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MEMO

Date: April 14, 2015

Re: Planning Commission/Board of Adjustment Report

Dear Mayor and City Council,

The Planning Commission/Board of Adjustment held its regular meeting on April 13, 2015. There were three public hearings, for which the Commission is giving you their recommendations. A fourth public hearing was not held as the applicant withdrew that request.

PUBLIC HEARING #1

Application: After-the-fact variance request to allow for an approximate 681 sq ft single-story garage to be located 25.4 ft from a front yard (min. 30 ft required).

Applicant: NRFC Little Falls Holdings, LLC (Diamond Willow Assisted Living property)

Background Information:

- **Proposal:** NRFC Little Falls Holdings, LLC operates the "Diamond Willow" assisted living facility on the subject property. The facility was originally constructed in 2006 and had a conditional use permit approved at that time as assisted living facilities required such approval in the B-3 zoning district.

At the time of the construction of the Diamond Willow Assisted Living facility in 2006, a 24' x 24' detached garage was also constructed in the SE corner of the property - adjacent to a public right-of-way (the right-of-way does not contain a constructed street in the area closest to the detached garage, but does contain city stormwater facilities).

Various notes, letters and drawings from the City's file indicated that this garage would meet the required 30 ft setback from this front lot line. However, as indicated in a 2013 survey of the property, the garage was actually constructed 25'4" from the front property line - 4'8" closer than is allowed by ordinance.

The applicants are seeking a variance to allow for the garage to remain in its current location rather than having to move the garage, which is located on a permanent foundation/slab.

- **Location:**
 - Legal Description: Part of NW4 of Section 9, Township 41, Range 32

- Property Address: 1401/1405 5th Avenue NE, Little Falls
- Parcel number(s): 48.6075.000
- **Property Owner:** NRFC Little Falls Holdings, LLC

Public Input:

1. Several phone calls were received with questions about the details of the proposal. Once explained, the callers noted they had no comment.
2. One comment was received regarding a mistake in the notice sent out to the neighbors (Staff had noted this mistake at the opening of the hearing, a corrected notice had been sent out to neighbors the week prior to the meeting).

Planning Commission/Board of Adjustment Action: The Planning Commission/Board of Adjustment has recommended approval of the request, on a 5-0 vote.

City Council Direction: The City Council may approve the request, deny the request, or table the request if the Council should need additional information. If the application is tabled, the Council should provide specific direction as to what additional information is needed.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) **Current Zoning:**

- Subject Property: B-3 Noncentral Business District (R-2 if related rezoning application is approved)
- Surrounding Properties: B-3 Noncentral Business District for all immediately adjacent properties as well as those located directly across Highway 10 to the east. The nearest residentially-zoned property (R-3) is 1.5 blocks to the west.

2) **Current Land Use:**

- Subject Property: Assisted living facility
- Surrounding Properties: There is a residential development located immediately to the south. Property immediately to the west and south is used residentially. The property to the immediate north is vacant City-owned land that is essentially all wetland. Highway 10 is immediately to the east.

3) **Lot size:** Approx. 5 acres

4) **Sewer/Water:** The property is served with stubs for City sewer/water.

5) **Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: The property is relatively flat and does not contain any bluffs or steep slopes.

Wetlands: There is a significant amount of wetland on the property, but not in the area of the garage which is the subject of this variance.

6) Will the granting of the variance be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?

The City's subdivision ordinance does not apply to this application.

The general purposes and intent of the Zoning Ordinance in setting minimum setbacks from a front lot line is generally to ensure that there is adequate separation from street right-of-way so that structures do not interfere with the potential future expansion of streets and to prevent the feeling of crowding along certain city streets. The right-of-way to which the garage does not meet the setback does not currently have a constructed street and is not likely to ever have one due to it abutting Highway 10. The garage as currently located will not create any interference with the underground infrastructure (sewer, water, storm sewer) and will meet the intent of the zoning ordinance.

7) Will the granting of the variance be consistent with the City of Little Falls' Comprehensive Plan?

The Comprehensive Plan does not directly address front yard setback requirements.

8) Is the proposed use of the property reasonable?

The requested variance is reasonable in that the front lot line to which the garage is closest does not contain a city street and is very unlikely that it ever will given that it abuts Highway 10. As such, it is not a typical situation for which front yard setbacks are required and would not "crowd" the road. Further, the right-of-way is unlikely to be expanded in width given that it abuts Highway 10.

9) Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

The owner at the time of construction had the ability, and apparently the intention, of meeting the required 30 ft setback, but obviously did not when the building was constructed. It appears that the building was constructed in good faith - just in the wrong location.

10) Will the variance, if granted, alter the essential character of the locality?

The character of the locality will not change whether the garage is allowed to be within the 30 ft setback or not.

11) Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?

It appears physically possible to meet the required 30 ft setback. However, moving the building would involve taking the building off its existing foundation (slab), pouring additional slab and moving the building over - all of which would involve additional cost and disturbance of soil that would serve little purpose in meeting the intent of the 30 ft setback requirement.

12) Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?

Moving the building would involve taking the building off its existing foundation (slab), pouring additional slab and moving the building over - all of which would involve additional cost and disturbance of soil that would serve little purpose in meeting the intent of the 30 ft setback requirement.

PUBLIC HEARING #2

Application: Request to rezone an approximate 5 acre property with an existing assisted living facility from R-3 (Multiple-Family Residential District) to B-3 (Noncentral Business District) or to remove a conditional requiring such rezoning from a previously granted (2006) conditional use permit.

Applicant: NRFC Little Falls Holdings, LLC (Diamond Willow Assisted Living property)

Background Information:

- **Proposal:** NRFC Little Falls Holdings, LLC operates the “Diamond Willow” assisted living facility on the subject property. The facility was originally constructed in 2006 and had a conditional use permit approved at that time as assisted living facilities required such approval in the B-3 zoning district.

One of the conditions of the 2006 conditional use permit approval was that “the developer will petition to rezone the approximately five acre site from Non-Central Business District, “B-3”, to One- and Two-Family Residential, “R-2”. This rezoning petition apparently never was made and the property remains zoned B-3 at this time.

- **Location:**
 - Legal Description: Part of NW4 of Section 9, Township 41, Range 32
 - Property Address: 1401/1405 5th Avenue NE, Little Falls
 - Parcel number(s): 48.6075.000
- **Property Owner:** NRFC Little Falls Holdings, LLC

Public Input:

1. Several phone calls were received with questions about the details of the proposal. Once explained, the callers noted they had no comment.
2. One comment was received regarding a mistake in the notice sent out to the neighbors (Staff had noted this mistake at the opening of the hearing, a corrected notice had been sent out to neighbors the week prior to the meeting).

Planning Commission/Board of Adjustment Action: The Planning Commission/Board of Adjustment has recommended that the 2006 condition requiring that the property be rezoned from B-3 to R-2 be eliminated and that the property remain under its current B-3 zoning. The primary reason for doing so was that the surrounding zoning was all B-3 and to rezone to R-2 could amount to spot zoning inconsistent with the surrounding zoning.

City Council Direction: The City Council may approve the request, deny the request, or table the request if the Council should need additional information. If the application is tabled, the Council should provide specific direction as to what additional information is needed.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) Current Zoning:

- o Subject Property: B-3 Noncentral Business District (R-2 if related rezoning application liis approved)
- o Surrounding Properties: B-3 Noncentral Business District for all immediately adjacent properties as well as those located directly across Highway 10 to the east. The nearest residentially-zoned property (R-3) is 1.5 blocks to the west.

2) Current Land Use:

- o Subject Property: Assisted living facility
- o Surrounding Properties: There is a residential development located immediately to the south. Property immediately to the west and south is used residentially. The property to the immediate north is vacant City-owned land that is essentially all wetland. Highway 10 is immediately to the east.

3) Lot size: Approx. 5 acres

4) Sewer/Water: The property is served with stubs for City sewer/water.

5) Natural Features:

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: The property is relatively flat and does not contain any bluffs or steep slopes.

Wetlands: There is a significant amount of wetland on the property, but not in the area of the garage which is the subject of this variance

6) Comprehensive Plan:

The property is identified for future use as “High Density” Residential (10-30 units per acre).

**PROPOSED
LAND USE**

The plan has the following land uses:

AGRICULTURE - RURAL

This designation includes rural uses, hobby farms, agriculture and, in some instances, very large lots all of which are not planned for urban development by 2020 unless growth or other circumstances dictate otherwise in which case an amendment to the plan will be evaluated.

RESIDENTIAL

Country and Suburban- This designation is for country and suburban style residential development and related uses served by City water and sewer at a density of 1-3 units per acre.

Urban (Single-Family)- This designation is for primarily single-family residential and compatible, associated uses, e.g. churches. Density would be 3-4 units per acre.

Medium Density (Residential)- This designation is for residential and associated public type uses including single-family, two-family and townhouses at a density of 4-10 units per acre.

High Density (Multi-Family Residential)- This designation is for townhouses, apartments and condominium developments at a density in the range of 10-30 units per acre.

**PROPOSED LAND
USE COMPARED
TO ZONING**

Table 1-1 is a matrix which shows the relationship between the Comprehensive Plan and the zoning districts.

Table 1-1

COMPREHENSIVE PLAN COMPARISON TO ZONING DISTRICT			
Comprehensive Plan		Zoning Ordinance	
<i>Land Use Designations</i>	<i>Density</i>	<i>Comparable Zoning Districts</i>	<i>Minimum Lot Area per Dwelling</i>
RESIDENTIAL			
MEDIUM DENSITY	4-10 units/ac	R-2 One-and-Two Family Residential District	9,000 sf for one and two units, 4,500 sf per dwelling. 9.68 units/acre
HIGH DENSITY(MULTI-FAMILY RESIDENTIAL)	10-30 units/ac	R-3 Multiple-Family Residential District	Max. Density 29 units/acre
		R-4 Mobile Homes Residential District	Refers to MN Mobile Home Law

PUBLIC HEARING #3

Application: Conditional use permit to allow for a Planned Unit Development to include the construction of eight single-story four-plex residential buildings for rental purposes on an approximate 8.8 acre parcel.

Applicant: Roach Development LLC

Background Information:

- **Proposal:** Roach Development LLC owns an approximate 8.8 acre property which they wish to develop into eight single-story four-plex residential buildings. The property, if the development is approved, would all remain under one owner and the units would be rented.

As part of the proposed development of this property, the developer would build a new private road system for the units on the property. Those private roads would then connect to existing public roads at three points – two approaches onto Derosier Drive to the north and one approach onto Riverwood Drive to the east. A stormwater pond would be constructed within the development to address stormwater management requirements of the City Code.

The property contains several relatively large stands of coniferous trees. It is unknown how many of these trees would be removed, although it is clear a good share of them would be removed.

In discussions with the City Attorney, it has been determined that the City Code allows for a “planned unit development” in any zoning district as a conditional use without the need for rezoning to any PUD-specific zoning district. A planned unit development is described in the ordinance as encompassing “all developments having two (2) or more principal uses or structures on a single parcel of land” and lists “apartment projects involving more than one building” as one of the allowable uses within a planned unit development.

- **Location:**
 - Legal Description: Part of Government Lot 2, Section 27 and NW4 of SW4, Section 26, Township 41, Range 32
 - Property Address: None (near intersection of Derosier Drive/Riverwood Drive), Little Falls)
 - Parcel number(s): 48.6960.001
- **Property Owner:** Roach Development LLC

Public Input:

1. Approximately 30-40 residents of the area were in attendance at the public hearing. About 20 of those people commented on the application – all of which were in opposition to the approval of the proposed development. Reasons cited for the opposition could be summarized under the following main headings:
 - a. Concerns over the increase in traffic and its impact on the safety of those using Derosier Drive (primarily) and other area streets for walking, biking, etc... One resident suggested that at trips per day per residence, traffic would increase by 384 trips per day on the roads.
 - b. Concern that the development would be incompatible with the neighborhood as the neighborhood is primarily single-family homes rather than four-plexes as proposed.

- c. Concern that allowing more than two-family dwellings on the property would be inconsistent with the negotiations leading to the annexation agreement for this area.
 - d. Concerns that “affordable housing” would negatively impact the property values in the area and that concentrating low income residents stigmatizes the poor.
 - e. Concern that the proposed development does not conform to the Comprehensive Plan’s stated density for this area of 1-3 dwelling units per acre (the proposal would result in a density of about 3.5 dwelling units per acre)
 - f. Concern that crime will increase with the increased housing.
 - g. A letter was submitted (see attached letter from Bruce Smith, dated April 10, 2015) indicating concern regarding the City’s compliance with Mississippi Headwaters Board (MHB) requirements and a statement that there is a discrepancy in all surveys of the property since 1964 that needs to be resolved.
 - h. A petition in opposition to the proposed development, signed by approximately 65-66 people, opposed to the development and any rezoning and suggesting that the matter be continued so that compliance with MHB regulations can be confirmed.
2. The applicant (Roach Development LLC) responded to some of the above concerns, noting:
- a. That the concerns regarding “affordable housing” and “low income/poor” residents were not accurate as the housing would be at market rates - above \$1000/month.
 - b. That the concerns regarding residents of the units being problems or causing increases in crime was unfounded; residents he has in other parts of the City and the region are just like those who already live in the Derosier Drive area.
 - c. That the concerns about traffic coming from his proposed 31 units would be no more (and probably less) than what would result from a standard plat of the area, which could result in up to 38 units being on the property.
 - d. That his proposal would preserve more trees on the property, require less road and utility construction and is a better layout.
 - e. That the City’s recent housing study (2011) identifies a need for 50 additional market-rate rental housing units. The proposed development would provide 31.

Planning Commission/Board of Adjustment Action: A motion to approve the requested conditional use to allow for a Planned Unit Development failed on a 2-3 vote (Hanfler and Silbernack voted yes, Dahlberg, Gosiak and Schilling voted no). Schulte and Bieganek were not in attendance.

City Council Direction: The City Council may approve the request, deny the request, or table the request if the Council should need additional information. If the application is tabled, the Council should provide specific direction as to what additional information is needed.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

6) **Current Zoning:**

- o Subject Property: R-1C Country Homes, One- and Two-Family Residential District
- o Surrounding Properties: R-1C Country Homes, One- and Two-Family Residential District to the southeast, east, north and northwest; R-2.M Mississippi Headwaters Corridor - One- and Two-Family Residential District to the southwest and west.

7) **Current Land Use:**

- o Subject Property: Vacant land
- o Surrounding Properties: Residential (mostly single-family homes) and vacant (one parcel immediately to the west). Adjacent lots range in size from about 0.3 acres (~13,000 sq ft) to over 8 acres, although the majority of them are around 30,000 sq ft in size (~0.65-0.70 acres) or less.

8) **Lot size:** Approx. 8.8 acres

9) **Sewer/Water:** The property has existing city sewer/water to the east under Riverwood Drive. Extension of sewer/water under part of Derosier Drive has been recently discussed by the City Council.

10) **Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: The property is relatively flat and does not contain any bluffs or steep slopes.

Wetlands: There does not appear to be any wetlands on the property.

7) **Comprehensive Plan:**

The property is identified for future use as "Country and Suburban Residential (1-3 units per acre).

**PROPOSED
LAND USE**

The plan has the following land uses:

AGRICULTURE - RURAL

This designation includes rural uses, hobby farms, agriculture and, in some instances, very large lots all of which are not planned for urban development by 2020 unless growth or other circumstances dictate otherwise in which case an amendment to the plan will be evaluated.

RESIDENTIAL

Country and Suburban- This designation is for country and suburban style residential development and related uses served by City water and sewer at a density of 1-3 units per acre.

Urban (Single-Family)- This designation is for primarily single-family residential and compatible, associated uses, e.g. churches. Density would be 3-4 units per acre.

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High Density (Multi-Family Residential)- This designation is for townhouses, apartments and condominium developments at a density in the range of 10-30 units per acre.

**PROPOSED LAND
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Table 1-1 is a matrix which shows the relationship between the Comprehensive Plan and the zoning districts.

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<i>Land Use Designations</i>	<i>Density</i>	<i>Comparable Zoning Districts</i>	<i>Minimum Lot Area per Dwelling</i>
RESIDENTIAL			
COUNTRY AND SUBURBAN	1-3 units/ac	R-1.C Country Homes, One-and-Two Family Residential District	16,000 sf per dwelling, 2.7 units/acre
		Planned Unit Development-Country Homes, PUD- CH	Min lot size 16,000 sf/20,000 sf
URBAN (SINGLE-FAMILY)	3-4 units/ac	Mississippi Headwaters Corridor District (Morrison County)	Interim Lot 11,000 sf per dwelling Corner Lot 12,000 sf per dwelling
		R-1 One-and-Two Family Residential District	Interior Lot- 11,000 sf per dwelling, 3.96 units/acre Corner- 12,000 sf per dwelling, 3.63 units/acre

Staff Comments: As the City Council considers the recommendation of the Planning Commission, Staff would make the following comments:

1. The City Code identifies the following purpose in allowing for planned unit developments within the City:
 - a. Planned developments shall include all developments having two (2) or more principal uses or structures on a single parcel of land and may include townhouses, apartment projects involving more than one building, residential subdivision submitted under "density zoning" provisions, multi-use structures such as an apartment building with retail at ground floor level, all development located within the planned unit development district (PUD district) and similar projects. Such developments may be excluded from certain requirements of this chapter, provided the development meets the requirements of subsection [11.07D](#) of this chapter. (Section 11.03.N)
 - b. The purpose of this subsection is to establish provisions for the granting of a conditional use permit to provide for a planned development project wherein there is more than one principal building or land use per lot, and with adequate controls to protect adjacent development and ensure high standards of development in accordance with an integrated design and coordinated physical plan which is appropriately located and in accordance with the following conditions. It is also the intent of this subsection to provide more flexible means to permit construction according to changing trends, techniques and materials in the process of urban development. (Section 11.07.D)
2. The City's zoning ordinance lays out the specific criteria by which an application for a planned unit development is to be reviewed. Staff would caution the City Council to carefully review these criteria and specifically note how each one is met or not met in regards to this application as it makes its decision. The criteria from the ordinance are listed below, along with potential findings that either support an approval or a denial of the application based on the application, comments from the public and Planning Commission members at the public hearing and Staff's input.
 - a. The tract of land for which a project is proposed and a permit requested shall be not less than one acre in area.
 - i. The property in question is approximately 8.8 acres in size and meets this criteria.
 - b. Uses may include only those uses generally considered associated with the general land use category shown for the area on the official land use plan of the city.
 - i. The City's 2006 Comprehensive Plan identifies this area as appropriate for "Country and Suburban" - a designation for "country and suburban style residential development and related uses served by City water and sewer at a density of 1-3 units per acre.
 - ii. The resulting density of the proposed development (31 units/8.8 acres) would be 3.5 dwelling units/acre.
 - iii. The proposed development would be served with city sewer and water either via infrastructure to be installed under Derosier Drive (currently

being discussed by the Council as a potential project) or existing infrastructure under Riverwood Drive.

- c. Where proposed private streets are determined by the council to better serve the traffic flow and the general welfare as a public street, the council may require such dedication and construction in conformance with city standards.
 - i. The proposal is that newly constructed roads within this development would be private.
- d. All other development regulations not specified in the "planned unit development" subdivision or specified as a condition to the conditional use permit, shall apply as regulated in the zoning district in which structure or use would be placed if the land were to be placed in a zoning district classification to permit said use of structure.
 - i. The zoning district in which this property lies is R-1C "Country Homes". Unless specified otherwise by the Council, the minimum setbacks would be as follows:
 - 1. Maximum building height: Three stories or 40 feet in height.
 - 2. Front yard setback: Minimum 20 feet.
 - 3. Rear yard setback: Minimum 10 feet.
 - 4. Side yard interior setback: Minimum 15 feet.
 - 5. Setbacks for buildings to private road: Not in City Code (could be determined in conditions of approval)
- e. It is the intent of this subsection to provide a means to allow substantial variances from the provisions of this chapter, including uses, setbacks, height and similar regulations, but not including parking requirements, off street loading, necessary screening and the like. Variances may be granted for planned unit developments provided:
 - i. Certain regulations contained in this chapter do not realistically apply to the proposed development due to the unique nature of the proposed development.
 - 1. The variance which the applicant is seeking is to allow four-plexes ("multiple dwellings") on the property where the R-1C zoning district allows for those only as a conditional use and when being located in a previously existing building that had been used for a school, church, government purposes, etc...
 - 2. Two of the proposed four-plexes would be entirely or mostly within the R-2.M Mississippi Headwaters Zoning District, which allows for PUD development with a density of one principal use per 0.75 acres. With approximately 1.5 acres of the property located within the R-2.M zoning district, this would allow for 2 principal uses in that portion of the property. The City Code defines a "principal use" as being either a permitted or

conditional use within a zoning district. One- and Two-Family dwellings are a permitted use in the R-1C district and multiple dwellings (i.e. a fourplex) are listed as a conditional use (but only when in a previously existing building as noted above).

- ii. The variances, if granted, would be fully consistent with the general intent and purpose of this chapter.
 1. **(Supporting denial of the requested P.U.D):** The intent of the R-1C zoning district is to limit development to one- and two-family homes. The proposal is for fourplexes and is therefore inconsistent with the intent of the zoning district.
 2. **(Supporting approval of the requested P.U.D):** The intent of the R-1C zoning district, in combination with the intent of the sections of the City Code allowing for planned unit developments, is to limit density in this proposed development to that which would be similar to that allowed with a normal subdivision of the property. A normal subdivision would appear to allow for up to 38 dwelling units and the proposal is for 31 dwelling units. As such, the proposal is consistent with the intent of the R-1C zoning district and the allowance for planned unit developments.
- iii. The planned unit development would produce urban development and an urban environment of equal or superior quality to that which would result from strict adherence to the provisions of this chapter.
 1. **(Supporting denial of the requested P.U.D):** The intent of the R-1C zoning district is to limit development to one- and two-family homes that promote home ownership and uniformity in the style of development within a particular area. The proposal would not be consistent with this intent and would therefore be of lesser quality than what would occur with a standard platting of the property.
 2. **(Supporting approval of the requested P.U.D):** The intent of the City, as expressed in the "Residential" chapter of the Comprehensive Plan, is to provide a mix of housing options, well-planned neighborhoods and protection of unique environmental qualities in neighborhoods along the Mississippi River. The proposed development meets these goals better than a standard plat would because it allows for a better mix of housing types in this area and preserves a greater percentage of the existing tree cover on the property and is therefore superior to what would be allowed with a standard plat.
- iv. The variances will not constitute a threat to the property values, safety, health or general welfare of the owners or occupants of adjacent or nearby land, nor be detrimental to the health, safety, morals or general welfare of the people of the city.

1. **(Supporting denial of the requested P.U.D):** The proposed development would create a concentration of rental housing in an area otherwise dominated by owner-occupied single-family housing. It would also create a significant amount of additional traffic that could lead to safety hazards for pedestrians using the road for walking, biking, etc... As such, the proposal would be detrimental to the general welfare of the owners or occupants of adjacent/nearby land.
 2. **(Supporting approval of the requested P.U.D):** The proposed development would provide a density of housing that is less than what would be allowed under a standard subdividing of the property. As such, the density of housing and the resulting increase in traffic is sufficiently consistent with the type of development desired by the City in this area - as expressed in the zoning code (which allows for planned unit developments involving rental units and variances from normal use/density standards) and as expressed in the Comprehensive Plan (which allows for densities of 3 dwelling units per acre).
- v. The proposed development is of such a unique nature as to require consideration under conditions of a planned unit development.
 1. The proposed development could not be allowed under the City Code in any other way than via a Planned Unit Development.
 - vi. It shall be determined that the variances are required for reasonable and practicable physical development according to a plan and are not required solely on the basis of financial considerations.
 1. **(Supporting denial of the requested P.U.D):** The proposed development involves fourplexes primarily due to the desire to reduce construction costs and would place a type of dwelling unit (fourplexes) that is inconsistent with the intent of the zoning district in which it lies.
 2. **(Supporting approval of the requested P.U.D):** The proposed development involves a type of development anticipated by the allowance for planned unit developments. It is reasonable as a proposal in that it would result in an overall density that is less than what would be allowed under a normal subdivision and is being designed not just for economic considerations, but also to preserve trees beyond what would likely remain after a standard subdivision.
 - vii. The council, upon review and recommendations of the planning commission, shall find that the proposed development is fully consistent with the purposes of this chapter and in conformity to the comprehensive plan.

1. **(Supporting denial of the requested P.U.D):** The proposed development is inconsistent with the zoning code in that it would allow for fourplexes where the zoning district is limited to one and two-family dwellings except in specific limited circumstances. It is inconsistent with the Comprehensive Plan in that it proposes a density of 3.5 dwelling units per acre instead of the 1-3 identified in the Plan.
2. **(Supporting approval of the requested P.U.D):** The proposed development is consistent with the zoning code in that the code would allow for up to 38 dwelling units on this property under current zoning and the proposal is for 31 dwelling units. It is also consistent in that the code allows for planned unit developments that arrange housing units in an different manner than would be allowed under normal subdivision requirements. The proposal is consistent with the Comprehensive Plan in that it helps achieves the stated goals of providing a variety/mix of housing options, better protects the existing tree cover on the property than a standard subdivision, and allows for a well-planned development that minimizes potential future costs for residents and/or the City in paying for and maintaining infrastructure.

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.

Sincerely,



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