

**CITY OF ALBERT LEA  
PLANNING COMMISSION  
ADVISORY BOARD**

February 2, 2021 – 5:30 p.m.  
City Center -- ZOOM

**AGENDA**

A. CALL TO ORDER AND ROLL CALL

B. APPROVAL OF THE AGENDA

C. APPROVAL OF MINUTES

a. October 6, 2020

D. PUBLIC HEARINGS

a. Conditional Use Permit- 2440 Becker Ave for Expansion of a Retail Propane Plant

b. Ordinance Amendment 50-0224 Conditional Permitted Uses in R-1

c. Ordinance Amendment 50-0345 Conditional Permitted Uses in R-P

E. NEW BUSINESS

F. COMMISSIONER COMMUNICATIONS

G. STAFF COMMUNICATIONS

a. Boards and Commissioner Terms

H. ADJOURNMENT

# MINUTES OF THE ALBERT LEA PLANNING COMMISSION

## Regular Meeting

October 6, 2020

5:30 pm – City Hall, Council Chambers

Call to order at 5:31 pm by Chairman Willner.

**MEMBERS PRESENT:** Lucas Schuster, Wyeth Anderson, Jared Dawson, Matt Dorman.

**MEMBERS ABSENT:** Colby Cunningham and Larry Baker.

**STAFF PRESENT:** Megan Boeck, City Planner.

## APPROVAL OF AGENDA

A motion was made by Anderson and second by Schuster to approve the agenda. Motion carried.

## APPROVAL OF MINUTES

A motion was made by Dawson and second by Anderson to approve the September 1, 2020 meeting minutes as presented. Motion carried.

## NEW BUSINESS- Public Hearings

### Amending Existing Conditional Use Permit (CUP) for a Country Club/Event Center

Vice Chair Anderson opened the hearing to the public at 5:34 pm.

Boeck stated In May of 2020 the City Council approved an amendment to the Conditional Use Permit (CUP) for the Barn of Chapeau Shores that would allow extended hours of operation to 8 am to 11:30 pm Sunday through Thursday and 8 a.m. to 12:30 a.m. December 31 through January 1. The extended hours of operation for New Year's Eve and holiday were not included in applicants request to amend the existing CUP (Resolution 20-115). Since then, the applicant has requested to amend the existing CUP (Resolution 20-115) in the following manner:

**SECTION 2 (HOURS OF OPERATION)** currently states that the hours of operation be limited to:

Monday through Thursday 8am to 11:30 pm

Friday 8 am to 12 (midnight)

Saturday 8 am to 12 am (midnight)

Event guests shall depart by 11:30 pm and the vendors, family and bridal party shall leave the venue by 12 midnight on Friday and Saturdays. Event guests shall depart by 11pm and the vendors, family and bridal party shall leave the venue by 11:30 pm on Sunday through Thursdays.

The applicant has requested that the hours of operation **be changed to:**

Sunday through Thursday 8 am to 11:30 pm

Friday and Saturday (8) am to 12 am (midnight)

New Year's Eve Holiday each year until 12:30am on New Year's Day.

Event guests shall depart by 11:30 pm and the vendors, family and bridal party shall leave the venue by 12 midnight on Fridays and Saturdays. Event guests shall depart by 11 pm and the vendors, family and bridal party shall leave the venue by 11:30 pm on Sunday through Thursdays.

On New Year's Eve Holiday, event guests shall leave the venue by 12:30 am on New Year's Day. The vendors, family and bridal party shall leave the venue by 1:00 am on New Year's Day.

Schuster questioned if the request is to allow an additional hour of operation for the New Year's Holiday. Boeck confirmed.

Motion by Dorman and second by Anderson to recommend approval of the request to amend existing CUP at 504 Lake Chapeau Drive as written. Motion carried.

Willner closed the hearing to the public at 5:45 pm.

#### **COMMISSIONER COMMUNICATION**

None.

#### **STAFF COMMUNICATION**

Boeck stated she plans to further discuss ordinance amendments including accessory structure limitations in Residential areas.

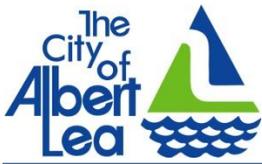
Motion by Schuster and second by Anderson to adjourn the meeting at 5:47 pm. Motion carried.

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Megan Boeck, City Planner

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Jason Willner, Chairman



## **GENERAL INFORMATION**

Applicant: Ferrellgas

Property Owner: Ferrellgas/Blue Rhino

Purpose: Application for Conditional Use Permit for expansion of a retail propane plant.

Address: 2440 Becker Drive, Albert Lea, MN

Parcel Number(s): 34.319.0070

File Date/Publication Date: January 20, 2021/January 23, 2021

Subject Site:

<b>Existing Land Use</b>	<b>Zoning</b>
Propane Storage Facility	I-2

Adjacent Land Use and Zoning:

<b>Existing Uses</b>		<b>Zoning</b>
North	Industrial	I-2
South	Industrial	I-2
East	Industrial	I-2
West	Industrial	I-2

## **BACKGROUND**

As a result of water and sewer improvements along 770<sup>th</sup> Ave (CSAH 46) the property in question was annexed into city limits in 1996 as an existing use. The applicant is proposing an expansion of the area used for propane cylinder storage—which depending on the time of year could include up to 4,000 (15lb) full/empty cylinders.

Cylinders are delivered to the site via 54ft trailers. The applicant anticipates up to eight trips in and out of the site each week. No additional business traffic will be created because Ferrellgas/Blue Rhino only distributes product to retailers—there is no walk in retail sales on site.

## **ANALYSIS**

**Zoning 50-0532** Conditional Permitted Uses (12) states that Petroleum refining, including bulk storage is a conditional use.

**Zoning 50-59** States that the Planning Commission shall base its findings on current and anticipated traffic congestion, population and density, noise, effect on adjoining land values, public health and aesthetics.

### **Current and Anticipated Traffic Congestion:**

The proposed expansion does not significantly add to the anticipated traffic counts.

### **Population and Density:**

Because the existing use is not residential in nature there will be no change to population or density at the site or surrounding area.

### **Noise:**

The proposed expansion relates to the size of a storage area and should not create any additional noise levels.

### **Effect of Adjoining Land Values:**

The application does not seek to change the use of the land and as such, staff has no reason to anticipate an effect of adjoining land values.

### **Public Health, Safety and Welfare:**

Current fire and safety standards allow for outside storage (no maximum) as long as the area is fenced and cylinders remain up to five feet from doorways or other openings of buildings. The applicant has provided a site plan that indicates these standards can be met. There for staff does not anticipate any negative effects to public health, safety and welfare to the surrounding area.

### **Aesthetics:**

The current property is just over one acre in size and includes two small office/shop buildings and one loading dock station. The proposed expansion of additional paving and fencing will not negatively alter the aesthetics of the site.

### **FINDINGS OF FACT**

1. The proposed expansion will not attract or promote any additional traffic.
2. The proposed expansion will not create additional population or density.
3. The proposed expansion as it pertains to noise will not result in higher than allowed levels.
4. The proposed expansion pertaining to storage area will not have a negative effect on adjoining land values.
5. As an appropriately zoned industrial property and existing use, the proposed expansion will not negatively impact the public health safety and welfare of the surrounding area.
6. The proposed expansion of additional propane storage area will not alter the aesthetics of the current site.

**STAFF RECOMMENDATION**

Staff recommends to the Planning Commission that they consider the testimony at the public hearing in addition to the report and findings of fact prepared City staff. Should the Planning Commission recommend approval and issuance of the Conditional Use Permit, staff recommends the following conditions be applied:

- 1) Area used for propane cylinder storage be enclosed with 6 ft chain link fencing.

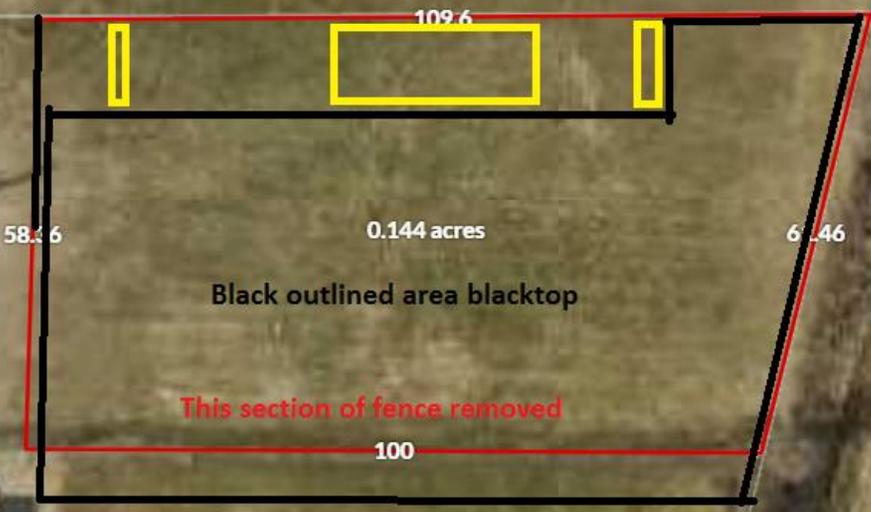
**Attachments:**

1. Site Plan

Length: 332.8 feet  
Area: 0.144 acres  
Clear

25 ft sliding gate

Concrete slabs



0.144 acres  
Black outlined area blacktop

This section of fence removed

Proposed expansion will be inclosed with 6 ft chain link fence

2440



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**TO:** Planning Commission Members  
**FROM:** Megan Boeck, City Planner  
**DATE:** January 25, 2021  
**RE:** Ordinance Amendments- Conditional Permitted Uses in Residential Zones

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In an attempt to continue updating ordinances that are out of date or not clearly stated, staff has prepared two ordinance amendments that work to clarify permitted conditional uses in both the R-1 and R-P Zone.

Current language reads: (2) Recreational. Private noncommercial recreational uses, including county clubs, golf courses, and swimming pools. Also commercial country clubs, golf courses and swimming pools.

Questions have been raised if the word private refers to private entities such as the Elks, Moose, Eagles, Sons of Norway, etc. Not necessarily a private person having a private swimming pool or private country club.

As a result, staffs interpretation is that public and commercial recreational uses (meaning for public benefit) such as country clubs, golf courses, swimming pools and similar comparable uses are permitted. And that Private uses are not.

Please see the attached draft amendments and let me know if you have any questions.

**Special Note:** Changes made to ordinance numbering is due to a codification process that took place at the beginning of the year—it is not due to changes proposed by staff.

Respectfully submitted,



Megan N. Boeck  
City Planner  
City of Albert Lea  
221 E Clark Street, Albert Lea, MN 56007-2421  
507-377-4349 mboeck@ci.albertlea.mn.us

ORDINANCE NO. 2021-

AN ORDINANCE AMENDING 7450, ARTICLE III, DIVISION 2, SEC ~~7450-253-0224~~ –  
CONDITIONAL PERMITTED USES

THE CITY OF ALBERT LEA DOES ORDAIN (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Chapter 7450, Article III, Division 2, Sec. ~~7450-253-0224~~ of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. ~~7450-2530224~~. - Conditional permitted uses.

The following uses shall be permitted in an R-1 single-family residence district only if specifically approved by the planning commission and authorized by the council:

- (1) *Religious and cultural.* Churches, synagogues, and other places of worship, Sunday school buildings, schools for academic instruction, public libraries, museums, cemeteries, art galleries and similar public cultural uses.
- (2) *Recreational.* Public and commercial recreational uses such as country clubs, golf courses, swimming pools, and similar comparable uses. ~~Private noncommercial recreational uses including country clubs, golf courses, and swimming pools. Also commercial country clubs, golf courses and swimming pools.~~
- (3) *Two-family semidetached and cluster dwellings.* Two-family semidetached and clustered dwellings on separate lots in accordance with the following conditions:
  - a. Each of the lots shall be equal in area or as near equal in area as is reasonably possible.
  - b. Each lot shall contain no less than one-half of the minimum land area requirement for a two-family dwelling.
  - c. Except for setbacks along the common property line or side yards on clustered dwellings, all other setbacks and yard requirements shall be provided in accordance with the requirements of the R-1 single-family district.
  - d. Any subdivision of a lot or parcel shall be accomplished in accordance with the subdivision regulations in chapter 5438.
- (4) *Density zoning.* Dwelling units in one or more buildings may be permitted on a site with the maximum number of dwelling units not to exceed the density limitation provided in subsection ~~7450-2190199~~(2)b. It is the intent of this subsection to allow the development of property in a manner which is superior in compatibility and design compared to development permitted as a principal permitted use in this district. In addition to the standards established in this chapter, the following requirements shall be included within a development approved under this subsection:
  - a. *Useable open space.* Not less than 400 square feet of useable open space shall be provided for each dwelling unit on the site. Useable open space may not include parking areas and driveways, and the space shall be developed in such a way that

it is suitable for the tenants' active and passive recreations. Balconies may provide up to 20 percent of the useable open space requirement.

- b. *Parking.* Parking shall be provided in accordance with the unit size breakdown. Efficiency apartments shall have one parking space per unit. One-bedroom apartments shall have one and one-half parking spaces per unit. Two-bedroom and larger apartments shall have two parking spaces per unit. All parking shall be provided off street and entirely within the confines of the site. Not less than 50 percent of all required off-street parking shall be provided in a garage or enclosed space. All open off-street parking areas shall be developed per the design standards contained in ~~article V~~, section 7450-10500894.
- c. *Landscaping.* Landscaping shall be provided on all areas that are not used for parking, driveways, walkways or buildings. Landscaping shall include sod and evergreen as well as deciduous trees and shrubs. Parking lots shall be screened from adjoining residential areas through the use of landscaping. Street trees shall be planted in boulevard areas. The planting of street trees shall be coordinated with the director of parks and recreation and shall meet city standards.
- d. *Lighting.* Exterior lighting of the site shall be adequate to provide security and shall be compatible in design and character with surrounding residential areas. Lighting shall be directed toward the site or contained on the site and shall not be directed toward adjoining residential areas.
- e. *Refuse storage.* All refuse storage shall be within the principal building or within an accessory structure designed for that purpose.
- f. *Storage of equipment.* All equipment, including maintenance equipment, bicycles, recreation vehicles and trailers, mowers and snow removal equipment, shall be stored in an enclosed structure. Outside parking areas shall not be used for the parking of recreational trailers or other accessory vehicles.
- g. *Documentation.* The applicant shall submit drawings and documentation which clearly shows all improvements to be made on the site, including building elevations, floor plans, lighting, landscaping, site plan, and other documentation required to clearly define the proposed development. The documents shall be made a part of the conditional use permit, and all other development shall be in accordance with the documents.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor \_\_\_\_\_ and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, Brooks and Mayor Vern Rasmussen Jr.

And the following voted against the same:

Introduced the first time on this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Introduced and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Mayor Vern Rasmussen Jr.

Filed and attested this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Secretary of the Council

DRAFT

ORDINANCE NO. 2021

AN ORDINANCE AMENDING CHAPTER 7450, ARTICLE III, DIVISION 6 SEC 7450-413-0345  
– CONDITIONAL PERMITTED USES

**THE CITY OF ALBERT LEA DOES ORDAIN** (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Chapter 7450, Article III, Division 6 Sec. 7450-413-0345 of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 7450-4130345. – Conditional permitted uses.

In the R-P residential preservation district, the following uses shall be permitted only if specifically approved by the planning commission and authorized by the city council:

- (1) *Religious and cultural.* Churches, synagogues and other places of worship; Sunday school buildings; private schools for academic instruction; public libraries; museums; art galleries; and similar public and cultural uses.
- (2) *Recreational.* Public or commercial recreational uses such as country clubs, golf courses, swimming pools, and similar and comparable uses. ~~Private noncommercial recreational uses, including country clubs, golf courses, and swimming pools. Also commercial country clubs, golf courses and swimming pools.~~
- (3) *Density zoning.* Dwelling units in one or more buildings may be permitted on a single site with the maximum number of dwelling units not to exceed the density limitation provided in section 7450-2190199(2)b. It is the intent of this subsection to allow the development of property in a manner which is superior in compatibility and design compared to development permitted as a principal permitted use in this district. In addition to the standards established in this chapter, the following requirements shall be included within a development approved under this subsection:
  - a. *Useable open space.* Not less than 400 square feet of useable open space shall be provided for each dwelling unit on the site. Useable open space may not include parking areas and driveways, and the space shall be developed in such a way that it is suitable for the tenants' active and passive recreation. Balconies may provide up to 20 percent of the useable open space requirement.
  - b. *Parking.* Parking shall be provided in accordance with the unit size breakdown. Efficiency apartments shall have one parking space per unit. One-bedroom apartments shall have one and one-half parking spaces per unit. Two-bedroom and larger apartments shall have two parking spaces per unit. All parking shall be provided off street and entirely within the confines of the site. Not less than 50 percent of all required off-street parking shall be provided in a garage or enclosed space. All open off-street parking areas shall be developed per the design standards contained in ~~article V~~, section 7450-10500894.
  - c. *Landscaping.* Landscaping shall be provided on all areas that are not used for parking, driveways, walkways or buildings. Landscaping shall include sod and evergreen, as well as deciduous trees and shrubs. Parking lots shall be screened from adjoining residential areas through the use of landscaping. Street trees shall

be planted in boulevard areas. The planting of street trees shall be coordinated with the director of parks and recreation and shall meet city standards.

- d. *Lighting.* Exterior lighting of the site shall be adequate to provide security and shall be compatible in design and character with surrounding residential areas. Lighting shall be directed toward the site or contained on the site and shall not be directed toward adjoining residential areas.
  - e. *Refuse storage.* All refuse storage shall be within the principal building or within an accessory structure designed for that purpose.
  - f. *Storage of equipment.* All equipment, including maintenance equipment, bicycles, recreation vehicles and trailers, mowers and snow removal equipment, shall be stored in an enclosed structure. Outside parking areas shall not be used for the parking of recreational trailers, other accessory vehicles, commercial trucks of over nine tons GVW or semitractors or trailers.
  - g. *Documentation.* The applicant shall submit drawings and documentation which clearly shows all improvements to be made on the site, including building elevations, floor plans, lighting, landscaping, site plans, and other documentation required to clearly define the proposed development. The documents shall be made a part of the conditional use permit, and all other development shall be in accordance with the documents.
- (4) *Clinics.* Medical clinics, including the offices of physicians, surgeons and dentists, for the care, diagnosis and treatment of persons in need of medical or surgical attention, but not including overnight accommodations for patients.
- (5) *Convalescent homes.* Nursing homes, rest homes for convalescent patients, children's nurseries and similar uses.
- (6) *Clustered dwelling units.* One to four attached, semidetached or detached clustered dwelling units, including townhouses and patio homes, on individual lots in accordance with the following conditions:
- a. The property shall be in single ownership or control at the time the conditional use permit is applied for and approved.
  - b. The total land area, including the individual lots plus common space, shall contain a minimum of 1,500 square feet of lot area per dwelling unit.
  - c. Except for setbacks along the common property lines or side yards of clustered dwellings, all other setbacks and yard requirements shall be provided in accordance with the requirements of this district.
  - d. Common areas shall be protected by covenants running with the land. The covenants shall require that a homeowners' association be held responsible for the maintenance of the common open spaces, accessory buildings, the exterior of the dwelling units, and any legal obligations.
  - e. The subdivision of the parcel or lot to provide for the proposed development shall be accomplished in accordance with the subdivision regulations in chapter 54. Building permits may be granted after approval of the preliminary plat by the council. No sale of individual lots may occur until the final plat is approved by the council and registered with the county recorder.
- (7) *Institutional.* Hospitals for human care, provided that principal buildings shall be at least 150 feet distance from any lot line in any residential district.

- (8) *Cultural*. Colleges for academic instruction.
- (9) *Mortuary*. A mortuary or funeral home, when located on premises with frontage on a road officially designated as an arterial or collector street on the transportation plan.
- (10) *Supervised living facilities*. The number of persons accommodated shall not exceed one person for each 500 square feet of lot area.
- (11) *Limited occupancy specialty hotel*. A limited occupancy specialty hotel not to exceed one guest for each 500 square feet of lot area and not to exceed more than 15 guestrooms.
- (12) *Limited retail in historic residence*. Limited retail in the historic residence subject to conditions individually established by the city planning commission and city council.

That the motion for the adoption of the foregoing ordinance was duly seconded by Councilor \_\_\_\_\_ and upon a vote being taken thereon, the following voted in favor thereof: Councilors Murray, Baker, Howland, Olson, Rasmussen, Brooks and Mayor Vern Rasmussen Jr.

And the following voted against the same:

Introduced the first time on this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Introduced and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021~~t~~.

\_\_\_\_\_  
Mayor Vern Rasmussen Jr.

Filed and attested this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Secretary of the Council

**From:** [Wendy Flugum](#)  
**To:** [Megan Boeck](#)  
**Subject:** PC  
**Date:** Thursday, January 7, 2021 1:31:58 PM

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## ADVISORY PLANNING COMMISSION

*~ meets 1st Tue of each month at 5:30 p.m. / 3rd Tue Alternate date*

Term Expires - 12/31/2020	Appointed	Term	Address	Phone
Jason Willner / Vice Chair	reappointed 1/8/2018	2nd	220 North Ln.	369-0193
Term Expires - 12/31/2021	Appointed	Term	Address	Phone
Colby Cunningham	re-appointed 1/14/2019	2nd	1204 Cedar Ave.	563-568-7981
Chuck Paczowski	1/14/2019	1st	911 Clausen Ave.	383-4430
Jared Dawson	10/14/2019	1st	72056 - 255th St.	373-2557
Wyeth Anderson	1/28/2019	1st	1105 Foothills Circle	377-8627
Term Expires - 12/31/2022	Appointed	Term	Address	Phone
Lucas Schuster	1/13/2020	1st	513 Harriet Lane	507-210-4028
Matt Dorman	1/27/2020	1st	317 Willamor Rd.	612-227-7700
Ex-Officio				
Larry Baker, 2nd W. Councilmember			1315 Lakeview Blvd.	377-1397