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## MEMO

**Date:** October 10, 2017  
**Re:** Planning Commission/Board of Adjustment Report  
**From:** Ben Oleson, Zoning Administrator

Dear Mayor and City Council,

The Planning Commission/Board of Adjustment held its regular meeting on October 9, 2017. The Commission held three public hearings – one regarding the proposed rezoning of several parcels at the intersection of Haven Road and Riverwood Drive, one regarding the re-adoption of several ordinances previously adopted and inadvertently eliminated during a recent overhaul of Chapter 11, and one regarding a proposed ordinance amendment regarding the allowable hours of operation for “additional food services” at approved Bed & Breakfast facilities.

The Planning Commission/Board of Adjustment has recommended approval of all three proposed changes.

### AGENDA ITEM #1

**Application:** Amendments to the official City of Little Falls zoning map, as referenced in Chapter 11.05.B of the Little Falls City Code and the City’s Comprehensive Plan, which currently identifies the area for “Business Park” use to “Highway Commercial”. The purpose of the amendments are to rezone properties which are currently zoned I (Industrial District) to B-2 (Noncentral Business District). The properties proposed for rezoning are parts or all of Parcel IDs 48.6840.000, 48.6838.000, 48.6841.000, 48.6868.000, and 48.6846.000. Applicant: City of Little Falls Planning Commission.

**Applicant:** City of Little Falls Planning Commission

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#### Background Information:

- Proposal:** The proposal to rezone these properties is intended to help reduce potential conflicts or devaluing of properties to the west, which are zoned for residential uses. The properties proposed for rezoning are currently zoned I (Industrial), which would allow for uses likely to conflict with residential use nearby. The proposed B-2 (Noncentral Business

District) zoning would be consistent with zoning to the south and along the west side of Haven Road and provide a buffer to the Industrial zoned land on the east side of Haven Road, while still allowing for the continuation of the existing uses of the properties proposed for rezoning.

The public hearing is for the purpose of reviewing the proposed rezoning of properties only. No changes are proposed to the regulations that apply within the B-2 or I zoning districts beyond those already approved by the City Council and which became effective in September 2017.

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**Planning Commission Recommendation:** The Planning Commission has recommended approval of the proposed rezoning and amendment to the Comprehensive Plan on a unanimous 4-0 vote (Hanfler and Schilling absent).

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**Findings of Fact:** The following findings of fact are presented by Staff for consideration by the City Council based on the discussion at the public hearing:

- The proposed rezoning will help to minimize potential conflict between the residential-zoned properties to the west and the industrial-zoned properties to the east across Haven Road.
- The proposed rezoning is mostly consistent with the current use of the properties.

## AGENDA ITEM #2

**Application:** Amendments to City Code, Chapter 11 (Land Use Regulations). The purpose of the amendments are to re-adopt Sections 11.64 (Temporary Family Health Care Dwellings), 11.07.J (Portable Storage Units), 11.07.A.2.c.4 (Off Street Parking and Loading Spaces), 11.02 (Definitions) and various other sections previously adopted in 2015 and 2016 and inadvertently eliminated as part of a recent comprehensive update to Chapter 11. The ordinances would opt the City of Little Falls out of Minnesota Statutes 462.3593 which defines and regulates temporary family health care dwellings, establish regulations regarding the placement of portable storage units, establish parking requirements for buildings with two or more uses and eliminate language conflicting with previous updates to Chapter 5.30 of the City Code.

**Applicant:** City of Little Falls Planning Commission

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### Background Information:

- **Proposal:** The proposal is to adopt a number of ordinances that had been adopted recently by the City Council, but were inadvertently eliminated during the recent comprehensive update to all of Chapter 11 in the City Code. The ordinances proposed for re-adoption had not been inserted into the working draft that Staff had been using in amending Chapter 11 and when those changes were adopted, the resolution indicated that all of Chapter 11 was being replaced by the new language – mistakenly eliminating the ordinances now proposed to be re-adopted.

No changes have been made to the language that had been previously adopted by the City Council.

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**Planning Commission Recommendation:** The Planning Commission has recommended approval of the proposed ordinance amendments on a unanimous 4-0 vote (Hanfler and Schilling absent).

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**Findings of Fact:** The following findings of fact are presented by Staff for consideration by the City Council based on the discussion at the public hearing:

- The proposed ordinance amendments were previously discussed and adopted. The action is simply to keep these ordinances in effect, after they were inadvertently eliminated from the City Code.

### AGENDA ITEM #3

**Application:** Amendment to City Code, Chapter 11.05.D.2 (R-1 One and Two Family Residential District – Conditional Uses). The purpose of the amendment is to modify or eliminate a requirement that hours for “additional food service” at bed and breakfasts be limited to between 8:00am and 4:00pm.

**Applicant:** City of Little Falls Planning Commission

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#### **Background Information:**

- Proposal:** The proposal is to amend the restrictions on the hours in which approved Bed and Breakfast businesses can provide “additional food service”. The current restriction is to allow “additional food service” only between the hours of 8am and 4pm. The proposal would eliminate this requirement entirely, or change it to allow “additional food service” later into the evening.

“Additional food service” is not defined in the City Code, but generally refers to breakfasts, lunches, dinners, teas, or other gatherings of people that are not necessarily customers staying overnight at the bed and breakfast facility. They are generally provided as a supplemental source of service and income in addition to the provision of overnight lodging and food services to overnight guests.

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**Planning Commission Recommendation:** The Planning Commission has recommended approval of the proposed ordinance amendments on a unanimous 4-0 vote (Hanfler and Schilling absent).

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**Findings of Fact:** The following findings of fact are presented by Staff for consideration by the City Council based on the discussion at the public hearing:

- The proposed ordinance amendment would provide additional flexibility to owners of Bed and Breakfast facilities that have been approved to provide “additional food

service” (food service to people who are not overnight guests at the Bed and Breakfast – examples include evening teas, “Murder/Mystery” dinners, or other similar events.

- The ordinance will continue to limit the total number of patrons for “additional food service” to 10 or fewer – thereby preventing the uses from essentially being restaurants.
- The ordinance will continue to require a conditional use permit for such uses, and allow for the opportunity to impose restrictions on the hours of use should they be necessary.
- Previous amendments regarding on/off-street parking requirements have reduced or eliminated the need for ensuring that the parking needs of guests of “additional food service” would not conflict with the parking needs of overnight B&B guests. As such, requiring that “additional food service” be completed prior to new guests checking in is unnecessary.

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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).