

City of Farmington  
430 Third Street  
Farmington, MN 55024

*A Proud Past - A Promising  
Future  
Committed to Providing High  
Quality, Timely and Responsive  
Service to All of Our Customers*

**AGENDA**  
**PLANNING COMMISSION**  
July 11, 2017  
7:00 PM  
City Hall Council Chambers

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES**
  - (a) Approve Planning Commission Minutes
- 3. PUBLIC HEARINGS**
  - (a) Conditional Use Permit Application to allow an Auto Sales Use within the B-1 Zoning District - Continued
  - (b) Fairhill Estate at North Creek Preliminary Plat and PUD Amendment
- 4. DISCUSSION**
  - (a) Discussion on Revising the Home Occupation Ordinance
  - (b) 1st Street Complaint
- 5. ADJOURN**



# City of Farmington

430 Third Street  
Farmington, Minnesota  
651.280.6800 - Fax 651.280.6899  
[www.ci.farmington.mn.us](http://www.ci.farmington.mn.us)

---

**TO:** Planning Commission  
**FROM:** Tony Wippler, Planning Manager  
**SUBJECT:** Approve Planning Commission Minutes  
**DATE:** July 11, 2017

## **INTRODUCTION**

Attached, are the minutes from the June 13, 2017 regular meeting.

## **DISCUSSION**

NA

## **ACTION REQUESTED**

Approve the minutes from the June 13, 2017 regular meeting.

## **ATTACHMENTS:**

Type	Description
▢ Backup Material	June 13, 2017 Regular Planning Commission Minutes

**Planning Commission  
Minutes  
Regular Meeting  
June 13, 2017**

**1. Call to Order**

Chair Rotty called the meeting to order at 7:00 p.m.

Members Present: Rotty, Bjorge, Rich

Members Absent: Franceschelli, Kuyper

Also Present: Tony Wippler, Planning Manager

**2. Approval of Minutes**

- a. **MOTON** by Bjorge, second by Rich to approve the minutes of May 9, 2017. **APIF, MOTION CARRIED.**

**3. Public Hearings – Chair Rotty opened the public hearings**

**a. Conditional Use Permit Application to Allow an Auto Sales Use within the B-1 Zoning District**

The applicant is Tara Fonseca and the location is 923 8<sup>th</sup> Street, Towns Edge Mall. She is requesting a conditional use permit to allow auto sales. They would like to occupy an office within the building to allow for internet sales of autos. The owner of the property has allocated five parking stalls on the southern end of the property to show vehicles. It will not directly impact parking in the front of the building. The use does meet the six requirements of a conditional use permit. There are three conditions for approval:

1. The applicant obtains all necessary building permits.
2. A sign permit is applied for any external signage that may be placed on the premises.
3. Other conditions as may be recommended by the Planning Commission.

Ms. Mary Christensen, 10<sup>th</sup> Street, stated adding another used car business along TH3 is too much. People come to town to shop. As existing businesses are in the area, it would pose unfair competition to add another one. Planning is putting things in property places, not adding used car business after used car business with four of them in less than a quarter of a mile. She is not in favor of this. It will not improve the business in town. She understood there is also a new restaurant starting in that area and didn't know how this would affect that. Also, in the shopping center, she was of the understanding the owner said there would be various shops in there. Neither the Planning Commission nor staff have received a list of proposed businesses. Ms. Christensen felt this is not adding to the glamour of Farmington. Rosemount and Lakeville do not have used car places within the town and they are doing fine with other shops. She is not in favor of this.

Ms. Robyn Craig, 20747 Dyers Pass, agreed with Ms. Christensen and felt this needs more information from the new owners of the mall and what their overall plans are before we make decisions about this. She agreed that this is not appropriate for this location and this space can be used for many more things that could be beneficial for the town and its growth. She would like more clarity on what the mall owner wants to do with the rest of

the mall and find out more details that we don't have at this time. A decision should not be made tonight until we have more information. She asked if this will be forwarded to the City Council. Chair Rotty explained a conditional use permit decision is made by the Planning Commission. It can be appealed to the City Council. Ms. Craig felt it would be better if we had more information before making a decision.

Ms. Shirley Wood, 816 Maple Street, was not in favor of it because there are already four car dealerships within three blocks of their home. She would like the commission to consider that.

Mr. Roger Wood, 816 Maple Street, was not in favor of this because some of the surrounding towns, like Rosemount, have zero car lots. There must be a reason why they are keeping them out. That is why he is against it.

Commissioner Bjorge stated she was torn on this because this is why we have comp plans to help guide us as a commission and the City Council on proper uses. This is tricky because there is different zoning around it. She agreed with what is the highest and best use of a certain property. Part of the reason she is on this commission is to build Farmington toward the direction where she can raise her young family and retire here. Used car lots don't do that for her and certain other retail businesses do. If there was an opportunity for other businesses to be in this building, they would be here tonight or already have leased if they did not need a conditional use rather than the business that is in front of us. That brings us to the question of are there other opportunities and is there more information to gather. Staff explained we don't have further information and it is up to the property owner to fill that space. They have to look at what uses are allowed, whether permitted or conditional. We don't have control over that; it is up to the property owner. Commissioner Bjorge noted in looking at the layout there is opportunity for additional businesses. This doesn't box out a lot of other retail businesses. Staff stated the intent is to have office space to sell vehicles over the internet. It is a startup business and they do need a dealer license which requires them to go through the auto sales use. The main use is office work. Commissioner Bjorge asked if this is a space they want to grow into. Staff felt this is a space they will grow out of. Growth would probably not be past five parking stalls.

Commissioner Rich asked if there are any businesses for which we have a quota. Staff replied no, we just have specific zoning districts. He is hearing people say we don't need more used car dealers. He is not sure what the basis for that is. At intersections we commonly have multiple gas stations and we don't say it will hurt the business of one gas station if we allow another one in. Usually the opposite is true, as there is a synergy to having similar businesses located within proximity of each other. If we think used car dealers are unsavory, that may be another matter. If we want to be an elite community we can find ways to keep them out. The object of this commission, unlike the Economic Development Authority, is not to go out and recruit the businesses we would like to see here. We are a reactive commission that says whether or not they fit within the guidelines of our zoning and permits. There are some unanswered questions. Is this a new business or existing. Staff explained it is a new business. Commissioner Rich stated

he does not see where they will prepare and stage vehicles. If they can show five vehicles on the property, where is their inventory going to be? Staff assumed it would be a very small inventory. Commissioner Rich stated any used car dealer has to have some place to prepare the vehicles. Those are the questions he would be interested in knowing about. Has the property owner become fully apprised of what would be required to run this business and are they in harmony with that. Staff explained there currently is an auto sales use within the building, J&R Wholesale. They display vehicles from time to time. It has been there for a number of years. Commissioner Rich found it hard to see a compelling reason why a business that wants to start, we would say we don't have room for them if the property owner wants to make room for them and they fit within our guidelines. He would have to see more persuasion that this doesn't fit the conditional use permit rather than it is not desirable.

Chair Rotty stated it is not often when we have a public hearing and don't have an applicant or property owner to address these questions. We had a number of residents that spoke out against something and there is no one here to answer questions or say why this might work. He agreed with Commissioner Rich, just because we don't like a business, unless it does not meet the ordinance, we have to look at it that way. We can't say no because we don't like the business. We are short two commission members tonight. He noted cars will be parked on the southern border. We had a very similar discussion a few years ago with another location and how many is too many. We circled it and it was approved. It must be an area for car dealers with the traffic on TH3. Chair Rotty asked if the gas station utilizes that area on the south side. Staff explained they do. Chair Rotty asked what is the thought process there and the traffic flow. Residents have mentioned there will be a restaurant going in there, so do we know what the traffic flow might be? Will they cut off the access on CSAH 50? Staff stated they can't cut off that access. We don't know exactly where they will show the cars. They will not have a garage to do work on cars. Chair Rotty stated if they want to wash or wax the car, where will that be done? Staff didn't know.

Commissioner Rich suggested continuing this public hearing to get these questions answered by the applicant. Chair Rotty noted there is also a dealer license that needs to be obtained from the state. If they don't get that license, this discussion is mute. Staff is not aware of any timelines. Chair Rotty explained to the audience what the commission is considering is not making a decision tonight, but reach out to the applicant to get answers to the questions. **MOTION** by Rich, second by Bjorge to continue the public hearing to the July 11, 2017, Planning Commission meeting. **APIF, MOTION CARRIED.**

**b. Conditional Use Permit to Allow an Auto Repair, Major Use within the B-3 Zoning District**

The applicant is Oleg Vdovchenko and the location is 315 Pine Street. The property owner is Bill Sauber. The parcel consists of two lots totaling .94 acres. There is an existing building on the site and the applicant will utilize the building. The business will be repair of vehicles, including rebuilding and reconditioning of engines, body work, frame work, welding and major painting. He would also be selling vehicles from the

property which are the ones he is repairing. Auto sales in the B-3 zoning is a permitted use. He is proposing the addition of two overhead doors to the west and create a parking area on the west and north side of the building for storage of the vehicles on site. He is proposing the parking area as a gravel lot. The code requires any off street parking lot be surfaced with concrete or blacktop. The code requires a minimum non-paved area of at least 10 ft in width between the edge of the parking lot and property line. They are showing a setback of 5 ft, so that would have to be adjusted an additional 5 ft. There would also be parking in the right-of-way of Pine Street. Any off-street parking would have to be on their property, so parking in the right-of-way would have to be removed from the plan. The applicant is proposing the construction of two accessory shops towards the north end of the property. This would be done in the future. Accessory structures within the commercial district are a conditional use. The application does meet the six criteria of a conditional use permit. Approval is subject to four conditions:

1. The applicant obtains all necessary building permits
2. A sign permit is applied for and approved for any external signing
3. The proposed parking must be surfaced with concrete or bituminous and shall be setback a minimum of 10 ft from all property lines
4. Other conditions as may be recommended by the Planning Commission.

The real estate agent for the applicant stated this is a family business. He has an auto business, Diamond Sales, two blocks away which he sold. The new owner would be very pleased to have Mr. Vdovchenko open another business in the area.

Ms. Robyn Craig, 20747 Dyers Pass, stated this is close to the river, so when dealing with cars, are there conditions they would have to meet to prevent contamination, especially if building a future shop to the north. Staff stated there would be certain setbacks from the river and that would be part of the review. There wouldn't be anything additional. Currently it is a plumbing and heating service.

The real estate agent stated Mr. Vdovchenko was in that building previously. There was a phase 1 and 2 inspection done by the EPA on the old building and there were no issues. There was no damage to the environment. Past events should have some bearing on this.

Mr. Bill Sauber, owner of 315 Pine Street, stated his property does not go up to the river. The city owns 30 feet along the river on both lots.

Commissioner Rich assumes there are state or county licensing matters for repair shops concerning toxic chemicals, etc. So that would be addressed in that process. The property to the west is a vacant lot which is not part of this. There is another lot further to the west. Staff explained that is a small apartment building. Commissioner Rich noted the apartment has parking stalls in what we call the setback. Is that grandfathered? Staff did allow it in that instance because the property did not have off street parking and no room to get parking to the rear of the property. With the property we are discussing, they have ample room to have off-street parking. Commissioner Rich stated the area is already populated with many car repair businesses. He asked if this business is more in

the salvage side. Staff agreed they repair the cars and then sell them. Commissioner Rich did not see an issue with having this business in this location.

Commissioner Bjorge noted staff mentioned building upgrades. This is a conditional use because of the noise and traffic that would come with it. She asked what that process would look like if there are issues with hours, noise, lighting, etc. Staff explained they would be addressed through the conditional use permit by the Planning Commission. There were never any concerns with the applicant's previous business. If the commission is concerned, this would be the time to address them. The upgrades referred to upgrading the building. Commissioner Bjorge asked if there were plans to go from gravel to cement for the parking. Staff is not aware of any plans.

Chair Rotty asked about the hours of operation. They will be from 9 a.m. to 6 p.m. and a few Saturdays. Chair Rotty asked if there will be any lighting added. No one was aware of any plans. Chair Rotty stated they should make sure any lighting doesn't filter off the property. Regarding the gravel vs asphalt, it is in the code that gravel is not allowed, along with setbacks and no parking on the boulevard. Representatives of the applicant agreed with those conditions. **MOTION** by Bjorge, second by Rich to close the public hearing. **APIF, MOTION CARRIED. MOTION** by Bjorge, second by Rich to approve the conditional use permit with the four conditions. **APIF, MOTION CARRIED.**

**c. Comprehensive Plan Amendments and Rezoning for a Portion of the Property Commonly Known as the Sayers Property**

This is located at the northwest corner of CSAH 50 and Flagstaff Avenue, south of the Farmington High School. The applicant is Mr. Tim Giles, Giles Properties, Inc. The application is to rezone 24 acres of the Sayers property. The land use is currently agricultural and would be amended to low-medium residential and include the property in the city's MUSA area. The zoning would change from A-1 (agricultural) to R-2 (low-medium density residential) planned unit development. The area is surrounded by agricultural with some large single family lots to the north and northeast of the property as well as the high school to the north. There is single family and a mobile home park to the west which are in Lakeville. Mr. Giles would plat the property into 65 single family lots. It would have to be approved as a planned unit development because the gross density would be 2.7 units per acre; the R-2 typically requires a minimum of 3.5 units per acre. The property is located next to property which is already in the MUSA area. Water and sewer service are available from Flagstaff Avenue and the property has been stubbed with sanitary sewer at the northeast corner of the property. Staff is comfortable with incorporating this area into the MUSA area.

Staff recommended approval to amend the 2030 comp plan for 24 acres of the Sayers property from agricultural to low-medium density and include the property into the MUSA area. Staff also recommended approval of rezoning the 24 acres from A-1 to R-2 planned unit development.

Mr. David Christopherson, 20993 Flagstaff Avenue, owns the property to the north. His concern is what updates will be done on CSAH 50. When Flagstaff Avenue was paved, it created serious issues at the intersection of CSAH 50 and Flagstaff. There was a meeting a few years ago about that intersection, but nothing has been done. Right now, he does not shop in Farmington because it is so difficult to make a left turn onto CSAH 50. That will be a problem with this development. Another issue is when they paved Flagstaff the water table was changed considerably. Their sump pump runs 365 days a year. The speed will be another issue. Cars go by from 35 to 65 mph. Those are three issues he would like to see considered before a decision is made. He would like to see the property stay as designated in the current 2030 comp plan.

Chair Rotty asked about traffic control plans. Staff has not seen any plans. Mr. Christopherson stated Flagstaff is a city street. He would like to know where a city street is 55 mph and his house is setback 45 feet. A week ago, Farmington High School had five vehicle accidents in one day. This is something that should be considered.

Mr. Paul Dietzinger, 20970 Flagstaff Avenue, has experienced the same thing. He just pulled his sump pump out of his backyard which is used to drain his back and front yards all the way to the ditch. Traffic is horrendous. When they purchased the property, they looked at the 2030 comp plan and it was going to be agricultural for as long as they would be there. Now we are talking another 65 homes, another 140 cars on the street. With the high school they sit in their driveway for 15 minutes because they can't get out. His main concern is the traffic.

Chair Rotty asked about the water table. Mr. Dietzinger explained they raised the road and whoever put the road in did a horrible job. This is on both sides of the road. His yard is the lowest on his side of the road. On a rainy day on Flagstaff going north across from the high school, you can watch a river go down the middle of the road, collect all the water from the road and down one person's driveway, it goes into the ditch and into his backyard. The ditches were changed when they redid Flagstaff. They have no utilities out there except for gas. The commission was talking about sewer and water and the residents have not heard about any of that being out there. Cable TV stops a mile down the road. They would have to tear up the road to get that in. None of the residents want a development in the area.

Ms. Robin Dietzinger, 20970 Flagstaff Avenue, has a concern with putting that many homes that close to CSAH 50 and Flagstaff Avenue. During the school year, she has witnessed backups on Flagstaff to at least their house trying to come out of the high school going southbound. Many people will drive on the shoulder to get to the intersection so they can turn right onto CSAH 50 and then take a left on the next turnaround to go into town. The main road itself is so backed up with buses, cars, tractors. People get very impatient with the tractors. The current residents understand having tractors because it is an agricultural area. People who live in a neighborhood will not be as tolerant sitting behind a 5 mph tractor for a couple miles. People do pass on the double yellow line. There is a 35 mph zone by the high school which is ignored. She can't imagine putting 65 more houses through that area any time of the year. It is



difficult enough now before and after school for 30 minutes. People are not tolerant of the traffic now, without adding more homes. It is dangerous to put more traffic that close to CSAH 50 without intersection control at CSAH 50 and Flagstaff.

Ms. Ute Christopherson, 20993 Flagstaff Avenue, has the same concerns. Part of the water problem is a holding pond by the high school that was not there before. They never had water coming out of their sump pump in the middle of winter. You are building a community in the middle of farm fields. The community doesn't even go to the intersection of CSAH 50, you still have farm area all around it. Her other concern is the traffic. When the school was built they asked if the speed limit could be lower than 55 mph for safety. When she comes home, she has to be careful turning into her driveway as to when she turns on her turning signal, has to hit the brakes multiple times to let drivers behind her know she is turning at her driveway. That becomes an issue. Many times people go around her when there is traffic coming north on Flagstaff even though it is a no passing zone. People pass the tractors like they are standing still even though it is no passing. Some tractors take up the full road. If you add 70 homes, you are adding at least 100 cars that will travel that road. Going onto CSAH 50 from Flagstaff is dangerous. To get to Farmington, she goes north on Flagstaff because it is safer. You are bringing a community into an area that is farm land. They bought the property because it was a farm area.

Chair Rotty appreciated all the comments on traffic and that will be considered.

Commissioner Bjorge stated this seems odd in the middle of agricultural land. When other communities build out, what is their experience when they rezone and go from agricultural to residential? Do they rezone because of an interested developer or does the city say it makes sense to have this here. Staff stated it can happen both ways, it is a policy decision. She asked what the process is with the traffic concerns. Staff explained there would be a traffic study done with the platting of the property to identify if turn lanes are needed, etc. As far as the intersection of CSAH 50 and Flagstaff, the county will look at whether it is a signal or a roundabout or other improvements. The county looks at that when warrants are met, which is something like traffic counts. A development may trigger those warrants sooner. It would be up to the county as to whether it meets warrants for a signal. Commissioner Bjorge noted we would be adding a lot of cars so would we look at just the residential area or all of the homes and whether extra lanes are needed for them. Staff explained that would fall under the traffic study. Commissioner Bjorge stated it feels like a different change when looking at the comp plan. She asked about the timing. Staff stated Mr. Giles would like to get in the ground this year. Commissioner Bjorge asked staff if they were to write the comp plan, would you look at this part of the city because of the development in Lakeville and expected growth as something that may not make sense in the future. Staff stated that area will be reviewed in the process, but doesn't know right now what that area will look like. Commissioner Bjorge asked when moving something from agricultural to residential, what would be considered; the other surrounding neighborhoods, etc. Staff explained you look at what's around it and do you want to grow from internal city out or do we

want to grow from the outer borders in. Neither one is right or wrong. It will be a Council policy decision.

Ms. Robyn Craig, 20747 Dyers Pass, stated you have the people that own the property who made a contract where they could not sell within a certain time period and that would stop developers from coming to their door soliciting them to sell their property. Some of the farmers are now at the stage where they want to sell their property. So you are going to see more properties in this area wanting to be turned over to development. You will see things spring up in different areas. It is a choice the farmers are making to sell their property. The City Council has talked about rezoning this area and that it will become residential.

Commissioner Bjorge understood, but she did not want to create a picture that doesn't make sense for the city, but this may be the vision for the future.

Commissioner Rich stated on one hand this development is inevitable. Once the high school was built, we knew this area would develop over time. Development is an art. We don't live in a planned economy. You have to have an interested seller and developer. Whether this makes sense, he is wrestling with it for several reasons. These are things that have to be solved along the way and some of it can't be piece meal solved. The water issue for example, he doesn't know whether the retention ponds at the high school are the cause or there are other reasons. He does know that you never require public water to be handled on private property. Road projects are always supposed to handle their own water runoff and not divert it to private property. That concerns him that we developed Flagstaff and didn't properly study that. He sees no reason we should exacerbate it. Toward the argument the resident likes to see farms out the window, we don't control the adjoining property when we buy property. Commissioner Rich wonders if this developer will have future residents sign a pledge they won't complain about farm smells. He has been concerned about CSAH 50 and Flagstaff since he moved here. He asked the City Engineer at that time and was told there isn't a plan. So we put a high school there and never planned how to handle drivers of various experience and funneled them onto CSAH 50. The temporary dedicated left turn lane at that intersection was helpful, but it went away. With it not being a controlled intersection on the horizon, he found it difficult to encourage more development if that issue isn't going to be solved. There is that issue and the water. The deal breaker is what is the density requirements in R-1 and R-2. Staff stated R-1 is one unit up to 3.5 units and R-2 is 3.5 to 6 units. In the R-1 you have larger lots typically 70 ft wide and 10,000 square feet. Commissioner Rich stated approval of this necessitates that we would have to go with a planned unit development which would have smaller lots and higher density than the standard in R-2 now. Staff stated the lots would meet the requirements of R-2 as far as lot area and width. The issue is the dwelling units per acre would fall below the minimum requirements. Commissioner Rich stated if we approve this, we are approving a planned development that will go at this another way. Staff stated the planned unit development will be part of the platting process. Commissioner Rich stated that approval will be assumed. If we come back later and say you can't have the planned unit development, the developer will say it was likely when you approved this change. That is his main

concern; that they are asked to deviate this soon in the process from the normal requirements. Flagstaff should be solved, water should be solved, the intersection should be solved. Development is inevitable whether it is this property or others. The question is whether our piece meal approach with many different government units can solve this properly.

Chair Rotty stated it is a community comprehensive plan. Should we have some of those questions answered? He was not aware of the daily issues on Flagstaff such as the water. He is aware of the CSAH 50 and Flagstaff intersection. That will have to be resolved by the county. There is an issue with other utilities that make it more expensive. A part of the comp plan is transportation. He asked if that could be as detailed as addressing Flagstaff Avenue. Staff stated there will be discussion, but how in depth will be determined. Chair Rotty asked from a comp plan standpoint, if the City Council, Planning Commission and engineers could have some answers. If not, we will be going through this same thing every time. Maybe the community needs to look at the speed and slow it down. He agreed with what the commissioners said. This area will develop. If you think it will be this way forever, once the school came and the road was paved, it is an indication that other things will happen. He asked what is planned to the south. Staff stated Mr. Giles is not purchasing that. The intent was to keep it for commercial development. Chair Rotty stated there are some roads that serve well to businesses. Who knows when it will develop, but those things are discussed in the comp plan. In the comp plan process, it is not just the City Council and Planning Commission, we ask business owners and residents to join us and we do the planning process together. Staff added to the east, the land is guided for an industrial park. Chair Rotty had the same reservations seeing something unique to the comp plan, of slamming it through and our City Council having to react six days from now and residents saying they didn't know about it a week ago and don't like it. Chair Rotty suggested this be part of the comp plan discussion and bring in those interested and discuss Flagstaff so everyone is on the same page.

Ms. Robyn Craig stated she is taking notes and is planning on addressing this and bringing this information to the City Council. There needs to be further clarification between the Planning Commission and the City Council and what the plan is and talk about the roads. It seems we are disjointed and need to have a more synergistic approach. Chair Rotty stated this is new information and we all need to digest it whether the conversation happens during the comp plan or at a separate meeting.

Chair Rotty sensed from the commission that this will not be a favorable outcome. We can table it until our next meeting so more people are on the same page. Staff stated there is a 60-day time frame so we would have to get an extension. Chair Rotty stated he has been through this before with discussions outside of the comp plan that have been much louder. It is because things deviate from the comp plan. Chair Rotty asked staff for the options for the commission. Staff stated the commission can make a recommendation to approve or deny to the City Council. You could table it, but we are under the 60-day time frame to review and approve an application. Due to when this was submitted, we would have to get an extension from the applicant. If the 60 days expires, it is automatically approved. Commissioner Bjorge asked about a special meeting at the

end of the month. There would not be a Council meeting available in July. Commissioner Rich did not see where their questions could be answered in two weeks or a month. If he voted tonight he would not recommend it or table it. Chair Rotty noted tabling it would cause another issue. Therefore, the best thing is to not recommend approval. The City Council could approve it.

A representative of Giles Properties, with Probe Engineering, stated if there is a recommendation to deny, regarding a lot of the issues raised such as the traffic on Flagstaff, there is not a lot the developer can do. He can't put a signal at CSAH 50 and Flagstaff. If we are awaiting approval on a comp plan amendment for things like that, the developer would like to know when that will take place. He does have an end date where he has to close on the property.

Chair Rotty understood. A lot of issues need to be addressed. Commissioner Rich stated what is being asked is to amend the comp plan and rezone. The developer could have decided not to even try this. It is not like we are saying we like it or don't like it. It's that it doesn't fit with the existing uses and we are being asked to modify the plan outside of the normal sequence of doing that. That is not the same as coming in with it zoned properly and we like or don't like your particular development. That is not the issue here.

**MOTION** by Bjorge, second by Rotty to close the public hearing. **APIF, MOTION CARRIED.** **MOTION** by Rich, second by Bjorge to deny the amendment to the 2030 comprehensive plan and the rezoning from A-1 to R-2. **APIF, MOTION CARRIED.** Staff will prepare Findings of Fact and this will go to the City Council on June 19, 2017.

#### 4. Discussion

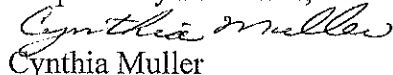
##### a) 2040 Comprehensive Plan Update

Mr. Jeff Miller, Hoisington Koegler, will be assisting staff with updating the 2040 comprehensive plan. Mr. Miller will be giving an update on the progress so far. The last comp plan amendment was in 2011 and the last full update was in 2008. State statute requires comprehensive plans be updated every ten years. Continued growth is expected over the next 20 years, but not as much as in the past. Mr. Miller outlined the six steps in the process. Work started in April and it is a one year process. There will be joint meetings with the City Council and several commissions and neighborhood meetings.

#### 5. Adjourn

**MOTION** by Bjorge second by Rich to adjourn at 9:15 p.m. **APIF, MOTION CARRIED.**

Respectfully submitted,



Cynthia Muller

Administrative Assistant



# City of Farmington

430 Third Street  
Farmington, Minnesota  
651.280.6800 - Fax 651.280.6899  
www.ci.farmington.mn.us

---

**TO:** Planning Commission  
**FROM:** Tony Wippler, Planning Manager  
**SUBJECT:** Conditional Use Permit Application to allow an Auto Sales Use within the B-1 Zoning District - Continued  
**DATE:** July 11, 2017

## **INTRODUCTION**

Tara Fonseca applied for a conditional use permit to allow an Auto Sales use within the B-1 (Highway Business) zoning district at the property located at 923 8th Street. The public hearing was scheduled for and opened at the June 13, 2017 Planning Commission meeting. Attached, for the Commission's review is the staff memorandum from the June 13th meeting. The Commission with a vote of 3-0 continued the public hearing to the July 11th regular Planning Commission meeting being the applicant or a representative of the applicant was not present to answer questions that the Commission had regarding the proposed use. The unresolved questions dealt with the specifics of where the staging and parking of the vehicles for sale would be located on site as well as where the applicant's inventory of cars would be located, whether off-site or on-site and if on-site where on site they would specifically be kept.

The applicant has stated that she will be present at the July meeting to answer the above mentioned questions as well as any other questions that the Commission and/or audience may have pertaining to the proposed use.

## **DISCUSSION**

None.

## **ACTION REQUESTED**

Approve the Conditional Use Permit allowing an auto sales use to take place on the property addressed as 923 8th Street, subject to the following conditions:

1. The applicant obtains all necessary building permits from the City's Building Official.
2. A sign permit is applied for an external signage that may be placed on the premises.
3. Other conditions as may be recommended by the Planning Commission.

## **ATTACHMENTS:**

Type	Description
□ Backup Material	June 13, 2017 staff memorandum



# City of Farmington

430 Third Street  
Farmington, Minnesota  
651.280.6800 - Fax 651.280.6899  
www.ci.farmington.mn.us

---

**TO:** Planning Commission  
**FROM:** Tony Wippler, Planning Manager  
**SUBJECT:** Conditional Use Permit Application to allow an Auto Sales Use within the B-1 Zoning District  
**DATE:** June 13, 2017

## **INTRODUCTION**

Tara Fonseca, 16943 Gerdine Path W, Rosemount, MN, has made application for a Conditional Use Permit to allow an Auto Sales use within the B-1 (Highway Business) zoning district.

## **PLANNING DIVISION REVIEW**

Applicant: Tara Fonseca - 16943 Gerdine Path W., Rosemount, MN 55068

Property Owner: Caspian Ventures, LLC - 7401 Bush Lake Road, Edina, MN 55439

Property Location: 923 8th Street (Town's Edge Mall)

Existing Zoning: B-1 (Highway Business)

2030 Comprehensive Plan: Commercial

Existing Lot Size: 4.46 acres

Surrounding Land Uses: Apartment Complex to the north, townhomes adjacent to the east, frontage road and Trunk Highway 3 to the west, and a commercial gas station to the south.

Proposed Land Use: Automobile sales office

## **DISCUSSION**

The applicant, Tara Fonseca, has submitted a conditional use permit application in order to allow an auto sales use on site. The location of the property is the Town's Edge Mall at 923 8th Street. The property is zoned B-1 (Highway Business) which auto sales is a conditional use.

The applicants proposal is to sell automobiles from the premises. They will occupy approximately 440 square feet of office space within the central portion of the mall as well as have 5 parking stalls dedicated for their use on the south end of the property.

A Conditional Use Permit shall be approved if it is found to meet the following criteria:

1. The proposed use conforms to the district permitted and conditional use provisions and all general regulations of this title. *The subject property is zoned B-1 (Highway Business). An auto sales use is*



*a conditional use in the B-1 zone.*

2. The proposed use shall not involve any element or cause any conditions that may be dangerous, injurious or noxious to any other property or persons and shall comply with the performance standards listed below. *The proposed use will not involve any element or cause any conditions that may be dangerous, injurious or noxious to any other person or property.*
3. The proposed use shall be constructed, designed, sited, oriented and landscaped to produce harmonious relationship of buildings and grounds to adjacent buildings and properties. *The proposed use will utilize existing office space within the mall as well as utilize existing hard surface parking spaces towards the southern end of the site.*
4. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood. *Staff believes the proposed use is consistent with the environment of the neighborhood. There are several similar uses in the near vicinity.*
5. The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood. *The proposed use will utilize existing parking on site, therefore, vehicular access and parking at this property will not greatly increase traffic congestion in the surrounding neighborhood with the addition of this use.*
6. The proposed use shall preserve the objectives of this title and shall be consistent with the comprehensive plan. *The subject property is comprehensively guided as commercial. The proposed use is consistent with the 2030 comprehensive plan.*

#### **ACTION REQUESTED**

Approve the Conditional Use Permit allowing an auto sales use to take place on the property addressed as 923 8th Street, subject to the following conditions:

1. The applicant obtains all necessary building permits from the City's Building Official.
2. A sign permit is applied for any external signage that may be placed on the premises.
3. Other conditions as may be recommended by the Planning Commission.

#### **ATTACHMENTS:**

Type	Description
▢ Backup Material	Application
▢ Backup Material	Applicant summary
▢ Backup Material	Floor Plan
▢ Backup Material	Site aerial



# City of Farmington

430 Third Street  
Farmington, Minnesota  
651.280.6800 • Fax 651.280.6899  
www.ci.farmington.mn.us

## CONDITIONAL USE PERMIT APPLICATION

Applicant: Tara Fortella Telephone: (62) 227 9997 Fax: ( )

Address: 14943 Gordine Path W Rosemont MN 55068  
Street City State Zip Code

Owner: Caspian Ventures LLC Telephone: (952) 797 9999 Fax: ( )

Address: 7401 Bush Lake Rd Edina MN 55434  
Street City State Zip Code

Premises Involved: 923 8th Street Farmington, MN 55024  
Address/Legal Description (lot, block, plat name, section, township, range)

Current Zoning District B-1 Current Land Use Commercial

Specific Nature of Request: Car Dealership

### SUBMITTAL REQUIREMENTS

- ☒ Proof of Ownership ☐ 6 Copies of Site Plan  
☐ Application Fee ☐ Abstract/Residential List (required 350' from subject property)  
☐ Boundary / Lot Survey ☐ Torrens (Owner's Duplicate Certificate of Title Required)

[Signature] 5/22/2017  
Signature of Owner Date Signature of Applicant Date

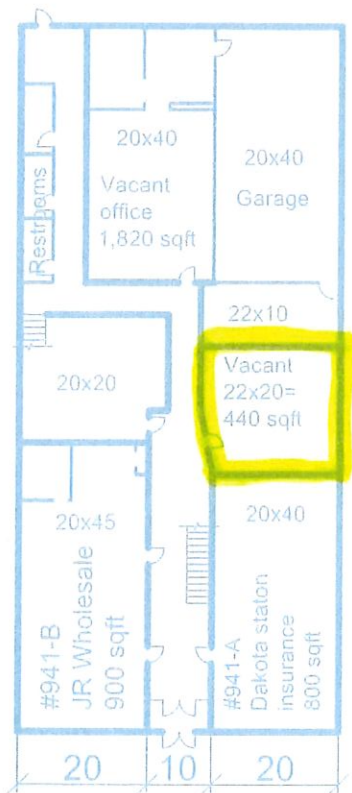
Request Submitted to Planning staff on _____	For office use only	
Public Hearing Set for: _____	Advertised in Local Newspaper: _____	
Planning Commission Action: _____ Approved _____ Denied	Fee Paid _____	
City Council Action (if necessary): _____ Approved _____ Denied	\$200 – City of Farmington	
	\$46 – Dakota County Recorder	
Comments: _____		
Conditions Set: _____		
Planning division: _____	Date: _____	9/06



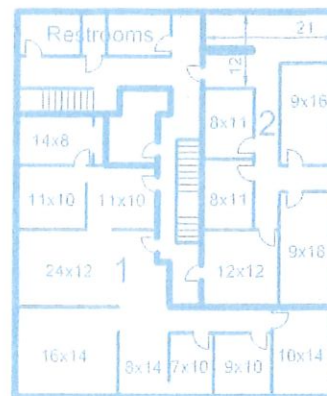
We would like to use the office space for a used car dealership office. We are just initiating the process, so law requires property with 5 parking spaces available for cars to show to start with. We would like to start as soon as possible. This is a family owned business w/no employees.

# Farmington Mall Offices

First floor



Second floor



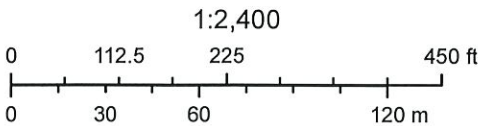
Offices:  
1 - 1360 sqft  
2 - 970 sqft



Dakota County, MN



June 8, 2017



Property Information  
Dakota County



# City of Farmington

430 Third Street  
Farmington, Minnesota  
651.280.6800 - Fax 651.280.6899  
[www.ci.farmington.mn.us](http://www.ci.farmington.mn.us)

---

**TO:** Planning Commission  
**FROM:** Tony Wippler, Planning Manager  
**SUBJECT:** Fairhill Estate at North Creek Preliminary Plat and PUD Amendment  
**DATE:** July 11, 2017

## **INTRODUCTION**

The city has received a Preliminary Plat application and PUD amendment for the proposed Fairhill Estate at North Creek development generally located at the southwest intersection of Trunk Highway 3 and 190th Street W.

## **DISCUSSION**

Due to a number of outstanding issues the plat and PUD amendment is not ready for formal review by the Commission. Staff will be recommending that the public hearing be continued to the August 8th Planning Commission meeting.

## **ACTION REQUESTED**

Continue the public hearing to the August 8th Planning Commission meeting.





# City of Farmington

430 Third Street  
Farmington, Minnesota  
651.280.6800 - Fax 651.280.6899  
[www.ci.farmington.mn.us](http://www.ci.farmington.mn.us)

---

**TO:** Planning Commission  
**FROM:** Tony Wippler, Planning Manager  
**SUBJECT:** Discussion on Revising the Home Occupation Ordinance  
**DATE:** July 11, 2017

## **INTRODUCTION**

Staff would like to begin a discussion with the Planning Commission regarding the possibility of revising Section 10-6-2 of the zoning ordinance as it relates to Home Occupations. A draft ordinance is attached for the discussion purposes.

## **DISCUSSION**

Planning staff is suggesting a wholesale change to the city's home occupation ordinance. The existing ordinance, which is attached, is very generic and lends itself to staff making interpretations on what types of home occupations truly need city oversight. The draft ordinance not only provides staff with clarification on what uses are allowable and prohibited as home occupations but it also changes how the city approves these home based businesses.

The first "major" change that staff is suggesting is to have two distinct categories/classifications for home occupations. The classifications that are being suggested are: "Permitted Home Occupations" and "Special Home Occupations". Permitted home occupations would be those uses that can allowed by the city without additional approval or a permit and can contain all parking within the existing driveway. These types of home occupations are the types that generate little if any traffic and include, but not limited to, art studios, consulting services, and tailoring. Special home occupations include such uses as barber and beauty services, massage therapy, and photography studio. Another difference between the special and permitted home occupations is that the special would allow for one (1) additional employee who does not reside on the premises to be employed. Special Home Occupations would require an interim use permit be approved by the Planning Commission.

The existing code provision requires that a conditional use permit be approved for any home occupation. What staff is suggesting with the draft ordinance is that "Special Home Occupations" be approved through an interim use permit. This way the use does not run with the property in perpetuity, there is a timeframe associated with the interim use permit. The draft ordinance recommends that a Special Home Occupation permit may be issued for an initial one year period after which the permit may be reissued for periods of up to three (3) years. The initial permit application would require a public hearing. Subsequent permit renewals for special home occupations would not require a public hearing; however, property owners within 350 feet of the subject property would be notified of the renewal.

The other major change that is being contemplated is the addition of a "General Provisions and Performance Standards" section. This provides more "teeth" than what is currently available in the existing ordinance. This section provides regulations on such things as noise, light, and hours of operation.

Lastly, the draft ordinance identifies home occupations that would be prohibited or undesirable in a

residential neighborhood.

**ACTION REQUESTED**

Review the attached draft ordinance and provide comments.

**ATTACHMENTS:**

Type	Description
▣ Ordinance	Draft Ordinance Amendment
▣ Backup Material	Section 10-6-2 Home Occupations

CITY OF FARMINGTON  
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 10, CHAPTER 6, SECTION 2  
AS IT RELATES TO HOME OCCUPATIONS**

THE CITY COUNCIL OF THE CITY OF FARMINGTON ORDAINS:

**SECTION 1.** Title 10, Chapter 6, Section 2 of the Farmington City Code is amended as follows (deleted text is ~~struck~~ and added text is underlined):

**10-6-2: HOME OCCUPATIONS:**

~~A home occupation is permitted as an accessory use if it complies with the requirements of this section following all procedures outlined for approval of a conditional use.~~ The purpose of this Section is to maintain the character and integrity of residential areas and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods, without jeopardizing the health, safety and general welfare of the surrounding neighborhood. In addition, this Section is intended to provide a mechanism enabling the distinction between permitted home occupations and special or non-conforming home occupations.

(A) ~~The home occupation shall be conducted solely and entirely by persons who reside full time in the home.~~ Permitted Home Occupation:

1. Any permitted home occupation as defined in this Ordinance, and subject to the performance standards of this Section, may be conducted solely within a residential principal or accessory structure without a permit or special approval of the City.

2. Permitted home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway or guest parking area for multiple family dwellings, where no vehicle is parked closer than ten (10') feet from the curb line or edge of paved surface.

3. Permitted home occupations include and are limited to: art studio, tailoring, secretarial services, consulting services, professional offices and teaching with musical, dancing and other instructions which consist of no more than one pupil at a time, and similar uses.

(B) ~~The home occupation shall be conducted wholly within the principal or accessory structures.~~ Special Home Occupation:

1. Permit Required. Any home occupation which does not meet the specific requirements for a permitted home occupation as defined in this Section shall require a "special home occupation permit" which shall be applied for, reviewed and disposed of in accordance with the procedural provisions of an interim use permit pursuant to Section 10-3-7 of this Ordinance.

2. Examples of special home occupations include: barber and beauty services, massage therapy, chiropractic office, photography studio, group lessons, small appliances repair, the marketing of non-over the counter brand name products, and the like.

3. The special home occupation may involve any of the following: stock-in-trade incidental to the performance of the service, repair service or manufacturing which requires equipment other than customarily found in a home, the teaching with musical, dancing and other instruction of more than one pupil at a time.

4. Declaration of Conditions. The Planning Commission may impose such conditions on the granting of an interim use permit as may be necessary to carry out the purpose and provisions of this Section.

5. Transferability. Permits shall not run with the land and shall not be transferable.

6. Inspections. The City of Farmington hereby reserves the right upon issuing any interim use permit for a home occupation to inspect the premises in which the occupation is being conducted to insure compliance with the provisions of this Section or any conditions additionally imposed.

(C) ~~No structural alterations or enlargements shall be made for the sole purpose of conducting a home occupation.~~ General Provisions and Performance Standards:

1. No home occupation shall produce light glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.

2. No equipment shall be used in the home occupation, which will create electrical interference to surrounding properties.

3. Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.

4. No home occupation shall require internal or external alterations or involve construction features not customarily found in residential dwellings except where required to comply with the local and state fire and police recommendations.

5. There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on site.

6. All vehicle parking required for conduct of the home occupation shall be off-street. Parking/storage of all commercial or non-passenger vehicles used in the home occupation shall be within a fully enclosed building.

7. The home occupation shall meet all applicable fire and building codes.

8. No home occupation activity of a non-residential character shall be discernable from the private street with the exception of a two sided, two (2) square foot, non illuminated sign may be displayed. Said sign shall be set back a minimum of ten (10') from all property lines.

9. Shipments and delivery of products, merchandise or supplies shall be limited to the hours of 8:00 AM and 6:00 PM and shall regularly occur only in single rear axle straight trucks or smaller vehicles used to serve residential areas.

10. All home occupations shall comply with the provisions of the City Nuisance Ordinance.

11. No home occupation shall be conducted between the hours of 6:00 PM and 7:00 AM unless said occupation is contained entirely within the principal building and/or accessory structure space and will not include any on-street parking facilities.

12. No retail sales and delivery of products or merchandise to the public shall occur on the premises except when incidental to the services provided.

13. Home occupations shall not utilize more than forty-five (45) percent of the gross floor area of any dwelling unit, inclusive of any detached accessory structure used for the home occupation.

14. Product sales associated with private social events (i.e., "Tupperware" parties) shall be exempt from this section provided they occur no more than four (4) times per year at any given residence.

15. Home occupations must be owned and operated by the owner/lessee of the residential property.

(D) ~~Only one home occupation shall be permitted for each principal structure.~~ Requirements for Permitted Home Occupations:



1. Only persons who reside full time in the residence shall be employed by the home occupation.

2. Customers and/or clients from the general retail public shall not come to the premises in question for purposes pertaining to the conduct of the home occupation.

3. All permitted home occupations shall be conducted entirely within the principal or accessory structures.

(E) ~~Exterior displays or signs other than a two (2) sided, two (2) square foot, nonilluminated sign and exterior storage of materials and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.~~ Requirements for Special Home Occupations:

1. Only one (1) employee, who does not reside on the premises, shall be employed.

2. A special home occupation permit may be issued for a period of one year, after which the permit may be reissued for periods of up to three (3) years each. Each application for permit renewal shall, however, be processed in accordance with the provisions regarding interim use permits, except that no public hearing is required on the permit renewal, unless deemed necessary by the Planning Commission. However, notice of the permit renewal application must be provided to all property owners of land within three hundred fifty (350') feet of the boundary of the property in question. The notice must provide the date of consideration before the Planning Commission and indicate that parties may be heard to consider the application. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within the Zoning Ordinance.

(F) ~~The activity does not involve the manufacture, assembly or distribution of goods and the activity does not deal with the general retail public. (Ord. 002-469, 2-19-2002)~~ Prohibited Home Occupations:

1. Service, repair or painting of any motorized vehicle, including but not limited to motor vehicles, trailers, boats, personal watercraft, recreational vehicles and snowmobiles.

2. Dispatch centers where persons come to a site and are dispatched to other locations.

3. Medical or dental clinic.

4. Rental businesses.

5. Contracting, excavating, welding or machine shops.

6. Commercial kennels and veterinary clinics.

7. Tow truck services.

8. Sale or use of hazardous materials in excess of consumer quantities which are packaged for consumption by individual households for personal care or household use.

9. Any other use of residential property deemed to be detrimental or inconsistent with the residential character of the neighborhood.

**SECTION 2.** Effective Date. This ordinance shall be effective upon its passage and publication according to law.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the City Council of the City of Farmington.

CITY OF FARMINGTON

By: \_\_\_\_\_

Todd Larson, Mayor

ATTEST:

By: \_\_\_\_\_

David McKnight, City Administrator

SEAL

By: \_\_\_\_\_

City Attorney

Published in the Farmington Independent the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

## **10-6-2: HOME OCCUPATIONS:**

A home occupation is permitted as an accessory use if it complies with the requirements of this section following all procedures outlined for approval of a conditional use.

- (A) The home occupation shall be conducted solely and entirely by persons who reside full time in the home.
- (B) The home occupation shall be conducted wholly within the principal or accessory structures.
- (C) No structural alterations or enlargements shall be made for the sole purpose of conducting a home occupation.
- (D) Only one home occupation shall be permitted for each principal structure.
- (E) Exterior displays or signs other than a two (2) sided, two (2) square foot, nonilluminated sign and exterior storage of materials and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
- (F) The activity does not involve the manufacture, assembly or distribution of goods and the activity does not deal with the general retail public. (Ord. 002-469, 2-19-2002)



# City of Farmington

430 Third Street  
Farmington, Minnesota  
651.280.6800 - Fax 651.280.6899  
www.ci.farmington.mn.us

---

**TO:** Planning Commission  
**FROM:** Tony Wippler, Planning Manager  
**SUBJECT:** 1st Street Complaint  
**DATE:** July 11, 2017

## **INTRODUCTION**

Attached, is a letter that the city received from some concerned residents along 1st Street. One of those residents, Mr. Ellsworth Hoeppner, has requested that the letter be provided to the Commission and that he be able to address the Commission regarding the concerns expressed in the letter.

## **DISCUSSION**

The concerns expressed in the letter deal in large part with the business operating at 525 1st Street. The property at 525 1st Street is zoned B-3 (Heavy Business) and light manufacturing is a permitted use.

I have attached an aerial of the area of concern. The property at 525 1st Street is outlined in red.

## **ACTION REQUESTED**

Let Mr. Hoeppner address the Commission and provide any feedback that the Commission feels is appropriate.

## **ATTACHMENTS:**

Type	Description
□ Backup Material	Complaint letter
□ Backup Material	Aerial

DATE: June 19, 2017

ATTENTION: PLANNING COMMISSION  
MR. TONY WIPPLER  
CITY COUNCIL

SUBJECT: A Petition for Safety of the Children and Adults  
To Eliminate Noises for the Residents

TO: Mr. Tony Wippler  
Planning Manager  
430 Third Street  
Farmington, MN 55024

We, the residents who live on First and Walnut streets, are making out a complaint about the Base Specialty Company and about the unsafe area for the children and adults who are using the public roadway going past the Base Company located at 525 First Street in Farmington, MN.

See below the High volume of children and people using this public road.

1. 6-10 small children under the ages of 5 years old are walking to the library everyday and back again with a day care provider.
2. We have kids walking, sometimes running everyday, from the Walnut Apartments to catch the bus on the corner of Spruce street. They walk into the intersection and some kids cross over the street there to go to school uptown.
3. There are 6-10 older senior citizens who walk every day past the Base Company just to walk for their health purposes. And couples who walk to the Health Exercise Club to stay in shape.
4. A large group of Middle School boys running their practice for track in the street past the Base Company.
5. We have a group of 5 people walking to town on their lunch break everyday from Dakota Electric.
6. We have kids riding bikes, skateboards, and when school is out more kids are riding their bikes to go to the park and go fishing.
7. There are Lots of people walking their dogs to get them out of the house after working. There are many dogs in the neighborhood.
8. Boys are walking to football practice and to the Athletic Field after school and at 7 PM. Someone from the Base Company at 7PM is still in the street with the forklift moving work and loads around and loading big semi's. At times it's really Dark and he's driving around in the street.

9. We have many babies pushed in strollers past Base Specialty Co, because of this younger group of people living in this area.

Because of a high volume of people (children, senior citizens, walkers, bikers, runners, etc.) PLUS the high volume of trucks pulling tractors, cars, and semi-trucks delivering and picking up loads, city and school lawn and field equipment, tractors too, an unsafe hazardous accident is just waiting to happen and someday it will happen if we don't take steps to stop these trucks and semi-trucks, forklifts from being in the intersection constantly. We hope a child or senior citizen will not get hit.

The traffic has tripled and more on this road and because of a T-intersection it's dangerous! It's probably 1 of 4 most dangerous roads in Farmington. We do not pay taxes to put a loading dock in this street or intersection. This business should NOT ~~been~~ approved in this area because of the high fast growing businesses already bringing so many cars traveling on this road.

Here is the list of businesses in this area:

1. Westwood Homes and apartments - Cars from homes and apartments
2. Walnut Street Apartment - apartments with some having 2 cars or truck
3. Air Control Center - trucks and cars coming to work and going home
4. Plane Daycare Nursery - buses and cars bringing children to and from
5. Dakota Electric - workers coming and going in cars and trucks
6. Catholic Church - buses, cars, trucks Saturday and Sunday
7. Grant Plumbing - trucks and cars
8. Extension Office - cars and trucks coming and going to work
9. Weber Vacuum Co. - trucks and cars
10. Not to forget semi-trucks going to each business

#### SOLUTIONS AND SUGGESTIONS

1. They are unloading raw materials in the back of building BIG DOOR, so should be loading up their shipment to go in the back also to get these semi-trucks OFF the streets and make it SAFE FOR CHILDREN, SENIORS, ADULTS, AND CARS.

2. Because the workers are doing the production OUTSIDE in the open DRIVEWAY, the forklift runs back and forth in the streets bringing them supplies or picking up the orders for shipping in semi-trucks setting and waiting in the street.. Forklift and semi-truck are in the street blocking traffic and endangering the lives of others. This is a BIG building and they should keep their production inside the factory. They have a BIG door inside, use it. The public roadway intended for cars, people, children, dogs, bikes, many things, but NOT for a warehouse or loading dock.
3. Shutting the BIG door facing the intersection would be a safety guard feature for backing out onto the street for the childrens and seniors safety and it would cut down the noise for residents. We've talked to the owner of Base Specialty Co. to please shut the BIG door and he said "I know it is noisy" but stops talking to us or anyone. He has NO consideration for children, seniors, residents in the area or anyone. Most companies will try to solve that issue if at all possible for the sake of both involved. Wouldn't you agree?

As you read these unsafe conditions for children, seniors, and adults walking past Base Specialty Co. in the streets and SEE how dangerous this street is that you will enforce safety changes made immediately to avoid someone getting hit or worse.

## 1. UNBEARABLE NOISES

The Northwest and Southwest BIG doors are, in the Summertime, wide open during the day production, from 6 AM to 5 PM. It makes the enormous amount of banging LOUD noises, unbearable to the ears, as large metal strips are being cut with shears and saws with the BIG doors wide open ALL day long. They never try to diminish or muffle these sounds for the residents.. This grinding and cutting of aluminum and metals with saw, besides the air guns popping OFF constantly, drilling in wood and metal screws and nails ALL day long can LOUDLY be heard in our homes, windows, front-back yards. They hammer down on metal edges pounding with heavy metal mallets instead of using a machine. The cutting of boards to make pallets with a nail gun, metal mallet and compressor is another annoying sound all day long and we cannot tolerate the pain in the nerves of our ears or in our minds and the HARM from these noises. The Base Specialty Company take their products OUTSIDE into the driveway by hand wrapping and boxing materials onto pallets for shipping by working their BUSINESS OUTSIDE of the building. They should be buying pallets like most businesses do. This type of work done outside should go to the back of the East door.

Below you will see written in BUSINESS LAW/THIRD EDITION the explanation of TORTS taught to colleges in the 50 states.

## LAW OF TORTS – NUISANCE AND NEGLIGENCE

A Tort is a violation of the rights of an individual(s) either deliberately or unintentionally. The law of Torts does not deal with duties imposed by contracts, but is concerned ONLY with the invasion of private rights. The law imposes the duty on each person to avoid conduct that would deny a person the right to enjoy his or her property.

The Law recognizes that each person the right to enjoy his/ or her property without unreasonable interference from others. A person who acts in a way that denies this right to others (residents) has created a private nuisance (as compared with a public nuisance which denies the general public the enjoyment of public property). Creating a nuisance does not entail taking another's property, only the enjoyment of it.

### 2. NUISANCE AND NEGLIGENCE

The neighbors are deeply concerned from ALL the enormously loud noises forced upon us all day every day. We are unable to sit down in our lawn chairs in OUR yards. We love to have a glass of lemonade or ice cream/ice tea but it is so unbearable we hate to think of the noise penetrating, hurting our ear nerves and giving us headaches as it sometimes does. We cannot enjoy our property one day without this repetitious pounding on our heads, ears, foreheads and mind. Where is our God given tranquility of PEACE? The quality of life, calmness, freedom from disturbances or agitation and quietness. God gives it to us, but the Base Specialty Company takes them from us. We sometimes want to sit in our outdoor swing, but we cannot because of these sharp noises. A Tort of Nuisance states a person can be charged with creating a public nuisance by causing LOUD NOISES, FOUL ODORS, BRIGHT LIGHTS, OR DIVERTING A STREAM.

### 3. NEGLIGENCE

We feel the Base Specialty Company is using carelessness and recklessness by throwing their metal strips and wood boards from pallets and just let them fall to cement floors, plus many other supplies they work with. We have been closely observing and watching them do this, making this noise. If OSHA were to know this unsafe hazard and habit, it would get stopped. If you worked in the factories, and we all have, you would not be able to throw parts to the floors, whereas it could splinter off and fly into someone. Someone would report this. Another noise maker is the electric forklifts, which still drives back and forth in the street all day. The forklifts don't fit as they were homemade forks and rattle going over 2 driveways, there's NO reason for these DOORS TO BE WIDE OPEN.



## WE ARE ASKING YOU?

1. We all feel that because of the many different kinds of LOUD noises that the Base Company consists of, that the Base Specialty Company was designed and the type of business for the Farmington Industrial Park, because of the many LOUD noise factors. The noise is a Nuisance--SHUT THE BIG DOOR.

We are asking that you eliminate these noises for the residents?

2. Because the Base Company has a LARGE doorway open on the inside of the buildings connecting the two buildings together, they should NOT be OUT in the traffic of cars, bikes, strollers doing production in the driveway. This is an unsafe Hazard.

We are asking that they DO NO WORK PRODUCTION OUTSIDE in driveway?

3. If the Base Company would use the East big door facing the railroad tracks it would help a great deal when breaking the boards of the skids apart. Then sawed, nailed, screwed together on the East side, it would be a big help with the noise.

We are asking you to eliminate unnecessary noises for residents?

4. Most small companies where buildings are smaller and a fewer than 15 people work, can afford to put in an air conditioner, ONLY in the area where those people are working. Workers should NOT struggle through the heat in the summer for safety issues.

An air conditioner would help the workers in the summer with ventilation and eliminate the noise problem for the residents. A city loan to the Base Company for this would help at this time the workers and residents that could really solve the problem. ALL the neighbors being totally affected by this.

We are asking you to do whatever it takes to eliminate the noises?

5. For the Base Company to go from one bad forklift to another bad forklift with the forks not properly fitted making rattling noise all day long driving in the street is NEGLIGENT.

We ask you to put a STOP to this rattling for the residents?

PLANNING COMMISSION, MR. TONY WIPPLER, CITY COUNCIL

This petition is being made against the Base Specialty Company to keep the semi'trucks and forklifts from loading their merchandise in the road, making it unsafe dangerous hazard for the children, senior citizens or any person walking or riding in this public busy roadway.

Also,

We, the residents are stating to you, WE cannot tolerate these LOUD noises any longer which are making our home and yard environment outdoors unbearable to us ALL, and adding injury to our ears, minds and eyes.

WE want these SERIOUS PROBLEMS to be enforced. Hopefully, WE will not need to take more drastic measures to solve these two problems for the neighborhood and residents. WE have been putting UP with it too long. WE hope you will have a deep consideration for the residents?

Very Sincerely,

*Ellsworth Hoepfner*

651-463-8735

Residents of First and Walnut Streets  
Signing below on this petition (Page 7)

## A PETITION

7.

JUNE 16, 2017

Petition Against the Base Specialty Company at 525 First Street to Eliminate Dangerous, Unsafe Hazard Public Road for the Children, Senior Citizens, Cars, by Eliminating Forklift and Semi-trucks From Loading and Unloading Shipments in the Public Street.

ALSO

Petition to Eliminate LOUD Damaging Noises--~~RESIDENTS~~ are Unable to Enjoy Their properties of Their Homes and Yards and Causing Personal Injury to Them.

NAME OF RESIDENT

ADDRESS OF RESIDENT

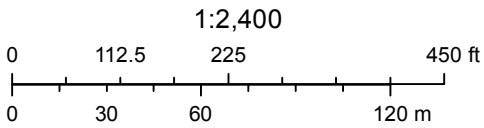
1. Ellsworth Hoeppe	1. 27 Walnut Street, Fgtn
2. Wm. H. H. H.	2. 512 1st Street, Fgtn
3. Tom Haves	3. 600 1st St. Fgtn.
4. David Thelen	4. 508 1st St Fgtn
5. Ernest L. Ross	5. 28 Spruce Farmington
6. Nathan Boebon	6. 32 Spruce St. Fgtn
7. ISSAIAH SCHUBZ	7. 11 Walnut St. Farmington, MN
8. _____	8. _____
9. _____	9. _____
10. _____	10. _____
11. _____	11. _____
12. _____	12. _____
13. _____	13. _____
14. _____	14. _____
15. _____	15. _____
16. _____	16. _____
17. _____	17. _____
18. _____	18. _____
19. _____	19. _____



Dakota County, MN



July 7, 2017



Property Information  
Dakota County