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## MEMO

**Date:** April 15, 2014

**Re:** Planning Commission/Board of Adjustment Report

Dear Mayor and City Council,

The Planning Commission/Board of Adjustment held its regular meeting on April 14, 2014. There were two public hearings – one of which was withdrawn by the applicant at the meeting and the other for which a recommendation for approval was given.

Action by the City Council regarding the Planning Commission and Board of Adjustment recommendation is now necessary.

### PUBLIC HEARING #1

**Application:** Conditional use permit to allow for the moving of a previously approved holistic veterinary clinic at 305 Broadway Avenue West to the neighboring property at 301 Broadway Avenue West. The business would also be expanded to include holistic human therapy in the primary building and obedience and therapy dog training in the existing detached accessory building.

**Applicant:** Dr. Janell Osborn

### Background Information:

- **Proposal:** Dr. Janell Osborn is proposing to move the veterinary clinic that she had approved in 2012 by Conditional use permit from the neighboring property to the west to this property. She currently lives in the same building that she operates the veterinary clinic and would like to separate the two uses into different buildings. Dr. Osborn intends to continuing living at 305 W. Broadway and operate the clinic out of 301 W. Broadway. The use of the 301 W. Broadway would remain the same as was approved for 305 W. Broadway, with the following exceptions:
  - Obedience and therapy dog training would be operated in the existing detached garage.
  - Holistic (human) therapy would be operated out of the second level of the primary building.

- Location:** 301 Broadway Avenue West
- Property Owner:** Michael & Theresa Schulte Trust, St. Paul, MN
- Current Zoning:** General Business District (B-2)

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**Planning Commission/Board of Adjustment Action:** No action was taken as the applicant withdrew her application at the hearing. She cited unforeseen financial circumstances relating to the purchase of the subject property.

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**City Council Direction:** No action is necessary by the City Council since the applicant was withdrawn by the applicant.

## **PUBLIC HEARING #2**

**Application:** Ordinance amendments to Chapter 11, entitled “Land Use Regulations [Zoning]”, Section 11.02 entitled “Definitions”; Section 11.07, entitled “Special Provisions”, Paragraph I, entitled “Street Side Ground Floor Dwelling Units”; Section 11.04, entitled “General Provisions”, Paragraph D, entitled “Accessory Buildings” and Paragraph E, entitled “Required Yard and Open Spaces”; and Section 11.04, entitled “Administration and Enforcement”, Paragraph C, entitled “Variances”.

**Applicant:** N/A

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### **Background Information:**

- Proposal:** City staff presented the Planning Commission with several ordinance amendments which were intended to clarify certain requirements of the ordinance and ensure greater uniformity in the application of regulations. A quick summary of the changes is as follows:
  - **Sections 11.02 and 11.07.I:** These amendments are intended to clarify that the restriction on “apartments” on the street level of B-2 zoned properties in the Historic Districts applies more generally to “dwelling units” as well (i.e. no living quarters - whether rented, owned or otherwise occupied - would be allowed on the street level of such buildings. The intent of the ordinance has been to ensure that the commercial area of the historic districts are used for commercial purposes. Living quarters will continue to be allowed in the upper levels of such buildings.
  - **Section 11.04.D (Accessory Buildings)** - The changes here are made to ensure that the applicable regulations apply to all residential districts in the same manner. Previously, it was not clear that properties in the R-1C, R-4 and R-1.M zoning districts were subject to the same requirements as in the R-1, R-2 and R-3 districts.
  - **Section 11.04.E (Required Yards and Open Spaces)** - The changes here were to subsection 3.f to clarify that the setback requirement in all residential zoning

districts for an accessory structure to a road right-of-way is 15 feet – not the five foot setback required to side yards.

- **Section 11.04.C (Administration and Enforcement; Variances)** – The intent of the changes in this section were to ensure that the City Code relating to the processing of variance applications met the requirements of the recently amended state statutes. The new language would reference the applicable state statutes so that if further changes to state law are made, they would automatically be incorporated into the City Code.

## OTHER MATTERS

- Staff informed the Planning Commission that it will be attending the Mississippi Headwaters Board meeting on April 18 in Walker, MN. Staff has been in discussions with the Executive Director of the Headwaters Board over the past month in relation to the recently completed annexation agreement with Belle Prairie Township. Initially, the Headwaters Board Director had indicated that the City was under a moratorium and could not issue permits in that area until the City ordinances were determined to have complied with the requirements of the Headwaters Board. After additional research and obtaining various written documents, City Staff and the Headwaters Director determined that the Headwaters Board had already reviewed and approved the annexation plan and applicable ordinances back in 2003. City staff will be attending the April 18 meeting simply to inform the Board that the annexation is complete and to confirm a few details regarding the boundaries of the Headwaters Corridor within the City of Little Falls.
- Staff informed the Planning Commission that it intends to begin a process of reviewing existing zoning and subdivision portions of the City Code and work to make these more clear, better organized, more reflective of the City's intent and desire, to ensure compliance with state laws and rules, and to reduce or eliminate areas of internal conflict. Staff expects this process will continue over time as time allows.

If you have any questions, please feel free to contact me. I can be reached by phone at (888) 439-9793 or by email at [oleson@hometownplanning.com](mailto:oleson@hometownplanning.com).

Sincerely,



Ben Oleson, AICP  
Hometown Planning  
City of Little Falls Zoning Official