PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS	MONDAY, AUGUST 7, 2023	6:00 PM

1. Call to Order
2. Approval of the Minutes - July 17, 2023 Regular Meeting
3. Public Hearings
   - A. Application for Zoning Text Amendments to allow Recycling Collection Centers with a Conditional Use Permit in the Certain Commercial Districts
   - B. Application for Conditional Use Permit for a Recycling Collection Center in the C-2 District at 1001 Division St. W.
4. Board and Commission Reports, Announcements and Updates
5. Adjournment

Please contact the Departments of Community & Economic Development at 507-334-0100 if you need special accommodations to participate in this meeting.

PLANNING COMMISSION MINUTES

COUNCIL CHAMBERS	MONDAY, JULY 17, 2023	6:00 PM

Meeting Items

1. Call to Order

   The regular meeting of the Planning Commission was called to order at 6:00 p.m. by Chair David Campbell. Commissioners Eric Delgado, Barton Jackson (arrived at approx 6:02 p.m.), Michael Salt, Samuel Temple and Chair David Campbell were in attendance. Also in attendance was Community and Economic Development Director, David Wanberg, Planning Coordinator, Peter Waldock and Administrative Assistant, Kari Casper.

2. Approval of the Minutes June 26, 2023 Special Meeting Minutes

   Motion by Sam Temple, seconded by Eric Delgado to Approve the meeting minutes of June 26, 2023. The motion passed on a 4/0 vote.

3. Public Hearings

A. Application for a Conditional Use Permit for an outdoor dining patio for Redemption Restaurant at 31 3rd St NE (continued from June 26, 2023)

   Waldock stated that the applicants have not yet submitted the additional information to include the portico. Waldock requested that we close the public hearing and continue the matter indefinitely. Motion by Sam Temple, seconded by Michael Salt to continue the matter indefinitely. The motion passed unanimously.

4. Board and Commission Reports, Announcements and Updates

   Chair Campbell stated that there is no new information from the Economic Development Authority.

5. Adjournment

   Motion by Sam Temple, seconded by Eric Delgado to adjourn at 6:04 p.m.. The motion passed unanimously.

   Respectfully submitted,

   By:_____
   Kari Casper, Recording Secretary

REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: Dave Wanberg, Community and Economic Development Director
FROM: Peter Waldock, AICP Planning and Zoning Coordinator
MEETING DATE: August 7, 2023
SUBJECT: Application for Zoning Text Amendments to allow Recycling Collection Centers with a Conditional Use Permit in the Certain Commercial Districts

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Background:
Ryan Miryala, with Recyy Recycling LLC has requested a zoning text amendment to allow commercial collection of electronic waste in Commercial Districts. Recyy, is an electronic waste (e-waste) recycling collection center business that is planning to open a small retail collection center at 1001 Division St. W in the C-2, Highway Commercial District. Currently, zoning regulations permit recycling center uses in industrial districts, but they are not included in the list of permitted or conditional uses in commercial districts.

Staff supports a zoning text amendment to allow e-waste recycling collection centers in C-2 and C-3 Commercial Districts as a conditional use. A draft ordinance has been prepared by staff that includes a definition of a Recycling Facility (currently permitted in industrial districts) and E-Waste Recycling Collection Centers, Development Standards for this use and an updated table of permitted uses. A detailed staff report is attached with this item for further information.

Recommendation:
Approve written findings in support of the proposed zoning text amendment and recommend City Council approval.

Attachments:
1. Draft Zoning Text Amendments Related to E-Waste Recycling Collection Centers in Commercial Districts
2. Staff Report to the Planning Commission

3. Application

CITY OF FARIBAULT
ORDINANCE No. 2023-___

Approve Zoning Text Amendments Related to E-Waste Recycling Collection Centers in Commercial Districts

WHEREAS, Recyy Recycling has requested a zoning text amendment to permit e-waste recycling collection centers in certain commercial zoning districts; and

WHEREAS, the Planning Commission, on August 7, 2023, following proper notice, held a public hearing regarding the proposed zoning text amendment; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the above-referenced zoning text amendment based on the following written findings outlined in Section 2-180 of the City's Unified Development Ordinance as follows:

1. **Criteria: Whether the amendment is consistent with the applicable policies of the City's Land Use Plan.**

   Finding: While the processing of recyclable materials is an industrial activity that could be problematic in a commercial zoning district, the activity of collecting recyclable electronic materials will be less intensive and more convenient for residents and local businesses if conducted indoors in a commercial district and will not be a public nuisance.

2. **Criteria: Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.**

   Finding: As the need for electronics recycling becomes more pressing, an easily accessible recycling drop-off point will benefit the public.

3. **Criteria: Whether the existing uses of property and the zoning classification of the property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.**

   Finding: The proposed text amendment does not change the zoning classification of property in the city. Therefore, this required finding does not apply to the proposed text amendment.

4. **Criteria: Whether there are reasonable uses of the property in question permitted under the existing zoning classification,**

where the amendment is to change the zoning classification of a particular property.

Finding: The proposed text amendment does not change the zoning classification of property in the city. Therefore, this required finding does not apply to the proposed text amendment.

5. **Criteria Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.**

   Finding: The proposed text amendment does not change the zoning classification of property in the city. Therefore, this required finding does not apply to the proposed text amendment.

Whereas, the City Council held a public meeting on _____, to consider approval of the first reading of Ordinance 2023-_; and

Whereas, the City Council also held a public meeting on _____, to consider approval of the second reading of Ordinance 2023-_; and

Whereas, based on the City Staff report, the results of the public hearing, and the written findings and recommendation of the Planning Commission, the City Council of the City of Faribault concurs with the written findings of the Planning Commission as stated in the above recitals and makes the identical findings.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Text Amendment – Definitions. The Faribault City Council adds the following definitions (shown in the underlined text) to Section 1-120 of the City's Unified Development Ordinance:

Recycling collection center, e-waste. A business that collects and temporarily stores specified recyclable items for transfer to another site for processing and recycling.

Recycling facility. A facility that accepts, receives, and processes materials for recycling. Such facilities may include e-waste recycling.

Section 2: Text Amendment - Development Standards. The Faribault City Council adds the following language (shown in the underlined text) to the Unified Development Ordinance Section 7-30. Specific Development Standards:

Recycling collection centers, e-waste in commercial districts

The following standards allow for convenient and safe disposal of household electronic products and appliances at e-waste recycling collection centers in specified commercial zoning districts. The centers are intended to serve as collection centers, with the processing of the products occurring at other facilities in appropriate zoning districts. E-waste recycling collection centers in commercial zoning districts must meet the following minimum standards.

1. E-waste recycling collection centers may accept the following household electronic products and appliances:
    - Communication and information technology devices such as cell phones, computers, smart watches, printers, copiers, and similar devices;
    - Home entertainment devices such as televisions, radios, video games, remote controls, and similar devices;
    - Household appliances such as microwaves, countertop appliances, ovens, ranges, dishwashers, refrigerators, freezers, dehumidifiers, and similar devices; and
    - Other electronic and household appliances for which the City Council has determined meets the intent of this ordinance as outlined in the conditional use permit.
2. E-waste recycling collection centers are prohibited from accepting the following:
    - Paints, solvents, chemicals, and similar products;
    - Plastic, aluminum, and glass containers, scrap metal, and similar products;
    - Vehicles, lawn and garden equipment, and similar products;
    - Furniture, mattresses, carpet, building materials, and similar products; and
    - Other products not specifically allowed by this ordinance and for which the City Council has determined do not meet the intent of this ordinance.
3. E-waste recycling collection centers may collect and temporarily store household electronic products and appliances. No salvage, reclamation, recovery, or processing of any items, or the re-sale of any items or parts, or salvaged, reclaimed and/or recovered materials, is permitted in the centers.
4. All recyclable materials must be collected and stored inside the center in appropriate containers. Recyclable materials, shipping containers,

and trailers cannot be stored outdoors. Loading of recyclable materials for shipment to material recovery facilities must occur in designated loading zones in the side or rear yard of the site unless specifically allowed otherwise in the conditional use permit. Curbside collection and after-hours drop-off are prohibited.

5. The property must be maintained free of litter, junk, and debris.

Section 3: Text Amendment – Commercial District use table. The Faribault City Council hereby amends Table 11-1 of the City's Unified Development Ordinance by adding new text (designated by the underlined text)

Use	District					Development Standards
	C-1	C-2	C-3	CBD	SH	
Commercial Uses						
E-Waste Recycling Collection Center	-	C	C	-	C	X

Section 4: Effective Date. This ordinance will take effect and be in force after its passage and publication per Section 3.05 of the City Charter.

Public Hearing Date: August 7, 2023

First Reading: _____, 2023

Second Reading: _____, 2023

Publication Date: _____, 2023

Faribault City Council

_____
Kevin F. Voracek, Mayor

ATTEST:

_____
Timothy C. Murray, City Administrator

Request for Planning Commission Action

TO: Planning Commission

FROM: Peter Waldock, AICP Planning & Zoning Coordinator
Jonah Kunka, Planning Assistant

MEETING DATE: August 7, 2023

SUBJECT:

A. Zoning Text Amendment to include Recycling Collection Centers in Certain Commercial Districts with a CUP

B. Application for a CUP for Recycling Collection Center in the C-2 District at 1001 Division St. W.

Background

Ryan Miryala, with Recyy Recycling LLC has requested a zoning text amendment to allow commercial collection of electronic waste in Commercial Districts. Recyy, is an electronic waste (e-waste) recycling collection center business that is planning to open a small retail collection center at 1001 Division St. W in the C-2, Highway Commercial District. Currently zoning regulations permit recycling center uses in industrial districts, but they are not included in the list of permitted or conditional uses in commercial districts.

The recycling collection center will accept a variety of electronic items from households, schools and businesses, including computers, peripherals, gaming and entertainment systems, phones, fax machines, TVs, monitors, printers, copiers, household appliances, and similar miscellaneous items. The items will be brought in by the customers who pay a fee for disposal of the items. All materials will be stored indoors, in gaylord boxes sorted by different categories of materials. The gaylord boxes and collected appliances will be shipped out as needed for processing elsewhere. This business operation will be a retail recycling collection center only, no processing is proposed at the collection center.

The collection center **will not accept** broken CRT TVs, refrigerators, air conditioners, pressurized canisters, paint, chemicals, oils, broken fluorescent tubes, car parts, power tools, solar panels, sharps, medication,

hygiene products, thermostats, pressure/vacuum gauges, VHS tapes, cassettes, compact discs, furniture, mattresses, or any other damaged/broken e-waste that is non-recyclable.

Business Operation Details.

- The retail recycling center will not include processing.
- The primary purpose is to collect recyclable goods not to process them.
- All processing of recyclables will be done elsewhere
- The primary focus will be on electronic recyclables.
- The retail and recycling related activities will be conducted indoors, thus reducing any disturbance to surrounding businesses or residences.

Recyy, is opening a similar retail operation in the city of North Branch. A zoning text amendment was also needed to this use in commercial districts. There, the Recyy, will be locating in a shopping center. A copy of the North Branch ordinance is attached with this report.

Discussion - Zoning Text Amendment

North Branch. North Branch staff have already researched this and had a meeting with their planning commission, the following are some brief excerpts from their experience.

Prior to the Recyy application, North Branch only allowed "Recycling Collection & Process" In I-1 and I-2 districts and even then only by conditional use permit. The concept in North Branch (and in Faribault) is for a retail storefront with a small collection center to provide consumers with a convenient opportunity and location to dispose of electronic items and standard household appliances.

They chose to allow "small recycling collection center" in their B (Business) zone as long as that use complied with specific performance standards. We recommend a similar approach here.

The Development Review Committee. (DRC) feels that an e-waste recycling collection center business would be used by City residents and local businesses. An e-waste recycling collection center use is distinct from recycling processing centers and when conducted completely indoors, are compatible with other commercial uses permitted in the C-3 or C-2 District, but not in C-1. In order to create additional oversight, the DRC is recommending this use be allowed as a conditional use in these commercial districts rather than outright permitted uses. The DRC also

recommends specific development standards be established in the ordinance for this use as well.

Recycling collection center uses (for e-waste) are similar to some of the uses currently permitted in the C-2 district, such as limited production and processing up to 2,500 square feet; wholesaling, warehousing, and distribution; and, essential services (public service and utilities subsection).

Staff supports the application for a zoning text amendment to allow e-waste recycling collection centers in the C-2 and C-3 Districts with a Conditional Use Permit rather than an outright permitted use. Staff is proposing that performance standards for this use (and conditional use permit approvals) are needed to appropriately regulate this use in a commercial district in the public's interest.

Proposed Performance Standards. The performance standards suggested for this use are as follows.

1. A small recycling collection center will be defined as a retail business that exists for the sole purpose of collecting and storing recyclable items in a retail space not to exceed 3,000 square feet.
2. Retail Recycling Collection Centers shall only include collection of electronics such as computers, peripherals, gaming and entertainment systems, phones, fax machines, TVs, monitors, printers, copiers, household appliances, and similar miscellaneous items.
3. There must be a clear delineation between the retail area and the collection/storage area.
4. No outdoor storage of any items, including in containers or trailers. All collected items and storage of material brought in for recycling shall be enclosed within the principal building on site.
5. Storage and Loading Zones. All recyclable materials shall be collected and stored internally in appropriate containers. No external storage, or storage of recyclable materials in shipping containers or trailers shall be permitted. Loading of recyclable materials for shipment to material recovery facilities shall occur in designated loading zones to the rear of the building.

6. Collection. All accepted recyclable materials must be processed through the retail storefront. Large appliances may be collected at designated loading zones located to the rear of the retail space. Drive-up and/or curbside collection and after-hours drop-off shall not be permitted.
7. Prohibited. No salvage, reclamation, recovery or processing of any accepted items, or the sale of re-sale of any accepted items or parts thereof or salvaged, reclaimed and/or recovered materials, is permitted on the property.
8. The property shall be monitored 24 hours a day. And shall be maintained free of litter, junk and debris.

Discussion - Conditional Use Permit

Comprehensive Plan. The property at 1001 Division St West is guided for Commercial/Residential Mix use in the comprehensive plan. This usage of the property will be commercial.

Zoning District. The current zoning at the site is C-2 Highway Commercial. The site is not located in any overlay zoning districts. The proposed recycling center use is not currently included as a permitted or conditional use in this district, and will be subject to approval of proposed zoning text amendments.

Surrounding Uses. The areas surrounding the proposed recycling collection center are commercial and residential. It is bordered by a railroad track to the east.

Development Review Committee. The DRC supports the proposed conditional use permit for Recyy, Recycling at 1001 Division St W subject to approval of the proposed zoning text amendments including performance standards described above.

Recommendations

A. The planning commission recommends that the city council approve Ordinance____ to permit E-Waste Recycling Collection Centers in the C-2 and C-3 Districts as a conditional use with specific development standards based on the written findings.

B. The planning commission recommends that the city council approve resolution_____ to permit the commencement of work on the

proposed new site for Recyy's new recycling collection facility based on the written findings.

City Of Faribault

RECEIVED
JUN 20 2023
City of Faribault
Community Development

APPLICATION FOR REQUESTED ACTION
Rezoning/Text Amendment

Planning Case # _____
Filing Fee _____
Hearing Date _____

TO BE FILLED OUT BY ALL APPLICANTS

TYPE OF REQUEST: ____ REZONING __X__ TEXT AMENDMENT

APPLICANT RECYY RECYCLING LLC E-MAIL INFO@RECYY.COM

PHONE 320-372-1551 (H) _____ (W) _____ (FAX)

ADDRESS 12790 PRIMROSE LN, EDEN PRAIRIE, MN-55344

REZONING

Legal Description _____ Size of Property _____

Current Zoning _____ Proposed Zoning _____

Existing Use of Property _____ Proposed Use of Property _____

Identify All Adjacent Land Uses _____

Reason for Request _____

REQUIRED SUBMITTALS:

- ☐ Boundary survey of the property
- ☐ Concept development plan

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TEXT AMENDMENTS

A detailed written summary fully explaining the proposed amendment to the ordinance which should include the following:

- ☒ Specific section of City Code to be amended
- ☐ List of the specific changes being proposed
- ☒ Specific reasons for the requested amendment
- ☐ Any necessary graphics
- ☒ Statement of why the amendment should be granted
- ☒ Benefits to be derived by the proposed change in text
- ☒ Impacts of the proposed amendment on those affected by it
- ☒ Relationship of the proposed amendment to community plans

SIGNATURE OF APPLICANT _____ **DATE** 05/31/23
(Must submit proof of property control)

Written summary to support amendment to ordinance to operate e-waste collection center in Faribault, MN.

Specific section of the city code to be amended:

The specific section of the city code to be amended is Table 11-1, which lists the permitted uses in each zoning district. The proposed amendment would add "electronic waste collection" to the list of permitted uses in the C-2 Commercial District.

Summary of business activities by Recyy:

Recyy, an electronic waste (e-waste) collector and recycler, is planning to open a new collection center in Faribault, Minnesota. The collection center will be open from 10am to 7pm Tuesday through Sunday and will be staffed by one or two employees. The collection center will collect a variety of electronic waste from households, schools, and businesses, including computers, peripherals, gaming and entertainment systems, phones and fax machines, TVs and monitors, printers and copiers, household appliances, and miscellaneous items. The collected items will be stored indoors in separate gaylord boxes by each item category.

The collection center *will not* accept broken CRT TVs, refrigerators, air conditioners, pressurized canisters, paint, chemicals, oils, broken fluorescent tubes, car parts, power tools, solar panels, sharps, medication, hygiene products, thermostats, pressure/vacuum gauges, VHS tapes, cassettes, compact discs, or any other damaged/broken e-waste that is non-recyclable.

All collected materials will be stored indoors and moved promptly upon filling the indoor storage area. The site will be continuously monitored using security cameras and any breach of the use will be promptly reported to the appropriate law enforcement authorities. All required permissions from the local Fire Department will be satisfied and obtained prior to starting operations. Recyy is committed to working with the city to navigate through either the re-zoning or amendment process.

Specific reasons for the requested amendment:

The division street property was recently rezoned from I-2 Heavy Industrial to C-2 Commercial. C-2 Commercial zoning does not allow for e-waste collection. The proposed amendment would allow for e-waste collection on this property and would require that all storage of e-waste be fully enclosed within the building.

Benefits to the community:

The proposed amendment would provide several benefits to the community, including:

- **Avoiding e-waste from ending up in landfills:** E-waste is a major environmental problem. When it is not properly disposed of, it can release harmful toxins into the environment. The proposed amendment would help to prevent e-waste from ending up in landfills by providing a safe and convenient way to recycle it.
- **Avoiding e-waste from ending up in water streams:** E-waste can also pollute water streams. The proposed amendment would help to prevent this by requiring that all e-waste be brought to the collection center for recycling.
- **Reducing e-waste contamination in household garages:** E-waste can contaminate household garages if it is not properly stored. The proposed amendment would help to reduce this problem by providing a safe and convenient place to dispose e-waste.
- **Supporting/supplementing city of Faribault waste collection efforts**: The proposed amendment would support/supplement the city of Faribault waste collection efforts by reducing the amount of e-waste that needs to be collected by the city.
- **Supporting/supplementing Rice county waste collection efforts**: The proposed amendment would support/supplement the Rice county waste collection efforts by reducing the amount of e-waste that needs to be collected by the county.
- **Ease of access to recycle e-waste**: The proposed amendment would improve the ease of access to recycle e-waste by allowing it to be collected at a location that is close to the community.
- **Making e-waste recycling affordable for the community**: The proposed amendment would make e-waste recycling affordable for the community by allowing the members to dispose e-waste at affordable price.
- **Providing proper disposal of e-waste**: The proposed amendment would provide proper disposal of e-waste by requiring that it be recycled.
- **Providing educational opportunities:** The proposed amendment could provide educational opportunities about the importance of recycling e-waste to educational institutions near by.
- **Eliminating barriers to recycle e-waste**: The proposed amendment would eliminate barriers to recycle e-waste by making it more convenient and affordable to do so.

Relationship of the proposed amendment to community plans:

The proposed amendment is consistent with the city of Faribault's comprehensive plan, which outlines the city's goals and objectives for the future. The comprehensive plan includes a goal

of "protecting and enhancing the environment." The proposed amendment would help to achieve this goal by reducing the amount of e-waste that ends up in landfills and water streams.

The proposed amendment is also consistent with the Rice County Solid Waste Management Plan, which outlines the county's goals and objectives for managing solid waste. The plan includes a goal of "increasing recycling and reuse." The proposed amendment would help to achieve this goal by increasing the amount of e-waste that is recycled.

Impacts of the proposed amendment on those affected by it:

The proposed amendment would have a positive impact on those who live and work in the community. It would help to protect the environment, reduce the cost of waste collection, and provide educational opportunities about the importance of recycling e-waste.

The proposed amendment would also have a positive impact on the city of Faribault and Rice County. It would help them to reduce the amount of e-waste that they need to collect and dispose of. This would save them money and help them to protect the environment.

We urge the city council to approve this important amendment.

REQUEST FOR PLANNING COMMISSION ACTION

TO:	Planning Commission
THROUGH:	Dave Wanberg, Community and Economic Development Director
FROM:	Peter Waldock, AICP Planning and Zoning Coordinator
MEETING DATE:	August 7, 2023
SUBJECT:	Application for Conditional Use Permit for a Recycling Collection Center in the C-2 District at 1001 Division St. W.

Background:

Recyy Recycling is seeking a Conditional Use Permit (CUP) to operate an electronic waste (e-waste) recycling collection center at 1001 Division St. W in the C-2, Highway Commercial District. An associated zoning text amendment to allow this use in C-2 and C-3 Districts is being considered simultaneously with this proposal.

This e-waste recycling collection center will accept a variety of electronic items from households, schools and businesses, including computers, peripherals, gaming and entertainment systems, phones, fax machines, TVs, monitors, printers, copiers, household appliances, and similar miscellaneous items. The items will be brought in by the customers, who pay a fee for disposal of the items. All materials will be stored indoors, in Gaylord boxes sorted by different categories of materials. The Gaylord boxes and collected appliances will be shipped out as needed for processing elsewhere. This business operation will be a retail recycling collection center only. No processing is proposed at the collection center.

The collection center will not accept broken CRT TVs, refrigerators, air conditioners, pressurized canisters, paint, chemicals, oils, broken fluorescent tubes, car parts, power tools, solar panels, sharps, medication, hygiene products, thermostats, pressure/vacuum gauges, VHS tapes, cassettes, compact discs, furniture, mattresses, or any other damaged/broken e-waste that is non-recyclable.

The DRC is recommending approval of the proposed CUP subject to adoption

of the associated zoning text amendment. A detail staff report is attached with this memo for further information.

Recommendation:
Approve written findings as listed in the draft resolution and recommend City Council approval of the Conditional Use Permit.

Attachments:
1. Resolution 2023-___ Approve a CUP for E-Waste Recycling Center at at 1001 Division
2. 3A & B Staff Report
3. Comp Plan Map
4. Zoning Map
5. Site Map

State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION #2023-___

APPROVE A CONDITIONAL USE PERMIT FOR AN E-WASTE RECYCLING COLLECTION CENTER AT 1001 DIVISION STREET WEST

WHEREAS, Recyy Recycling (the "Applicant"), has requested a conditional use permit for an Electronic Waste (E-Waste) recycling center at 1001 Division St West, legally described in Exhibit A of this resolution; and

WHEREAS, the subject property is zoned C-2, Highway Commercial District; and

WHEREAS, concurrent with this application, the City is considering a text amendment to the Unified Development Ordinance to allow e-waste recycling centers in specified commercial districts with an approved conditional use permit (CUP); and

WHEREAS, the Development Review Committee and the Planning Commission recommended approval of the proposed zoning text amendment, and the City Council approved the first reading of the ordinance amendment; and

WHEREAS, the Planning Commission, on August 7, 2023, following proper notice, held a public hearing regarding the Applicant's request; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the Applicant's conditional use permit request based on the following written findings:

1. **The conditional use will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare.**

   Expanded Finding: The proposed e-waste recycling center at 1001 Division Street will not be detrimental to the public health, safety, comfort, convenience, or general welfare.

2. **The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.**

   Expanded Finding: The proposed e-waste recycling center at the subject site will be similar to other uses in the surrounding area, will not be injurious to the use and enjoyment of other property in the vicinity, and will not impede the other permitted uses to the site.

3. **The conditional use will be designed, constructed, operated, and maintained in a manner that is compatible in appearance with the existing or intended character of the surrounding area.**

   Expanded Finding: The application will result in an improved convenience for the residents and businesses in the City of Faribault at large, due to the increased popularity of recycling and the difficulty inherent in discarding certain electronic products that have become waste.

4. **The conditional use will not impose hazards or disturbing influences on neighboring properties.**

   Expanded Finding: The proposed e-waste recycling center will not cause hazards or disturbing influences on neighboring

properties in activities will be enclosed within the building and will not generate much traffic to and from the site.

5. The conditional use will not substantially diminish the value of neighboring properties.

Expanded Finding: The proposed e-waste recycling collection center will not diminish neighboring property values.

6. The site is served adequately by essential public facilities and services, including utilities, access roads, drainage, police and fire protection, and schools or will be served adequately as a result of improvements proposed as part of the conditional use.

Expanded Finding: Public sewer, water, and all other applicable municipal services serve the subject property.

7. Development and operation of the conditional use will not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.

Expanded Finding: The proposed e-waste recycling center will provide a useful service in the community and will not be detrimental to the community's economic welfare and will contribute jobs and tax base in the City.

8. The conditional use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance to the community.

Expanded Finding: The proposed e-waste recycling center will occupy a building that is not historical. The proposed recycling center will not adversely affect any feature of importance to the community. The site is not near historic property, parks or scenic areas.

9. **The conditional use is consistent with the applicable policies and recommendations of the City's Land Use Plan or other adopted land use studies.**

   Expanded Finding: The City's Land Use Plan guides the subject property for commercial / residential mixed use. The proposed e-waste recycling center is consistent with this comprehensive plan designation.

10. **The conditional use, in all other respects, conforms to the applicable regulations of the district in which it is located.**

    Expanded Finding: The application will meets the development standards for e-waste recycling collection centers in commercial districts as outlined in the proposed Ordinance 2023-___.

WHEREAS, the City Council held a public meeting on _____ 2023, to consider the Applicant's conditional use permit request; and

WHEREAS, based on the City Staff report, the results of the public hearing, and the written findings of the Planning Commission, the City Council concurs with the written findings of the Planning Commission and makes identical findings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARIBAULT, MINNESOTA, AS FOLLOWS:

Section 1: Approval of a Conditional Use Permit. The City Council hereby approves the Applicant's conditional use permit request to establish an e-waste recycling collection center at 1001 Division Street West subject to the conditions presented in Sections 2 and 3 of this resolution.

Section 2: Conditions Attached to the Approval of the Conditional Use Permit. The conditional use permit includes the following conditions:

1. Any outdoor dumpsters, or waste disposal must be adequately screened by fencing.

2. The proposed e-waste recycling collection center must meet all required development conditions as listed in Section 7-30 of the City's Unified Development Ordinance.

3. The Applicant is responsible for ensuring that the appropriate number of parking spots are available for a business of this type and size as stipulated in Chapter 8 of the Unified Development Regulations.

4. Before beginning any remodeling in the building, the Applicant, must obtain all required building permits, and other applicable permits and licenses.

5. This conditional use permit will automatically be voided if development associated with the proposed e-waste recycling collection center has not been completed within one (1) year of the approval of the conditional use permit unless the City Council has granted a petition for a time extension. The Applicant must submit a written request for extension at least thirty (30) days before the expiration of the conditional use permit and must state facts showing a good faith effort to complete work permitted under the original approval.

Section 3: Additional Conditions of Approval. This conditional use permit includes the following additional conditions:

1. Failure of the City to act on a violation of a condition, covenant, or term of this permit is not a waiver of such condition, covenant, or term, or any subsequent violation of the same or any other condition, covenant, or term.

2. The City may inspect the property at all reasonable times to ensure compliance with the conditions of this permit.

3. This permit is subject to the City's code requirements. The Owner must comply with all applicable federal, state, and local

laws, rules, and ordinances and obtain other permissions and permits as may be required.

4. The violation of any terms or conditions of this permit, including but not limited to any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The City must give the Owner written notice of any violation and reasonable time, as determined by the City, to cure the violation before the permit revocation.

5. This permit and its conditions are binding on the parties and their successors and assigns. This permit runs with the property and does not affect the subsequent sale, lease, or change from current ownership. The Applicant's obligations under this permit shall also be the obligations of any subsequent owners or assigns of the property.

6. Use of the property as allowed by this permit signifies the agreement of the permit's terms and conditions without qualification, limitation, or reservation.

Section 4. Findings and Incorporation of Recitals and Exhibits. Where applicable, the recitals and exhibits incorporated in this resolution constitute the written findings of the City Council, all of which protect the public's health, safety, and welfare.

Section 5. Authorization to take Additional Steps. The City Council authorizes the Mayor, City Administrator, City Staff, and the City's Consultants to take any additional steps and actions necessary or convenient to accomplish the intent of this resolution.

Section 6. Effective Date. This resolution shall be effective upon passage and publication of Ordinance 2023-___, which approves a zoning text amendment to allow e-waste recycling collection centers in certain commercial zoning districts.

Date Adopted: August 7, 2023

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A

Legal Description

Beginning at a point in Lot 28 of the Southeast Quarter (SE 1/4) of Section 36 of Township 110 North, Range 21 West, where the westerly line of the Chicago, Milwaukee and St. Paul Railway right-of-way intersects the South line of the Front Street Road; thence West on said South line 147.15 feet; thence South at right angles with said South line of said Front Street Road to the westerly line of the right-of-way of said Railway; thence northeasterly along the line of said right-of-way of said Railway to the place of beginning; NOW KNOWN AS: Lot 1, Auditor's Plat No.2, Section 36, Township 110 North, Range 21 West of the Fifth Principal Meridian, Faribault, Rice County, Minnesota,

Request for Planning Commission Action

TO: Planning Commission

FROM: Peter Waldock, AICP Planning & Zoning Coordinator
Jonah Kunka, Planning Assistant

MEETING DATE: August 7, 2023

SUBJECT:

A. Zoning Text Amendment to include Recycling Collection Centers in Certain Commercial Districts with a CUP

B. Application for a CUP for Recycling Collection Center in the C-2 District at 1001 Division St. W.

Background

Ryan Miryala, with Recyy Recycling LLC has requested a zoning text amendment to allow commercial collection of electronic waste in Commercial Districts. Recyy, is an electronic waste (e-waste) recycling collection center business that is planning to open a small retail collection center at 1001 Division St. W in the C-2, Highway Commercial District. Currently zoning regulations permit recycling center uses in industrial districts, but they are not included in the list of permitted or conditional uses in commercial districts.

The recycling collection center will accept a variety of electronic items from households, schools and businesses, including computers, peripherals, gaming and entertainment systems, phones, fax machines, TVs, monitors, printers, copiers, household appliances, and similar miscellaneous items. The items will be brought in by the customers who pay a fee for disposal of the items. All materials will be stored indoors, in gaylord boxes sorted by different categories of materials. The gaylord boxes and collected appliances will be shipped out as needed for processing elsewhere. This business operation will be a retail recycling collection center only, no processing is proposed at the collection center.

The collection center **will not accept** broken CRT TVs, refrigerators, air conditioners, pressurized canisters, paint, chemicals, oils, broken fluorescent tubes, car parts, power tools, solar panels, sharps, medication,

hygiene products, thermostats, pressure/vacuum gauges, VHS tapes, cassettes, compact discs, furniture, mattresses, or any other damaged/broken e-waste that is non-recyclable.

Business Operation Details.

- The retail recycling center will not include processing.
- The primary purpose is to collect recyclable goods not to process them.
- All processing of recyclables will be done elsewhere
- The primary focus will be on electronic recyclables.
- The retail and recycling related activities will be conducted indoors, thus reducing any disturbance to surrounding businesses or residences.

Recyy, is opening a similar retail operation in the city of North Branch. A zoning text amendment was also needed to this use in commercial districts. There, the Recyy, will be locating in a shopping center. A copy of the North Branch ordinance is attached with this report.

Discussion - Zoning Text Amendment

North Branch. North Branch staff have already researched this and had a meeting with their planning commission, the following are some brief excerpts from their experience.

Prior to the Recyy application, North Branch only allowed "Recycling Collection & Process" In I-1 and I-2 districts and even then only by conditional use permit. The concept in North Branch (and in Faribault) is for a retail storefront with a small collection center to provide consumers with a convenient opportunity and location to dispose of electronic items and standard household appliances.

They chose to allow "small recycling collection center" in their B (Business) zone as long as that use complied with specific performance standards. We recommend a similar approach here.

The Development Review Committee. (DRC) feels that an e-waste recycling collection center business would be used by City residents and local businesses. An e-waste recycling collection center use is distinct from recycling processing centers and when conducted completely indoors, are compatible with other commercial uses permitted in the C-3 or C-2 District, but not in C-1. In order to create additional oversight, the DRC is recommending this use be allowed as a conditional use in these commercial districts rather than outright permitted uses. The DRC also

recommends specific development standards be established in the ordinance for this use as well.

Recycling collection center uses (for e-waste) are similar to some of the uses currently permitted in the C-2 district, such as limited production and processing up to 2,500 square feet; wholesaling, warehousing, and distribution; and, essential services (public service and utilities subsection).

Staff supports the application for a zoning text amendment to allow e-waste recycling collection centers in the C-2 and C-3 Districts with a Conditional Use Permit rather than an outright permitted use. Staff is proposing that performance standards for this use (and conditional use permit approvals) are needed to appropriately regulate this use in a commercial district in the public's interest.

Proposed Performance Standards. The performance standards suggested for this use are as follows.

1. A small recycling collection center will be defined as a retail business that exists for the sole purpose of collecting and storing recyclable items in a retail space not to exceed 3,000 square feet.
2. Retail Recycling Collection Centers shall only include collection of electronics such as computers, peripherals, gaming and entertainment systems, phones, fax machines, TVs, monitors, printers, copiers, household appliances, and similar miscellaneous items.
3. There must be a clear delineation between the retail area and the collection/storage area.
4. No outdoor storage of any items, including in containers or trailers. All collected items and storage of material brought in for recycling shall be enclosed within the principal building on site.
5. Storage and Loading Zones. All recyclable materials shall be collected and stored internally in appropriate containers. No external storage, or storage of recyclable materials in shipping containers or trailers shall be permitted. Loading of recyclable materials for shipment to material recovery facilities shall occur in designated loading zones to the rear of the building.

6. Collection. All accepted recyclable materials must be processed through the retail storefront. Large appliances may be collected at designated loading zones located to the rear of the retail space. Drive-up and/or curbside collection and after-hours drop-off shall not be permitted.
7. Prohibited. No salvage, reclamation, recovery or processing of any accepted items, or the sale of re-sale of any accepted items or parts thereof or salvaged, reclaimed and/or recovered materials, is permitted on the property.
8. The property shall be monitored 24 hours a day. And shall be maintained free of litter, junk and debris.

Discussion - Conditional Use Permit

Comprehensive Plan. The property at 1001 Division St West is guided for Commercial/Residential Mix use in the comprehensive plan. This usage of the property will be commercial.

Zoning District. The current zoning at the site is C-2 Highway Commercial. The site is not located in any overlay zoning districts. The proposed recycling center use is not currently included as a permitted or conditional use in this district, and will be subject to approval of proposed zoning text amendments.

Surrounding Uses. The areas surrounding the proposed recycling collection center are commercial and residential. It is bordered by a railroad track to the east.

Development Review Committee. The DRC supports the proposed conditional use permit for Recyy, Recycling at 1001 Division St W subject to approval of the proposed zoning text amendments including performance standards described above.

Recommendations

A. The planning commission recommends that the city council approve Ordinance____ to permit E-Waste Recycling Collection Centers in the C-2 and C-3 Districts as a conditional use with specific development standards based on the written findings.

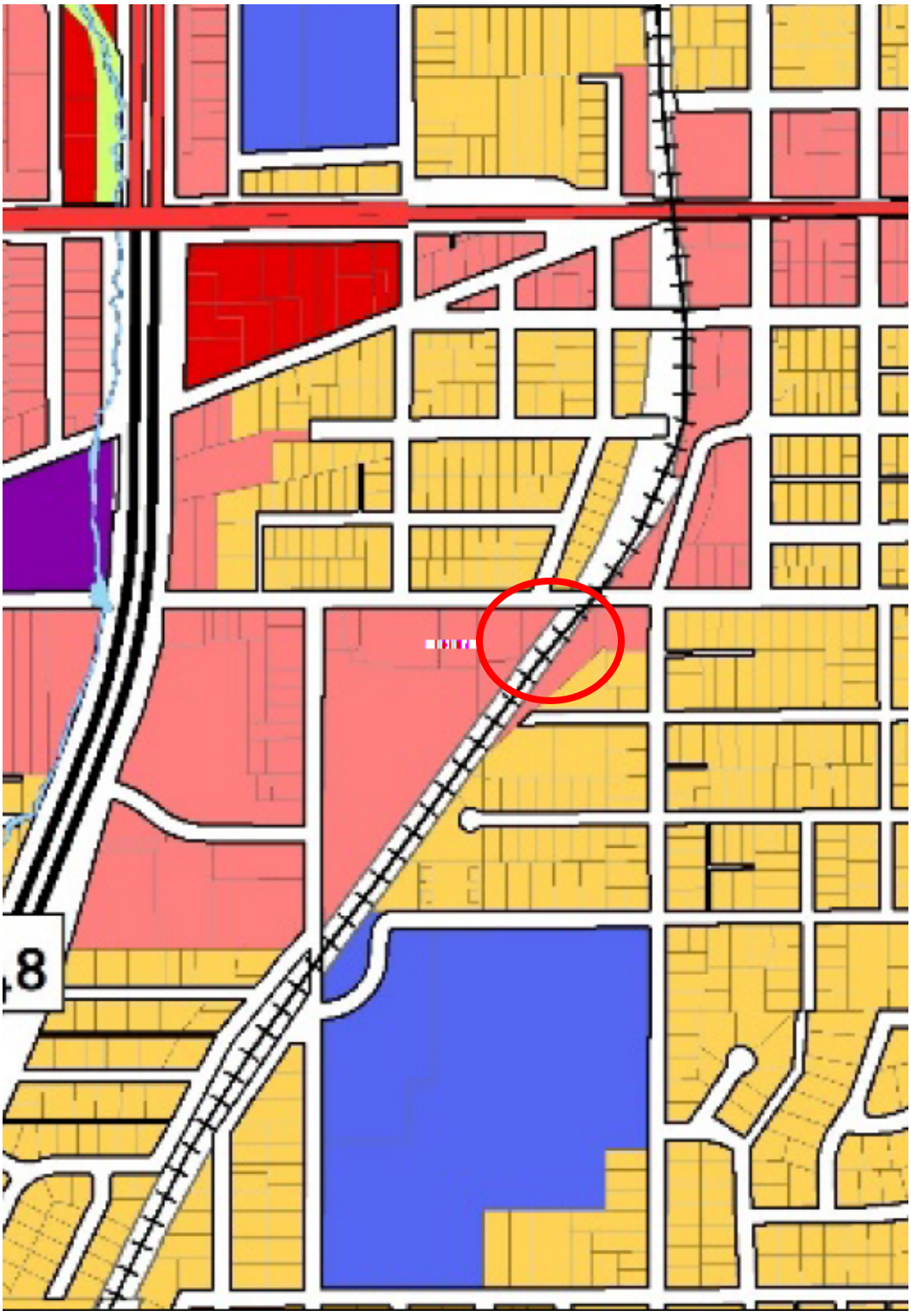
B. The planning commission recommends that the city council approve resolution_____ to permit the commencement of work on the

proposed new site for Recyy’s new recycling collection facility based on the written findings.

1001 Division St W

Comprehensive Plan Map

Guided: Commercial Residential Mix



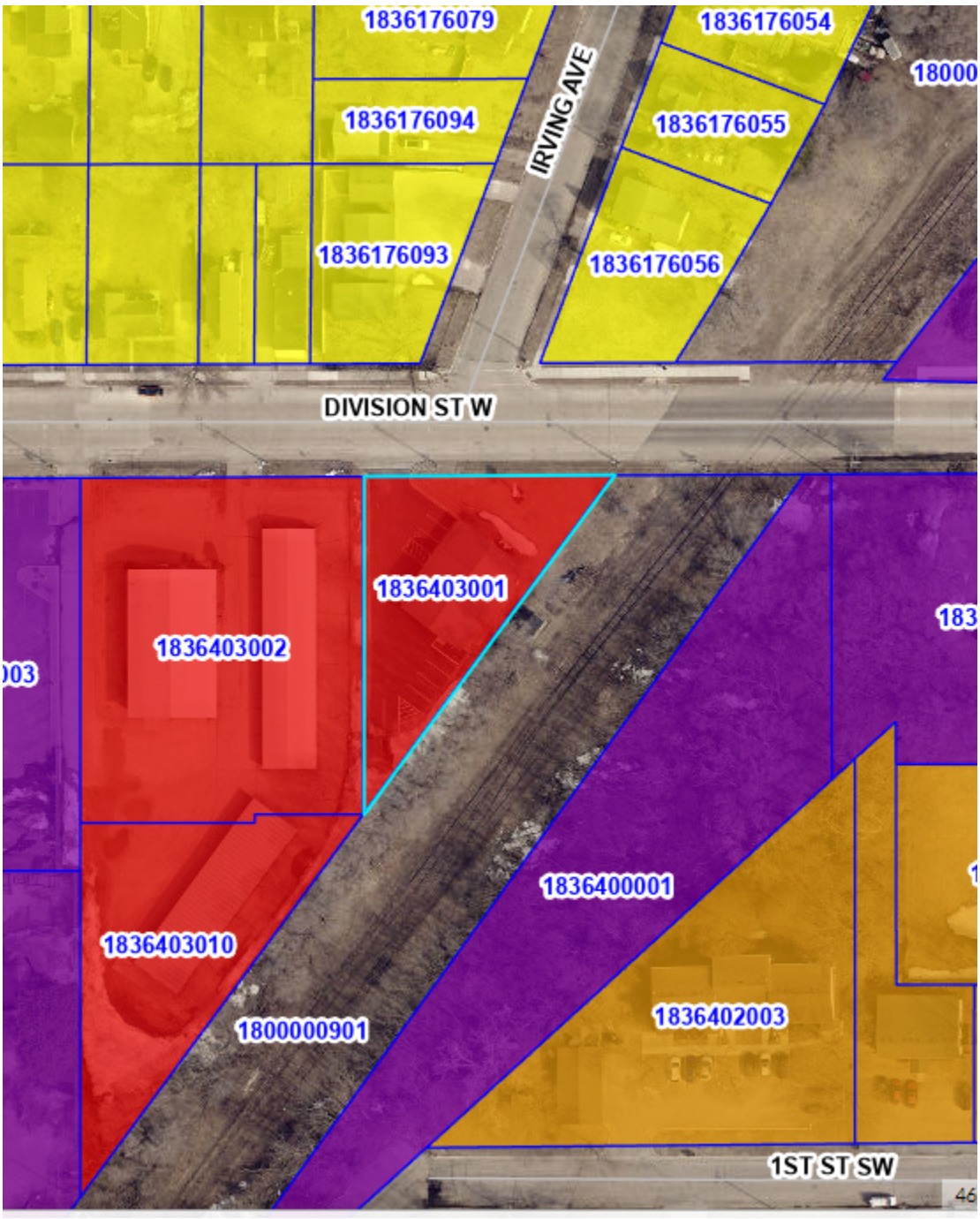
1001 Division St

Zoned: C2 Highway commercial

Parcel ID: 1836403001

Past Use: Glass retail

Proposed use: Recycling collection facility



1001 Division St W

Site Map

Guided: Commercial Residential Mix

Zoned: C-2 Highway Commercial District

North