

PLANNING COMMISSION MINUTES February 28, 2022

The Fergus Falls Planning Commission held a regular meeting on February 28, 2022 in the Council Chambers of City Hall. The meeting was opened at 5:15 PM. Agenda was approved. Members present were: (√ indicates those present in the Council Chambers).

- √ Laurel Kilde
- √ Sarah Duffy
- Ryan Fullerton
- √ Nate Kunde
- √ Kelsee Macintosh-Ellig
- √ Beth Monke
- √ Matt Pesek

City staff in attendance included Karin Flom, City Planner, Klara Beck, Community Development Manager, and Jill Hanson who took minutes for the meeting. Applicants and representatives in attendance included Kevin Bartram, Mike Fletchall, Alex Schwarzhoff. Members of the public included NeTia Bauman and David Johnson.

APPROVAL OF MINUTES

The minutes of the January 24, 2022 and February 10, 2022 meeting were reviewed and Chair Kilde entertained a motion to approve the minutes. It was so moved by Commissioner Macintosh-Ellig and seconded by Commissioner Duffy. Passed unanimously.

ELECTION OF CHAIR, VICE-CHAIR & EX-OFFICIO FOR HPC

Karin Flom explained Laurel Kilde and Nate Kunde were nominated for chair, and Kelsee Macintosh-Ellig was nominated for vice chair. Nate Kunde withdrew as a candidate for the chair.

Motion and second were made by Commissioner Macintosh-Ellig and Commissioner Monke to nominate Laurel Kilde to continue serving as Chair of the Planning Commission. Commissioner Kilde abstained. Motion Passed.

Motion and second were made by Commissioner Kunde and Commissioner Pesek to nominate Kelsee Macintosh-Ellig to serve as Vice Chair of the Planning Commission. Passed unanimously.

Chair Kilde mentioned that the PC needs to appoint a non-voting ex-officio member to the Heritage Preservation Commission. Motion and second were made by Commissioner Pesek and Commissioner Macintosh-Ellig to nominate Nate Kunde to serve as the ex-officio representative to the Heritage Preservation Commission. Passed unanimously.

PUBLIC HEARING TO CONSIDER A REQUEST FOR A ZONING MAP AMENDMENT FOR PROPERTY LOCATED AT 309 WEST STANTON AVENUE TO REZONE FROM I-2, GENERAL INDUSTRIAL TO B-3, GENERAL BUSINESS DISTRICT. REQUESTED BY FLOUR MILL LLC (KEVIN BARTRAM).

Chair Kilde asked City staff to explain the request. Karin Flom explained 309 West Stanton Avenue is currently zoned I-2, General Industrial and the request is to re-zone to B-3, General Business district. A 30-room hotel is proposed. A potential Phase 2 could include multifamily building. A B-3 zone would accommodate both uses. Karin explained some zoning and aerial maps for the area, noting one adjacent parcel to the west is zoned I-2, General Industrial. All other parcels are zoned B-3, General Business.

Karin stated no public comments were received. A copy of the public hearing notice was also e-mailed to the Minnesota Department of Natural Resources (DNR) Area Hydrologist. No staff comments were received from City of Fergus Falls staff. Karin stated based on the proposed findings listed in the staff report staff recommend approval of the zoning map amendment.

Public Hearing to Consider a Request for a Zoning Map Amendment to Rezone 309 West Stanton Avenue from I-2 to B-3 was opened to the Public at 5:25 PM

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

Chair Kilde closed the public hearing at 5:26 PM, and bought the meeting back to the Planning Commission for discussion. There was none.

Commissioner Duffy made a motion to recommend to approve the rezoning map amendment request by Flour Mill LLC to rezone 309 West Stanton Avenue from I-2 to B-3 as presented with the proposed findings. It was seconded by Commissioner Kunde. Passed unanimously.

PUBLIC HEARING TO CONSIDER A REQUEST FOR A VARIANCE FOR THE PROPOSED LOT 1, BLOCK 1 IN WESTRIDGE SECOND ADDITION TO CREATE A LOT NOT MEETING THE MINIMUM SETBACK AND LOT SIZE REQUIREMENTS IN THE B-6 ZONE. REQUESTED BY INTERSTATE ENGINEERING ON BEHALF OF WESTRIDGE MALL LIMITED PARTNERSHIP

Chair Kilde asked City staff to explain the request. Karin Flom explained that the subject property is a portion of the Westridge Mall building and adjacent portions of the parking lot. It is the proposed Lot 1, Block 1 in Westridge Second Addition. The property owner is subdividing this area of the mall in order to sell the new lot. The proposed lot area is 0.80 acres. It is zoned B-6, Sub-regional Shopping Center District. Because the proposed plat is a subdivision of a portion of an existing building, the new lot will not meet the 50' building setback requirement from all property lines. A 0' setback for the existing building is proposed. The minimum lot size in the B-6 zone is four acres.

Karin explained a map of the area. The surrounding uses around the Westridge Mall are a range of retail and service businesses. The adjacent zoning is also B-6.

No public comments were received. No City of Fergus Falls staff comments were received for the variance request. Karin stated based on the findings in the staff report, staff recommend approval without conditions of the variance request to plat a lot not meeting the minimum 50' setback requirement and minimum 4-acre lot area in the proposed Lot 1, Block 1 of Westridge Second Addition.

Commissioner Kunde asked how the utilities would be separated. Karin clarified that this would be discussed with the subdivision request, but summarized that there would not be a requirement to install separate utilities. Instead there is a clause in the shared operating agreement for the property which addresses utility billing. Chair Kilde stated in the past the City has required the Mall be current on utility payments. Karin clarified that this is a recommended condition of the subdivision application.

Chair Kilde asked if this sale is separate from the future auction of the Mall property. The applicant's representative, Alex Schwarzhoff of Interstate Engineering, stated that there is an intended purchaser of this lot. However if the sale did not proceed this parcel would be included in the auction of the mall.

Public Hearing to Consider a Request for a Variance for the Proposed Lot 1, Block 1 in Westridge Second Addition to create a lot not meeting the minimum setback and lot size requirements in the B-6 Zone. Requested by Interstate Engineering on behalf of Westridge Mall Limited Partnership was opened at 5:30 PM

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

Chair Kilde closed the public hearing at 5:31 PM, and bought the meeting back to the Planning Commission for discussion. There was some.

Commissioner Macintosh-Ellig made a motion to recommend to approve the variance request by Westridge Mall Limited Partnership for the proposed Lot 1, Block 1 in Westridge Second Addition to create a lot not meeting the minimum setback and lot size requirements in the B-6 Zone. It was seconded by Commissioner Pesek. Passed unanimously.

PRELIMINARY AND FINAL PLAT TO CREATE A ONE LOT SUBDIVISION “WESTRIDGE SECOND ADDITION.” REQUESTED BY INTERSTATE ENGINEERING ON BEHALF OF WESTRIDGE MALL LIMITED PARTNERSHIP

Chair Kilde asked City staff to explain the request. Karin Flom stated an application has been submitted for a one lot subdivision. The plat area is a portion of the Westridge Mall building and associated parking lot. The plat area is 0.80 acres. It is zoned B-6, Sub-regional Shopping Center District Karin mentioned the history of the Westridge Mall and how the property has been subdivided over the years. The zoning and aerial maps were reviewed.

No public comments were received. Staff comments informed the recommended conditions for approval of the preliminary and final plat. Karin stated based on the findings in the staff report staff recommend approval of the preliminary and final plat with the following conditions:

1. The developer must enter into a developer's agreement with the City addressing the following items, which include but are not limited to: firewalls, separating fire suppression systems, and the proposed Operation and Easement Agreement. The easement agreement shall address pro-rata City of Fergus Falls utility billing.
2. The developer shall be current on all accounts with the City, including but not limited to utility bills, prior to recording the final plat.

Public Hearing to Consider a Request to Create a One Lot Subdivision “Westridge Second Addition.” Requested by Westridge Mall Limited Partnership was opened at 5:34 PM.

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

Chair Kilde closed the public hearing at **5:35 PM**, and bought the meeting back to the Planning Commission for discussion.

Commissioner Kunde asked about the maintenance of the parking lot. Alex Schwarzhoff stated there are operating agreement, which address the responsibilities of the individual parties for the different portions of the site. Commissioner Kunde also asked about the access rights to the parcel since there is only one entrance to the mall and asked if there was an ingress/egress easement. The applicant’s representative and staff confirmed there is an ingress/egress easement for access.

Commissioner Macintosh-Ellig made a motion to approve the preliminary and final plat for “Westridge Second Addition” with the proposed findings and conditions as presented. It was seconded by Commissioner Kunde. Passed unanimously.

TRANSITIONAL HOUSING ORDINANCE DISCUSSION

Karin briefly summarized the memo in the packet which explained the history and reasoning for the proposed addition of “transitional housing” to the zoning code. The draft ordinance language included in the packet is a result of a joint City Council and Planning Commission subcommittee. They met twice in January 2022 and have recommended the language included in the packet.

The purpose of the discussion tonight was to see if the Planning Commission had feedback or questions about the ordinance and to determine if Planning Commission is ready to consider it at a public hearing. Commissioner Macintosh-Ellig provided some additional summary of the subcommittee meetings. Commissioner Monke asked about the CUP requirement that there be “adequate staffing” and whether or not that was too vague. Karin stated that the intention of the subcommittee was to provide flexibility as some uses of transitional housing may warrant 24/7 staffing but other uses may not. Commissioner Macintosh-Ellig added that the subcommittee also wanted to leave that determination up to a more appropriate licensing agency.

The Planning Commission decided to move the ordinance forward to a public hearing at the March meeting.

STAFF UPDATE

Karin mentioned that there would be a first reading of the hotel ordinance at the next City Council meeting. Then it would go to a second reading where Council would vote on the ordinance.

Karin stated there would be two other public hearing items heard at the March meeting in addition to the transitional housing item.

The next regular meeting will be on Monday, April 25, 2022 at 5:15 PM.

The meeting adjourned at 5:45 PM.

Karin Flom
City Planner

PLANNING COMMISSION MINUTES
March 28, 2022

The Fergus Falls Planning Commission held a regular meeting on March 28, 2022 in the Council Chambers of City Hall. The meeting was opened at 5:15 PM. Agenda was approved. Members present were: (√ indicates those present in the Council Chambers).

√ Laurel Kilde
 Sarah Duffy
√ Ryan Fullerton
√ Nate Kunde
√ Kelsee Macintosh-Ellig
√ Beth Monke
√ Matt Pesek

City staff in attendance included Karin Flom, City Planner, and Jill Hanson who took minutes for the meeting. Applicants and representatives in attendance included Jerry Schroeder, Ryan Hanson, and Mike Thorson. Members of the public included Laurie Mullen, Miles Anderson, and NeTia Bauman.

APPROVAL OF MINUTES

The minutes of the February 28, 2022 meeting were reviewed and Chair Kilde entertained a motion to approve the minutes. It was so moved by Commissioner Kunde and seconded by Commissioner Monke. Passed unanimously.

PUBLIC HEARING TO CONSIDER A REQUEST FOR A ZONING MAP AMENDMENT TO REZONE A PORTION OF PROPERTY LOCATED AT 432-438 WESTERN AVENUE FROM R-4, MULTIPLE FAMILY RESIDENCE DISTRICT TO B-2, SERVICE BUSINESS DISTRICT. REQUESTED BY SW PROPERTIES LLC.

Chair Kilde asked City staff to explain the request. Karin Flom explained 432-438 Western Avenue is currently zoned R-4, Multiple Family Residence and the request is to rezone the undeveloped piece of the property to B-2, Service Business District. The property owner wants to split the undeveloped land (approximately 0.21 acres) and sell it for commercial development. The remaining 0.32 acres (the site of the multifamily building) would remain in R-4. Karin stated that the rezoning request must happen prior to the parcel split because if the rezoning request was not successful, the new parcel would not meet the minimum requirements to be developed in R-4.

Karin explained some zoning and aerial maps for the area. Karin mentioned the requirements of the B-2 zone which would limit the size of a building on the parcel. She also stated if a use required a conditional use permit, the Planning Commission could recommend conditions to protect the nearby residential properties.

Karin stated that Barbara J. Smith, 400 Kennedy Park Circle, inquired about the end use of the property and if her property taxes would go up. Staff informed her the end use of the property was not known and City staff would be unable to predict if her property taxes would change. No comments were received from City of Fergus Falls staff. Karin stated based on the proposed findings listed in the staff report staff recommend approval of the zoning map amendment.

Public Hearing to Consider a Request for a Zoning Map Amendment to Rezone 432-438 Western Avenue from R-4 to B-2 was opened to the Public at 5:20 PM

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

Chair Kilde closed the public hearing at 5:21 PM, and brought the meeting back to the Planning Commission for discussion. There was none.

Commissioner Kunde made a motion to recommend to approve the rezoning map amendment request by SW

Properties LLC to rezone 432-438 Western Avenue from R-4 to B-2 as presented with the proposed findings. It was seconded by Commissioner Fullerton. Passed unanimously.

PUBLIC HEARING TO CONSIDER A REQUEST FOR A VARIANCE TO CREATE A LOT NOT MEETING THE MINIMUM SETBACK AND LOT SIZE REQUIREMENTS IN THE B-6 ZONE AT 1203 WEST LINCOLN AVENUE. REQUESTED BY MAKE AN IMPACT, LLC

Chair Kilde asked City staff to explain the request. Karin Flom explained that the subject parcels are the site of the former gas station at 1203 West Lincoln Avenue. The parcels are owned by Wayne Enterprises, LLC. The intention is to consolidate 1.10 acres from the three parcels in order to create one parcel for the former gas station building. The parcel would be sold to Make An Impact, LLC to remodel the building into professional offices.

Karin explained aerial and zoning maps of the area. She also showed the survey and an image with the approximate new parcel boundary to clarify what would be included in the new lot.

Karin explained that prior to the public hearing Laurie Mullen, an adjacent property owner, visited staff in person seeking clarifying information about the final parcel boundary and whether the parking lot would remain with the former Sun Mart property. No City of Fergus Falls staff comments were received.

Karin stated based on the findings in the staff report, staff recommend approval with no conditions of the variance request to create a lot not meeting the minimum 50' setback requirement and lot size requirements in a B-6 zone.

Public Hearing to Consider a Request for a Variance to Create a lot not meeting the minimum setback and lot size requirements in the B-6 Zone. Requested by Make An Impact, LLC was opened at 5:26 PM

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

Laurie Mullen, representing both Renaissance Development and Anderson Trust, explained that Kmart entails two parcels. It is under two separate ownership structures. Ms. Mullen indicated that there was an easement and that area needed to remain open. Ms. Mullen also shared concerns that one of the flags had been moved. Ms. Mullen wished to see the monument marker. The Sunmart Sign is located on Kmart property. Ms. Mullen also stated that a certain amount of land needed to stay with the Sunmart building. As it was 53,000 square feet and needs enough parking to accommodate all the potential tenants. Ms. Mullen indicated the Mr. Hanson had shared information on the environmental, and that all was well with that. Chair Kilde asked if the tanks had been removed. Mr. Hanson indicated they had. Chair Kilde asked Ms. Mullen to point out the easement area. Ms. Mullen pointed to the back parcel of the Kmart building, east wall to St. Andrews Street. Mr. Hanson indicated there was an easement, but it would not impact his packet.

Chair Kilde closed the public hearing at 5:30 PM, and brought the meeting back to the Planning Commission for discussion. Chair Kilde mentioned adding a condition to this request that the property owner must be current on the utilities and property taxes. Commissioner Kunde stated that he in favor of redevelopment and felt this is a good project.

Commissioner Macintosh-Ellig made a motion to recommend to approve the variance request by Make An Impact, LLC to create a lot not meeting the minimum setback and lot size requirements in the B-6 zone to be located at 1203 West Lincoln Avenue with the conditions that the utilities and property taxes must be current. It was seconded by Commissioner Fullerton. Passed unanimously.

PUBLIC HEARING TO CONSIDER A ZONING ORDINANCE TEXT AMENDMENT TO ADD "TRANSITIONAL HOUSING" AS A CONDITIONAL USE IN ALL RESIDENTIAL AND INDUSTRIAL ZONES. REQUESTED BY CITY OF FERGUS FALLS.

Chair Kilde asked City Staff to open the ordinance discussion. Karin summarized the history and reasoning for the proposed addition of "transitional housing" to the zoning code. Karin highlighted the new definition for transition housing, adding conditional use permit requirements, and adding a new parking requirement.

Commissioner Macintosh-Ellig suggested if the parking ratio should be changed so instead of “one per employee” it would only need to be enough employee parking space for the employees on duty at one time.

Commissioner Kunde asked why the business zones are not included in this ordinance. Staff answered this part of the zoning ordinance already existed and was put in place prior to current staff. Therefore the reason business zones were excluded wasn't known.

Public Hearing to Consider a Zoning Ordinance Text Amendment to Add “Transitional Housing” as a Conditional Use in all Residential and Industrial Zones was opened to the public at 5:50 PM

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

NeTia Bauman, Greater Fergus Falls, mentioned making parking requirements based on “per family” instead of per 2 occupants and stated that transitional housing would not be a highest and best use in the downtown.

Chair Kilde closed the public hearing at 5:54 PM.

Commissioner Macintosh-Ellig made a motion to recommend the ordinance text changes as presented with the following changes: (1) changing the parking ratio from “one per employee” to “one per employee on duty” or similar language, (2) creating the transitional housing CUP as its own paragraph “C” under §154.046, and (3) allowing transitional housing as a conditional use in any residential or industrial district, or any business district provided it is on the second floor or above. It was seconded by Commissioner Pesek. Passed unanimously.

STAFF UPDATE

Karin mentioned that each member has been given a training binder to review. Karin stated there would be four public hearing items heard at the April meeting, and if time permitted a discussion on changes to home occupation rules.

The next regular meeting will be on Monday, April 25, 2022 at 5:15 PM.

The meeting adjourned at 6:03 PM.

Karin Flom
City Planner

PLANNING COMMISSION MINUTES
April 25, 2022

The Fergus Falls Planning Commission held a regular meeting on April 25, 2022 in the Council Chambers of City Hall. Chair Kilde called the meeting to order at 5:23 PM. Members present or absent were:

Present: Laurel Kilde, Ryan Fullerton, Nate Kunde, Beth Monke, Matt Pesek

Absent: Sarah Duffy, Kelsee Macintosh-Ellig

1. APPROVAL OF AGENDA

Chair Kilde stated Item #3c will be continued to May 23, 2022. Motion to approve the agenda as amended by Commissioner Pesek and seconded by Commissioner Monke. Passed unanimously.

2. APPROVAL OF MINUTES

Commissioner Monke made a motion to approve the minutes with the amendment of Ms. Mullen's comments. It was seconded by Commissioner Pesek. Passed unanimously.

3. PUBLIC HEARINGS

3a. REQUEST BY PAUL DAUGHERTY FOR A CONDINATIONAL USE PERMIT FOR A FABRICATING/REPAIR SHOP IN A B-3 ZONE LOCATED AT 418 WEST STANTON AVENUE.

City Planner Karin Flom presented the staff report. Staff recommend approval with the following conditions:

1. No outside storage of materials or equipment is permitted.
2. All fabricating and repair work must be conducted inside the building

Chair Kilde opened the public hearing at 5:30 p.m. Hearing none, Chair Kilde closed the public hearing at 5:31 p.m.

Commissioner Kunde made a motion to recommend to approve the Conditional Use Permit request by Paul Daugherty to operate a fabricating/repair shop at 418 West Stanton Avenue with the proposed findings and conditions as presented. It was seconded by Commissioner Fullerton. Passed unanimously.

3b. REQUEST BY FLOUR MILL LLC (KEVIN BARTRAM) FOR A CONDITIONAL USE PERMIT FOR A 30 ROOM HOTEL IN THE B-3 ZONE LOCATED AT 309 WEST STANTON AVENUE.

City Planner Karin Flom presented the staff report. Staff recommend approval without conditions.

Chair Kilde opened the public hearing at 5:32 p.m. Hearing none, Chair Kilde closed the public hearing at 5:33 p.m.

Commissioner Kunde made a motion to recommend to approve the Conditional Use Permit request by Flour Mill LLC for a 30 Room Hotel at 309 West Stanton Avenue with the proposed findings as presented. It was seconded by Commissioner Fullerton. Passed unanimously.

3c. REQUEST BY PLATTE PROPERTIES II LLC FOR A PRELIMINARY AND FINAL PLAT RIVER OAKS LANDING PLAT 3, A REPLAT OF RIVER OAKS LANDING PLAT 2.

Hearing continued to May 23, 2022.

3d. REQUEST BY WAYNE ENTERPRISES LLC (APPLICANT REPRESENTATIVE: BERGMANN) FOR A CONDITIONAL USE PERMIT (CUP) FOR LIGHT INDUSTRIAL (WAREHOUSE/DISTRIBUTION) IN A B-6 ZONE LOCATED AT 1205 WEST LINCOLN AVENUE.

City Planner Karin Flom presented the staff report. Staff recommend approval without conditions.

Prior to the public hearing, one public inquiry was received. Laurie Mullen, representative of Renaissance Development LLC and Anderson Trust, met with staff in person on Friday, April 22 to review the original site plan.

Andy Hart, Bergmann, applicant and representative for the tenant, spoke on behalf of the application and presented an updated site plan.

Chair Kilde opened the public hearing at 5:45 p.m.

Laurie Mullen, representing both Renaissance Development LLC and Anderson Trust, spoke about an existing private easement on the parcel and location of parking stalls relative to the easement.

NeTia Bauman, Greater Fergus Falls, spoke in support of the application.

Chair Kilde closed the public hearing at 5:54 p.m.

There was discussion about requiring fencing where the van loading would take place.

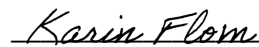
Commissioner Kunde made a motion to recommend to approve the Conditional Use Permit request by Wayne Enterprises LLC for a Light Industrial (Warehouse/Distribution) in a B-6 zone located at 1205 West Lincoln Avenue with the proposed findings as presented. It was seconded by Commissioner Monke. Passed unanimously.

4. STAFF UPDATE

For the May meeting, City Planner Karin Flom explained the City Council sent the transitional housing ordinance back to the Planning Commission for further discussion. There will be two public hearings at the May meeting. There may also be a discussion in May on updates to home occupation rules.

The next regular meeting will be on Monday, May 23, 2022 at 5:15 PM.

The meeting adjourned at 5:57 PM.



City Planner

PLANNING COMMISSION MINUTES
May 23, 2022

The Fergus Falls Planning Commission held a regular meeting on May 23, 2022 in the Council Chambers of City Hall. Chair Kilde called the meeting to order at 5:15 PM. Members present or absent were:

Present: Laurel Kilde, Ryan Fullerton, Nate Kunde, Beth Monke, Matt Pesek, and Sarah Duffy. Kelsee Macintosh-Ellig joined the meeting at 5:25 PM. Absent: none

Also present were: Anthony Hicks, Scott Kvamme, Steve Eriksson, Erwin Palm, Paul Tysver, Tammy Anderson, and NeTia Bauman.

1. APPROVAL OF AGENDA

Chair Kilde stated Item #3a will be continued to June 27, 2022. Motion to approve the agenda by Commissioner Duffy and seconded by Commissioner Kunde. Passed unanimously.

2. APPROVAL OF MINUTES

Commissioner Monke made a motion to approve the minutes from April 25, 2022. It was seconded by Commissioner Pesek. Passed unanimously.

3. PUBLIC HEARINGS

3a. REQUEST BY PLATTE PROPERTIES II LLC FOR A PRELIMINARY AND FINAL PLAT RIVER OAKS LANDING PLAT 3, A REPLAT OF RIVER OAKS LANDING PLAT 2.

Hearing continued to June 27, 2022.

3b. REQUEST BY FERGUS FALLS PORT AUTHORITY FOR ZONING MAP AMENDMENT FROM R-A (AGRICULTURAL RESIDENCE DISTRICT) AND I-2 (GENERAL INDUSTRIAL DISTRICT) TO R-4 (MULTIPLE FAMILY RESIDENCE DISTRICT) LOCATED AT 301 SOUTH BUSE STREET.

City Planner Karin Flom presented the staff report noting that the full 29.5 acres would be rezoned to R-4. Staff recommend approval.

Representing the applicant the Fergus Falls Port Authority, Klara Beck explained the history the property and the studies that have identified housing as the best fit for the property.

Chair Kilde opened the public hearing at **5:23 PM**.

Erwin Palm, 707 West Stanton, had some questions about the development of the property and street access crossings. Council member and Port Authority Chair Anthony Hick briefly explained that the goal of developing the property. He explained the ongoing efforts to move the railroad crossing and establishing a road within the property, as well as the planned trail which would be along the riverfront. It was noted that the goal tonight is to rezone the property.

Paul Tysver had questions about whether there would be any commercial development on the property. Karin Flom replied that in R-4 zones commercial uses are not allowed without a Planned Unit Development. There was some discussion about the Master Plan redevelopment for this area being housing. Port Authority Chair Hicks mentioned if we rezone it to R-4 we have some guidelines for a developer when an RFP is sent out.

Steve Eriksson briefly explained the history and the goal of trying to redevelop the Riverfront property. Chair Kilde closed the public hearing at **5:45 PM**.

Commissioner Kunde made a motion to recommend to approve the zoning map amendment from R-A and I-

2 zones to a R-4 zone requested by Fergus Falls Port Authority for the property located at 301 South Buse Street with the proposed findings as presented. It was seconded by Commissioner Fullerton. Passed unanimously.

4a. TRANSITIONAL HOUSING

City Planner Karin Flom presented a brief summary the transitional housing discussion at the April 13, 2022 Committee of the Whole meeting where Police Chief Kile Bergren expressed concerns about the updates and transitional housing in neighborhoods with single family homes.

Karin mentioned some possible paths that the PC could take:

- Decline to pursue the ordinance updates at this time.
- Revise the draft in response to the Committee of the Whole Discussion.
- Reconvene the joint Planning Commission/City Council subcommittee to discuss the requested revisions and consider other alternatives.

Karin Flom explained if the Planning Commission reconvenes the subcommittee it should appoint a new Planning Commission member to that subcommittee to replace a vacancy.

Council member Scott Kvamme felt that this type of housing should be reviewed. Council member Anthony Hicks stated there might have also been concerns about not having staff at the transitional housing sites 24/7.

The Planning Commission discussed some of the concerns of transitional housing that were presented. Commissioner Macintosh-Ellig noted that we already have this type of housing happening and we need to have some control over it and to not table the discussion for the wrong reasons. Commissioner Duffy and Commissioner Kunde felt the subcommittee should be reconvened to study concerns and the need of this kind of housing. They both volunteered to serve on the subcommittee with Commissioner Macintosh-Ellig.

Commissioner Monke made a motion to reconvene the joint Planning Commission/City Council subcommittee to further discuss transitional housing. It was seconded by Commissioner Pesek. Passed unanimously.

5a. HOME OCCUPATIONS & MOBILE BUSINESSES

Chair Kilde suggest that the PC table the discussions about Home Occupations and Mobile Businesses until the PC gets through the Transitional Housing discussions. Commissioner Duffy made a motion to table the discussions about Home Occupations and Mobile Businesses for now. It was seconded by Commissioner Kunda. Passed unanimously.

6. STAFF UPDATE

City Planner Karin Flom mentioned the next meeting will be a special meeting on Wednesday, June 1, 2022 at 8:00 AM in the Council Chambers. Karin stated that she will be resigning and her last day will be in June. The Planning Commission stated that she would be missed and thanked her all the work she has done.

The meeting adjourned at 6:12 PM.



City Planner

PLANNING COMMISSION MINUTES
June 1, 2022

The Fergus Falls Planning Commission held a Special Meeting on June 1, 2022 in the Council Chambers of City Hall. Chair Kilde called the meeting to order at 8:00 AM. Members present or absent were:

Present: Laurel Kilde, Ryan Fullerton, Nate Kunde, Matt Pesek. Kelsee Macintosh-Ellig and Sarah Duffy joined the meeting at 8:04 AM. Absent: Beth Monke

Staff present: Karin Flom, Klara Beck, Andrew Bremseth, Jill Hanson
Councilmembers present: Scott Kvamme, Krista Hagberg, Justin Arneson
Applicants present: Mark Leighton, Tom Trosvig
Members of the Public: Greg Muchow

1. APPROVAL OF AGENDA

Chair Kilde entertained a motion to approve the agenda. Motion to approve the agenda was made by Commissioner Kunde and seconded by Commissioner Pesek. Passed unanimously.

2. PUBLIC HEARING

2a. REQUEST BY MARK LEIGHTON CIC (APPLICANT) ON BEHALF OF JKT LLP (PROPERTY OWNER) FOR A PRELIMINARY AND FINAL PLAT OF "TROSVIG ADDITION" LOCATED AT 1806 EAST FIR AVENUE

City Planner Karin Flom presented the staff report. Staff recommend approval of the plats with the following conditions:

1. The parties shall enter into a Developer's Agreement with the City. The agreement shall address the timeline for removal of the existing building which will be split by the new common boundary line between Lot 1 and Lot 2. The removal shall occur on or before June 30, 2024.

Commissioner Kunde asked about access from Water Plant Road. City Planner Flom noted there are curb cuts leading to the property from Water Plant Road, however it is not dedicated public right of way.

Chair Kilde opened the public hearing at **8:06 AM**. Hearing none, Chair Kilde closed the public hearing at **8:07 AM**.

Commissioner Kunde made a motion to recommend to approve the preliminary and final plats for "Trosvig Addition" with the proposed findings and conditions as presented. It was seconded by Commissioner Fullerton. Passed unanimously.

The meeting adjourned at 8:08 PM.

The next regular meeting will be on Monday, June 27, 2022 at 5:15 PM.



City Planner

PLANNING COMMISSION MINUTES

June 27, 2022

The Fergus Falls Planning Commission held a regular meeting on June 27, 2022 in the Council Chambers of City Hall. Chair Kilde called the meeting to order at 5:15 PM. Members present or absent were:

Present: Laurel Kilde, Ryan Fullerton, Nate Kunde, Matt Pesek, Sarah Duffy, and Kelsee Macintosh-Ellig joined the meeting at 5:19 PM.

Absent: Beth Monke

Staff present: Klara Beck, Andrew Bremseth, Jill Hanson

Applicants present: Craig & Bethany Hesteness, Matt Morse

1. APPROVAL OF AGENDA

Chair Kilde stated Item #3a will be continued to July 25, 2022. Motion to approve the agenda by Commissioner Kunde and seconded by Commissioner Matt. Passed unanimously.

2. APPROVAL OF MINUTES

Commissioner Kunde made a motion to approve the minutes from May 23, 2022 and June 1, 2022. It was seconded by Commissioner Pesek. Passed unanimously.

3. PUBLIC HEARINGS

3a. REQUEST BY PLATTE PROPERTIES II LLC FOR A PRELIMINARY AND FINAL PLAT RIVER OAKS LANDING PLAT 3, A REPLAT OF RIVER OAKS LANDING PLAT 2.

Hearing continued to July 25, 2022.

3b. REQUEST BY CRAIG & BETHANY HESTENESS FOR A VARIANCE TO BUILD AN ADDITION NOT MEETING THE REQUIRED REAR YARD SETBACK IN AN R-2 ZONE (ONE & TWO FAMILY RESIDENTIAL DISTRICT) LOCATED AT 507 WEST MAPLE AVENUE.

Community Development Manager Klara Beck presented the staff report for a variance request to build a 14' x 42' addition not meeting the required rear yard setback at 507 West Maple Avenue. Staff recommend approval without conditions.

Chair Kilde opened the public hearing at **5:20 PM**.

Craig Hesteness, 507 West Maple Avenue, stated that they are requesting a variance so they can do an addition the length of their house. Chair Kilde closed the public hearing at **5:21 PM**.

Commissioner Kunde made a motion to recommend to approve the variance request to build an addition not meeting the required rear yard setback requested by Craig & Bethany Hesteness for the property located at 507 West Maple Avenue with the proposed findings as presented. It was seconded by Commissioner Fullerton. Passed unanimously.

3c. REQUEST BY ROGER ROSENGREN FOR A CONDITIONAL USE PERMIT TO MOVE AN EXISTING BUILDING STRUCTURE TO 1104 EAST MT. FAITH AVENUE.

Community Development Manager Klara Beck presented the staff report for the request to move an existing building (detached dwelling) from 613 East Channing Avenue to 1104 East Mt. Faith Avenue. She noted that only the house will be moved to the new location, the detached garage on the property will not be moved.

Prior to the public hearing, one public inquiry was received. Lyle Longtin, 1037 East Mt. Faith Avenue,

contacted staff for more information about the purpose of the structure and future additions to the structure. Staff responded Mr. Rosegren stated that the structure will be a single-family home with an attached double garage and entry. The property will be put on the market for sale or lived in by a family member.

Staff recommends approval with conditions of the request to move a dwelling from 613 East Channing Avenue to 1104 East Mt. Faith Avenue, with the following conditions:

1. The applicant shall comply with the requirements of City Code §150.090 and §150.091

Chair Kilde opened the public hearing at **5:25 PM**.

Matt Mores, representative of Crossroad Church, confirmed that the house will be a single family home. Chair Kilde closed the public hearing at **5:26 PM**.

Commissioner Kunde made a motion to recommend to approve the request for a Conditional Use Permit to move an existing building from 613 East Channing Avenue to 1104 East Mt. Faith Avenue requested by Roger Rosengren with the proposed findings and conditions as presented. It was seconded by Commissioner Fullerton. Passed unanimously.

3d. REQUEST BY ROGNESS CONTRACTING SERVICES (APPLICANT) ON BEHALF OF HILLCREST LUTHERAN ACADEMY (PROPERTY OWNER) FOR A CONDITIONAL USE PERMIT TO MOVE AN EXISTING BUILDING STRUCTURE TO 805 EAST CHANNING AVENUE.

Community Development Manager Klara Beck presented the staff report for the request to move an existing building (a school classroom building) from 1319 North Cleveland Avenue to 805 East Channing Avenue.

Staff recommends approval with conditions of the request to move a building from 13919 North Cleveland Avenue to 805 East Channing Avenue, with the following conditions:

2. The applicant shall comply with the requirements of City Code §150.090 and §150.091

Commissioner Kunde asked if it will be a permanent building on the site. Staff replied they did not know.

Chair Kilde opened the public hearing at **5:31 PM**. Hearing none, Chair Kilde closed the public hearing at **5:32 PM**.

Commissioner Duffy made a motion to recommend to approve the request for a Conditional Use Permit to move an existing building from 1319 North Cleveland Avenue to 805 East Channing Avenue requested by Hillcrest Lutheran Academy with the proposed findings and conditions as presented. It was seconded by Commissioner Macintosh-Ellig. Commissioner Fullerton absented. Motion passed.

4. STAFF UPDATES

4a. TRANSITIONAL HOUSING SUBCOMMITTEE

Community Development Manager Klara Beck explained that a meeting of the subcommittee has been scheduled for July 7 at 9:00 AM. She mentioned that Police Chief Kile Bergren and the County Auditor have been invited to attend the meeting.

The meeting adjourned at 5:33 PM.

Klara Beck
Community Development Manager

PLANNING COMMISSION MINUTES
July 25, 2022

The Fergus Falls Planning Commission held a regular meeting on July 25, 2022 in the Council Chambers of City Hall. Chair Kilde called the meeting to order at 5:17 PM. Members present or absent were:

Present: Laurel Kilde, Ryan Fullerton, Nate Kunde, Matt Pesek, Beth Monke, Kelsee Macintosh-Ellig, Sarah Duffy.
Absent: None

Staff present: Klara Beck, Andrew Bremseth, Mark Jorgenson, Jill Hanson
Applicants present: Gary Thompson, Samuel Herzog, Daniel Rosendahl

1. APPROVAL OF AGENDA

Chair Kilde entertained a motion to approve the agenda. Motion to approve the agenda by Commissioner Macintosh-Ellig and seconded by Commissioner Kunde. Passed unanimously.

2. APPROVAL OF MINUTES

Commissioner Kunde made a motion to approve the minutes from June 25, 2022. It was seconded by Commissioner Pesek. Passed unanimously.

3. PUBLIC HEARINGS

3a. REQUEST BY PLATTE PROPERTIES II LLC FOR A PRELIMINARY AND FINAL PLAT RIVER OAKS LANDING PLAT 3, A REPLAT OF RIVER OAKS LANDING PLAT 2.

Community Development Manager Klara Beck presented the staff report. A replat was requested to account for a change from the initial plan for the area, which included a concept for a multifamily building. This has since been removed from the plans, necessitating a replat for lots suitable for detached dwellings. The private road "Oak Trail" would continue north from the area currently under development and ending in a cul-de-sac on the River Oaks Landing parcel.

Staff recommend approval of the preliminary and final plats with the following conditions:

1. The owner must work with the Engineering Department on marking the required public utility easements on the plat prior to recording the final plat.
2. The owner must submit and have approved by the Engineering Department a timeline and plan for when the developer or a contractor will cap the sanitary sewer and water lines identified by the department prior to recording the final plat.

Klara Beck mentioned that there were some comments received from the Engineering department. Mark Jorgenson explained how the public multi-use trail easement is no long part of the plats. There was some discussion about the new plat and what had changed.

Chair Kilde opened the public hearing at **5:23 PM**. Hearing none, Chair Kilde closed the public hearing at **5:24 PM**.

Commissioner Macintosh-Ellig made a motion to recommend to approve the preliminary and final plats for "River Oaks Landing Plat 3" with the proposed findings and conditions as presented. It was seconded by Commissioner Duffy. Passed unanimously.

3b. REQUEST BY SAMUEL HERZOG (DANIEL ROSENDAHL PROPERTY OWNER) FOR A CONDITIONAL USE PERMIT FOR A CASH WASHING ESTABLISHMENT IN A B-2 ZONE TO BE LOCATED AT 200 N TOWER ROAD

Community Development Manager Klara Beck presented the staff report for the request for establishing an express tunnel style car wash at 200 North Tower Road. Samuel Herzog/ Splash Express Fergus Falls LLC is in

an agreement to purchase the subject property at 200 N Tower Road from its current owner, Daniel Rosendahl. The property is currently unimproved. The lot is graded for development. The project fits well into the Business-zoned neighborhood, and per the applicant, the building will be designed with excessive focus on the aesthetic appeal.

Klara Beck stated that a comment was received from the current property owner to clarify the extent of the subject parcel. Current mapping indicates a split in the property, but only one PID is assigned, a mistake that will be remedied by the current property owner before sale with the assignment of a new PID for the split parcel.

Staff recommends approval without conditions on the request to establishment an express car wash at 200 North Tower Road in this B-2, Service Business District.

Chair Kilde opened the public hearing at **5:31 PM**.

Daniel Rosendahl, 1823 Weyrens Road, confirmed that the County will be updating their site and assigning a new PID for the parcel split, and he approves the project. Chair Kilde closed the public hearing at **5:32 PM**.

There was some discussion about how the car wash would be accessed off the frontage road.

Commissioner Duffy made a motion to recommend to approve the request for a Conditional Use Permit for the Express Carwash to be located at 200 North Tower Road requested by Samuel Herzog/Daniel Rosendahl with the proposed findings as presented. It was seconded by Commissioner Pesek. Passed unanimously.

4. NEW BUSINESS

4a. NEW EDIBLE CANNABINOID LEGISLATION

Community Development Manager Klara Beck explained that in response to the new Edible Cannabinoid legislation and questions from some members of the business community, City staff feels it is appropriate to introduce a certain level of regulation to the sale and manufacturing of CBD products through updates to the City Zoning Code. The City Council has asked the PC to provide recommendations for zoning updates relating to this legislation. Klara mentioned that if we follow the current code for tobacco, CBD would be restricted to business zones. There was some discussion about what amount is allowable and the difference between THC and CBD. It was suggested that maybe we need to start with definitions and see what other states have done. There was some discussion about age guidelines and zoning it similar to tobacco. Commissioner Duffy noted that Stillwater limits the number of businesses in their downtown allowed to sell CBD. The PC felt they would like more information and would consider a subcommittee at the next meeting.

5. STAFF UPDATES

Community Development Manager Klara Beck mentioned the Transitional Housing subcommittee met on July 7 and after discussions with housing and licensing professionals from the County, as well as wit Chief Bergren of the City Police Department, the subcommittee decided not to recommend any changes to City Code relating to transitional housing at this time.

Klara Beck mentioned that the City is still exploring options for a planner.

The meeting adjourned at **5:57 PM**.

Klara Beck

Community Development Manager

PLANNING COMMISSION MINUTES
August 22, 2022

The Fergus Falls Planning Commission held a regular meeting on August 22, 2022 in the Council Chambers of City Hall. Chair Kilde called the meeting to order at 5:15 PM. Members present or absent were:

Present: Laurel Kilde, Ryan Fullerton, Nate Kunde, Matt Pesek

Absent: Sarah Duffy, Kelsee Macintosh-Ellig, Beth Monke

Staff present: Klara Beck, Jill Hanson

Applicants present: Lee Lutt

1. APPROVAL OF AGENDA

Chair Kilde entertained a motion to approve the agenda. Motion to approve the agenda by Commissioner Kunde and seconded by Commissioner Fullerton. Passed unanimously.

2. APPROVAL OF MINUTES

Commissioner Kunde made a motion to approve the minutes from July 25, 2022. It was seconded by Commissioner Pesek. Passed unanimously.

3. PUBLIC HEARINGS

3a. REQUEST BY SKTHOM INC DBA FERGUS FALLS DAIRY QUEEN TO OBTAIN A CONDITIONAL USE PERMIT FOR AN ELECTRONIC MESSAGING CENTER IN A B-2 ZONE ABUTTING A RESIDENTIAL ZONE AT 719 EAST VERNON AVENUE

Community Development Manager Klara Beck presented the staff report for the request of a Conditional Use Permit for an electronic message center by Shayna Hinnenkamp, the owner of the Dairy Queen located at 719 East Vernon Avenue. At present the signage is a static message board on a sign pole below the DQ logo. The static message board would be replaced with an electronic message center. Because the business is located within 400 feet of a residential district, City Code requires a CUP to install an electronic message center. There was some discussion about the where the sign was located on the property.

Staff recommends approval of the request for an electronic message center at 719 East Vernon Avenue in the B-2 Zone with the following conditions:

1. Must abide by all local and state laws regarding the signage.
2. Signage is to be used for onsite advertising only.

Chair Kilde opened the public hearing at **5:20 PM**. Hearing none, Chair Kilde closed the public hearing at **5:21 PM**.

Commissioner Kunde made a motion to recommend approval of the request for a Conditional Use Permit for the Electronic Message Center to be located at 719 East Vernon Avenue as requested by SKThom Inc DBA Dairy Queen with the proposed findings and conditions as presented. It was seconded by Commissioner Fullerton. Passed unanimously.

3b. REQUEST BY LEE LAUTT FOR A VARIANCE TO BUILD AN ADDITION NOT MEETING THE REQUIRED FRONT YARD SETBACK IN AN R-2 ZONE (ONE & TWO FAMILY RESIDENTIAL DISTRICT) LOCATED AT 724 SPRUCE STREET.

Community Development Manager Klara Beck presented the staff report for a variance request to build an 8' deep attached porch that would run the length of the existing dwelling at 724 Spruce Street. The dwelling is currently 35' feet from the front property line. The R-2 district requires a minimum setback of 30' from the property line. The proposed porch addition would protrude 3' into the required front yard setback.

Klara explained that the homes in this area were platted and constructed prior to the City's zoning code taking effect in 1965. A visual inspection of the area and measurements taken via GIS indicate several variations from the now-accepted zoning standards are present in the neighborhood, meaning a variance of 3' is unlikely to negatively affect the character of the neighborhood. For that reason and because the addition of a porch is reasonable use of property, staff recommends approval without conditions of the variance request at 724 Spruce Street for an addition not meeting the required front yard setback. Klara mentioned that an internal comment was received from the City Code Official stating that she had spoken to the homeowner at 724 Spruce Street about the home's current siding needing repair, but no other comments were received.

Chair Kilde opened the public hearing at **5:26 PM**.

Lee Lutt, 724 Spruce Street, stated that he was requesting a variance for the addition of an enclosed porch on the front of his house. The addition would redirect blowing snow further south away from his driveway and reduce the amount of snow that builds up in his driveway. Chair Kilde closed the public hearing at **5:27 PM**.

Commissioner Kunde made a motion to recommend to approve the variance request to build an addition not meeting the required front yard setback requested by Lee Lutt for the property located at 724 Spruce Street with the proposed findings as presented. It was seconded by Commissioner Pesek. Passed unanimously.

4. DISCUSSION

4a. EDIBLE CANNABINOID ZONING

Community Development Manager Klara Beck stated that the PC has been tasked with discussion of updates to the City Zoning Code relating to sale and manufacturing of CBD products. She noted definitions of CBD, hemp, and other key terms, and noted that while not all CBD products contain THC, it seems that all THC products are considered CBD products. The inclusion of THC rather than all CBD products may affect zoning decisions.

At the last meeting, Commission Duffy had mentioned that Stillwater was ahead of the curve on the discussion of CBD in ordinance. Klara noted that in her memo, she suggests the PC follow the progress of Stillwater's ordinance. Klara explained that for their Council meeting on July 5, the Stillwater City Attorney had drafted a memo stating that Stillwater was attempting accomplish the following:

- Determine which cannabis uses should be allowed and then place them in an appropriate zoning district
- Determine which cannabis uses should be prohibited
- Define performance standards for the allowed cannabis uses

Klara stated that the City of Fergus Falls has not, at this point, discussed prohibiting any cannabis uses, but that it may be worthwhile to take what work Stillwater has done in regard to their zoning. There was some discussion about how the Fergus Falls City Council was looking at treating CBD like tobacco regarding where it could be sold and manufactured. The PC discussed what zones it could possibly be manufactured in. There was some discussion about what is currently allowed in our business and manufacturing zones, and if someone could apply for condition use permits or variances for CBD-related manufacturing.

Klara stated that she would craft draft language for the PC to discuss at their next meeting that would encompass the following directives from PC's discussion:

- Mirror sales of CBD products containing THC to sales of tobacco in zoning code
- Keep sales of CBD products containing THC out of residential zones and implement a buffer surrounding schools
- Restrict the manufacturing of CBD products to industrial and/ or business zones, perhaps with the option for a CUP or Home Occupation License in residential zones
- Include reference to growing operations and allow in RA or Industrial

Klara stated that since several members had missed tonight's discussion, she would send out the draft language prior to the next meeting and ask for comments from all members that could then be included for discussion at the next meeting.

STAFF UPDATES

Klara Beck mentioned that the City is still exploring options for a planner.

The meeting adjourned at **6:23 PM**.

Klara Beck

Community Development Manager

PLANNING COMMISSION MINUTES
September 26, 2022

The Fergus Falls Planning Commission held a regular meeting on September 26, 2022 in the Council Chambers of City Hall. Chair Kilde called the meeting to order at 5:15 PM. Members present or absent were:

Present: Laurel Kilde, Ryan Fullerton, Nate Kunde, Sarah Duffy, Beth Monke, Matt Pesek

Absent: Kelsee Macintosh-Ellig

Staff present: Klara Beck, Jill Hanson, Mark Jorgenson

Applicants present: Steve NaSalle

1. APPROVAL OF AGENDA

Chair Kilde entertained a motion to approve the agenda. Motion to approve the agenda by Commissioner Monke and seconded by Commissioner Kunde. Passed unanimously.

2. APPROVAL OF MINUTES

Commissioner Kunde made a motion to approve the minutes from August 22, 2022. It was seconded by Commissioner Pesek. Passed unanimously.

3. PUBLIC HEARINGS

3a. REQUEST BY CHYENNE MILITARY, POLICE & SECURITY TRAINING (STEVE NASALLE) TO OBTAIN A CONDITIONAL USE PERMIT TO OPERATE/OWN A PERMIT TO OWN FEDERAL LICENSING BUSINESS IN ACCORDANCE WITH ATF & FBI REGULATIONS IN THE R-2 ZONE AT 1233 NORTHERN AVENUE

Community Development Manager Klara Beck presented the staff report for the request of a Conditional Use Permit in the R-2 zone at 1233 Northern Avenue. Klara Beck stated that the City of Fergus Falls was contacted by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or ATF, about an individual who was moving to Fergus Falls and want to transfer their firearms license to this area. The ATF would require zoning information from the City to make sure that licensing would be allowed at that location. The City was also contacted by Mr. NaSalle after he purchased his home in Fergus Falls. Mr. NaSalle operates as Chyenne Military, Police & Security Training, a company that facilitates gun sales/ transfers and offers firearm trainings (ex, through Community Ed).

In consultation with the City Administrator, City Attorney, Chief of Public Safety, and Building Official, it was agreed that due to the nature of Mr. NaSalle's business, he would be asked to apply for a CUP rather than a Home Occupation Permit in order to place certain conditions on his operations. No comments from the community were received on this request.

Steve NaSalle, 1233 Northern Avenue, stated that he and his wife recently moved here from Chaska. He has held his fireman certificate for six years and would like to transfer it to Fergus Falls. His business mainly involves the certificate of firearms and transferring of them. Mr. NaSalle briefly explained the process for certifying and transferring firearms. He mentioned that normally he only has 3 to 5 guns for sale, and they are kept in a gun safe.

Staff recommend approval of the Mr. NaSalle's Conditional Use Permit request with the following conditions:

- Designated showroom/sales area
- Only homeowner or possible employee shall have immediate access to the guns and/or ammunition
- Safe storage of Guns and Ammunition, Vault or accepted alternate lock and key
- All gunsmiths and gun sales locations shall have an alarm system, with optional to be connected to the police department if enforced by jurisdiction. The type of alarm system is subject to the review and approval of the police department.

- Video Surveillance system (optional per code, but recommended)
- Gunsmiths and retail gun sales shall comply with all applicable local, state, and federal laws.

There was some discussion about an alarm system and Mr. NaSalle stated that he will have an alarm system.

Chair Kilde opened the public hearing at **5:25 PM**.

Steve NaSalle, 1233 Northern Avenue, stated that he agrees with all the conditions. Chair Kilde closed the public hearing at **5:26 PM**.

Commissioner Duffy made a motion to recommend to approve the request for a Conditional Use Permit for a firearm occupation to be located at 1233 Northern Avenue requested by Chyenne Military, Police & Security Training (Steve NaSalle) with the proposed findings and conditions as presented. It was seconded by Commissioner Fullerton. Passed unanimously.

4. DISCUSSION

4a. EDIBLE CANNABINOID ZONING

Community Development Manager Klara Beck stated at the last meeting the PC suggested the following changes to City Code relating to the edible cannabinoid zoning:

- 1) Restrict the sale of “cannabinoid products” OR “THC and edible cannabinoid products” OR “hemp-derived tetrahydrocannabinol (THC) food and beverages” to business districts where tobacco is also permitted
 - Sale of edible cannabinoid products is not permitted in residential zones
 - Restrict retailers from locating too close to a school
- 2) Allow for manufacturing of CBD products in Industrial zones
 - Open a path for a CUP in residential zones
- 3) Restrict growth of industrial hemp to Agricultural-Residence District.

Klara explained that Fergus Falls does not have a moratorium in place, so we are on a faster timeline to get an ordinance drafted. There was some discussion about cottage industries and uses. Commissioner Pesek suggested doing multiple ordinances for the different items: growing/production, processing, and selling. There was some discussion about what manufacturing is and what it includes. It was suggested that processing should encompass the manufacturing process.

Klara Beck asked for clarification for the specific language to be used: all CBD products, which includes products that do not contain THC and are currently sold in many businesses, or only products containing THC? Commissioner Fullerton stated that he thought we were limiting the sale of items that contain THC and treating them like tobacco for where it could be sold and manufactured. We do not want to regulate more than we are asked to regulate and use the laws that are in place. There was some discussion about the level of THC in edible product and the restriction of THC sales in residential zones.

The PC made some adjustments to the draft ordinance suggestions that were presented. Klara mentioned that the City Attorney can work on drafting an ordinance that focus on:

- Hemp-derived tetrahydrocannabinol (THC) edibles and beverages
- Restricting sales to certain business zones
- Expand the definition of hemp processing to include manufacturing of edible products
- Manufacturing in industrial zones and opening a path for CUPs in business zones
- Growth of industrial hemp in R-A (Rural Agricultural) Districts

There was some discussion about how Industrial Hemp growers need a State license. The code should allow

sales of THC products in industrial zones was long as it is related to what you are producing. Also, have a definition for hemp-derived THC.

There was some discussion about a timeline for a draft ordinance. The City Attorney will do a draft, then the draft will be presented to the PC for review before it goes to the Committee of the Whole for review. Klara mentioned that the public also needs a chance to provide input on the ordinance. There will be a public hearing and a few readings before an ordinance is adopted.

5. STAFF UPDATES

Klara Beck stated that Mark Jorgenson has joined the Community Development department and is now the City's Planning Specialist & GIS Coordinator.

Klara mentioned that SHPO will be doing a special presentation on what a Downtown Historic District could mean to Fergus Falls on October 3, 2022 at 4:30 pm in the Council Chambers of City Hall.

The meeting adjourned at **6:30 PM**.



Community Development Manager

PLANNING COMMISSION MINUTES
October 24, 2022

The Fergus Falls Planning Commission held a regular meeting on October 24, 2022 in the Council Chambers of City Hall. Chair Kilde called the meeting to order at 5:15 PM. Members present or absent were:

Present: Laurel Kilde, Nate Kunde, Sarah Duffy, Matt Pesek, Kelsee Macintosh-Ellig, Ryan Fullerton

Absent: Beth Monke

Staff present: Klara Beck, Jill Hanson, Mark Jorgenson

Applicants present: None

Public present: Emily McCune, NeTia Bauman

1. APPROVAL OF AGENDA

Chair Kilde entertained a motion to approve the agenda. Motion to approve the agenda by Commissioner Macintosh-Ellig and seconded by Commissioner Kunde. Passed unanimously.

2. APPROVAL OF MINUTES

Commissioner Kunde made a motion to approve the minutes from September 26, 2022. It was seconded by Commissioner Pesek. Passed unanimously.

3. PUBLIC HEARINGS

3a. REQUEST BY THE WELCOME HOUSE TO OBTAIN A CONDITIONAL USE PERMIT TO HOUSE OVER FIVE (5) AND UP TO TEN (10) PEOPLE IN A HOME ZONED R-4 AT 314 WEST CAVOUR AVENUE

Community Development Manager Klara Beck presented the staff report for the request of a Conditional Use Permit in the R-4 zone at 314 West Cavour Avenue. Klara Beck stated that “The Welcome House” (a non-profit) has purchased the property located at 314 West Cavour Avenue for the purpose of creating a sober home for women with chemical dependencies. Their plan is to open this home with up to five women, with the intent of expanding up to ten.

Klara explained that the home is set up for family use or congregate living in which boarders share kitchen and bathroom facilities. The City of Fergus Falls defines “family” in its zoning code as “an individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit.” Therefore, the request of the Welcome House to house up to 10 unrelated individuals conflicts with the City’s definition of family. A CUP is therefore requested for the Welcome House to operate outside of the City’s zoning regulations.

Klara mentioned that Chris Harig of the Fergus Falls Fire Department is here tonight and has provided the State Code relating to the requirements for an automatic sprinkler system in a building occupied by more than 5 unrelated individuals. Klara stated the City Building Official and the City Fire Inspector both agree that an automatic sprinkler system would be required for occupancy of over 5 individuals. Klara noted that the State of MN agrees with that recommendation. Chair Kilde mentioned that the City Code and State Code definition of R-3 is different than our zoning code, in which R-3 is a designation for a residential zone. R-3 in state rules is dependent on use.

Klara stated that staff received an email from Darlene and Rick Dockter who are neighbors to the property. Klara read the email to the PC, which stated the Dockters supported the CUP request by the Welcome House.

Staff recommend approval of The Welcome House’s Conditional Use Permit request with the following conditions:

1. A nameplate sign, or professional nameplate sign, identifying the owner or occupant of a building or dwelling unit will not exceed two square feet. The sign may be placed in any front yard, but in no case may it be placed in any side yard. The sign may be illuminated.
2. Unless or until the State Fire Marshal issues a decision approving the Welcome House's variance request, Welcome House will work with the Fergus Falls Fire Dept to put in place a plan to sprinkle the building prior to occupancy by more than 5 people.

Commission Duffy asked if there is timeframe. Chris Harig, Fergus Falls Fire Department, stated that timing will be based on the installation of the sprinkler system if there is over 5 people occupying the house, because State Code requires a sprinkler system for over 5 people. The Fire Department could help them with the variance process for State Code. There was some discussion and Klara explained that the Welcome House can operate with up to 5 people in the home without a CUP as long as the City Building Inspector approves their Certificate of Occupancy. They will need a CUP for more than 5 people and they must meet the State Code requirements and the City Code requirements.

Chair Kilde opened the public hearing at **5:25 PM**. Hearing none, Chair Kilde closed the public hearing at **5:26 PM**.

Commissioner Macintosh-Ellig made a motion to recommend to approve the request for a Conditional Use Permit to house over (5) and up to ten (10) to be located at 314 West Cavour Avenue requested by The Welcome House with the proposed findings and conditions as presented. It was seconded by Commissioner Pesek. Passed unanimously.

4. ACTION ITEMS

4a. THC EDIBLES & BEVERAGES & MANUFACTURING ZONING

Community Development Manager Klara Beck stated the City Attorney drafted an Ordinance relating to THC Edibles and Beverages and in what zones they can be manufactured and sold. Klara explained that the ordinance provides a definition of what THC Edibles and Beverages are, what is meant by processing or manufacturing, a definition for hemp verses industrial hemp, and the zones where it can be manufactured or sold, including by CUP.

Klara stated that Otter Tail County is looking at doing a full moratorium in November, so we are on a fast timeline to get an ordinance drafted prior to the County's moratorium being approved. There was some discussion about what the PC had discussed at their September meeting relating to this ordinance. Klara read a list of what she sent to the City Attorney's office for the draft ordinance. It was noted that the actual ordinance needed some updates. The PC provided Klara with some changes that should be made to the draft ordinance. Klara stated that she would work with the City Attorney's office on making the changes discussed.

Emily McCune, the owner of Sugar High located at 123 East Lincoln Avenue, had some questions relating to the THC ordinance and the process for a condition use permit. There was some discussion about what a CUP might include, and that you cannot process THC in a B-3 zone without a CUP.

Commissioner Macintosh-Ellig made a motion to recommend to the City Council adopting the Code changes relating to THC Edibles and Beverage and what zones they can be manufactured and sold in as presented in the draft ordinance including the changes discussed. It was seconded by Commissioner Fullerton. Passed unanimously.

4b. SHORELAND MANAGEMENT ORDINANCE UPDATE

Community Development Manager Klara Beck stated that in late 2021, the DNR informed the City that it must amend its shoreland ordinance to include waterbodies within its municipal boundaries following annexations. In reviewing our ordinance, it was determined that no updates had been made in some time. Per Minnesota

Statutes Section 103F.221, Subd. 1, the City must be in substantial compliance with municipal shoreland management standards and criteria established by the State. In an effort to reach substantial compliance and update what is now an outdated ordinance, staff suggests possibly adopting the DNR's model shoreland management ordinance.

Klara Beck stated that staff felt that they needed to review the ordinance to make sure we are looking at everything, and make sure that we are not hindering our shoreline property. We could possibly form a subcommittee to review the ordinance. The PC did not feel a subcommittee was necessary. There was discussion about the timeline to bring our ordinances into compliance, and how the DNR could force us to adopt their shoreland ordinance if changes aren't made to their timeline.

There was some discussion about which bodies of waters/wetland are we looking at and how they might be affected. Klara stated that the City has a list of 11 bodies of waters within the City limits that need to be updated to include waterbodies that have been added through annexation. Several of the bodies of water on the list do not have names, and we staff was still working on identifying them through the DNR's public water ID# system. Klara mentioned that the last time the City updated their code for their Shoreline Management Ordinance was 1997.

There was some discussion about how the DNR wants to make sure that City is regulating the bodies of water that were annexed by having setbacks are in place and following the setbacks in the ordinances. Klara explained that the City has shoreline ordinances that are followed, and how we use the DNR standards for setbacks.

Commissioner Pesek stated that he received a call from Lois Josefson voicing concerns about how the DNR could impact her property rights along the riverfront. There was some discussion about the bodies of water and shoreland that the DNR is looking at and how the land around some of these bodies of water are private property, but the water itself is publicly owned and how this could affect the property owners on the small ponds. Chair Kilde read a description of what updates need to be done now to comply with the DNR.

Commissioner Macintosh-Ellig made a motion to recommend to the City Council to add the bodies of water indicated in the DNR's December 2021 letter to the City's shoreland management ordinance. It was seconded by Commissioner Fullerton. Commissioner Kunde abstained from a vote because he wanted to know where the actual bodies of water are before he could make a discussion on them. Motion passed.

There was some discussion about how Planned Unit Developments (PUDs) with shoreland should, per local developers, require density requirements. Klara stated that City staff can work on a draft shoreland ordinance for PUDs and bring info back to the PC for review at a future meeting.

5. STAFF UPDATES

None

The meeting adjourned at **6:52 PM**.

Klara Beck

Community Development Manager