

# PLANNING COMMISSION CITY OF WABASHA

Minutes of the 6-14- 2011 meeting:

COMMISSION MEMBERS:     John Friedmeyer, Chair                     Claire Abbott  
   Jim Niemantsverdriet                     Charles Bricher  
   Ron Benson                                     Brian Wodele  
   (1) Vacancy

STAFF PRESENT:           Molly Patterson-Lundgren, City Planner  
   Phil Rosendale, Zoning Administrator  
   Patty Heraty, Administrative Assistant

The regular meeting of the Wabasha Planning Commission was held on Tuesday, June 14, 2011 and was called to order by Commissioner Niemantsverdriet at 7:00 pm.

Roll call found all members present.

Commissioners Bricher and Abbott moved to approve the May 10, 2011 regular minutes as presented. Approved unanimously.

Changes/Additions – It was decided by unanimous consent to move Item 5A on the agenda to below item 5D.

Announcements - None

## **Public Hearing – Conditional Use Permit K&C Fisheries**

Commission Chair John Friedmeyer explained to the public present the Planning Commission Rules for Providing Comment at a Public Hearing adopted by the commission on April 12, 2005.

Commission Chair, Friedmeyer opened the public hearing to consider the CUP application submitted by K & C Fisheries at 7:03 PM.

Commission members were provided with copies of the application, staff report, and checklist for standards and requirements and a copy of the notice mailed to adjoining property owners. Commission members were also provided with copies of phone and email logs from public comments and responses to those comments. The applicant was present and there were 13 people in the audience.

City Planner Molly Patterson Lundgren stated that the applicant, Keith Bell is proposing to open a fish processing plant at 1455 Church Avenue in the industrial court, formerly Great River Industries. The proposed use is allowed with a CUP. Mr. Bell is proposing a carp research and processing plant. The plant would take in raw fish product, clean and process it and then ship to an overseas market. Molly explained that there was some concern about the potential odor, but that Mr. Bell has provided information with the construction of the facility including double wall construction and temperature control measures that will control odor. Molly also reported that both she and Mr. Bell have met with city Utilities Superintendent regarding sewer issues and is confident that these issues are being handled. Molly reported that a site plan has not been submitted and is recommending that this be a condition of the CUP. Molly also stated that she has spoken with the Village Clerk of Pepin regarding any issues with the facility in there town and they reported that some of the issues they had were with the interceptor and that they do have odor issues within a 1 block radius sometimes. She also spoke with a facility in Illinois that has a similar facility nearby and they did not think there were any issues.

City Attorney Peter Ekstrand stated that the commission should make sure that there are conditions that if it is not operated correctly it can be stopped and, the use of an interceptor is a requirement, odor control is taken care of, and storage of by-product is handled properly.

The applicant Keith Bell addressed the commission. Mr. Bell stated that he will create 6 new jobs for the area. He also stated that there is very little by-product generated and that it is stored in cold storage units. His processing time is the cold months. Mr. Bell provided commission members and the audience with a brief

description of his construction plans. He stated that there will be no retail sales from this location. Mr. Bell also provided background information on his connection with the University of Minnesota Carp Research Center.

#### Public Comments:

Anita Schuth, Owner of Wabasha Discount Market. Expressed her concern about the potential odor and pest infestation, wants a guarantee that the odor will be contained within the building. Ms Schuth also wanted to know the procedure if there was an issue. Ms. Schuth also questioned why Mr. Bell chose the Industrial Park.

City Attorney Peter Ekstrand stated that if there is an issue the Zoning Administrator would investigate and the Planning commission would hold a hearing to determine if city nuisance ordinance were violated. The commission could add conditions to the CUP.

Mary Vancor, Coulee Way resident. Also expressed her concern about the potential odor. She stated that she had done some research about fisheries and that the number one concerns were the odor, waste disposal and solid waste disposal.

Brian Yenter, Wabasha business owner. Stated that the city is fortunate to have a new business coming to town wanting to invest and bringing new jobs and tax revenue and tourism. Mr. Yenter stated that Wabasha needs to consider the benefits this new business will bring to town. He also stated that the business will be located in the Industrial Park where it should be.

Catherine Gallenberger, employee of Thomas Industries, adjacent business and Council Member. Ms. Gallenberger stated that her employer had a few questions regarding the business including the concern about the potential odor and water management if an addition to the building was planned. She also stated that after talking with Mr. Bell and listening to the commission, she feels that the issues are being dealt with. She is in favor of the project and likes that the applicant is concerned about the environment and not wasting resources. Believes that with enforcement of conditions in place it should not be a problem. She commended the commission for taking its job seriously.

Bill Knabe, 310 Bridge Ave. Asked the following questions:

1. Type of fish? **Common Carp**
2. How many tons would be processed? **600 Tons Annually**
3. How would the fish be acquired? **Commercial Fisherman**
4. How many employees? **6**
5. Would the business be year round? **Yes**
6. Has the DNR been involved?

Julie Ostrom, owner Medi-Stim. Wanted clarification of who would be supplying the raw product – only commercial fisherman. Concerned about the increased traffic to the area. Requested more information on the leather tanning process and if there are any chemicals involved. Urged the commission to gather more information on how other towns with fisheries deal with odor.

Rachel Yenter, Wabasha business owner. Concerned about the protection of business owners rights. Stated that the commission needs to be careful about putting too many regulations on business owners.

Neil Hedquist, owner Dairy Queen. Concerned about the potential odor. Stated that he had spent some time with Mr. Bell and that most of his questions and concerns had been answered. Believes that the location in the Industrial Park is the place for this type of business and that if it can be done to everybody's liking, it will be a good thing for Wabasha.

Eric Passe. Requested information on the transportation of the raw product.

The applicant, Keith Bell, addressed the commission and audience to answer questions.

- Mr. Bell provided a picture of the truck used to transport the raw product.
- He stated that the tanning process does not require chemicals, nothing goes in the sewer, all by-product goes into a holding tank to be disposed of.
- He stated he does not know of any standard for odor control.

Hearing no other public comments, the public hearing was closed at 8:35 pm.

Commission Comments:

Commission members discussed the checklist for CUP general standards and the findings of facts. Commission members requested that staff check PCA standards for odor control

Commission members Niemantsverdriet and Wodele moved to recess the item until Tuesday July 12 at 7:00 pm. Adopted unanimously.

At 9:15 the commission took a 5 min break

At 9:20 the meeting resumed

At 9:23 Commission Chair John Friedmeyer opened the public hearing to consider an application submitted by T-bones Grill and Bar for an Interim Use permit for Outdoor Dining.

The applicant was present and there were 3 people in the audience. Commission members were provided with a staff report and checklist for IUP standards.

Phil Rosendale, Zoning Administrator stated that the applicant is proposing outdoor dining on the rear patio area of the building. The previous occupant, Vinifera had provided outdoor dining. The applicant is also proposing to use the front patio as a waiting area for patrons prior to being seated for dining. The area is zoned TDC which allows for outdoor dining as an accessory use to a restaurant with an Interim Use Permit. There are no modifications to the building needed to accommodate the proposed use.

Hearing no public comments, the public hearing was closed at 9:31.

The commission discussed the proposed application, staff report and checklist for IUP standards. After all discussion, commission members Abbott and Benson offered the following resolution and moved for its approval. Adopted unanimously.

**Resolution Granting Interim Use Permit  
T-Bones Grill & Bar**

**Resolution 2011-002**

WHEREAS, the proposed use is consistent with the purpose and intent of all City Code and the goals of the Comprehensive Plan, and

WHEREAS, the Planning Commission with appropriate conditions imposed provides the following findings:

1. That the establishment, maintenance, or operation of the use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
2. That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. That the establishment of the use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;
4. That adequate utilities, access road, drainage, and/or necessary facilities have been or are being provided;
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

NOW THEREFORE, IT IS HEREBY RESOLVED, the Planning Commission approves the Interim Use Permit with the following conditions:

1. The applicant and property owner will conform to the encroachment agreement now in place with the City Council for the use of the land for outdoor dining which includes permission by the City Council to maintain the present pergola in the city right-of-way behind the building at 260 West Main Street;
2. The applicant and property owner will work to mitigate any potential conflicts between the proposed outdoor dining and necessary utilitarian uses typically occurring in the alley area. This includes, but is not limited to refuse management. Neither the applicant nor the property owner will hold the City liable or responsible for a conflict of uses in the alley area;
3. If at any time in the future, the City Council determines public need for that part of the right-of-way approved for outdoor dining, this Interim Use Permit shall be considered revoked and the applicant or property owner may be required to remove improvements;
4. With the requested change in use, any (Federal, state or local) licenses the proprietor has shall illustrate the requested changes per license (i.e. Liquor license).
5. This Interim Use Permit shall be for T-Bones until the closing of said restaurant and shall not be transferable.
6. If for any reason the Interim Use has not been established within one year after the date of this approval, then, without further action by the City, this Interim Use Permit shall be null and void.

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John Friedmeyer, Chair

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Recording Secretary

City Planner, Molly Patterson Lundgren brought forward for discussion a request from Dan Miller. Mr. Miller was present. He is requesting the commission review and give feedback on a proposed project. Mr. Miller is proposing to expand his campground and include a commercial project along Highway 30. Commission members were provided a copy of the proposed site plans. The proposed project would include rezoning the property to commercial. Commission members discussed rezoning of lots 3, block 1, lot 1 block 2 and lot 2, block 2 to commercial. After all discussion Mr. Miller decided that he would need to get more information on the potential tax liability of rezoning the property.

At 10:10 commission chair Friedmeyer opened the public hearing to consider Zoning Ordinance Amendments.

Commissioners Niemantsverdriet and Abbott moved to recess the public hearing to consider the Zoning Ordinance Amendments until July 12, 2011 at 7:00 pm. Adopted unanimously.

The next meeting is scheduled for July 12, 2011 at 7:00 pm.

Having no other business, the meeting was adjourned at 10:11 pm. by unanimous consent.

Respectfully submitted by:

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Patty Heraty, Administrative Assistant