
CITY OF LITTLE FALLS

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

May 11, 2015



AGENDA
PLANNING COMMISSION
 Conference Room, City Hall
 May 11, 2015, 6:30 p.m.

P	A	Member	P	A	Member
		Bieganek, Justin			Schilling, Kara
		Dahlberg, Doug			Schulte, Ray
		Gosiak, Frank			Silbernick, Keith
		Hanfler, Jeremy			Oleson, Ben (Zoning Official)
					Kimman, Greg (City Engineer)

CALL TO ORDER: Planning Commission Chairperson

ADOPT THE AGENDA: May 11, 2015

APPROVAL OF MINUTES: April 13, 2015

PUBLIC HEARINGS:

- 1) Request for conditional use permit to construct a fence on the south property line in excess of 6 ft in height (fence to be 8 ft in height) in a B-2 zoning district.
 - a. Applicant: Anderson Custom Processing, Inc.
 - b. Property address: 200 Lindbergh Drive South
 - c. Brief Legal Description: Lot 008 Block 065 of THAYER’S ADDN Plat No. 49001
 - d. Parcel number(s): 490295000

- 2) Request to consider the vacation of a drainage and utility easement in the ‘Sunrise Addition’ plat.
 - a. Applicant: Jeffrey and Cindy Peterson
 - b. Legal Description: A 20.00 foot wide easement for drainage and utility purposes over part of Lot 19 and Lot 20, Block 3, as shown and dedicated on the plat of SUNRISE ADDITION, Morrison County, Minnesota, according to the recorded plat of record in the Office of the County Recorder, said easement centerline being the northeasterly line of said Lot 20.

OLD BUSINESS:

- 1) Discussion – Future MN DoT Improvements to Trunk Highway 27
- 2) Discussion – Storage POD regulations

NEW BUSINESS:

- 3) Discussion – Training Opportunities

NEXT MEETING: Monday, June 8, 2015

ADJOURNMENT:

AGENDA
PLANNING COMMISSION
 Conference Room, City Hall
 April 13, 2015, 6:30 p.m.

P	A	Member	P	A	Member
	x	Bieganek, Justin	x		Schilling, Kara
x		Dahlberg, Doug		x	Schulte, Ray
x		Gosiak, Frank	x		Silbernick, Keith
x		Hanfler, Jeremy	x		Oleson, Ben (Zoning Official)
			x		Kimman, Greg (City Engineer)

CALL TO ORDER: The Planning Commission Meeting was called to order by Greg Kimman, City Engineer, at 6:30 p.m.

ELECTION OF OFFICERS: Kimman called for nominations for Chairperson. A motion was made by Hanfler, seconded by Silbernick to elect Frank Gosiak as the Planning Commission Chair. Motion carried. Kimman called for nominations for Vice Chairperson. A motion was made by Hanfler, seconded by Dahlberg to elect Kevin Silbernick as Planning Commission Vice Chairperson. Motion carried. Kimman called for nominations for Secretary. A motion was made by Hanfler, seconded by Silbernick to elect Doug Dahlberg as Planning Commission Secretary. Motion carried. The meeting was turned over to Chairperson, Frank Gosiak.

ADOPT THE AGENDA: A motion was made by Silbernick, seconded by Hanfler to adopt the agenda as presented. Motion carried.

APPROVAL OF MINUTES: A motion was made by Dahlberg, seconded by Silbernick to adopt the minutes as presented. Motion carried.

PUBLIC HEARINGS:

- 1) **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).**
 - a. **Applicant: NRFC Little Falls Holdings, LLC**
 - b. **Legal Description: Part of NW4 of Section 9, Township 41, Range 32**
 - c. **Property Address: 1401/1405 5th Avenue NE, Little Falls**
 - d. **Parcel number(s): 48.6075.000**

Oleson summarized the variance request. Public hearing opened at 6:33 pm. There was no public comment. There also was no opposition via mail or by phone. Public hearing closed at 6:36 pm. The committee discussed the current property and how the request came to light. A motion was made by Hanfler, seconded by Silbernick to approve the variance request. Motion carried.

- 2) **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.**
 - a. **Applicant: NRFC Little Falls Holdings, LLC**
 - b. **Legal Description: Part of NW4 of Section 9, Township 41, Range 32**
 - c. **Property Address: 1401/1405 5th Avenue NE, Little Falls**
 - d. **Parcel number(s): 48.6075.000**

Oleson summarized the rezoning request and explained that the request is incorrect as printed in the minutes. The request is for land currently zoned B-3 to be re-zoned to R-2 based on the Conditional Use Permit originally granted to this parcel. Public hearing opened at 6:40 pm. Ken Kohl, 1417 Fairview Lane, asked what the definitions of the different zone classifications were and how they would affect the subject property. A motion was made by Hanfler, seconded by Silbernack to approve the rezoning request. Motion failed. A motion was made by Silbernack, seconded by Hanfler to remove a condition requiring such rezoning from a previously granted (2006) conditional use permit. Motion carried.

- 3) ~~WITHDRAWN Request to rezone an approximate 8.8 acre parcel from R-1C (Country Homes, One and Two-Family Residential District) to R-1C with a Planned Unit Development (PUD) overlay.~~**
- ~~a. Applicant: Roach Development LLC~~
 - ~~b. Legal Description: Part of Government Lot 2, Section 27 and NW4 of SW4, Section 26, Township 41, Range 32~~
 - ~~c. Property Address: None (near intersection of Derosier Drive/Riverwood Drive), Little Falls)~~
 - ~~d. Parcel number(s): 48.6960.001~~

Oleson summarized the rezoning request. Public hearing opened at 6:55 pm. No public comment. Public hearing closed at 7:01 pm. Rezoning request was withdrawn by applicant.

- 4) 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.**
- a. Applicant: Roach Development LLC**
 - b. Legal Description: Part of Government Lot 2, Section 27 and NW4 of SW4, Section 26, Township 41, Range 32**
 - c. Property Address: None (near intersection of Derosier Drive/Riverwood Drive), Little Falls)**
 - d. Parcel number(s): 48.6960.001**

Oleson summarized the conditional use permit request. Kimman and Oleson also explained the current zoning of subject property and what options were available under other zoning options. Public hearing opened at 7:01 pm. Bruce Smith, Sawmill Land & Trust Co, 14319 Elm St, is strongly opposed to Planned Unit Development (PUD). He asked for a moratorium and continuance of the PUD and also presented documentation of the request. Dean Erdmann, 14467 Lowry Drive, spoke on the history of the annexation and how the neighborhood was developed. He was against the PUD and would like to see the neighborhood stay the same. Steven Backowski, 14222 DeRosier Drive, spoke against the PUD and felt that the comprehensive plan of the City did not support a conditional use permit for the subject property. Chris Bell, 14196 DeRosier Drive, spoke against the PUD and thinks putting 4 plexes in the neighborhood will change the character of the neighborhood. Greg Valentine, 16784 Mississippi Blvd, spoke of the current pedestrian traffic on DeRosier Drive and how the increase of traffic, if the conditional use permit is granted, will create a safety issue. Carl Martinson, 14252 DeRosier Drive, spoke against the PUD. Mel Kurowski, 1446 Lowry Drive, spoke against the PUD. Marge Schuett, 14321 Lowry Drive, spoke against the PUD and outlined traffic safety concerns. Robin Hensel, 807 1st ST SE, asked a question about how many other lots could have the same conditional use permit option. Gordon Williams, 14394 DeRodier Drive, spoke against the PUD and presented a petition of over 70 signatures of citizens against the PUD. Mike Conley, 14278 DeRosier, spoke against the PUD and did not feel it helped any of the citizens. Heather Bell,

14196 DeRosier Drive, spoke against the PUD and quoted directly from the city ordinance definition and why this request is not supported by the ordinance. Tom Abbott, 14552 Ryan Street, spoke against the PUD. Peggy Rekstad, 14292 DeRosier Drive, spoke against the PUD. Nick Abbott, 14184 Lowry Drive, spoke against the PUD. Eric Martinson, 14576 Smith Ave, spoke against the PUD. Kathy Lange, 16542 Riverwood Drive, spoke against the PUD and outlined the increased traffic concern. Gerald Majerus, 14595 DeRosier Drive, spoke against the PUD. Terry Roach, Roach Development LLC, spoke in favor of the PUD and clarified some of the misinformation he felt was being directed towards the project. Tom Abbott, 14552 Ryan Street, spoke that the builder cannot control the increase in traffic. Steven Backowski, 14222 DeRosier Drive, spoke that trust was violated and it seemed like the project was being "pushed" through. The committee discussed what options the builder has and provided clarification on what the applicant could do if the conditional use permit was denied. A motion was made by Hanfler, seconded by Silbernack to approve the conditional use permit request. Motion failed.

OLD BUSINESS:

- 1) None

NEW BUSINESS:

- 1) Discussion - Tiny Homes/Small Lots

The committee discussed Tiny Homes/Small Lots based on some information provided by City Staff. There were many questions and City Staff was instructed to see how other communities are handling Tiny Homes/Small Lots and to also find out how many non-compliant lots are in the city.

NEXT MEETING: Monday, May 11, 2015

ADJOURNMENT: A motion was made by Silbernack, seconded by Schilling to adjourn at 8:35 p.m. Motion carried.

Minutes submitted by Doug Dahlberg, Secretary.

Minutes approved on

STAFF REPORT

Application: Request for conditional use permit to construct a fence on the south property line in excess of 6 ft in height (fence to be 8 ft in height) in a B-2 zoning district.

Applicant: Anderson Custom Processing, Inc.

Background Information:

- **Proposal:** The applicant is proposing to construct a new wood fence along the south property line to replace the existing 6 ft high fence. The first 36 ft of the new fence extending west from Lindbergh Drive would be 8 ft in height. The remainder of the fence along the south line would be at a height of 6 ft. All fences exceeding 6 ft in height require a conditional use permit.

Surrounding land on the west, north and south is all zoned B-2 Central Business District. Property to the east across Lindbergh Drive is all zoned I-2 Heavy Industrial. The property immediately to the south is currently vacant.

- **Location:**
 - Property address: 200 Lindbergh Drive South
 - Brief Legal Description: Lot 008 Block 065 of THAYER’S ADDN Plat No. 49001
 - Parcel number(s): 490295000

Applicable Statutes/Ordinances/Court Decisions:

Little Falls City Code

11.03: GENERAL PROVISIONS:

Q. Fences: Fences shall be permitted in all yards, subject to the following:

- 2. Fences in business and industrial districts must comply with the height and setback requirements as listed below:

FENCE HEIGHT IN BUSINESS AND INDUSTRIAL DISTRICTS

Location	Maximum Height (As Measured From 6" Above The Adjacent Ground Level)	Distance From Lot Line
Any lot line	6', unless otherwise allowed by conditional use	2', unless fence can be maintained entirely from 1 side, then 0'

- 6. No fence shall be erected where it will impede, in the opinion of the city engineer or their designee, the flow of water across or through a drainageway, drainage easement, wetland or a required stormwater management facility (i.e., water quality/detention pond, rain garden, etc.).

8. Prior to issuance of a fence permit, a certificate of survey may be required by the zoning administrator for all fences, except for hedges and plantings, or walls to be constructed on a property line or when the fence is not clearly entirely on the subject property. This requirement for a certificate of survey may be waived if: a) stakes from a previously completed survey are in place and marked and the property line can be reasonably determined from those stakes; or b) if a signed, written statement from the neighboring property owner is submitted indicating that they do not dispute the location of the fence.

9. That side of the fence considered to be the face, the side not attached to the primary structural supports, shall face the abutting property or street right of way.

12. Fence height shall be determined by the body of the fence, starting no greater than six inches (6") above the natural grade. Fence posts may extend a maximum of twelve inches (12") above the body of the fence. (Ord. 67, 6th Series, eff. 11-17-2014)

11.04: ADMINISTRATION AND ENFORCEMENT

D. Conditional Uses:

1. Purpose: In order to give the district use regulations of this chapter the flexibility necessary to achieve the objectives of the comprehensive guide plan, in certain districts conditional uses are permitted, subject to the granting of a use permit. Conditional uses include those uses generally not suitable in a particular zoning district, but which may, under some circumstances, be suitable. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be issued for a particular use and not for a particular person or firm. The cancellation of a permit shall be considered equivalent to a rezoning, and the same requirements and procedures shall apply.
2. Application, Referral To Planning Commission, Planning Commission Recommendation And Council Action: Except as otherwise noted in this subsection, the application and presentation requirements for conditional permits shall be the same as those for variances as provided in subsection C of this section.
3. Revocation: A violation of any condition set forth in a conditional use permit shall be a violation of this chapter and automatically terminate the conditional use permit.
4. Use Of Permit: Upon the issuance of a conditional use permit by the council, said permit shall be in force on a temporary basis for a period not to exceed one year from the date of issuance. If, during said one year period, the conditional use authorized by said conditional use permit has not been completed, said conditional use permit shall lapse and become void unless, during said one year period, the city council extends the period of time to complete said authorized use.

5. Lapse Of Conditional Use Permit: A conditional use permit shall lapse and become void if the conditional use for which the conditional use permit has been granted is discontinued for a period of one year, or if the use for which a conditional use permit was granted is changed for a period of one year to a use for which no conditional use permit is required.
6. Cancellation: A conditional use permit may be cancelled by following the requirements and procedures for an amendment to the zoning ordinance. (Ord. 18, 3rd Series, eff. 9-29-1986)

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

- **Current Zoning:**
 - Subject Property: Central Business District (B-2)
 - Surrounding Properties: Surrounding land on the west, north and south is all zoned B-2. Property to the east across Lindbergh Drive is all zoned I-2 Heavy Industrial. The property immediately to the south is currently vacant.
- **Current Land Use:**
 - Subject Property: Office building
 - Surrounding Properties: Vacant to the south, industrial buildings to the east, commercial buildings to the north, residential building to the west.
- **Lot size:** Approx. 40' x 130' (5,200 sq ft)
- **Sewer/Water:** The property is connected to City sewer/water.
- **Natural Features:**
 - Floodplain: The property is not within an identified floodplain.
 - Bluff/Steep Slopes: There are no steep slopes on the property.
 - Wetlands: There do not appear to be any wetlands on the property. The Morrison County SWCD has received notification of this meeting.

Planning Commission Action: The Planning Commission may approve the conditional use request, deny the request, or table the request if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, it should state the findings which support either of these actions. If the application is tabled, the Commission should provide specific direction as to what additional information is needed.

Staff Comments: As the Planning Commission considers this application, Staff would make the following comments:

1. The primary reason in the ordinance for this conditional use is to ensure that fencing will not be unsightly or unnecessarily block views from neighboring properties and to create some reasonable uniformity in fencing from one property to the next.



Phone: 320-616-5500
Fax: 320-616-5505

Fee Paid _____ Date Filed _____ Receipt Number _____

Application For: REZONING, VARIANCE AND CONDITIONAL USE

Have you reviewed Chapter 11, Section 11.04 of the City Code dealing with zoning laws of the City of Little Falls? (available online: www.cityoflittlefalls.com)

Yes X No _____

Street Address of Property 200 Lindbergh Drive S

Legal Description of Property Lot 8 Blk 65, Thayers Addn.

Parcel Identification Number 49.0295.000

Owner - Name Anderson Custom Processing Phone (320) 632-1030
Address 200 Lindbergh Drive S
City Little Falls State MN Zip 56345

Applicant (if other than owner) -

Name _____ Phone _____
Address _____
City _____ State _____ Zip _____

Type of Request - Rezoning _____ Variance _____ Conditional Use X Other _____

Description of Request Construct a fence to 8' in height
for 36' feet of the fence line. Remaining
72' will be 6' in height.

Reason for Request Create a barrier between office and
adjoining lot

Present Zoning Classification Comm

Existing Use of Property Office Building

Existing Use and Zoning of the Surrounding Area (two blocks) Mixed Commercial,
Residential

Has a request for a variance, special use permit, or rezoning on the subject site - or any part thereof - been previously sought?

Yes _____ No X When _____

Signature of Applicant/s Brian Cohen

Date 4-9-2015

I am the legal fee owner of the property described on this application and I consent to this application

Signature of owner/s _____

Approved _____ Denied _____ by the Planning Commission on _____
Date

Approved _____ Denied _____ by the City Council on _____
Date

Mailing Address: City of Little Falls, P.O. Box 244, Little Falls, MN 56345

The following questions must be answered.

1. What changes are you proposing to make to this property?

Building: N/A

Landscaping: Change first 36' of fencing to 8' in height.

Parking/Signs: N/A

2. Describe the character of the area and the existing patterns and use of development in the area. How is the proposal consistent with those patterns and uses? _____

Fence Raise 2' along the front of the office
Building 36' in order to create a privacy
barrier with adjoining lot

3. Describe the impact on the character of the neighborhood in which the property is located. Enhance privacy between residential

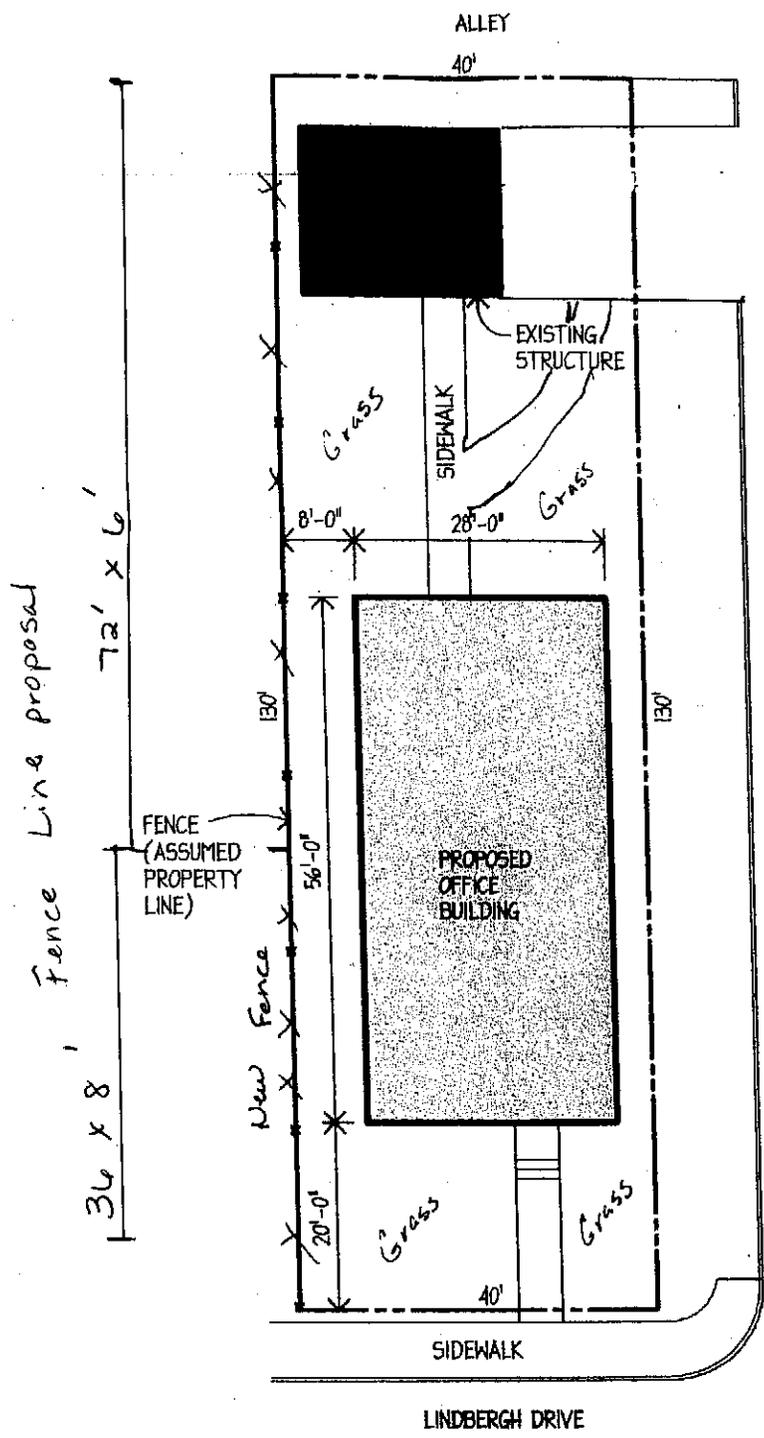
and commercial property

4. Describe the impact to the traffic on roads and highways in the vicinity, and the expected traffic generated by the proposed use. Is there adequate off-street parking available to accommodate the proposal? none

5. What part of the City Zoning Ordinance creates a practical difficulty to the property in question? What is the practical difficulty that prevents the land to be used in a reasonable way? 6' limit on height of fencing.

Use other side of page if necessary.

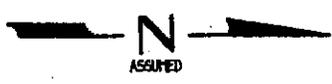
Mailing Address: City of Little Falls, P.O. Box 244, Little Falls, MN 56345



LEGAL DESCRIPTION:
 LOT 8 BLOCK 65 THAYERS
 ADDITION TO THE CITY OF
 LITTLE FALLS, MINNESOTA

SITE PLAN

1" = 20'



Fence Material - Vinyl Composite

STAFF REPORT

Application: Request to consider the vacation of a drainage and utility easement

Applicant: Jeffrey and Cindy Peterson

Background Information:

- **Proposal:** The city has had a utility easement in the past that ran across the property as described below:

A 20.00 foot wide easement for drainage and utility purposes over part of Lot 19 and Lot 20, Block 3, as shown and dedicated on the plat of SUNRISE ADDITION, Morrison County, Minnesota, according to the recorded plat of record in the Office of the County Recorder, said easement centerline being the northeasterly line of said Lot 20.

The landowners have requested that this easement be vacated. They would then seek to grant a replacement easement for the same purpose elsewhere on the lot.

When a public easement is vacated, it must have a public hearing. That is the purpose of this application. The Commission will need to take any public comment and then decide what recommendation it would make to the City Council, who would then make the final decision.

A copy of the area showing the old easement and the new proposed easement is attached. This hearing relates only to the vacating of the old easement. Establishing a new easement does not require a public hearing and is scheduled to be addressed by the City Council at its May 18 meeting.

Planning Commission Action: The Planning Commission may recommend approval of the proposed utility easement, denial of the request, or table the request if the Commission should need additional information. If the application is tabled, the Commission should provide specific direction as to what additional information is needed.

Staff Comments: As the Planning Commission considers this application, Staff would make the following comments:

1. The City Engineer will be in attendance at the public hearing and can answer any questions the public or Commission may have.

Certificate of Survey

Lot 18, Lot 19 and part of Lot 20, Block 3
 SUNRISE ADDITION, located in
 Section 23, Township 43 North, Range 31 West,
 Morrison County, Minnesota.

Owner:
 Jeffrey and Cindy Peterson
 14884 Breann Circle
 Little Falls, MN 56245

Parcel ID: 48 2865 000

Parcel ID: 48 2866 000

Legal Description
 Lot 18, Block 3, SUNRISE ADDITION, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Morrison County, Minnesota.

Legal Description (Document 523003)
 Parcel ID: 48 2866 000

Lot 19, Block 3, Sunrise Addition and that part of Lot 20, Block 3, Sunrise Addition described as follows: That part of Lot 20, Block 3, Sunrise Addition, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Morrison County, Minnesota, described as 81 feet. Beginning at the northeast corner of said Lot 19, Block 3, Sunrise Addition, and running South 81 degrees 38 minutes 29 seconds east, (assumed bearing a distance of 108.86 feet) to its intersection with the easterly line of said Lot 20, said point being on a 50.00 foot radius curve concave to the southeast, said curve having a central angle of 42 degrees 23 minutes 56 seconds and being subtended by a chord which bears North 60 degrees 04 minutes 04 seconds East, and a chord distance of 36.16 feet; thence leaving said curve North 37 degrees 51 minutes 50 seconds West, a distance of 152.58 feet to the northwesterly most corner of said Lot 20; thence South 28 degrees 20 minutes 29 seconds west, along the westerly line of said Lot 20, a distance of 53 feet to the northeast corner of said Lot 19, Block 3, Sunrise Addition, and said line of 53 feet by Ronald Engstrom, R.I.S. No. 13334.

Tract A Legal Description

That part of Lot 19, Block 3, SUNRISE ADDITION, Morrison County, Minnesota, according to the recorded plat of record in the Office of the County Recorder which has westerly of the following described line:

Beginning at the northeast corner of said Lot 19, thence South 28 degrees 38 minutes 27 seconds West, parallel to the west line of said Lot 19, bearings are based on the Morrison County coordinate system, a distance of 108.87 feet to the northeast corner of said Lot 19, Block 3, Sunrise Addition, and running North 28 degrees 38 minutes 27 seconds East, a distance of 108.87 feet to the northeast corner of said Lot 19, Block 3, Sunrise Addition, and said line is assumed to be the north line of 94 feet conveyed by Document Number 523003, as recorded in the Office of the County Recorder.

AND

That part of Lot 20, Block 3, SUNRISE ADDITION, Morrison County, Minnesota, according to the recorded plat of record in the Office of the County Recorder which has westerly of the following described line:

Beginning at the most easterly corner of Lot 3, Block 3, SUNRISE ADDITION, thence South 81 degrees 22 minutes 29 seconds East, bearings are based on the Morrison County coordinate system, the easterly line of said Lot 3 bearing North 28 degrees 38 minutes 27 seconds East, a distance of 108.87 feet to the northeast corner of said Lot 3, Block 3, Sunrise Addition, and running North 28 degrees 38 minutes 27 seconds East, a distance of 108.87 feet to the northeast corner of said Lot 3, Block 3, Sunrise Addition, and said line is assumed to be the north line of 94 feet conveyed by Document Number 523003, as recorded in the Office of the County Recorder.

Tract B Legal Description

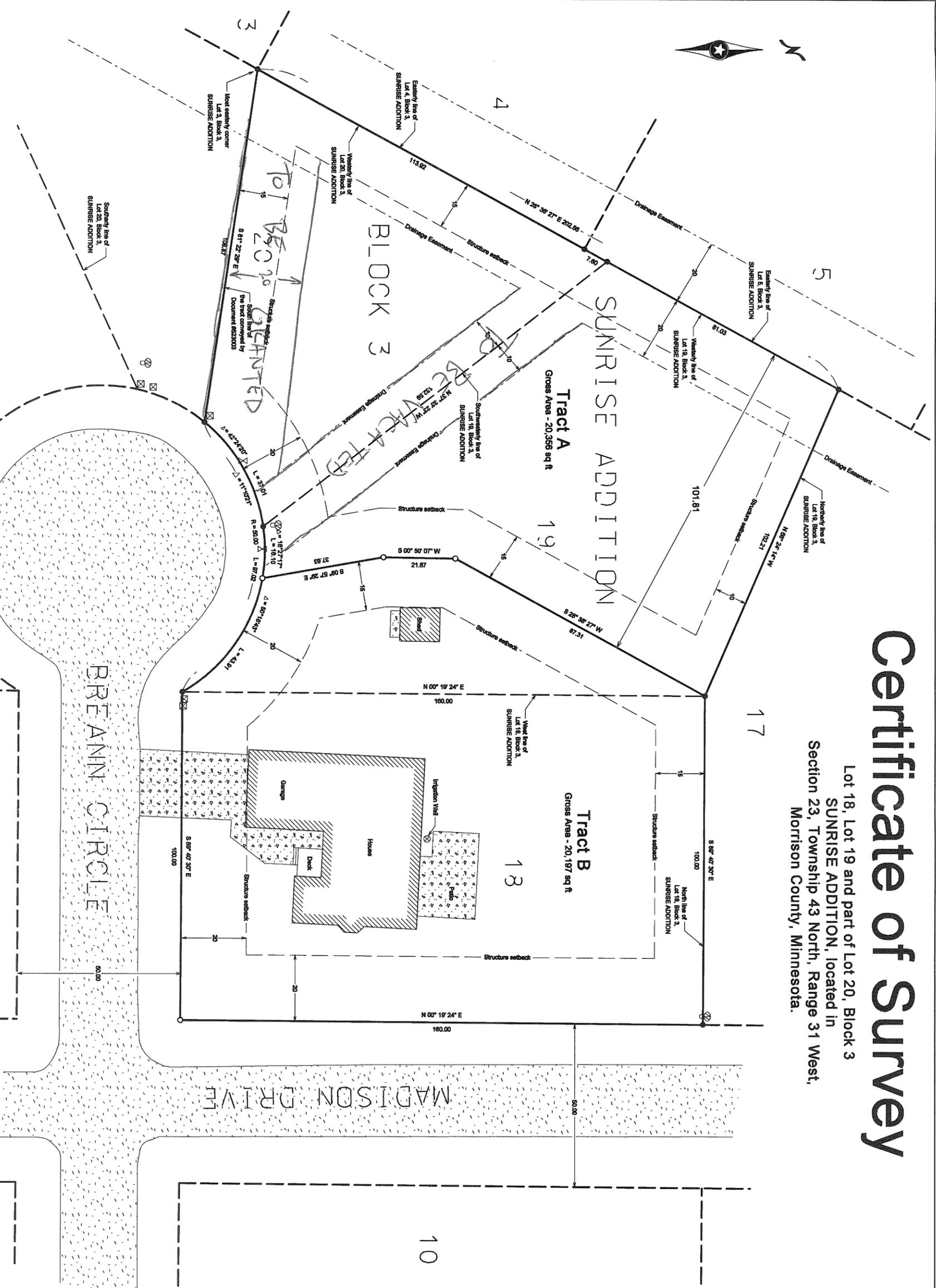
Lot 18, Block 3, SUNRISE ADDITION, Morrison County, Minnesota, according to the recorded plat of record in the Office of the County Recorder.

AND

That part of Lot 19, Block 3, SUNRISE ADDITION, Morrison County, Minnesota, according to the recorded plat of record in the Office of the County Recorder which has easterly of the following described line:

Beginning at the northeast corner of said Lot 19, thence South 28 degrees 38 minutes 27 seconds West, parallel to the west line of said Lot 19, bearings are based on the Morrison County coordinate system, a distance of 87.31 feet; thence South 00 degrees 50 minutes 07 seconds West, a distance of 21.87 feet; thence South 09 degrees 57 minutes 29 seconds East, a distance of 37.63 feet to the intersection with the northerly right-of-way line of Breann Circle as dedicated by said SUNRISE ADDITION, and said line there terminating.

Said tract contains 20,197 square feet, more or less, and is subject to all restrictions, reservations and easements of record, if any.



● Denotes iron monument found
 ○ Denotes 1/2" iron pipe set and marked by License No. 26888
 Orientation of this bearing system is the
 Morrison County coordinate system (NAD83)

No.	Date	REVISIONS

Client Name: Brett and Kalia Kramer

Survey By: **MS**
 Drawn By: **MS**
 Checked By: **JK**

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. DATE: 4-2-2015

SIGNATURE: **JAMES KRAMER, MN LICENSE NUMBER 23998**

PROJECT NO. **KRAMB1501**



STAFF REPORT

Discussion: Storage POD regulations

Applicant: City of Little Falls

Background Information:

- **Proposal:** The city does not currently have clear regulations regarding portable storage units that are sometimes used on properties for temporary storage. These units are usually the rectangular metal structures commonly seen on train cars and are used when people are moving or for other purposes.

The attached represents a possible set of regulations for these units, which is for discussion purposes. Ultimately, if such an ordinance is to be adopted, a public hearing would be necessary.

Section 1. Authority, Purpose and Intent.

The following regulation has been adopted pursuant to Minnesota Statutes _____ for the protection of public and private property, and the promotion of health, safety, order, convenience, and the general welfare as these may relate to the placement of portable storage units on public and private property.

Section 2. Definitions.

The following definitions shall apply under this Ordinance.

- A. "Applicant" shall mean the person that owns, rents, occupies, or controls the property and is herein required to obtain a permit for the placement of a Portable Storage Unit on private property.
- B. "Supplier" shall mean the company or vendor which supplies the Portable Storage Unit to the residential property, if applicable.
- C. "Portable Storage Unit" shall mean a storage unit designed, constructed or reconstructed so as to be capable of movement via towing, hauling or attachment to a vehicle from one site to another and designed to be used without a permanent foundation. Portable storage units shall include semi-trailers and similar units which have been modified to make them unable to be readily transported from one location to another. Storage buildings constructed on skids, properly licensed fish houses and other similar structures designed for common use as residential storage structures shall not be considered portable storage units for the purposes of this ordinance.

Section 2. Exemptions

The following portable storage units are exempt from the requirements of this ordinance:

- A. Portable storage units which are entirely contained within a building or screened to an equivalent manner by fences, trees, shrubs, natural topography or other means acceptable to the City Zoning Administrator shall be exempted from these regulations.
- B. Portable storage units which are located at least one-hundred (100) feet from a public road right-of-way and at least one-hundred (100) feet from an occupied or unoccupied dwelling (excepting any dwelling on the same property where the unit is to be located or a dwelling owned by the same landowner as the property where the unit is located).
- C. Portable storage units which are actively being unloaded and will be located on-site for less than ninety-six (96) hours.
- D. Portable storage units for sale or rent or awaiting services which are located on premises owned or leased by a person or business legally engaged in the sale, rental or service of such units.
- E. Semi-trailers that are licensed and road-ready.

Section 3. Requirements for Permitting of Portable Storage Units.

- A. Prior to or within ninety-six (96) hours following the initial delivery of a Portable Storage Unit, the Applicant or the Supplier shall obtain a permit for the placement of a Portable Storage Unit with the City.
- B. The application for a portable storage unit permit shall be obtained from the City by:
 - 1. Completing an application form provided by the City;

2. Presenting a valid and active City permit for that property if the Portable Storage Unit is to be used for the storage of building materials;
 3. Payment of a \$ ___ nonrefundable application fee; and
- C. The application shall contain the name of the Applicant to whom the temporary storage unit is supplied, whether the person owns, rents, occupies, or controls the property, the address at which the Temporary Storage Unit will be placed, the expected delivery date, the expected removal date, active building permit number, if applicable, and a sketch depicting the location and the placement of the Temporary Storage Unit.
- D. The effective date of the permit shall be the date of the City's written approval.

Section 4: Requirements for Placement of Portable Storage Units.

The following requirements shall apply to the placement of Portable Storage Units within the City:

- A. A Portable Storage Unit permit, once granted, shall be valid for a period of time not exceeding 90 days. A permit for the initial 90 day period may be issued by the City Zoning Administrator. An application to extend this time frame must be approved by the City Council, which may permit for an extension of up to an additional 90 days. In no case shall an applicant be permitted to have a portable storage unit on the same property for more than 180 days in any 365 day period.
- B. The Applicant, as well as the Supplier, shall be responsible for ensuring that the Portable Storage Unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.
- C. No Portable Storage Unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the Temporary Storage Unit is located.
- D. No Portable Storage Unit shall be used to store any illegal or hazardous material.
- E. Upon reasonable notice to the Applicant, the City may inspect the contents of any Portable Storage Unit at any reasonable time to ensure that it is not being used to store unpermitted materials.

Section 5. Enforcement and Penalties.

Any person or entity who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance shall be deemed guilty of a misdemeanor. Each day shall constitute a separate offense.

Section 6. Severability

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional.

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