REQUEST FOR VARIANCE TO PLACE A DETACHED ACCESSORY BUILDING OUTSIDE OF THE REAR ONE-THIRD OF THE REAR YARD OF A PROPERTY LOCATED AT 529 WEST ALCOTT AVENUE IN AN R-2 ZONE. REQUESTED BY JESS SCHOON

Chair Stanislawski asked City staff to explain the request. Karin Flom explained that the applicant, Jess Schoon, is proposing to construct and place a 30x30 detached accessory building (garage) in the rear yard at 529 West Alcott Avenue. The property is located in the R-2, One- and Two-Family Residence District. A variance is requested because the current accessory building section of the ordinance states that a detached accessory building must be located within the rear 1/3 of the rear yard.

Karin stated that an existing garage/shed would be demolished. The new structure would be located to the north of the current shed's location. Karin explained some maps of the site. The 30x30 garage would be approximately 23 feet off the rear property line and approximately 3 feet off the east property line. The only variance required is for the rear 1/3 of the rear yard requirement. The structure otherwise complies with side and rear property line setbacks and allowable size.

Karin stated that the property has vehicular access only through an alley. The orientation of the current garage has the door opening on the west side. The owner would like to build a larger garage than the existing footprint and one which would instead open on the south side in order to drive straight in and out of the garage to the alley. To do this, the property owner would need to build outside of the rear 1/3 of the rear yard.

Karin stated that notice for the public hearing was published in the Daily Journal on September 18, 2021. A copy of this public notice was mailed to property owners within 350 feet on September 16, 2021. A total of 53 property owners were included in this mailing. No inquiries or public comments have been received. Copies of the application materials were sent to the City of Fergus Falls Engineering Department, Building Official, and Fire Department and there were no staff comments.

Karin stated that the proposed findings listed in the staff report were created with the idea of approval of the variance request with the following conditions:

1. The structure shall be painted to match the primary structure facade.

2. Must abide by all building code regulations pertaining to the construction of the accessory building.

If the Commission does not agree with any of the findings, then the Commission should look at if there are conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

Public Hearing to Consider a Request for a Variance to place a detached accessory building outside of the rear one-third of the rear yard of a property located at 529 West Alcott Avenue in an R-2 zone. Requested by Jess Schoon was open to the public at 5:35 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

Chair Stanislawski closed the Public Hearing to the Public at 5:36 PM, and brought the meeting back to the Planning Commission for discussion.

Commissioner Macintosh-Ellig made a motion to recommend to approve the variance request by Jess Schoon to place a detached accessory building in his rear yard. It was noted that the variance request would include the proposed findings and conditions for the request. It was seconded by Commissioner Kilde. Passed unanimously.

PUBLIC HEARING TO CONSIDER A REQUEST FOR A ZONING MAP AMENDMENT FROM R-4 TO R-1 LOCATED AT 1793, 1813, 1817, AND 1825 SHOREVIEW DRIVE. REQUESTED BY THE CITY OF FERGUS FALLS.

Chair Stanislawski asked City staff to explain the request. Karin Flom explained the land within the Pebble Lake Estates subdivision was annexed to the City of Fergus Falls in 1987 and platted in 1993. Lots 1 through 4, located along Pebble Lake and the east side of Shoreview Drive, are zoned R-1, One-Family Residence District. Each lot has a single family detached dwelling. Lots 5 through 8, located along the west side of Shoreview Drive, are zoned R-4, Multiple-Family Residence District. All lots are bare land. The lots for a time were owned by Lutheran Brethren Homes, Inc. with the intent of a project requiring the R-4 zoning district. This project did not materialize and the organization sold Lots 5 through 8 in 2016 and 2017.

Karin stated that the owners of Lots 4 and 5 (1822 and 1825 Shoreview Drive, respectively) recently approached the City about constructing a garage on the bare land Lot 5 (1825 Shoreview Drive). Because there is no primary structure on the lot and would only be used for storage, this was not a permitted use of the property. A solution would be to combine Lots 4 and 5; however, the two parcels have different zones. In addition, Lots 6 through 8 (1817, 1813, and 1793 Shoreview Drive, respectively) recently sold. The new owners are looking to build a single family detached dwelling on the land.

Karin explained to the north of the proposed rezoning area is R-A, Agricultural-Residence District owned by the City of Fergus Falls (Delagoon Park). To the east are the single family detached dwellings across Shoreview Drive. To the west is an undeveloped parcel of land zoned R-4. To the south of the proposed rezoning area is one parcel zoned R-4 and one parcel zoned R-1. Both these parcels have a single family detached dwelling on the property.

Karin stated that a notice for the public hearing was published in the Daily Journal on September 18, 2021. A copy of this public notice was mailed to property owners within 350 feet of any of the four parcels in the rezoning area on September 16, 2021. A total of 11 property owners were included in this mailing. Because the parcels are located within a shoreland management area, a notice was also e-mailed to the Minnesota Department of Natural Resources area hydrologist. No inquiries or public comments have been received. Copies of the application materials were sent to the City of Fergus Falls Engineering Department, Building Official, and Fire Department. No comments were received.

Karin explained some zoning maps for the area and mentioned the proposed findings for this request:

1. The property is currently zoned R-4.

2. R-1 zoning is present across the street (Shoreview Drive) from the proposed rezoning parcels.
3. The parcel sizes of Lots 5, 6, 7, and 8 of Pebble View Estates (1825, 1817, 1813, and 1793 Shoreview Drive) meet the dimensional standards for the R-1 zone.
4. While the parcels have been platted, the land is currently undeveloped.
5. The proposed R-1 zoning would reflect the nature of the development occurring within the neighborhood (single family detached dwellings).

Karin stated that the five proposed findings listed in the staff report were created with the idea of approval of the zoning map amendment. If the Commission does not agree with any of the findings, then the Commission should state the reason to support denial.

Public Hearing to Consider a Request for a Zoning Map Amendment to Rezone the Shoreview Drive lots from R-4 to R-1 was opened to the Public at 5:44 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

Chair Stanislawski closed the Public Hearing to the Public at 5:45 PM, and bought the meeting back to the Planning Commission for discussion. There was none.

Commissioner Macintosh-Ellig made a motion to recommend to approve the rezoning request by the City of Fergus Falls to rezone Shoreview Drive lots 1793, 1813, 1817, and 1825 from R-4 to R-1 as presented with the proposed findings. It was seconded by Commissioner Kilde. Passed unanimously.

NEW BUSINESS

Chair Stanislawski asked if there was any new business. There was none.

ORDINANCE UPDATE – Permitted & Conditional Uses, Accessory Buildings & Fences

Chair Stanislawski opened the ordinance discussion. Karin explained at the August 23, 2021 Planning Commission, the Commission requested staff to prepare an amended set of recommendations for ordinance updates. She took language approved at the May 24, 2021 meeting and she made changes requested by the Commission including changes to the size of accessory buildings, adding a 2-foot setback for fences, and adding a conditional use permit (CUP) requirement for detached accessory buildings that are “pole buildings.” Karin mentioned the addition of section headings to the ordinance updates and other clean-up to make the ordinance updates more user friendly.

Commissioner Kilde had some question about proposals number 2 and 5 in the staff memo. Commissioner Kilde suggested removing the word “prefabricated” from the item #2 related to CUP for section 154.091(H). Commissioner Kilde also suggested using “building” uniformly in the ordinance relating to item #5

Commissioner Kilde made motion to recommend the updated ordinance changes as presented for items number 1, 3 and 4, and make the changes discussed to items number 2 and 5. It was seconded by Commissioner Macintosh-Ellig. Passed unanimously.

Karin stated that she would make the changes to the ordinances as discussed and forward the updated ordinances to the City Council for final approval.

ORDINANCE UPDATE – Group Living

Karin summarized that at the last Planning Commission meeting, the Commission requested more time to review a discussion draft ordinance related to group living. The Commission also requested some other examples from across the country for how other places handle this type of housing.

Karin provided some examples of group living ordinances from other cities around the US and what features or aspects of the housing were most commonly regulated. Karin also discussed some alternative routes for a code update that are not a “rooming house.”

Karin mentioned some of the potential considerations for rooming houses that the Planning Commission should consider:

- Location
- Zoning District
- Size of units
- Number of persons per unit
- Size of lot
- On-site management requirement/management plan
- Minimum length of stay

Commissioner Macintosh-Ellig suggested that before looking at any draft language for an update, the Planning Commission should think about the considerations staff outlined. Karin mentioned forming a subcommittee to discuss these items more and report back to the Planning Commission. Commissioner Macintosh-Ellig suggested that a subcommittee could include a few members of the Planning Commission, a few members of the City Council, and possibly a few people from non-profits who are familiar with group homes. Commissioner Macintosh-Ellig volunteered to be on the sub-committee.

STAFF UPDATES

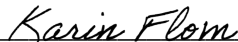
Karin mentioned the following items coming before the Planning Commission at future meetings:

- Otter Tail Power Company Rezoning Request
- Final Plat for the HRA Timber Cove Addition

Karin stated that the Port Authority filled out a dairy site survey to help determine the use of the site. Karin asked the Planning Commission to fill out the dairy site survey too, so staff has input from other groups on the development of the site.

The next regular meeting will be on October 25, 2021 at 5:30 PM.

The meeting adjourned at 6:20 pm.



City Planner

PLANNING COMMISSION MINUTES
October 25, 2021

The Fergus Falls Planning Commission held a regular meeting on October 25, 2021 in the Council Chambers of City Hall. The meeting was opened at 5:30 PM. Agenda was approved. Members present were: (√ indicates those present in the Council Chambers).

- √ Jeff Stanislawski
- √ Laurel Kilde
- Craig Gantner
- Don Suiter
- √ Kelsee Macintosh-Ellig
- Scott Rachels
- √ Vern Johnson

City staff in attendance included Karin Flom, City Planner, Klara Beck, Community Development Manager, and Jill Hanson who took minutes for the meeting. Also in attendance were Randy Synstelien (Otter Tail Power Company), Mikel Olson (Fergus Falls Housing and Redevelopment Authority), and Thane Schmidt. Chris Heyer (Moore Engineering), joined by telephone.

APPROVAL OF MINUTES

The minutes of the September 27, 2021 meeting were reviewed and Chair Stanislawski entertained a motion to approve the minutes. It was so moved by Commissioner Macintosh-Ellig and seconded by Commissioner Kilde. Passed unanimously.

PUBLIC HEARING TO CONSIDER A REQUEST FOR A ZONING MAP AMENDMENT FROM R-1 TO R-A FOR LOTS 1 & 2 IN BLOCK 2 OF TIMBER RIDGE ESTATES. REQUESTED BY OTTER TAIL POWER COMPANY

Chair Stanislawski asked City staff to explain the request. Karin Flom explained that the two subject properties are located off of Main Street. The parcels do not have physical addresses, but are parcel IDs 71002991934000 and 71002991935000. They are Lots 1 and 2 in Block 2 of Timber Ridge Estates.

Karin explained some zoning and aerial maps for the area. Karin stated that the subject properties are accessed off Main Street. To the north and east of the proposed rezoning is R-A zoning. These lots are owned by OTPC and will become a portion of Hoot Lake Solar. To the west is R-1 and single family detached homes along Main Street. To the south is undeveloped land zoned R-A owned by the Fergus Falls Fish and Game Club.

Karin stated that in Otter Tail Power Company's (OTPC) original application to obtain a conditional use permit for the Hoot Lake Solar Farm, OTPC's site plan had solar panels located on the two subject properties. It was discovered during staff review of the application that these two lots were zoned R-1, One-Family Residence District. "Solar farms" are only allowed as a conditional use (CUP) in the R-A, Agricultural-Residence District. OTPC revised their site plan and their final application excluded these two properties from the CUP application. Karin stated that the CUP application was subsequently approved by the City Council on July 6, 2021.

Karin explained that OTPC is now applying to rezone the two subject properties from R-1 to R-A to allow them the option to reincorporate these two parcels into the Hoot Lake Solar Farm. Approving the rezoning request does not automatically allow OTPC to construct the solar panels on these lots. They would need to apply for a conditional use permit for a solar farm just as they did earlier this year.

Karin explained the R-A zone does have dimensional standards for lot size. However, this only applies if the lot will have a single-family dwelling. While these lots would not meet the R-A dimensional standards if a dwelling was constructed, as mentioned above the original intention was to include these two parcels in the Hoot Lake Solar project. In addition, OTPC has owned these lots since 2010. Should there be a property owner

in the future who seeks to construct residential dwelling(s) on these lots, the lots could be zoned to R-1 or other appropriate zone based on the request.

Karin stated that a notice for the public hearing was published in the Daily Journal on October 13, 2021. A copy of this public notice was mailed to property owners within 350 feet of either of the two parcels in the rezoning area on October 13, 2021. A total of 6 property owners of 19 parcels were included in this mailing. Because the parcels are located within a shoreland management area, a notice was also emailed to the MN Department of Natural Resources area hydrologist. No inquiries or public comments have been received. Copies of the application materials were sent to the City of Fergus Falls Engineering Department, Building Official, and Fire Department. No staff comments were received.

Karin mentioned the proposed findings for this request:

1. The parcels are currently zoned R-1.
2. R-A zoning is present directly adjacent to the parcels on the north and east lot lines and to the south across Main Street.
3. The parcels have been platted but the land is currently undeveloped.
4. The proposed R-A zoning would reflect the nature of the anticipated neighboring Hoot Lake Solar project.

Karin stated that the four proposed findings listed in the staff report were created with the idea of approval of the zoning map amendment.

Public Hearing to Consider a Request for a Zoning Map Amendment from R-1 To R-A for Lots 1 & 2 In Block 2 of Timber Ridge Estates was opened to the Public at 5:35 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

Thane Schmidt, 23050 Birchwood Estates, stated that he lives just east of these lots, and how this project presents an interesting opportunity to think about the possibility of walking and biking access along this property. Mr. Schmidt explained that he did contact the Planning Commission and Bike and Pedestrian Advisory Committee in May to discuss this idea. There was some discussion about the Planning Commission's ability to discuss or make these recommendations at a future meeting. Karin stated the City Attorney should be consulted about the Planning Commission's ability to do so at this stage in the process. Klara Beck mentioned that the City did receive his letter about the walking and biking trail and it is part of public record. Mr. Schmidt stated that he does not have any concerns about the rezoning request.

Chair Stanislawski closed the Public Hearing to the Public at 5:40 PM, and brought the meeting back to the Planning Commission for discussion. There was none.

Commissioner Kilde made a motion to recommend to approve the rezoning request by Otter Tail Power Company to rezone Timber Ridge Estates Lots 1 & 2 in Block 2 from R-1 to R-A as presented with the proposed findings. It was seconded by Commissioner Macintosh-Ellig. Passed unanimously.

NEW BUSINESS

Chair Stanislawski asked if there was any new business. There was none.

FINAL PLAT FOR TIMBER COVE ADDITION AT 1151 FRIBERG AVENUE. REQUESTED BY FERGUS FALLS HOUSING AND REDEVELOPMENT AGENCY (HRA)

Chair Stanislawski asked City staff to explain the request. Karin Flom stated an application has been submitted by Fergus Falls Housing & Redevelopment Authority for a final plat located at 1151 Friberg Avenue. The proposed plat subdivides the parcel into two lots. One contains the footprint of the HRA office (Lot 1) and the second will contain the footprint of a proposed 24-unit multiple-family structure for the purposes of permanent supportive housing (Lot 2).

Karin showed an aerial image and surrounding zoning map of the subject property and provided a summary of the preliminary plat history. The Planning Commission recommended approval of the preliminary plat on June

28, 2021 with the recommended condition that the applicant shall work with the Engineering Department to resolve concerns with the proposed driveway on Lot 2 connecting the parking lot and Friberg Avenue. Karin mentioned that the City Council approved the preliminary plat along with the Planning Commission's recommended conditions on July 6, 2021. The applicant has worked with the Engineering Department on the access to Friberg Avenue from the proposed multifamily building. Karin stated that the final building design would have access to Friberg Avenue through a new curb cut just south of Somerset Avenue. A driveway will connect the parking lots of the HRA offices and the multiple family building. The Engineering Department is satisfied with this proposal.

Karin explained a second change from the preliminary plat is the lot sizes and boundaries. The applicant's project involves the Minnesota Housing Finance Agency (MHFA) which has certain density requirements. The lot size of the multifamily building on the preliminary plat was too large under MHFA's rules. The applicant has reduced Lot 2 to the minimum allowed under City of Fergus Falls R-4 dimensional standards. The new dimensions of Lot 2 on the final plat is approximately 8,000 square feet less than the preliminary plat. The proposed 1.21 acre size is acceptable to MHFA and the City. The building as proposed would be able to be constructed on Lot 2 without the need for a variance. No public hearing is required as this is a final plat submitted separately from the preliminary plat. Comments on the final plat were sought from the Engineering Department, Building Official, and Fire Department. No staff comments were received.

Karin mentioned the four Proposed Findings listed for this request:

1. The plat meets all of the requirements for a final plat.
2. The plat allows for the development of the proposed multiple-family structure on Lot 2 without any need for variances.
3. The plat would be serviced by utilities that are already in the area.
4. The plat will not be detrimental to the health, safety, or welfare to the community since the surrounding area is primarily residential.

Karin stated that the four Proposed Findings listed above were created with the idea of approval of the Final Plat request.

Commissioner Johnson asked if the request from the Engineering Department to relocate the access to the multifamily building from Friberg Avenue was related to the proposed roundabout at Friberg and Fir. The property owner's surveyor, Chris Heyer with Moore Engineering, responded that this was one reason to relocate the access and the driveway would now be further from the proposed roundabout.

Commissioner Kilde made a motion to approve the Final Plat for Timber Cove Addition with the proposed findings as presented. It was seconded by Commissioner Macintosh-Ellig. Passed unanimously.

JOINT PLANNING COMMISSION / CITY COUNCIL SUBCOMMITTEE – Group Living Zoning

Chair Stanislawski asked City staff for an update. Karin explained that the City Council authorized the Planning Commission to create a subcommittee to study a zoning ordinance change for group living situations and designated two City Council members (Council members Jim Fish and Scott Kvamme) to serve on the subcommittee. Commissioner Macintosh-Ellig and Chair Stanislawski volunteered to be on the subcommittee as Planning Commission members.

Motion and second were made by Commissioner Kilde and Commissioner Macintosh-Ellig to approve the appointment of Jeff Stanislawski and Kelsee Macintosh-Ellig to serve on the subcommittee. Passed unanimously.

CITY COUNCIL UPDATE ON ORDINANCE AMENDMENT – Use Tables, Accessory Buildings & Fences

Karin provided an update on the status of the Planning Commission's recommendation at its September 27 meeting concerning ordinance updates to the zoning code. Karin shared the steps to the ordinance update process at City Council and explained that it is a three step process. The first two steps were completed at the October 4 and October 18 City Council meetings. She informed the Planning Commission that she has been requested to speak at the October 27 meeting of the Committee of the Whole to provide an overview of the

ordinance changes. The second reading and final vote on the ordinance changes is scheduled for the November 1 Council meeting, however there is the chance that City Council may decide after Committee of the Whole to send the ordinance back to the Planning Commission at a future meeting.

NOVEMBER 2021 APPLICATIONS

Karin mentioned the following items coming before the Planning Commission at future meetings:

- Pebble Hills Estates Preliminary Plat & Final Plat
- Conditional Use Permit for a used car lot at 128 S Tower Road.

Karin mentioned that Commissioner Don Suiter has resigned from the Planning Commission.

The next regular meeting will be on November 22, 2021 at 5:30 PM.

The meeting adjourned at 5:52 pm.

Karin Flom
City Planner

PLANNING COMMISSION MINUTES
November 22, 2021

The Fergus Falls Planning Commission held a regular meeting on November 22, 2021 in the Council Chambers of City Hall. The meeting was opened at 5:30 PM. Agenda was approved. Members present were: (√ indicates those present in the Council Chambers).

- √ Jeff Stanislawski
- √ Laurel Kilde
- Craig Gantner
- Don Suiter - Resigned
- Kelsee Macintosh-Ellig
- √ Scott Rachels
- √ Vern Johnson

City staff in attendance included Karin Flom, City Planner, Klara Beck, Community Development Manager, and Jill Hanson who took minutes for the meeting. Also in attendance were Austin Hennen and Duane Stigen. Chris Heyer (Moore Engineering), joined by telephone.

APPROVAL OF MINUTES

The minutes of the October 25, 2021 meeting were reviewed and Chair Stanislawski entertained a motion to approve the minutes. It was so moved by Commissioner Kilde and seconded by Commissioner Rachels. Passed unanimously.

PUBLIC HEARING TO CONSIDER A REQUEST FOR A CONDINATIONAL USE PERMIT (CUP) TO ALLOW FOR A USED CAR LOT IN A B-2 ZONE LOCATED AT 128 SOUTH TOWER ROAD. REQUESTED BY AUSTIN HENNEN

Chair Stanislawski asked City staff to explain the request. Karin Flom stated that the applicant, Austin Hennen, currently has a purchase agreement on approximately a half acre of vacant land located at 128 South Tower Road. Karin stated the applicant is proposing to construct and operate a used car lot. Karin explained the property is zoned B-2 (Service Business District) and a used car lot is a conditional use in the B-2 zone, noting there are conditions outlined in City Code.

Karin stated that the property is adjacent to B-2 on the west, north, and east, and B-1, Limited Business District to the south. To the west is multi-business space (“Pine Plaza”) which includes RV sales. To the east across South Tower Road is a storm water retention area owned by the City of Fergus Falls. To the north across West Lincoln Avenue is the former Hedahl’s building, which recently was purchased. It will be renovaded into a dental clinic. To the south (the B-1 property) is a multifamily apartment building.

Karin explained that the applicant’s site concept has the display lot and 20’ by 44’ office building located approximately 20 feet from the shared property line with the multifamily building. The display lot area would wrap around the west, north, and east sides of the property along the frontage road, West Lincoln Avenue, and South Tower Road. Karin stated that a more detailed site plan would be required when applying for a building permit. At that time, slight adjustments to the parking and display areas will need to be made to setbacks and customer parking. Should the Planning Commission attach any other conditions to the conditional use permit, a building permit review would also ensure those are being met.

Karin mentioned that the notice for the public hearing was published in the Daily Journal on November 10, 2021. A copy of this public notice was mailed to property owners within 350 feet on November 10, 2021. Staff has received no inquiries or public comments. Copies of the application materials were sent to the City of Fergus Falls Engineering Department, Building Official, and Fire Department. No staff comments were received.

Karin stated that the seven proposed findings listed in the staff report were created with the idea of approval of the CUP request with the conditions listed. Staff recommend approval of the Conditional Use Permit with the following conditions. The City's zoning code requires a used car lot to operate under conditions 2, 3, and 4 below in the B-2 zone.

1. Must abide by all building code and any applicable license requirements pertaining to the construction and operation of a used car lot.
2. The outside display and storage area shall be surfaced with a dust-free material, and the arrangement of entrances, exits and parking stalls shall be subject to the approval of the City Engineer. Off-street parking and loading areas shall be surfaced as required by §§ 154.190 through 154.204 of this chapter.
3. The lighting, whether direct or reflected, such as from floodlights or spotlights, and as differentiated from general illumination, shall not be directed into any adjacent property.
4. All automobiles not in saleable or running condition or automobile parts must be stored inside a building or within an area screened by an opaque fencing.

If the commission does not agree with any of the findings, then the commission should look at are there conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial. Commissioner Kilde had some concerns about opaque fencing mentioned in Condition #4 because of the location of the lot.

Public Hearing to consider a request for a CUP to allow for Used Car Lot in a B-2 Zone at 128 South Tower Road was opened to the public at 5:35 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

Seeing no one, Chair Stanislawski closed the Public Hearing at 5:36 PM, and brought the meeting back to the Planning Commission for discussion. Commissioner Kilde felt that there should not be any opaque fencing on the sides of the lot running parallel with Tower Road and Lincoln Avenue and suggested modification of Condition #4 to prohibit opaque fencing along lot lines parallel with Tower Road and Lincoln Avenue.

4. All automobiles not in saleable or running condition or automobile parts must be stored inside a building or within an area screened by an opaque fencing. Opaque fencing may not be located on the sides of the lot which are parallel to South Tower Road or Lincoln Avenue.

Commissioner Rachels made a motion to recommend to approve the Conditional Use Permit request by Austin Hennen to allow for a used car lot at 128 South Tower Road with the proposed findings and conditions discussed. It was seconded by Commissioner Kilde. Passed unanimously.

PRELIMINARY AND FINAL PLAT TO CREATE A SEVEN LOT SUBDIVISION "PEBBLE HILLS ESTATES SECOND ADDITION," REQUESTED BY PEBBLE HILLS CORPORATION

Chair Stanislawski asked City staff to explain the request. Karin Flom stated an application has been submitted to the City of Fergus Falls by Pebble Hills Corporation (engineer/survey by Moore Engineering) for a one block, seven-lot subdivision Second Addition to Pebble Hills Estates. The current zoning of all lots in the plat area is R-1, One-Family Residence District.

Karin explained that the Second Addition to Pebble Hills Estates is another phase of development in this area. The area was annexed to the City in 1996 and the first subdivision was platted in 1996. The parcel being subdivided consists of the 4.98 in the plat area and 15.97 acres on the east side of Scenic Drive. These 15.97 acres are not being subdivided at this time.

Karin explained the zoning and land use of the area. The plat area is zoned R-1, One-Family Residence District. With the exception of the unplatted 15.97 acres (which is zoned R-A), surrounding properties are also zoned R-1. The area has developed with single-family dwellings. Other lots are undeveloped but owned by adjacent property owners as back lots.

Karin showed images from the proposed plat and stated all lots meet R-1 dimensional standards. Karin explained that at the back of these lots is a dedicated walkway that will connect to a platted walkway from other subdivisions in the area.

Karin mentioned that notices for the public hearing was published in the Daily Journal on November 10, 2021. A copy of this public notice was mailed to property owners within 350 feet on November 10, 2021. Staff have received no inquiries or comments from the public to date. Karin stated that comments on the preliminary plat were sought from staff in the Engineering Department, Building Official, and Fire Department. The notice was also sent to the DNR area hydrologist. The Engineering Department noted there would be deferred assessments to these parcels due to previous sanitary sewer and water main expansion work. The Engineering Department also noted there is no adjacent water main to the lots within the plat area.

Karin stated that the five proposed findings in the staff report were created with the idea of approval of the preliminary and final plat. Staff recommend approval of the preliminary and final plat with the following recommended condition:

1. Prior to recording the plat, the applicant shall enter into a developer's agreement, which will address things such as, but not limited to, installation of required utilities and infrastructure.

Karin stated that if the Planning Commission does not agree with any of the findings, then the Planning Commission should look at if are the conditions to help to create a positive finding, or look at a denial finding and create a set of findings to support denial.

Chair Stanislawski asked if the applicant would like to address the Commission. Chris Heyer, Moore Engineering, mentioned that Craig Vaughn, a partner in Pebble Hills Corporation, is agreeable to entering into a developer's agreement. There was some discussion about the deferred assessments and how the assessments would be allocated to the seven lots in the subdivision when the property was developed.

Public Hearing to Consider a Request for a Preliminary and Final Plat to Create a Seven Lot Subdivision "Pebble Hills Estates Second Addition". Requested By Pebble Hills Corporation was open to the Public at 5:46 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

Duane Stigen, 25620 Aurdal River Road, explained how he purchased a lot in the adjacent subdivision. He had some questions about the impact of the developer's agreement and installation of utilities in the proposed subdivision on his lot's special assessments. Chris Heyer, representative of the applicant, clarified for Mr. Stigen that a developer's agreement means the utilities are paid for and installed by the developer and not the City.

Chair Stanislawski closed the Public Hearing to the Public at **5:52 PM**, and bought the meeting back to the Planning Commission for discussion.

Commissioner Kilde made a motion to approve the preliminary & final plat to create a seven lot subdivision "Pebble Hills Estates Second Addition" with the proposed findings as presented and the recommended condition. It was seconded by Commissioner Rachels. Passed unanimously.

CITY COUNCIL UPDATE ON ORDINANCE AMENDMENT – Use Tables, Accessory Buildings & Fences

Karin stated that the City Council had the second reading of the zoning code ordinance changes on November 1 and they approved the Planning Commission's recommendations with a few changes. They removed the two-foot setback requirement for fences and clarified language about fence opacity in front yards. Karin mentioned the ordinance changes went into effect today (November 22, 2021).

DECEMBER 2021 APPLICATIONS

Karin mentioned that there may be a need for a December 27, 2021 Planning Commission meeting.

Commissioner Kilde asked if there were any updates on the joint subcommittee created to study zoning ordinance change for group living situations. Karin replied there were no updates at this time.

The next regular meeting will be on December 27, 2021 at 5:30 PM.

The meeting adjourned at 5:55 pm.

Karin Flom

City Planner