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## MEMO

**Date:** July 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 July 14, 2014. There were two public hearings – one of which was tabled for more discussion and public input (amendments to the ordinances regulating fences) and the other for which the Commission is giving you their recommendation (conditional use permit for a Bed and Breakfast).

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

### PUBLIC HEARING #1

**Application:** Conditional use permit request to operate a Bed and Breakfast in a One and Two Family Residential District (R-2).

**Applicant:** J. Christian Andrews

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#### Background Information:

- Proposal:** The applicant is proposing to open and operate a Bed and Breakfast business out of the house that is on this property. The B&B would be known as "Great River Inn" and would contain three (3) guestrooms for rent, with the possibility of increasing to four guestrooms within 1-2 years, according to the applicant.

The property is zoned R-2, which allowed for Bed and Breakfasts as a conditional use.

- Location:**
  - Property address: 724 2<sup>nd</sup> Street SE
  - Legal Description: Lots 13 and 14, Block 13, Morrill's Addition No. 1 to Little Falls.
  - Parcel number(s): 48.1219.000
- Property Owner:** Joel Christian Andrews and Susan B. Andrews
- Current Zoning:**
  - Subject Property: One- and Two-Family Residential District (R-2)
  - Surrounding Properties: One- and Two-Family Residential District (R-2) on all sides, except that the hospital property located kitty-corner from the proposed B&B is zoned R-3 Multiple-Family Residential District.

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**Public Input:** No written comments were received by the City prior to the hearing or at the hearing itself.

The Commission heard some concerns from the public in attendance at the meeting – mostly relating to the potential nuisances from a proposed dog run that would be constructed on the property and nuisances relating to barking by the two dogs owned by the property owners.

The applicant noted he had spoken earlier with his neighbor about this concern and would move the dog run to the existing patio location on the alley-side of the home instead of along his north property line to accommodate this concern. A neighbor to the south, also in attendance, expressed concern about this new location being closer to his property, which is across the road.

The Commission discussed these concerns and determined that so long as the property does not constitute a kennel (more than two dogs over two (2) months of age) and meets the requirements of the City Code for keeping of animals (Section 10.11) they would not recommend requiring extra screening or fencing.

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**Planning Commission/Board of Adjustment Action:** The Planning Commission has recommended approval of the request with the following conditions:

1. That the Bed and Breakfast be allowed no greater than four (4) guest rooms.
2. That an inspection be completed and approved by the City Building Official prior to the opening of the Bed and Breakfast.

While not specifically listed in the recommended conditions, the Planning Commission gave its recommendation based on the understanding that the Bed and Breakfast would remain owner-occupied, as is inherent to the definition of “Bed and Breakfast” in the city code and that the B&B would meet all other requirements as outlined in the City Code (parking, signage, licensing by Public Health, etc...).

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

**Current Zoning:**

- o Subject Property: One- and Two-Family Residential District (R-2)
- o Surrounding Properties: One- and Two-Family Residential District (R-2) on all sides, except that the hospital property located kitty-corner from the proposed B&B is zoned R-3 Multiple-Family Residential District.

**Current Land Use:**

- o Subject Property: Residential dwelling

- Surrounding Properties: Residential uses, with the exception of a (hospital) parking lot to the southeast.
- **Lot size**: Approx. 86' x 150' (12,900 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.
- **Bed & Breakfast-Specific Criteria**:
  - **Parking must meet the requirements of section 11.07 of this chapter**: The City Code requires one space for each unit plus two spaces for the owners/operators of the B&B. The proposed B&B would have four rooms for rent and will be providing four parking spaces (three new spaces to the side of the existing drive, one in the existing drive) in addition to the two spaces within the existing attached garage.
  - **All guestrooms must be contained in the principal building**: All guest rooms are proposed to be within the principal building.
  - **Dining facilities are not open to the public but limited to residents, employees and registered guests**: The applicant has stated that they do not intend to serve food to outside groups or patrons beyond their registered guests.
  - **The facility must be licensed by Morrison County public health and/or the Minnesota department of health**: The applicant has been working with Public Health and will need to meet their requirements.
  - **Bed and breakfast uses in residential areas must be located at least six hundred feet (600') apart (approximately 2 blocks)**: Staff is not aware of any other B&Bs within 600 feet of the subject property.
  - **The facility must be inspected by the state fire marshal and the city building inspector every three (3) years at the time of license renewal by the Minnesota department of health**: This a future requirement that will need to be met.
  - **The facility, if located in a residential zone district, shall appear outwardly to be a single-family dwelling, giving no appearance of a business use and is allowed a maximum of eight (8) square feet of signage**: The existing and proposed alterations to the exterior of the property would be residential in character. The applicant has stated that they intend to erect a sign that will meet city requirements mentioned above.
  - **The conditional use permit shall be transferable with the property pursuant to subsection 11.04D of this chapter.**

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

Application materials related to the application are enclosed, for your reference.

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**PUBLIC HEARING #2**

**Application:** Ordinance amendment to Chapter 11, entitled “Land Use Regulations (Zoning)”, Sections 11.02 (Definitions), 11.03.E (Required Yards and Open Space) and 11.03.Q (Fences). The proposed amendment will amend and add to existing language in the above-mentioned sections in order to clarify regulations and permitting procedures related to fences and hedges in both residential and non-residential zoning districts.

**Applicant:** City of Little Falls

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**Background Information:**

- Proposal:** The existing language regarding the regulation of fences within the City of Little Falls is somewhat confusing and possibly contradictory in terms of how fences are permitted and regulated. The proposed ordinance amendments are intended to clarify these regulations so that they can be applied uniformly without need for significant interpretation.

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**Public Input:** No written comments were received by the City prior to the hearing or at the hearing itself.

The Commission heard several concerns from the public in attendance at the meeting. These concerns included concerns over a maximum height of 30” for fences running across the front yard being too restrictive and creating a situation where such fences would not be able to properly contain or keep out children and/or pets. They felt a four (4) foot height would be more appropriate. Another concern raised was the discussion of whether to include hedges in the regulations of fences – they noted that many people throughout the City have hedges taller than 30” or even 4 feet and that making such a requirement would create a complicated legal situation for the city in dealing with existing hedges. Finally, there was a general question as to why the fence regulations were up for amendment at this time (Staff noted that the primary reason, in their opinion, was to clarify the requirements and allow for more consistent and understandable regulations).

The Commission took these concerns into advisement and generally noted that they did not feel regulating hedges the same as fences was something they would recommend, although they did not take any formal position or action on this matter.

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**Planning Commission/Board of Adjustment Action:** The Planning Commission has continued this hearing to their next meeting for further discussion and opportunity for public input.

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**City Council Direction:** No action is required at this time.

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,

A handwritten signature in black ink, appearing to read 'Ben Oleson', with a stylized flourish at the end.

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