CITY OF SAINT PETER
Board of Zoning Appeals & Adjustments
Thursday, April 23, 2020 at 5:30 p.m.
THIS MEETING WILL BE CONDUCTED ELECRONICALLY – SEE BELOW FOR ELECTRONIC ACCESS

I. **Call To Order**

II. **Approval of Agenda**

III. **Oath of Office**

IV. **Election of Officers**
   A. Chairperson
   B. Vice Chairperson

V. **Approval of Minutes** – May 16, 2019

VI. **Public Hearing**
   A. Conditional Use Permit (922 N. Swift Street) – Automotive Sales

VII. **New Business**
   A. Conditional Use Permit (922 N. Swift Street) – Automotive Sales

VIII. **Unfinished Business - NONE**

IX. **Adjourn**

As provided for in M.S. 13D.021, Board of Zoning Appeals and Adjustments (BAA) meetings may be conducted by telephone or other electronic means under certain conditions. The meeting of the BAA will only be accessible electronically by GoToMeeting software which is available at no charge (link below) or by calling as indicated below. This works best utilizing Google Chrome or Microsoft Edge as your browser. Here is the information necessary to access the meeting electronically:

Please join the meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/356476741

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United States (Toll Free): 1 866 899 4679
- One-touch: tel:+18668994679,,356476741#

Access Code: 356-476-741

Russ Wille
Director of Community Development

CITY OF SAINT PETER, MINNESOTA
OFFICIAL PROCEEDINGS
MINUTES OF THE BOARD OF APPEAL AND ADJUSTMENT MEETING
May 16, 2019

Pursuant to due call and notice thereof, a meeting of the Board of Appeal and Adjustment of the City of Saint Peter was conducted in the Traverse des Sioux Room of the Community Center on November 15, 2018.

A quorum present, Community Development Director Russ Wille called the meeting to order at 5:30 pm. The following members were present: Andy Davis, John Kvamme, Larry Potts, and Chuck Zieman. Member Roger Parras was absent. City staff present Wille and Administrative Secretary Cindy Moulton. Visitors present were Jessica and Jeremy Rodning.

Approval of Agenda – A motion was made by Zieman, seconded by Kvamme to approve the agenda as presented. With all in favor, the agenda was approved.

Election of Officers

A motion was made by Potts, seconded by Zieman to elect Andy Davis as Chairperson. With no additional nominations, nominations ceased. All members voting aye, the motion carried.

Motion by Kvamme, second by Davis to nominate Potts as Vice Chairperson. With no additional nominations, nominations ceased. All members voting aye, the motion carried.

Approval of Minutes – Motion made by Kvamme, second by Davis to approve the minutes of the November 15, 2018 meeting. With all in favor, the motion carried and the minutes were approved as presented.

Daycare Services (General) – 722 Sunrise Drive

Jessica Rodning has submitted an application for a Conditional Use Permit to allow her to open a daycare at 722 Sunrise Drive (Sunrise Assembly of God Church).

Ms. Rodning intends to lease the space from the church. The daycare would partially occupy both ground level and lower level space within the building.

Wille said that Daycare Services General is listed as a Conditional Use within the (C-5) Business/Professional Office zoning district. He indicated that in the past, two daycares in the same area, have received approval of their Conditional Use permit.

Wille stated that the Planning and Zoning Commission reviewed the application at their May 2, 2019 and are recommending that the BZA approve the Conditional Use Permit submitted by Ms. Rodning.

Davis opened the Public Hearing at 5:35 pm. With no comments from the public, the Hearing closed at 5:36 pm.

Ms. Rodning addressed the Commission and provided her intentions for the daycare. She stated there will be enough openings for 50 children ages 6 weeks to school age.

Her plan is to open the daycare as soon as her licensure is approved by the County and State. She indicated that the daycare will be similar to a Montessori school.

Zieman asked if she had any experience with daycares.

Rodning said she has a teaching degree and has also been employed by daycares.

Kvamme asked if it will be a problem finding staff.

Rodning said that she has already hired a lead teacher and has some leads on other potential staff.

Potts asked if parking would be a problem.

Rodning said there is access to two parking lots.

Wille stated that Rodning has not requested a loan from the City

Zieman mentioned that there are EDA loans available for building improvements if needed.

Motion made by Potts, second by Kvamme to introduce Resolution No. 2019 – 01 entitled, "Resolution Granting A Conditional Use Permit To Jessica Rodning To Allow For The Establishment Of Daycare Services (General) At 722 Sunrise". With all members voting aye, the Resolution was passed and adopted.

Adjourn

A motion was made by Potts, seconded by Zieman to adjourn. With all members voting aye, the meeting adjourned at 5:45 p.m.

CITY OF Saint Peter
WHERE HISTORY & PROGRESS MEET

Memorandum

To: Board of Zoning Appeals **Date: February 25, 2020**

From: Russ Wille, Community Development Director

RE: Conditional Use Permit Application (922 North Swift Street) – Automotive Sales

ACTION / RECOMMENDATION

Following the conclusion of a public hearing, adopt the attached resolution granting a Conditional Use Permit to B.J. Swift, LLC to allow for an Automotive Sales operations at 922 North Swift Street subject to certain conditions.

BACKGROUND

For the last few years, Lake Washington Marine and Powersports has operated at 1005 Old Minnesota Avenue. The operation provides for the repair, storage and sales of boats and other recreational equipment. The use would be considered to be Automotive Sales as per the Zoning Code.

The definition of Automotive Sales is as follows:

> *"Automotive Sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles and boats, including incidental storage, maintenance, and servicing. Typical uses include new or used car dealerships, motorcycle dealerships and boat, trailer and recreational vehicle dealerships."*

Due to the pending sale of the 1005 Old Minnesota Avenue property, the boat dealership is being forced to relocate.

With a desire to remain in Saint Peter, the operations have been relocated to the former Onan Manufacturing facility at 922 North Swift Street. This site is zoned as (I-2) General Industrial by the adopted Zoning Code.

The Zoning Code was recently amended to allow for the consideration of undertaking Automotive Sales within the (C-2) General Industrial zoning districts as a conditional use of land.

To allow for the planned uses and occupancy by Lake Washington Marine and Powersports, the owners of the property have paid the appropriate fee and have petitioned for a Conditional Use Permit to allow for the establishment of an Automotive Sales use.

Saint Peter City Code, Article 7, Section 24-643, a copy of which is included in this agenda packet provides the standards applicable to the review of a Conditional Use Permit application. At their March 5, 2020 meeting, the Planning Commission reviewed the application materials in light of the seventeen standards provided in code.

To ensure that the operations are undertaken in a manner which would not detract from the aesthetics of the immediate neighborhood or the use and enjoyment of adjoining permitted residential uses, it is the recommendation of the Planning Commission that the conditional use permit be issued subject to certain conditions. It is further suggestion by the Commission that the conditions imposed would be the minimum necessary to alleviate conflict between the Automotive Sales use and other permitted uses in the vicinity.

The conditions that the Planning Commission has recommended include the following:

1. No storage or display of merchandise shall be conducted within the public rights-of-way.

2. All storage and display of merchandise shall be conducted on an impervious asphalt or concrete surface.

3. The display and storage of merchandise shall be provided in an orderly manner of rows and aisles.

4. Fencing upon the site shall not exceed 8 feet in heights.

5. All flammable or explosive materials shall be stored, mixed, utilized and disposed of as per the provision of Chapter 50 of the 2018 International Fire Code as adopted and amended from time-to-time.

Subsequent to the March 5, 2020 Planning Commission meeting and distribution of the mailed notice to property owners within 350 feet of the proposed Conditional Use, I have received a few calls from neighboring property owners.

Concerns have been raised that the neighborhood lacks the appropriate street lighting and that the 922 North Swift Street site is too dark creating concerns that the site cannot be appropriately secured. Others have noted what they would consider to be excessive noise resulting to the test driving of vehicles that are offered for sale or have been repaired.

If deemed necessary and appropriate, the Board of Zoning Appeals could provide additional conditions at their discretion. If such is the case, it would be appropriate that the resolution recommended by the Planning Commission be amended to denote the conflict to be abated by the additional conditions.

As always, it should be noted that any conditions applied would need to be deemed the minimum necessary to abate any inherent conflict between land uses. Additionally, it should also be noted that any conditions should be applied solely to the Automotive Sales and its activities given that the repair and storage of automatic implements is a principle permitted use in the C-2 zoning districts.

FISCAL IMPACT

The Dirks have paid the appropriate fee established by the City Council for consideration of the conditional use. A $46 fee will be incurred to record the Conditional Use permit. No other fiscal impact is anticipated.

Do Not Act: A final decision must be made by the Board of Zoning Appeals and Adjustments by April 11, 2020 to abide by the sixty-day rule in statute. If a final determination is not made by that time, the conditional use permit would be issued by default in the absence of any conditions.

Deny: An action to deny the conditional use permit would require findings of fact that no conditions could be imposed on the Automotive Sales operations to alleviate or abate any land use conflict between the Automotive Sales and other principally permitted uses of land in the vicinity.

Adopt: The conditional use permit be would be issued subject to certain conditions.

APPLICATION FORM
CITY OF SAINT PETER, MINNESOTA

Street Location of Property (address) 922 North Swift Street (former Oman building)

Owner:
Name B J Swift, LLC (Blake & JoEllen Dirks)

Address c/o Paul H. Tanis, Jr., Attorney

Applicant: (If different from owner)
Name

Address 324 So. Minnesota Ave., St. Peter

Type of Request:
(Please check one)

[ ] Rezoning [ ] Annexation [ ] Variance
[X] Conditional Use [ ] Vacate Public Ways
[ ] Application for Subdivision ____ Number of Lots
[ ] Other

Description of Request: Applicant requests a Conditional Use Permit to allow "Automobile Sales" on the subject real estate

B.J. Swift, LLC
by Paul H. Tanis, Jr., Attorney
Applicant Signature

2-11-20
Date

(To be filled in by City Officials)

Petition received with fee $_____ on _____ by _____

Action of Variance Board (if request is for Variance)_____
Date

Action of Planning Commission _____
Date

Action of City Council_____
Date

Fee $ 400.00 Receipt Number 464668 Date 2-11-20

DIVISION 14. - I-2 GENERAL INDUSTRIAL DISTRICT

Sec. 24-408. - Statement of intent.

The I-2 General Industrial District is intended and designed to provide areas of the City suitable for activities and uses that are of an industrial nature. It is further intended that industrial and related commercial uses be the predominate use of land within the I-2 General Industrial District.

(Ord. No. 394(2nd Ser.), § 1(11.19), 11-26-2007)

Sec. 24-409. - Principal permitted uses.

Only the following uses of structures or land shall be permitted within the I-2 district:

(1) *Civic uses.*

a. Administrative services.

b. Local utility services.

c. Maintenance and service facilities.

d. Postal facility.

e. Safety services.

(2) *Commercial uses.*

a. Adult uses.

b. Agricultural sales and services.

c. Automotive and equipment services:

1. Automotive washing.

2. Equipment sales.

3. Equipment repair services.

4. Vehicle storage.

d. Construction sales and services.

e. Convenience storage.

f. Kennels.

g. Laundry services.

h. Parking facility.

i. Research services.

(3) *Industrial uses.*

a. Custom manufacturing.

b. Light manufacturing.

c. Warehousing and distribution (limited and general).

(Ord. No. 394(2nd Ser.), § 1(11.19), 11-26-2007)

Sec. 24-410. - Conditional uses.

The following uses of land and structures may be allowed within the I-2 General Industrial District subject to the review and approval of the Board of Appeals and Adjustments provided in this chapter:

(1) *Civic uses.*

a. Aviation facilities.

b. Detention facilities.

c. Major utility services.

d. Military installation.

e. Railroad facilities.

f. Transportation terminals.

(2) *Commercial uses.* Scrap and salvage services.

(3) *Industrial uses.*

a. Basic industry.

b. Materials recycling services.

(Ord. No. 394(2nd Ser.), § 1(11.19), 11-26-2007)

Sec. 24-411. - Development regulations.

Unless otherwise provided in this chapter, each development within the I-2 General Industrial District shall be subject to the following minimum requirements:

(1) Lot area: 20,000 square feet.

(2) Lot width: 150 feet.

(3) Front yard: 25 feet.

(4) Side yard: 25 feet.

(5) Rear yard: 25 feet.

(6) Maximum height: 75 feet.

(7) Maximum lot coverage: 70 percent.

(Ord. No. 394(2nd Ser.), § 1(11.19), 11-26-2007)

Sec. 24-412. - Off-street parking and loading.

Unless required as a condition of approval and resulting from Planning and Zoning Commission and City Council review as provided in section 24-410, all uses within the I-2 General Industrial District shall provide the required off-street parking and loading as prescribed in article III of this chapter.

(Ord. No. 394(2nd Ser.), § 1(11.19), 11-26-2007)

Secs. 24-413—24-437. - Reserved.

Sec. 24-643. - Standards.

No conditional use permit shall be granted by the Board of Appeals and Adjustments unless the Board shall find each of the following to be present:

(1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare of the community.

(2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

(3) In the case of existing relocated single-family dwellings, that the proposed use aesthetically blends in with the neighboring, existing permitted uses and special attention be given to the architectural style, scale and quality of construction of the proposed use.

(4) The establishment of the conditional use will not impede the normal and orderly development of improvements to the surrounding property for uses permitted in the district.

(5) Adequate utilities, access roads, drainage, parking or other necessary facilities have been or will be provided.

(6) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(7) The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in handling of any such material.

(8) The use shall not include noise which is objectionable due to volume, frequency, pitch or beat unless muffled or otherwise controlled.

(9) The use shall not include vibration which is discernable without instrumentation on any adjoining parcel or property.

(10) The use shall not involve any malodorous gas or matter which is discernable on any adjoining property.

(11) The use shall not involve any pollution of the air by fly ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which causes soiling, discomfort or irritation.

(12) The use shall not involve any direct or reflective glare which is visible from any adjoining property or from any public street, road or highway.

(13) The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

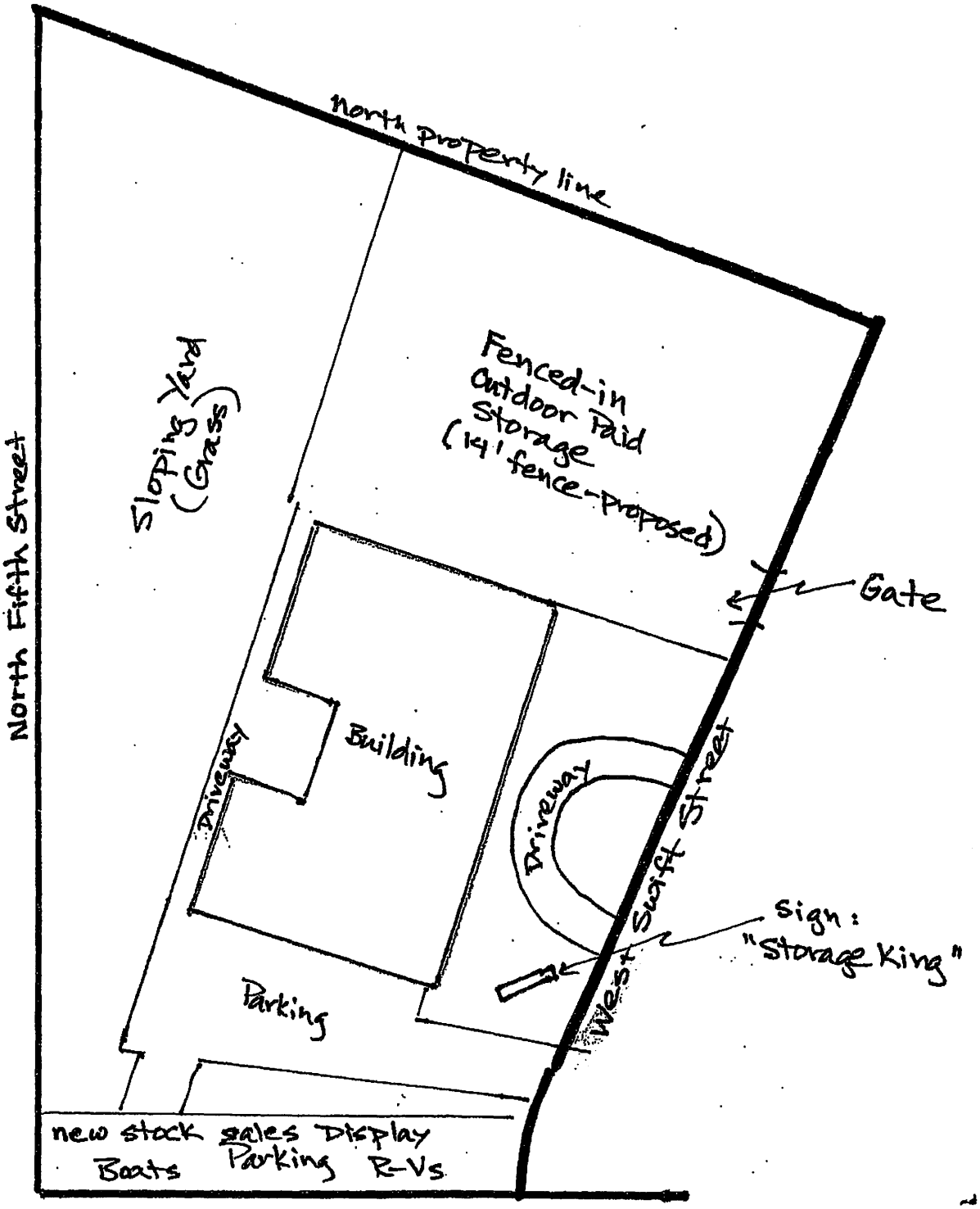
(14) The use shall not involve any activity substantially increasing the burden on any essential utility system or facilities unless provisions are made for any necessary adjustments.

(15) The use shall not interfere with the use or enjoyment of neighboring permitted uses. If such interference is found, provisions must be made for increased setbacks from property lines or screening of incompatible uses by the use of fences, berms or hedges.

(16) The ground coverage shall be such that no additional dust or stormwater runoff is generated by the conditional use.

(17) The use shall not create a hazard to vehicular or pedestrian traffic. If any such hazard is determined, provisions must be made to increase the required setback in regard to open air storage.

(Ord. No. 394(2nd Ser.), § 1(11.28), 11-26-2007)


North property line
Fenced-in Outdoor Paid Storage (14' fence-proposed)
Sloping Yard (Grass)
North Fifth Street
Gate
Building
Driveway
Driveway
West Swift Street
Sign: "Storage King"
Parking
new stock sales Display
Boats Parking RVs

CITY OF Saint Peter
WHERE HISTORY & PROGRESS MEET

Legend

- Street Names - Small
- County Boundary
- City Limits
- Railroad
- Parcels (1-24-2019)
- STPE.sid
  - Red: Band_1
  - Green: Band_2
  - Blue: Band_3

Map Name

0 132 Feet

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Disclaimer:
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Saint Peter is not responsible for any inaccuracies herein contained.

CITY OF SAINT PETER
BOARD OF ZONING APPEALS & ADJUSTMENTS
RESOLUTION NO. 2020 -

STATE OF MINNESOTA)
COUNTY OF NICOLLET)
CITY OF SAINT PETER)

RESOLUTION APPROVING A CONDITIONAL USE PERMIT APPLICATION SUBMITTED BY B.J. SWIFT, LLC FOR THE ESTABLISHMENT OF AUTOMOTIVE SALES AT 922 NORTH SWIFT STREET SUBJECT TO CERTAIN CONDITIONS

WHEREAS, B.J. Swift, LLC (Blake & JoEllen Dirks) has submitted an application for a Conditional Use Permit to allow for the establishment of an Automotive Sales (Boat, Trailer, RV, ATV sales) use at 922 North Swift Street; and

WHEREAS, the applicant has paid the appropriate fee and has submitted the proper forms to allow for a review of the requested Conditional Use Permit; and

WHEREAS, Saint Peter City Code, Article 7, Section 24-643 provides the standards applicable to any Conditional Use Permit and the Commission has made the following findings of fact related to the application; and

WHEREAS, with certain conditions imposed upon the use, the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety, comfort or general welfare of the community; and

WHEREAS, with certain conditions and standards imposed upon the use, the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood; and

WHEREAS, the establishment of the conditional use will not impede the normal and orderly development of improvements to the surrounding property for uses permitted in the district; and

WHEREAS, adequate utilities, access roads, drainage, and/or other necessary facilities have been provided to the property in question; and

WHEREAS, adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

WHEREAS, the use includes the use and storage of flammable or explosive material which shall be stored, used and disposed of as per the appropriate industry standards; and

WHEREAS, the use does not include noise which is objectionable due to volume, frequency, pitch or beat; and

WHEREAS, the use does not include vibration which is discernable without instrumentation on any adjoining parcel or property; and

WHEREAS, the use does not involve any malodorous gas or matter which is discernable on any adjoining property; and

WHEREAS, the use does not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which causes soiling, discomfort or irritation; and

WHEREAS, the use does not involve any direct or reflective glare which is visible from any adjoining property or from any public street, road or highway; and

WHEREAS, the use does not involve any activity substantially increasing the movement of traffic on public streets: and.

WHEREAS, the use does not involve any activity substantially increasing the burden on any essential utility system or facilities; and

WHEREAS, the use does not interfere with the use or enjoyment of neighboring permitted uses; and

WHEREAS, the ground coverage is designed so no additional dust or storm water run-off is generated by the conditional use in a manner which negatively impacts neighboring properties; and

WHEREAS, the use does not create a hazard to vehicular or pedestrian traffic and adequate public on-street and off-street parking is located in sufficient proximity to the property in question; and

WHEREAS, the Planning and Zoning Commission has reviewed and considered the Conditional Use Permit application and has made the following recommendation to the Board of Appeals and Adjustments as required by code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS & ADJUSTMENTS OF THE CITY OF SAINT PETER, NICOLLET COUNTY, MINNESOTA, that:

1. The Saint Peter Board of Zoning Appeals & Adjustments approves the Conditional Use Permit application submitted by the B.J. Swift, LLC to establish an Automotive Sales use at 922 North Swift Street subject to the following conditions:

    a. No storage or display of merchandise or vehicles shall be conducted within the public right-of-way.

    b. All storage and display of merchandise and vehicles shall be conducted on an impervious asphalt or concrete surface.

    c. The display and storage of merchandise and vehicles shall be provided in an orderly manner of rows and aisles.

    d. Fencing upon the site shall not exceed 8 feet in height.

e. All flammable or explosive materials shall be stored, mixed, utilized and disposed of as per the provision of Chapter 50 of the 2018 International Fire Code as adopted and amended from time-to-time.

Adopted by the Saint Peter Board of Zoning Appeals & Adjustments of the City of Saint Peter, Nicollet County, Minnesota this the 19th day of March, 2020.

_____

Chairperson

ATTEST:

_____

Rosten Wille
Community Development Director