



Established in 1849
"Where Minnesota History Begins"

MEMO

Date: September 16, 2015

Re: Planning Commission/Board of Adjustment Report

Dear Mayor and City Council,

The Planning Commission/Board of Adjustment held its regular meeting on September 14, 2015. There was one public hearing, for which the Commission/BOA is giving you their recommendation.

PUBLIC HEARING #1

Application: Rezoning from Industrial – Heavy (I-2) with a Planned Unit Development (PUD) overlay to eliminate the PUD overlay while retaining the underlying I-2 zoning.

Applicant: City of Little Falls. (Property Owner: CC VIII Operating LLC)

Background Information:

- **Proposal:** The property in question is currently zoned I-2 with a Planned Unit Development (PUD) "overlay" district. The history of the parcel and its zoning by the City of Little Falls is as follows:
 - The parcel was annexed into the City of Little Falls on August 6, 1987, recorded as Document No. 312525. The parcel was zoned General Business District (B-2) at the time of annexation.
 - The parcel was rezoned September 14, 1987, from General Business District (B-2) to Race Track District (RTD).
 - The parcel was rezoned May 18, 1992, from Race Track District (RTD) to Planned Unit Development (PUD).
 - The parcel was rezoned October 15, 2012 to Planned Unit Development (PUD) with an underlying classification as Heavy Industrial (I-2).

City Staff brought the rezoning proposal forward for discussion by the Planning Commission as it appeared that the PUD designation would unnecessarily limit the types of uses that could be allowed on the property and/or create confusion as to what uses are allowed. Staff had considered whether it would make sense to remove the PUD designation from other properties in the area similarly zoned, but decided against bringing that proposal at this time. The parcel proposed for rezoning had been the subject of an inquiry to

Staff by a prospective buyer as to what types of uses were allowed on the property. Given the history of the City apparently initiating rezonings of the property without a request from the landowner, and due to the PUD designation seeming unnecessary to Staff, the rezoning request was brought forward.

Location:

- Property address: 15616 153rd Street
- Legal Description: Part of the SW4 of the SW4, Section 36, Township 41, Range 32.
- Parcel number(s): 48.7078.000

Property Owner: CC VIII Operating LLC

Public Input:

1. No written comments were received prior to the public hearing.
2. One member of the public (not the landowner) commented at the meeting, expressing opposition to the rezoning due to it being proposed by the City rather than the landowner and it not seeming legitimate.

Planning Commission/Board of Adjustment Action: The Planning Commission has recommended approval of the request, as presented, on a 4-0 vote. No conditions of the approval were recommended.

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 Planning Commission recommends the following findings of fact in support of the recommendation for approval:

Current Zoning:

- Subject Property: Industrial - Heavy (I-2) with a Planned Unit Development (PUD) overlay
- Surrounding Properties: Industrial - Heavy (I-2) with a Planned Unit Development (PUD) overlay to the east, Industrial - Heavy (I-2) to the north. Property to the west and south is not in the City and is zoned by Morrison County.

Current Land Use:

- Subject Property: Small utility building
- Surrounding Properties:
 - West: Agricultural
 - East: Undeveloped

- South: Undeveloped/Residential
- North: Undeveloped/County Fairgrounds

- Lot size:** Approx. 9.47 acres
- Sewer/Water:** City sewer water runs under 18th Street NE, along the west side of the property.
- Natural Features:**
 - Floodplain: The property is not within an identified floodplain.
 - Bluff/Steep Slopes: There are steep slopes on the south portion of the property.
 - Wetlands: The National Wetland Inventory indicates one wetland near the center of the property.

OTHER ITEMS

- The Board of Adjustment heard an appeal by Scott and Lori Williams (14424 Elm Street) regarding a letter from the City Zoning Administrator indicating that their fence did not meet certain requirements of the City Code and needed to be corrected. The Board denied the appeal to comply with the requirement to have the face of the fence towards the neighboring property, but did allow for an extension of the time frame given by the Zoning Administrator to comply with the ordinance. A copy of the staff report relating to that item and background information is attached.
- The Planning Commission discussed the regulation of portable storage units in the City. Staff was directed to schedule a public hearing for a draft ordinance at the October meeting of the Planning Commission.
- The Planning Commission discussed the regulation of off-street parking for Bed & Breakfast establishments with additional food service and home occupations. Staff was directed to schedule a public hearing for a draft ordinance at the October meeting of the Planning Commission.

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

STAFF REPORT

Appeal: Appeal of Zoning Administrator Decision (Fence Permit)

Applicant: Scott and Lori Williams

Background Information: In April 2015, the Zoning Administrator issued a permit for Scott and Lori Williams (14424 Elm Street) to replace an existing fence near their west and north property line with a new fence. The application for the fence (attached) indicated that they would be installing a 6 ft high fence along almost the entire length of each property line. However, the Zoning Administrator's approval letter (attached) noted that the approval was to:

“Construct a 6 ft wood fence along the north and west property lines. Any fencing located within 30 ft of the front lot line may not exceed its previously existing height or 4 feet, whichever is higher.”

In August 2015, the Zoning Administrator received a complaint that the Williams' recently installed fence along the west and north sides was not facing the correct way as required by the City Code, which states:

11.03: GENERAL PROVISIONS

Q. Fences:

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.

The Zoning Administrator made a site visit to view the fence and confirmed that the face of the fence was not facing to the abutting property as required and sent a letter to the Williams' to that effect.

Following the letter being sent, the Zoning Administrator also noticed that the fence height of 6 ft exceeded what was allowed in the City Code in the first 30 ft back from the right-of-way of Elm Street. Normally, the City Code requires a fence height of no more than 4 feet in that area. The permit approval did allow them to go to the same height as the previous fence, which the Zoning Administrator estimates at about 4-5 feet.

The Williams' are appealing the Zoning Administrator's decision that they are in violation of their permit (see written letter attached), arguing that they were not informed about the requirement regarding which way the fence faces or the 4 foot height maximum in the first 30 ft back from the right-of-way. The Zoning Administrator does not recall whether there was any discussion about the way the fence faces. The permit approval letter did discuss the 4 ft height maximum.

Photos of the current fence, as installed, are attached. A photo from Google Street View of the previously existing fence along the west side is also attached (the same style of fencing was what previously existed along most of the north boundary line as well).

A copy of the fence permit application form that was available at the time of the original fence permit application is also attached.

Appeal Committee;

On 4/27/2015 we were given a permit to put up a privacy fence on our property. We already had an existing fence there. We were removing the old one and replacing it with a new one. Also the new privacy fence was going to continue on with a 6' privacy fence already in place from 14 years prior. So when I talked with Ben Olson I told him of our plans of replacing our existing fence and replacing it with 8' wide by 6' panels to continue on with the same way it was already put up years before. He told us he would come out and check it out and would get back with us. When he called back to inform us that we could go ahead and get the permit that everything would be fine the way we wanted to install the fence. We just needed to draw a map of what the fence would in tale. We did this and on the map it shows we are putting up a 6' fence. Now the argument is it's only suppose to be 4' and the good side facing the neighbors, in which we were never told of this rule. We are newly annexed into the city, so our existing privacy fence the nice side faces our way. Ben Olson stated that this rule is on the back side of our permit. We have no back side of our permit. We have talked with Terri Roach about our fence because one side faces his property and he told us we could leave it. The west side of our fence is really the side that's being questioned it faces Byron Smith's side of the property which is about 3 acres of pine trees. We just feel that we were not properly informed of all the city rules prior to putting up our fence. We were given the go ahead by Ben Olson to put it up, so we feel we should not have to take it down and turn it around.

Thank you
Scott and Lori Williams

Dead End Elm St,

Driveway

Garage

House

Metal Shed

High Wood Barn

Low Wood Barn

8' long dog Ear treated
6' High lumber

Height 6'

2' ft. footings

existing fence - replacing with new
Fence ↓ on line

Also existing fence replacing with new
Fence

Fence



Established in 1849
"Where Minnesota History Begins"

April 21, 2015

Scott and Lori Williams
14424 Elm Street
Little Falls, MN 56345

RE: 48.6967.000 and 48.6966.000 (14424 Elm Street)

Mr. and Mrs. Williams:

We are writing to notify you that your permit application for the following project has been approved:

Construct a 6 ft wood fence along the north and west property lines. Any fencing located within 30 ft of the front lot line may not exceed its previously existing height or 4 feet, whichever is higher.

All work shall be in accordance with the above requirements and otherwise compliant with the City of Little Falls City Code. If your plans change, please notify us immediately to determine if there are any additional requirements.

Please feel free to call if you have any questions.

Sincerely,

Ben Oleson
Hometown Planning
City of Little Falls Zoning Administrator



Established in 1849
"Where Minnesota History Begins"

August 20, 2015

SCOTT B & LORI G WILLIAMS
14424 ELM ST
LITTLE FALLS, MN 56345

Dear Mr. and Mrs. Williams:

The City of Little Falls has recently received an inquiry as to whether certain structures or other elements on your property comply with the requirements of the City's ordinances. The property in question is:

- 14424 ELM ST, Parcel ID 48.6967.000

The subject of the inquiry is:

- A recently installed fence not meeting the requirements of the City Code.

It is the responsibility of the City Zoning Administrator to determine whether a violation has occurred or not.

We have viewed the fencing in question (on the west and north sides of your property), which was permitted in April 2015, and noticed that the "good" side of the fence is facing toward your property rather than to the abutting property. Section 11.03.Q.9 indicates that "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."

As such, you will have sixty (60) calendar days from the date of this letter to correct the situation and bring the fencing on the west and north sides of your property into compliance with the current City Code.

Please contact me toll-free at 888-439-9793 or at 320-759-1560 to discuss this matter at your earliest convenience if you have any questions or concerns. You may also contact City Hall directly at (320) 616-5500.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Oleson".

Ben Oleson
Hometown Planning
City of Little Falls Zoning Administrator



Google Maps 14317 Elm St



Image capture: Jul 2014 © 2015 Google

Little Falls, Minnesota

Street View - Jul 2014

