



The Planning & Zoning Commission convened on April 20, 2015 at 5 pm in the Wells City Hall Conference Room. Chair Burns called the meeting to order with the following members present: Carol Aske and Lenny Hulbert. Also present was City Administrator Robin Leslie.

AGENDA

The agenda for the April 20, 2015 meeting was reviewed. Motion by Aske and second by Hulbert to approve the meeting agenda as presented. Motion carried.

PUBLIC COMMENT

None.

NEW BUSINESS

PZ 2015-01 Conditional Use Permit (CUP)-WFP Land LLC, to operate a meat finishing business at 115 N Broadway. City Administrator Leslie stated Beau Hartman and Jim Durfee were in attendance representing the petitioner and presented the Board with an analysis of the request with the following information:

GENERAL INFORMATION

Applicant: Drew Backstrand
Property Owner: WFP Land LLC

Action(s) Requested:

The applicant is requesting a conditional use permit to operate a meat finishing business.

Applicable Ordinance Provisions:

Meat finishing uses are permitted only through a conditional use permit in the I-1 General Industrial District as regulated in Sections 152.096 and 52.097 of the Zoning Ordinance (Heavy manufacturing uses are uses with potential for noise, odor, waste, or pollution problems or high transportation and other service requirement needs). Criteria used for Conditional Use Permits are located in Section 152.162-152.163 of the Zoning Ordinance.

Even though food processing has taken place at this plant for many years without a conditional use permit, the use lost its legal non-conforming use status because the use has been discontinued since 2010, as regulated in Section 152.126 (B)(2).

Property Location and Background Information:

The property is currently occupied by a vacant former food processing plant.

The property has frontage on North Broadway, 2nd Street NE and 2nd Ave NE.

Subject Site:

<i>Existing Land Use</i>	<i>Zoning</i>
Vacant food processing plant	I-1

Adjacent Land Use and Zoning:

<i>Existing Uses</i>		<i>Zoning</i>
North	Commercial storage, residential, car dealership, grocery store	R-2, C-2
South	rail line, concrete manufacturer	I-1
East	Commercial storage, grain elevator	I-1
West	Lumber yard, vacant grain elevator	I-1

ANALYSIS

The petitioner states that they will not be altering the structure of any buildings or doing any excavation or dirt moving as part of its recommissioning of the plant.

The petitioner states they meet the standard for issuance of a conditional use permit as the subject property has historically been operated as a meat finishing facility by prior owners of the property, but the use has been discontinued in excess of one year.

Hours of operation for the conditional use are not mentioned in the petition but a commencement date of June 1, 2015 is listed.

SCREENING: The petitioner also states they would provide any additional screening of the facility as deemed necessary by the City of Wells.

ANIMAL SLAUGHTER: The petitioner states the use will be a meat finishing facility and, as such, they do not intend to engage in onsite animal slaughter. Instead, they will be processing fried poultry, beef and pork, all of which will be delivered in boned-out form for further processing. Also, they will not be doing any boning initially.

ODOR CONTROL: The petitioner states that there will be cooking smells, but does not anticipate the presence of any strong odors. All products will be cooked through a jet stream oven and immediately frozen after exiting the oven. This process minimizes the smells exiting the plant. Also, they will not be engaging in the smoking of meat when it commences operation but when smoking does commence, there may be a smell of liquid smoke.

WASTEWATER TREATMENT COMPLIANCE: The petitioner states they intend to partner with the City of Wells and the Tri-City Sewer Board to measure the level of solids in the wastewater and to add appropriate pre-treatment equipment, if necessary. Nonetheless, the petitioner anticipates small solids exiting down the drains. Actual wastes will be from fryer oil (soy), breadings from flour and cracker (wheat), liquid egg, some spices and possibly some waste from chicken, but in a minimal amount.

WATER USAGE: The petitioner states it is difficult to project at this point in the project but they anticipate its use will be less than either of the previous two owners.

Staff is in support of the proposed use as it is similar in scale and scope to the previous uses of the property and the surrounding area.

PARKING CONCERNS: Though the site is surrounded by existing manufacturing and other industrial & commercial uses and depending upon hours of operation, staff has some concerns about headlights shining into adjacent residential properties when employees are exiting at night. Staff is making the recommendation that some screening of the parking areas on 2nd Street NE be provided so that when employees are parking, headlights do not shine across the street and the middle driveway on 2nd Street NE (directly across from residential) not be used as an exit at night.

ANIMAL SLAUGHTER: Staff also recommends that this can be a condition of approval so that it is spelled out in the CUP resolution and so that it has been documented that this discussion has taken place since the CUP will now run with the property.

WASTEWATER TREATMENT: As we have done in the past with previous users of this plant and based on MPCA requirements for our wastewater system permit, staff is recommending the petitioner agrees to a “Major Contributing Industry Treatment Agreement” for their wastewater that is satisfactory to both the City of Wells and the Tri-City Sewer Board. This agreement will specifically spell out any testing equipment to be installed by petitioner, pretreatment needed, compatible and incompatible waste and their amounts permitted in the system, etc. This agreement is being drafted by Bolton & Menk so that it is in line with our MPCA permit.

RECOMMENDATION/CONDITIONS

Staff finds that the request for a conditional use permit is consistent with Section 152.162-152.163 of the Zoning Ordinance and recommends approval with the following conditions:

1. Screening of the parking areas on 2nd Street NE be provided and the middle driveway on 2nd Street NE not be used as an exit at night.
2. Animal slaughter is not permitted at this site.
3. Petitioner agrees to a “Major Contributing Industry Treatment Agreement” for their wastewater that is satisfactory to both the City of Wells and the Tri-City Sewer Board.

Chair Burns opened the public hearing.

Pastor Steve Lorenz, Covenant Life Church, questioned the hours of operation.

Jim Durfee stated that at plant start-up around June 1, the plant would run five to six days a week and there would be two shifts with the first starting around 6:30 am and the second ending around midnight.

Chair Burns closed the public hearing.

Motion by Aske and second by Hulbert to recommend approval of the CUP for 115 N Broadway with the following conditions:

1. Screening of the parking areas on 2nd Street NE be provided and the middle driveway on 2nd Street NE not be used as an exit at night.
2. Animal slaughter is not permitted at this site.
3. Petitioner agrees to a “Major Contributing Industry Treatment Agreement” for their wastewater that is satisfactory to both the City of Wells and the Tri-City Sewer Board.

Motion carried 3-0.

PZ 2015-02 Interim Use Permit (IUP)-United South Central School District #2134, to temporarily operate construction material-crushing equipment at 250 2nd Ave SW (former USC School). City Administrator Leslie stated Dr. Jerry Jensen was in attendance representing the petitioner and presented the Board with an analysis of the request with the following information:

GENERAL INFORMATION

Applicant: United School District #2134
 Property Owner: United School District #2134

Action(s) Requested:

The applicant is requesting an interim use permit to temporarily operate construction material-crushing equipment during the demolition of the former school site.

Applicable Ordinance Provisions:

The temporary operation of construction material-crushing equipment is permitted only through an interim use permit in the R-2 Multi-Family Residential District as regulated in Sections 152.051, 152.052 and 152.166 of the Zoning Ordinance. Criteria used for Interim Use Permits are located in Section 152.162-152.163 of the Zoning Ordinance.

Property Location and Background Information:

The property is currently occupied by the vacant former USC School.

The property has frontage on MN 22/2nd Ave SW, 3rd Street SW, 4th Avenue SW, 1st Street SW and 2nd Street SW.

Subject Site:

<i>Existing Land Use</i>	<i>Zoning</i>
Vacant School	R-2

Adjacent Land Use and Zoning:

<i>Existing Uses</i>		<i>Zoning</i>
North	Residential	R-2
South	St. Casimir’s Church & School	R-2
	Former track & field	R-2
	Residential	R-2
East	Salon	R-2
	Residential	R-2
	Funeral Home	R-2
West	Residential & Tennis Courts	R-2

ANALYSIS

The petitioner states that the interim use request, if approved, will allow them to save time, resources and prevent possible damage to city streets by not hauling the cement back and forth from the site. By

crushing the material on site, the petitioner can re-use the material for filling the foundation of the old structure.

Hours of operation for the interim use on the site are proposed to be between 8:00 am and 5:00 pm for 10 days commencing August 1 or 7:00 am and 7:00 pm for 5 days commencing August 1.

Staff is in support of the proposed interim use as it recycles the building material and lessen road wear and tear. Though the site is surrounded mostly by residential, the demolition of the school will already be creating noise and dust. Also, due to the short time frame to complete this crushing operation, the project should only have a small impact to adjacent property owners.

RECOMMENDATION/CONDITIONS

Staff finds that the request for an interim use permit is consistent with Section 152.162-152.163 of the Zoning Ordinance and recommends approval with the following conditions:

1. Operation to last no more than 10 days.
2. Hours of operation either 8 am to 5 pm for 10 days or 7 am to 7 pm for 5 days. This to be determined by neighborhood and City Council preference.
3. The petitioner will control dust, noise and vibration, as much as possible. The material-crushing will occur with noise not exceeding 90 db.
4. Crushing operation to cease if funeral or church event scheduled during crushing period.
5. Safety fence to be provided to close off entire site from the public (as shown on plan).

Chair Burns opened the public hearing.

Dave Weber asked about the water being used to control dust and where would the runoff go. Staff stated some would run into the storm water system but most would be absorbed onsite.

Pastor Steve Lorenz, Covenant Life Church, asked if there would be concerns with operating on windy days. The petitioner's representative stated the contractor would make that judgement.

Father Thomas Niehaus, St. Casimir's Church & School, asked about the location of the crusher and safety. He also asked about seismology as it relates to possible damage to their stained glass windows.

The petitioner's representative explained the drawing showing the crusher centrally located and that the perimeter of the site will completely fenced in. He also stated he will consult with the contractor regarding seismology issues.

Angel Hernandez, 180 2nd Ave SW, questioned if he would have to evacuate his home during the crushing. Staff replied that was not necessary but he should keep his windows closed during the demolition and crushing.

Corrissa Peterson, 143 3rd Ave SW, asked how asbestos would be contained. The petitioner's representative stated that all asbestos will be removed from the site following strict guidelines by MPCA and that this will all be done long before the crushing operation begins.

Staff advised all those present to keep their windows closed during this process as some dust will be created.

Chair Burns closed the public hearing.

Motion by Hulbert and second by Aske to recommend approval of the IUP for 250 2nd Ave SW (former USC School) with the following conditions:

1. Operation to last no more than 10 business days.
2. Hours of operation either 8 am to 5 pm for 10 days or 7 am to 7 pm for 5 days. This to be determined by neighborhood and City Council preference.
3. The petitioner will control dust, noise and vibration, as much as possible. The material-crushing will occur with noise not exceeding 90 db.
4. Crushing operation to cease if funeral or church event scheduled during crushing period.
5. Safety fence to be provided to close off entire site from the public (as shown on plan).

Motion carried 3-0.

Board Member Applications. Motion by Aske and second by Hulbert to recommended Shannon Savick for one of the Board vacancies. Motion carried.

Motion by Hulbert and second by Aske to table Mr. Mosser's application. Motion carried.

Hassing Rezoning/De-annexation Discussion. Jim Hassing and Jon Hassing were in attendance to discuss possibly de-annexing or rezoning their property off of 2nd Avenue NW as they felt the 2004 annexation was "hostile" and that their property is not residential, as it is currently zoned. Jon Hassing stated with the recent ordinance changes for accessory structures, he could not build a machine-sized or a larger garage on the property.

The Board discussed the de-annexation and stated they would not be in favor of making a recommendation for that but could possibly look at recommending rezoning a portion of the land that is currently farmed to Ag but not the property that houses the residential structure, which would remain residential. The Board cited one reason for being against the de-annexation was that city services were just provided to this property in 2013.

Leslie stated that this was just an informal discussion and that if the Hassings would like to move forward with a formal request, they would need to submit either a petition for de-annexation or an application for rezoning and applicable fees.

OLD BUSINESS

None.

ANNOUNCEMENTS

Chair Burns reminded the Board the next meeting will be held on Monday, May 4, 2015 at 5:00 pm.

ADJOURNMENT

Motion by Aske and second by Hulbert to adjourn. Motion carried. Meeting adjourned at 6:05 pm.

Secretary Carol Aske

City Administrator Robin Leslie