



112 West Washington Avenue

Fergus Falls, MN 56537

Phone: 218-332-5434

e-mail: planning@ci.fergus-falls.mn.us

www.ci.fergus-falls.mn.us

Interim Use Permit

Application fee should be made payable to The City of Fergus Falls upon submittal of completed application. Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: Rivers Edge Investments

Last name: Rogness First name: Donavan

Address: 925 Clearview Ct City/State/Zip: F.F.

Phone number: (218) 205-1683 Email address: donavan@rognesscontracting.com

2. Applicant Information: (if different from above)

Company name: Vector Windows, Inc

Last name: Ackerson First name: Jeff

Address: 1080 International Dr. City/State/Zip: Fergus Falls MN 56537

Phone number: (218) 739-9899 Email address: jeffa@vectorwindows.com

3. Address(es) of Property Involved: (if different from above)

226 E. Lincoln Ave

4. Zoning Designation: _____

5. Comprehensive Plan Designation: _____

6. Statement of Intent: Briefly describe what will be done on or with the property requiring the conditional use approval.

Approx 20,000 of the building's 32,500 sf
will be turned into storage space only

7. Additional Required Information:

a. Legal Description and PIN: Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.

b. Proposed Plans: Including but not limited to, a scaled site plan, a landscape plan, grading and drainage plan, photometric plan, traffic study, and exterior building elevation drawings showing building materials may also be required if deemed necessary by the Building and Zoning Department. **Plans for residential applications may be on 8½"x 11" or 11"x 17". For commercial applications, please provide 1 full-size copy of all plans in both electronic format (preferably PDF) and printed format.**

c. Written Narrative: The written narrative should thoroughly address the following general items in addition to any specific requirements pertaining to the proposed use, which the City Code directs the City Council to evaluate during consideration of conditional use applications:

- 1) The proposed use is not in conflict with the Comprehensive Plan;
- 2) The proposed use is not in conflict with any Regulating Maps or other adopted plans;
- 3) The proposed use is not in conflict with any City Code requirements;
- 4) The proposed use will not create an excessive burden on parks, streets and other public facilities; and
- 5) The proposed use will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety, and general welfare.

8. Signature(s): By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: _____

Date: 3/13/2020

Applicant: _____

Date: 3/13/2020

Applications for Interim Use must be received by the close-of-business on the third Friday of each month; Applications received after this date will not be processed until the following deadline date.

Hi Donavan,

Please allow this email to serve as approval from the property owner to apply for the IUP referenced below. Please feel free to reach out if you need anything else.

Thank you,

BRYAN P. ZABELL

Managing Director, Executive Vice President
o: [216.750.8000](tel:216.750.8000) | e: bzabell@raiderhill.com

RAIDER HILL ADVISORS

25700 Science Park Drive, Suite 270, Beachwood, OH 44122
www.RaiderHill.com

From: Donavan Rogness <donavan@rognesscontracting.com>

Sent: Wednesday, March 18, 2020 9:01 AM

To: Bryan Zabell <bzabell@raiderhill.com>; Pat Brady <PBrady@raiderhill.com>; Planning <Planning@ci.fergus-falls.mn.us>

Subject: IUP - Fergus Falls, MN

Morning Bryan,

As we look to close on the Shopko Building that you currently still own in Fergus Falls, we're preparing for our next steps after ownership. We plan on renting out a portion of the building to a local business for a short period of time. In order to do this, we need to apply for an Interim Use Permit with the City of Fergus Falls. As part of the process, they would like confirmation from you, as the current owner, that you give us permission to apply for this permit on your behalf. The City of Fergus Falls has indicated that if I copy this email with your response with my application, they will accept it. So if you would, could you please respond stating that you will allow me to apply for this IUP on behalf of your ownership group?

Thank you for your time!

Rogness Contracting Services

Donavan Rogness
3450 38th Ave S, Suite 101
Fargo, ND 58104
C - (218).205.1683
www.rognesscontracting.com

Legal Description:

Address: 226 E. Lincoln Ave (Former Shopko Building)
Parcel(s): 71002990225001
71002990225000
71002990210900

Proposed Plan:

The attached aerial map shows how we are planning on taking a portion of the building and using it as warehouse space.

Written Narrative:

1. The proposed use is not in conflict with the long term Comprehensive plan of the City. Vector Windows is looking to occupy the building for only 3 years. March 2020 – March 2023. After March 2023, Vector windows will no longer need this current space
2. The proposed use is not in conflict with any Regulating Maps or other adopted plans. Nothing on the exterior of the building is proposing to change.
3. The proposed plan for Shopko does not seem to conflict with any City Code requirements. Once approved for an IUP in the space, it will be used as heated storage for Vector Windows
4. The proposed use will not create an excessive burden on parks, streets and other public facilities. There are no proposed changes to the exterior of the building or the current parking lot.
5. The proposed use will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety and general welfare. There are no proposed changes to the exterior of the building or the current parking lot.

Final Overview:

Vector Windows is looking to lease the side and back portion of the existing Shopko building. The plan is to have it be a heated storage area for their company. The owner of the building will build a 1 hr demising wall according to local code to separate this space from the remainder space in the building. Vector windows will use enclosed 53' trailers or straight trucks to bring their materials to and from this building. Once they have settled into the space, they will access the space with truck on average of 2-4 per week. Traffic in and out will be minimal. The traffic pattern of Vector windows will be as shown on the attached aerial plan.

Interim Use Permit

Vector Windows Warehouse

Legend

 Polygon Measure

Vector Windows will use same drive path with trucks as previous owner Shopko. No changes

Vector Windows will use same loading dock as previous owner Shopko. No changes





Planning Commission Staff Report

Planning Commission Public Hearing Date: April 13, 2020

City Council Meeting: April 20, 2020

Subject: IUP-2020-1 – Rivers Edge Investments: Indoor Warehousing/Storage

Rivers Edge Investments is requesting an Interim use permit (IUP) to permit an indoor warehousing and storage area at 226 East Lincoln Ave (old Shopko building), within the B-3 zoning district. The plan is to use approximately 20,000 square feet of the 32,500 sq.ft. building for indoor storage of building materials (windows). The rest of the building will be utilized for retail/service-based use as allowed in the code.

| | DATE |
|------------------------------------|----------------|
| Application Received | March 20, 2020 |
| Notices Published in Daily Journal | April 1, 2020 |
| Notices Mailed to 350 feet area | March 27, 2020 |
| PC Hearing to be held | April 13, 2020 |
| 60 Day Expiration | May 19, 2020 |

Standards of Evaluation

City of Fergus Falls Zoning & Subdivision Ordinances:

154.021 INTERIM USE PERMITS.

- (A) (1) *Purpose.* An interim use permit may be issued for a temporary use of property until a particular date, until the occurrence of a particular event or until zoning regulations no longer permit it.
- (2) *Conditions.* The City Council may issue interim use permits for an interim use of property for a period not to exceed five years if:
 - (a) The use is deemed to be temporary in light of the comprehensive guide plan designation for the property site on which the use is proposed to be located and the use conforms to the zoning regulations herein;
 - (b) The date or event that will terminate the use can be identified with certainty;
 - (c) The user agrees to any conditions that the Council deems appropriate for permission of the use; and
 - (d) The use meets the standards set forth in the zoning regulations herein governing conditional use permits.

Conditional Use Standards:

- (D) Standards. The Planning Commission shall recommend a conditional use permit and the Council may issue conditional use permits if it finds that the use at the proposed location:
 - (1) Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city;

- (2) Will be harmonious with the general and applicable specific objectives of the comprehensive plan and code provisions;
- (3) Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood;
- (4) Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools;
- (5) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be hazardous or detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors;
- (6) Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets;
- (7) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance; and
- (8) These standards apply in addition to specific conditions as may be applied throughout the code.

Overview of Interim Use Permits:

Interim Use Permits are guided by Minn. Stat. § 462.3597 as well as § 154.021 of City Code.

An "interim use" is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Zoning regulations may permit the governing body to allow interim uses. The regulations may set conditions on interim uses. The governing body may grant permission for an interim use of property if:

- (1) the use conforms to the zoning regulations;
- (2) the date or event that will terminate the use can be identified with certainty;
- (3) permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- (4) the user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any interim use may be terminated by a change in zoning regulations.

Subd. 3. Public hearings. Public hearings on the granting of interim use permits shall be held in the manner provided in section 462.357, subdivision 3.

At least one public hearing shall be held on any application for an interim use permit. Following the hearing, the Planning Commission shall make a recommendation to City Council whatever action it deems advisable. Should an Interim Use Permit be recommended for approval, the Commission may impose reasonable conditions to ensure that the use will be compatible as practicable with the surrounding properties **as long as the applicant agrees to all conditions.**

Background:

This use was recently added to the code and the company Vector Windows is looking to store windows at this property. The existing loading dock that is present on the property would be utilized for loading and unloading. No exterior changes would be made to the building at this time to accommodate the use. The only change would be an interior wall to divide the space up. The trucks would be coming on site about 2-4 times per week to make deliveries and pick-ups.

**Proposed Findings:**

- (1) Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city, because this use will be for storage of windows. No production of materials will be allowed. The use will generate a small amount of semi-truck traffic to deliver and pick up materials, but that will be no different than the other retail uses downtown.
- (2) Will be harmonious with the general and applicable specific objectives of the comprehensive plan and code provisions, because this is a temporary use allowed in the zone. The storing of materials should have less traffic than traditional retail which is more accustomed to the downtown area.
- (3) Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood, because there will be no changes

to the buildings outside. The overall look and use will remain similar to what was done in the past.

(4) Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools, because the existing infrastructure will be utilized and no new items will be needed at this point.

(5) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be hazardous or detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors, because this is just a storage of windows use. No manufacturing or processing will be happening here.

(6) Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets, because there will be only shipping and receiving with this use. The prior use of a retail store would have had similar truck traffic and there were no known issues with that use.

(7) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance, because there is no new construction happening on site. All of this will be internal work.

(8) The use is deemed to be temporary in light of the comprehensive guide plan designation for the property site on which the use is proposed to be located and the use conforms to the zoning regulations herein is compatible to the B-3 General Business zone since only a portion of the building will be used for storage, the front of the building will still be utilized for retail/service business that can use a smaller space.

(9) The date or event that will terminate the use can be identified with certainty as this permit will be good for no more than five (5) years or the earlier date or event in the conditions from the day of council approval.

(10) The user agrees to any conditions that the Council deems appropriate for permission of the use.

Staff Recommendation:

Based on the above findings, staff recommends approval of IUP-2020-01, based on the findings above:

Conditions:

1. End date: 5 years or 3 years?

Alternative Courses of Action:

Motion to Approve:

Should the Planning Commission choose to recommend approval based on the above findings (or approval with conditions), a motion should be made to approve (or approve with conditions) the Interim Use Permit.

Motion to Deny:

Should the Planning Commission choose to recommend denial, a motion should be made to recommend denial of the Interim Use Permit, stating the reason(s) for denial.

Motion to Continue:

Should the Planning Commission need further information to make an informed decision on the Interim Use Permit request, a motion should be made to recommend continuing the item until no later than the next Planning Commission, state the reason(s) for continuing, including the information requested.

However, the Planning Commission should consider all facts and testimony after conducting the public hearing and render a decision accordingly.

Originating Department: Community Development Department

Respectfully Submitted: Darrin Welle

Attachments:

- Application
- Public Hearing Notice

