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# CITY OF LITTLE FALLS

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## BOARD OF ADJUSTMENT/ PLANNING COMMISSION

July 14, 2014



AGENDA  
**PLANNING COMMISSION**  
Conference Room, City Hall  
July 14, 2014, 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 (Staff)

**CALL TO ORDER:** Planning Commission Chairperson

**ADOPT THE AGENDA:** July 14, 2014

**APPROVAL OF MINUTES:** June 9, 2014

**PUBLIC HEARINGS:**

- 1) J. Christian Andrews, 724 2<sup>nd</sup> Street SE, Conditional use permit request to operate a Bed and Breakfast in a One and Two Family Residential District (R-2).
- 2) City of Little Falls, 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.

**OLD BUSINESS:**

**NEW BUSINESS:**

**NEXT MEETING:** Monday, August 11, 2014

**ADJOURNMENT:**



City of Little Falls  
**PLANNING COMMISSION MINUTES**  
 Conference Room, City Hall  
 June 9, 2014, 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		Silbernack, Keith
x		Hanfler, Jeremy	x		Kimman, Greg (Staff)
			x		Oleson, Ben (Staff)

**CALL TO ORDER:** The Planning Commission Meeting was called to order by Frank Gosiak, Planning Commission Chairperson, at 6:30 p.m.

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

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

**PUBLIC HEARINGS:**

- 1) **Mary Ann Susalski, 1006 5<sup>th</sup> Ave SE, Conditional Use Permit request to operate a home occupation not meeting the requirements for a permitted home occupation in a One and Two Family Residential District (R-2).** Oleson presented a summary of the conditional use permit request. Public hearing opened at 6:32 pm. Mary Ann Susalski, 1006 5<sup>th</sup> Ave SE, provided a more detailed summary of the conditional use permit request. Rachel Strom, 1420 Veterans Drive, St. Cloud, MN 56302 spoke on behalf of Mary Ann as a fellow club owner in the same business and provided more detail about the business. Robin Hensel, 807 1<sup>st</sup> St SE spoke in favor of the conditional use permit request. Public hearing closed at 6:45 pm. A motion was made by Schulte, seconded by Silbernack to approve the conditional use permit request with the following requirements being met for approval: A maximum of 12 people in attendance at one time, availability of six (6) parking places, business conducted between the hours of 7am – 9 pm, and compliance with the residential signage requirements. Motion carried.
  
- 2) **City of Little Falls, ordinance amendment to add existing language to section 11.04 of the City Code and add a new section 11.04.G entitled “Revocation, Suspension, or Refusal to Renew Procedures.”** The proposed amendment will clarify the procedures by which a previously granted variance, conditional use or other permit may be revoked, suspended or not be renewed and clarify that both variance and conditional use permit decisions are to be recorded at the Morrison County Recorder’s Office. Oleson presented a summary of the ordinance amendment. Public hearing opened at 7:01 pm. Robin Hensel, 807 1<sup>st</sup> St SE, expressed concern over some of the changes to the ordinance. Public hearing closed at 7:15 pm. A motion was made by Schulte, seconded by Hanfler to present the updated amendment to the city council for approval. Motion carried

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**NEXT MEETING:** Next regular meeting is 6:30 p.m. on Monday, July 14th, 2014.

J

**ADJOURNMENT:** A motion was made by Silbernack, seconded by Schulte to adjourn at 7:16 p.m. Motion carried.

Minutes submitted by Doug Dahlberg, Secretary.

Minutes approved on

DRAFT

## STAFF REPORT

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**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.

The applicant would make several changes to the exterior of the property, in addition to some minor remodeling inside. These changes would include:

1. Construct a decorative picket fence on the east (front) of the home with an arbor over the front sidewalk.
  2. Replace the front sidewalk and steps.
  3. Create a colonial flower garden on the east (front) of the home and a vegetable garden on the west (rear) of the home.
  4. Construct three off-street parking spaces to the west (rear) of the home and plant adjacent hedge to create border.
  5. Install a 24-hour spotlight for the US flag to be attached to the east (front) side of the home.
  6. Install a sign as per city code adjacent to the front sidewalk.
  7. Install a fenced dog run on the north side of the home.
- **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
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### **Applicable Statutes/Ordinances/Court Decisions:**

#### **Little Falls City Code**

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)

#### 11.05: ZONING DISTRICTS AND MAP

##### F. R-2 One- And Two-Family Residential District:

##### 1. Conditional Uses:

- a. Any use permitted as conditional in the R-1 district.

2. Lot Area, Floor Area, Height, Lot Width And Yard Requirements: All uses in the R-2 district shall comply with the requirements of the R-1 district of this section, except as hereinafter modified:

Lot Size	Lot Width	Front Yard	Rear Yard	Side Yard	
				Interior	Corner
One- and two-family 9,000 square feet	60 feet	30 feet	30 feet	5 feet	15 feet

(Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

D. R-1 One- And Two-Family Residential District:

2. Conditional Uses In Any R-1 One- And Two-Family Residential District: No structure or land shall be used for the following uses, except by conditional use permit:

j. Bed and breakfasts are allowed by conditional use permit in an R-1 zoning district as regulated in this section, subject to the following conditions:

- (1) Parking must meet the requirements of section [11.07](#) of this chapter.
- (2) All guestrooms must be contained in the principal building.
- (3) Dining facilities are not open to the public but limited to residents, employees and registered guests.
- (4) The facility must be licensed by Morrison County public health and/or the Minnesota department of health.
- (5) Bed and breakfast uses in residential areas must be located at least six hundred feet (600') apart (approximately 2 blocks).
- (6) 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.
- (7) 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.
- (8) The conditional use permit shall be transferable with the property pursuant to subsection [11.04D](#) of this chapter.

11.07: SPECIAL PROVISIONS:

A. Off Street Parking And Loading Spaces:

c. Calculating Space:

(1) Number Of Spaces: When determining the number of required off street parking spaces results in a fraction, each fraction of one-half ( $1/2$ ) or more shall constitute another space.

(4) Buildings With Two Or More Uses: Except as provided for under "joint parking facilities", should a building contain two (2) or more types of use, each use shall be calculated separately for determining the total off street parking spaces required. Warehouse areas associated with retail uses shall have parking requirements calculated separately from the retail requirements.

d. Location Of Parking Facilities:

(1) Required off street parking in all zoning districts shall meet the following setback requirements:

(A) Within all residential zoned districts, all vehicles normally owned or kept by the occupants on the premises must have a garage stall or open parking space on the same lot as the principal use served. Garage stalls accessory to residential structures or open parking spaces may be located anywhere on the lot other than in the required yard setback area, except that such garages or open parking spaces may be located to within ten feet (10') of a rear lot line. No accessory structure to a residential structure shall be located within the required yard area abutting a street.

f. Use Of Parking Areas For Storage: Use of parking areas or required off street parking spaces, in all zoning districts, shall not be used for open storage of goods or for storage of vehicles that are inoperable, for lease, rent or sale.

g. Design And Maintenance Of Off Street Parking Areas:

(8) Size: The minimum dimensions for required parking spaces are shown in table 8-1 of this section. Minimum dimensions are exclusive of access drives or aisles, ramps or columns. In no case shall any part of the public right of way contribute toward required stall size. Ninety degree (90°) parking spaces that use a curb overhang over a landscaped area or a minimum seven foot (7') wide sidewalk may be reduced to eighteen feet (18') in depth. Parking stall dimensions are to be reviewed and approved by the city administrator or designee prior to the approval of a building permit.

TABLE 8-1  
MINIMUM PARKING SPACE AND AISLE  
DIMENSIONS GUIDELINES

Angle (A)	Width (B)	Curb Length (C)	Stall Depth (D)	One-Way Aisle Width (E)	Two-Way Aisle Width (F)
0° parallel	9'	20'	9'	12'	24'
45°	9'	12'8"	17'6"	12'	24'
60°	9'	10'5"	19'	16'	24'
90°	9'	9'	18'6"	26'	26'

(10) Surfacing: All of the area intended to be utilized for parking space and driveways shall be hard surfaced with a material to control dust and drainage, and subject to approval of the city administrator or designee, except parking areas for less than four (4) vehicles. This requirement also applies to open sales lots. Parking areas and driveways shall be kept free of dirt, dust, and debris and the pavement shall be maintained in good condition.

(12) Required Spaces: Parking shall be provided according to the following schedule:

Principal Use Or Structure Served	Required Number Of Parking Spaces (Open Or Enclosed)
Bed and breakfast	At least 1 parking space per rental room, plus 2 for the owner or manager if resident on the premises

5.30: SIGN REGULATIONS:

B. Administration:

2. Permit Exemptions: The following signs shall not require a permit under this section. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this section or any other law or ordinance regulating the same.

a. Up to two (2) signs on a residential zoned or used property whose total accumulative area is eight (8) square feet or less in size and a maximum height of four feet (4').

h. Interior signs.

E. Specific Regulations By Zoning District:

1. Signs Allowed By Permit:

a. Residential Districts: Within residential zoning districts, where there is multi-family housing of three (3) units or more, signs are allowed by permit as follows (residential property located in a flood fringe district (FF) shall follow the sign regulations for its underlying zoning district classification):

<b>Residential Zoning Districts</b>	<b>Maximum Sign Area Of Single Sign</b>	<b>Maximum Number Of Signs</b>	<b>Total Area Of All Signs</b>	<b>Maximum Height</b>
R-2, R-2.M	8 sq. ft.	2	8 sq. ft.	4'

The following types of signs are not permitted in residential zoning districts:

- A-frame signs.
- Awning signs.
- Backlit awning signs.
- Balloon signs.
- Canopy signs.
- Electronic message display signs.
- Flashing signs.
- Illuminated signs.
- Marquee signs.
- Murals.
- Portable signs.
- Shimmering signs.

b. Permitted Nonresidential Uses In Residential Districts: Nonresidential uses in residential districts allowed by conditional use permit may be approved for a ground or monument sign on the premises in certain residential zoned districts. Such signage is allowed as follows:

<b>Nonresidential Uses In Residential Zoning Districts</b>	<b>Maximum Sign Area Of Single Sign</b>	<b>Maximum Height</b>	<b>Display Surface Of All Signs (Accum.)</b>
R-2, R-2.M (.150' frontage)	32 sq. ft. per surface	8'	32 sq. ft.

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

**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.

**Current Land Use:**

- 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.**

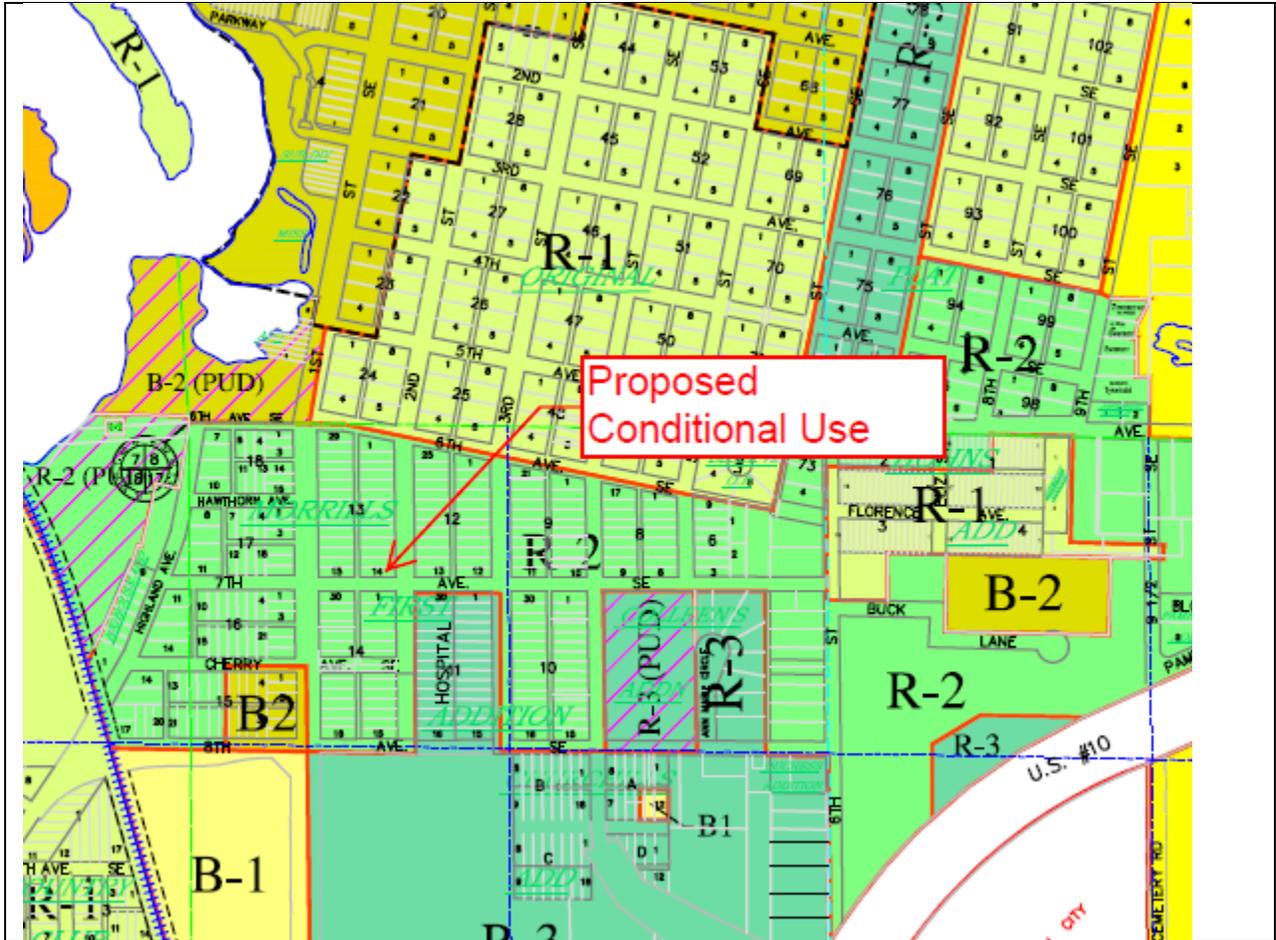
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**Planning Commission Action:** The Planning Commission may approve the conditional use request, deny the request, or table the request if the Commission should need additional information from the applicant. If the Commission should approve or deny 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.

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

1. The primary intent of the ordinance, in Staff's opinion, is to allow Bed & Breakfasts businesses where they do not harm the character of the neighborhood.
2. Impact on the character of the neighborhood can also arise from factors such as the amount of traffic coming in and out on a daily basis, noise, odor and other factors that may be seen as a nuisance by neighboring property owners.
3. The primary impact on the character of the neighborhood would appear to be from the traffic generated by the business and the associated parking. The applicant is providing four off-street parking spaces along the side of the existing driveway in the rear of the property. There is also space for at least one vehicle in the driveway while still leaving enough room to access the two-stall attached garage.
4. If the Commission feels there is no reasonable way in which to avoid negative impacts on the character of the neighborhood, it could deny the application and state its reasons.
5. An inspection by the Building Official prior to the Bed & Breakfast opening to ensure compliance with applicable building code requirements has been required of previously approved Bed & Breakfasts in other locations in the City.



**J. Christian Andrews**  
**Conditional Use Request**  
 724 2<sup>nd</sup> Street SE  
 July 14, 2014





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

Fee Paid 325<sup>00</sup>

Date Filed 6-13-14

Receipt Number 77370

**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 724 2nd Street SE

Legal Description of Property SECT-TWP-RANGE-MORR ADD  
NO 1 LOT 14 BLOCK-13

Parcel Identification Number 48121900

Owner - Name J. Christian Andrews Phone 320-414-0281

Address 724 2nd Street SE

City Little Falls State MN Zip 56345

Name Susan Andrews

Applicant (if other than owner) -

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Type of Request - Rezoning \_\_\_\_\_ Variance \_\_\_\_\_ Conditional Use X Other \_\_\_\_\_

Description of Request Conditional Use Permit to open and operate a bed and breakfast inn at 724 2nd Street SE, Little Falls

Reason for Request To open and operate Great River Inn LLC (bed + breakfast)

Present Zoning Classification R-2

Existing Use of Property Residence

Existing Use and Zoning of the Surrounding Area (two blocks) R2, R1, R3, B2, PUD

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 J Christian Anderson

Date 6-13-2014

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

Signature of owner/s J Christian Anderson

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: open door from east bathroom to northeast bedroom

Landscaping: decorative picket fence and colonial flower garden in front

Parking/Signs: 3 parking spaces south of driveway; sign west of post box

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? Area is

residential one block from hospital. Use will add  
up to three vehicles daily.

3. Describe the impact on the character of the neighborhood in which the property is

located. Impact to the character of the neighborhood  
will be minimal. Landscaping will add color  
and variety.

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? Traffic will increase by up to

three vehicles daily

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? none

Use other side of page if necessary.

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

Conditional Use Permit Application  
Great River Inn, LLC (bed and breakfast)  
724 2nd Street SE, Little Falls, MN 56345

J. Christian and Susan Andrews, owners

(Note: per email from Ben Oleson, only numbers 1-4, 7-9, and 12 on check list need be completed)

#3. See attached Morrison County, MN, Beacon map and MLS Matrix

#4. See attached Morrison County, MN, Beacon map

#7. See attached enlarged site map

#8. Landscaping and screening: (see attached enlarged site map)

a. Decorative white picket fence front yard set back six feet from city sidewalk at top of incline east side of house and extending even with front of house on north and south sides of yard

b. Arbor over front sidewalk at top of steps and west of sign (see 12 below)

c. Replace concrete front walk with red brick

d. Replace front steps

e. Colonial flower garden north east front lawn and south border of front walk

e. Low maintenance ground cover on slope east and south of decorative white picket fence

g. Vegetable garden north side of driveway

h. Sidewalk around west and south of added parking, surface to be determined; brick, decomposed granite, pavers, ?

i. Low hedges bordering south and east of added parking; possibly blue berries or other multifunction vegetation

j. 24 hour spotlight for US flag to be attached to front of building

#9. See attached MLS matrix for square footage information

See attached enlarged site map for relative locations

#12. Signage per city sign code to be installed on south side of front walk on west side of mail box

ACTUAL PROPERTY LINE

481248000

FENCED DOG RUN

VEGETABLE GARDEN

PARKING (EXISTING)

PARKING (TO BE ADDED)

BRICK WALK

HEDGE

EXISTING PATIO 481249000

Little Falls

Proposed Acquisition No. 1 to Little Falls

COLONIAL FLOWER GARDEN

POSSIBLE RED BRICK WALK

ENTRY ARBOR

SIGN

DECORATIVE PICKET FENCE

Little Falls

7TH AVE SE



**Overview**

**Legend**

- Corporate Limits
- Political Townships
- Parcels
- Main Roads**
- State Highway
- US Highway
- Road Centerlines
- Elevation Contours
- Feedlots
- Army Compatible Use Buffer
- Zoning**
- AG
- C
- MHB
- MI
- R
- RR
- SC
- SP
- SR
- Urban Fringe Zoning

**Parcel ID** 481219000 **Alternate ID** n/a  
**Sec/ Twp/ Rng** n/a **Class** 1A-Residential Homestead  
**Property Address** 724 2ND ST SE **Acreage** n/a  
 LITTLE FALLS

**Owner Address** JEROME S CLARKE  
 724 2ND ST SE  
 LITTLE FALLS MN 56345

**District** LITTLE FALLS EAST-# 482-HRA  
**Brief Tax Description** Lot 013 Block 013 of MORR ADD NO 1 Plat No. 48005  
 Lot 014 Block 013 of MORR ADD NO 1 Plat No. 48005  
 LOTS 13 & 14 BLK 13

**J CHRISTIAN ANDRES**  
**SUSAN ANDREWS**

(Note: Not to be used on legal documents)

Customer Full Display, Single Family Residential, MLS #: **4412967**

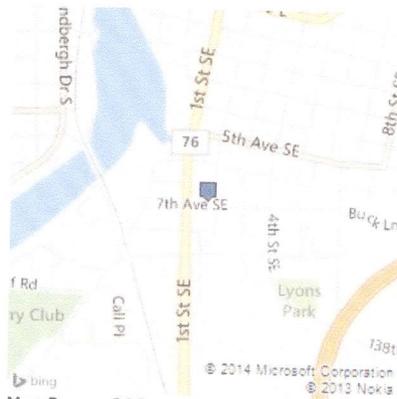
Type: **For Sale**

**724 2nd Street SE, Little Falls MN 56345**

Status: **Sold** List Price: **\$247,700** Sold Price: **\$230,000** Original List Price: **\$247,700**



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Map Page: **999** Map Coord: **a1**  
 Directions:  
**SE 2nd Street off Hwy 27 to #724.**

Total Bed/Bath: **5/4** Garage: **2** Year Built: **1937**

Style: **(SF) Two Stories**  
 Const Status: **Previously Owned**  
 Foundation Size: **1,643**  
 AbvGrdFinSqFt: **3,262**  
 BelGrdFinSqFt: **451**  
 Total Fin SqFt: **3,713**  
 Acres: **0.296**  
 Lot Size: **86x150**  
 Yearly: **Yearly**  
 Days On Market: **129** **CDOM: 129**

**TAX INFORMATION**  
 Property ID: **481219000**  
 Tax Year: **2013**  
 Tax Amt: **\$2,574**  
 Assess Bal: **\$**  
 Tax w/assess: **\$2,574**  
 Assess Pend: **No**  
 Homestead: **Yes**

Off Market Date: **01/23/2014**  
 Projected Close Date: **03/14/2014**  
 Date Closed: **03/10/2014**

**General Property Information**

Legal Description: **SECT- TWP- RANGE- MORR ADD NO 1 LOT- 14 BLOCK- 13**  
 County: **Morrison**  
 Postal City: **Little Falls**  
 School District: **482 - Little Falls, 320-632-2002**  
 Complex/Dev/Sub:   
 Restrictions/Covts:  Common Wall: **No**  
 Lot Description: **Corner Lot, Tree Coverage - Light**  
 Association Fee: **\$** Assoc Fee Frequency:   
 Assoc Fee Includes:   
 Road Frontage: **City, Paved Streets, Curbs, Sidewalks**  
 Zoning: **Residential-Single** Accessibility: **None**

**Remarks**

Public Remarks: **Stately Colonial Revival on 86x150 corner lot offering a great presence in the community! Owners suite, plus an ensuite & 3 more BRs, 3.5 baths; 3 fireplaces; library w/ magnificent Chestnut Molding/Paneling; Delightful 3 Season Porch! Restored 2005-06!**

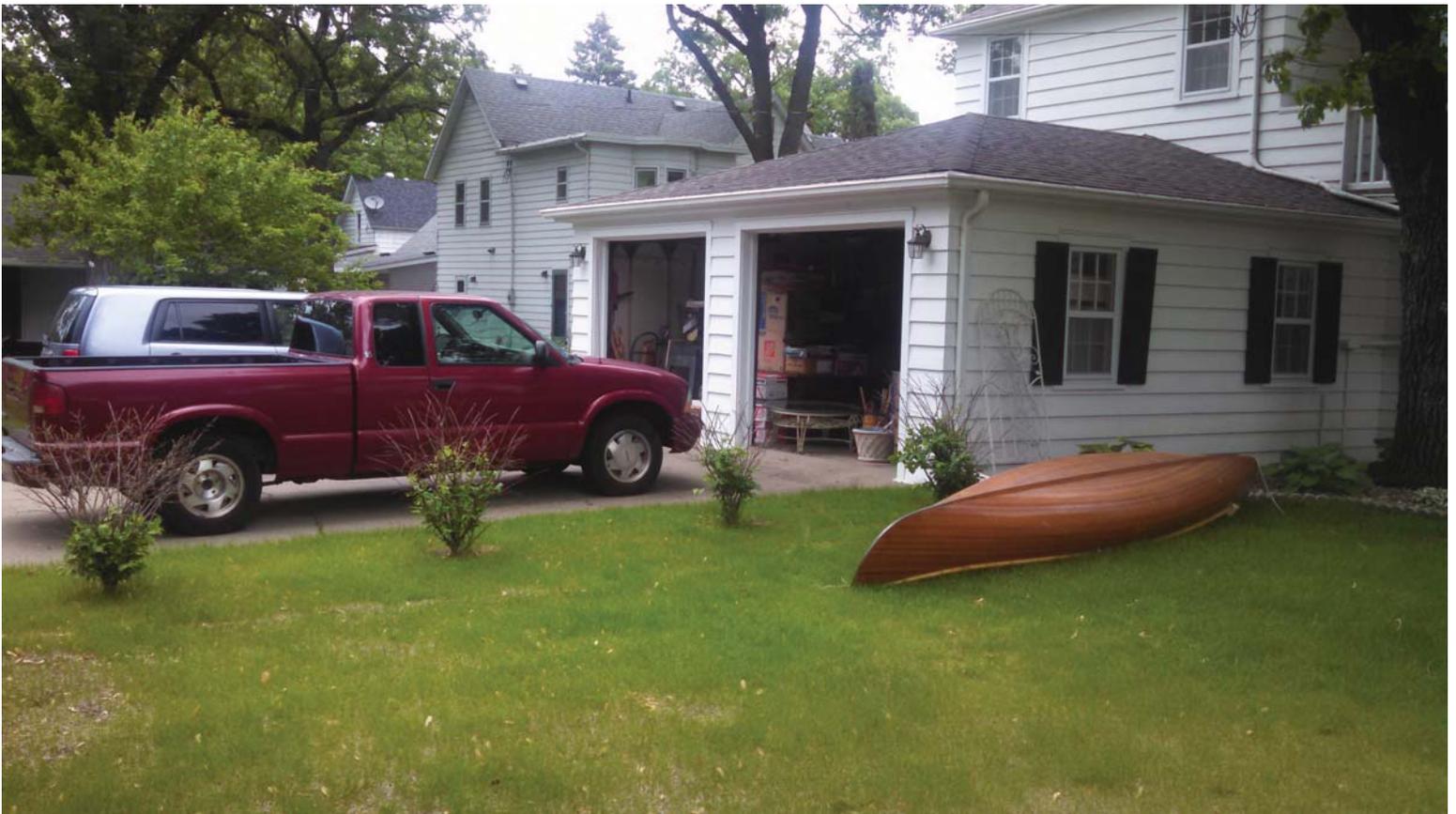
**Structure Information**

Room	Level	Dimen	Other Rooms	Level	Dimen	Heat:	Fuel:	Air Cond:	Water:	Sewer:	Garage:	Oth Prkg:	Pool:
Living Rm	Main	15x26.3	Fifth (5th) Bedroom	Upper	9x14	<b>Forced Air, Fireplace</b>	<b>Natural Gas, Wood</b>	<b>Central</b>	<b>City Water/Connected</b>	<b>City Sewer/Connected</b>	<b>2</b>	<b>2</b>	<b></b>
Dining Rm	Main	13.9x15	Library	Main	12.10x14								
Family Rm	Lower	14x25.6	Three Season Porch	Main	10x13.4								
Kitchen	Main	10.6x13.9	Laundry	Lower	14.2x39.6								
Bedroom 1	Upper	15.6x17.2	Informal Dining Room	Main	7.2x12.3								
Bedroom 2	Upper	12x14	Bar/Wet Bar Room	Lower	8x9								
Bedroom 3	Upper	12.8x14.3	<b>Bathrooms</b>										
Bedroom 4	Upper	12.6x13	Total:	<b>4 3/4: 0 1/4: 0</b>									
			Full:	<b>3 1/2: 1</b>									

Bath Description: **Main Floor 1/2 Bath, Private Master, Full Master**  
 Dining Room Desc: **Separate/Formal Dining Room, Breakfast Area**  
 Family Room Char: **Lower Level, Family Room**  
 Fireplaces: **3** Fireplace Characteristics: **Living Room, Family Room, Brick, Other**  
 Appliances: **Range, Microwave, Exhaust Fan/Hood, Dishwasher, Refrigerator, Washer, Dryer, Electronic Air Filter, Furnace Humidifier**  
 Basement: **Full, Partial Finished, Day/Lookout Windows, Egress Windows, Concrete Block Wood**  
 Exterior:   
 Fencing:   
 Roof: **Asphalt Shingles, Age 8 Years or Less**  
 Amenities-Unit: **Patio, Natural Woodwork, Balcony, Kitchen Window, Ceiling Fan(s), Hardwood Floors, Washer/Dryer Hookup, In-Ground Sprinkler**  
 Parking Char: **Attached Garage, Driveway - Concrete, Garage Door Opener**  
 Special Search: **4 BR on One Level**  
 Owner is an Agent?: **No**  
 In Foreclosure?: **No** Lender Owned?: **No** Potential Short Sale?: **No**









## STAFF REPORT

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**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.

A copy of the proposed language amendments to Sections 11.02 (Definitions), 11.03.E (Required Yards and Open Space) and 11.03.Q (Fences) are attached.

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**Planning Commission Action:** The Planning Commission may recommend approval of the proposed ordinance amendment, 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.

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

1. The proposed ordinance would limit the height of fences and require certain setbacks from property lines.
2. While the general limitations on height will not change significantly from the current ordinance, it should be discussed where the various height limitations apply on a lot and whether they are what the Commission wants. The previous ordinance was unclear as to exactly where the various height limits applied - particularly when dealing with corner lots. Specifically:
  - a. The current ordinance limits fences running “across” a front yard to be no more than 30 inches in height. Should this apply to both lot lines abutting a street on a corner lot? Or just one?
  - b. Should the front lot line be what determines where a maximum 30 inch fence should be located? Or should it be on the lot line that is the same as the front of the home - regardless of how the house sits on the lot? The front lot line is defined as the one with the shortest dimension abutting a street - which may not match up with the front of the house.
  - c. The proposed ordinance limits height based on the required front and side and rear yard setbacks - not in relation to the house or building as it

is regulated now. This is to avoid confusion and inconsistency in fence heights due to the differences in how people situate their homes on the lot. The Commission may wish to discuss the pros and cons of each approach.

3. The proposed language lists out “approved” fencing materials and “prohibited” fencing materials. The Commission may wish to examine this closely and determine if the listings are adequate. Materials not on either of these lists would require review by the Planning Commission and a conditional use permit.
4. The ordinance would allow for up to 12 ft high fences around sport courts (tennis, basketball, etc...). Such fences would need to maintain a certain level of transparency so that they did not completely block views.
5. The proposed ordinance creates a definition for “hedges” and regulates hedges the same as fences. The current ordinance does not appear to regulate hedges. The Commission may wish to review this definition and determine whether it wants to regulate hedges. Also, it is somewhat difficult to clearly define the difference between a hedge (which some communities regulate) and rows of trees which may or may not be trimmed/planted so as to serve as a visual barrier. The proposed definition attempts to make this distinction.
6. A key question in the permitting of fences is always the process by which lot lines are located. The current ordinance/past practice requires either written approval by the neighboring owner or the applicant to provide a survey to the City showing that the fence will be on their property. However, these requirements only apply if the fence is to be located right on the property line and has not typically been required when an applicant indicates they will be a few feet off the line. In order to ensure consistency, Staff would ask the Commission to discuss its thoughts on whether:
  - a. The City should require neighbor approval or a survey in any case where the proposed fence will not be clearly on the applicant’s property; OR
  - b. The City should require a survey in all cases where the proposed fence will not be clearly on the applicant’s property; OR
  - c. The City should not get involved in determining property lines at all and just make it the responsibility of the applicant. If there came to be a dispute between the two neighbors as to the location of the property line, they would need to resolve it themselves.

A review of ordinances regarding fences in other regional cities shows that some require some form of evidence of the location of property lines while others leave it completely up to the applicant.

7. The proposed setback requirements in the proposed amendment would require a 2 foot setback from the property line to allow for room to maintain that side of the fence (i.e. re-staining/painting the fence, maintaining fence boards as necessary, mowing of grass, etc...) without trespassing on the neighbors property. This setback would not be required if the fence were considered

maintenance-free (not specifically defined, but intended to mean fences that can be maintained entirely from one side of the fence).

- a. There could be an argument that the only fences that can be maintained from one side are split-rail fences or other similar fences that do not require going on to the neighbor's side to unscrew/unbolt fence boards. The Commission may wish to discuss this to determine if they feel a definition is required or what their thoughts are on what would be considered maintenance-free.

HEDGE: A row of closely planted shrubs, bushes, or any other kind of plant material that forms a boundary or substantially continuous visual barrier. Trees which are spaced at least 3 feet apart and do not create a significant visual barrier at a height of 6 ft or less shall not be considered a hedge.

HOBBY: An activity or interest pursued outside of one's regular work primarily for pleasure.

HOME OCCUPATION: The accessory use of a home for a business or commercial enterprise, engaged in by the person residing in that unit. The use must be incidental and secondary to the principal residential use of the dwelling unit and must not change the residential character of the dwelling unit or adversely affect the character of the surrounding neighborhood. "Home occupation" does not refer to a hobby.

HOTEL: A building having provision for nine (9) or more guests in which lodging is provided, with or without meals, for compensation, and which is open to transient or permanent guests, or both, and where no provision is made for cooking in any guestroom, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

HOUSE/BUILDING NUMBERS: A set of a minimum height of four inch (4") numbers or letters that are visible from across the street or avenue that specifies the street address of that house or building.

HYDRIC OR HYDROPHILIC SOILS: Soils which have an affinity for water or swell and are not easily coagulated, such as colloids.

HYDROPHYTIC VEGETATION: Vegetation which has an affinity to thrive under saturated or nearly saturated conditions.

INTENSIVE VEGETATION CLEARING: The substantial removal of more than twenty five percent (25%) of trees or shrubs in a contiguous patch, strip, row or block within one hundred feet (100') of the ordinary high water mark of the Mississippi River.

JUNKYARD: An area where used, wasted, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber products, bottles and used building materials. Storage of such material in conjunction with permitted manufacturing process when within an enclosed area or building shall not be included. Such use shall not include organic waste or material.

LAND DISTURBING OR DEVELOPMENT ACTIVITIES: Any changes of land surface, including removing vegetative cover, excavating, filling, grading and the construction of any structure, including parking lots.

LANDINGS: A flat area of a stairway, and does not include boat landings.

E. Required Yards And Open Space:

1. No yard or other open space shall be reduced in area or dimension so as to make such yard or other space less than the minimum required by this chapter, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.
2. No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open space or minimum lot area requirements for any other building.
3. The following shall not be considered to be encroachments on yard requirements:
  - a. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters and the like, provided they do not extend more than two and one-half feet (2<sup>1</sup>/<sub>2</sub>'), and off street parking, except as hereinafter regulated.
  - b. Yard lights and nameplate signs for one- and two-family dwellings, lights for illuminating parking areas, loading areas or yards for safety and security purposes, provided the direct source of light is not visible from the public right of way or adjacent residential property, may be located to within five feet (5') of the front lot line. (Ord. 801, eff. 6-3-1974)
  - c. ~~Fences which do not exceed four feet (4') in height or as required elsewhere in this chapter.~~ Terraces, steps, uncovered porches, decks, stoops or similar structures, which do not extend above the height of the ground floor level of the principal building and maintains a two foot (2') minimum side yard and fifteen foot (15') street or avenue setback. (Ord. 22, 5th Series, eff. 11-6-2000)
  - d. In side or rear yards only, bays not to exceed a depth of two feet (2') nor contain an area of more than twenty (20) square feet, fire escapes not to exceed a width of three feet (3'), ~~fences and walls not to exceed a height of six feet (6') above grade~~ and open off street parking.
  - e. Rear yard only, balconies, accessory structures, except that no structure shall be closer than eight feet (8') from the rear lot line, breezeways, detached outdoor picnic shelters and recreational equipment, except as regulated hereinafter.
  - f. In side yards only, accessory structures, except that no accessory structure shall be closer than five feet (5') from any interior side lot line and on a corner lot in all residential [R] districts, shall not be closer than fifteen feet [15'] from a side lot line adjacent to a street or avenue.
4. On a corner lot, nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2<sup>1</sup>/<sub>2</sub>) and ten feet (10') above the centerline grades of the intersecting streets within twenty five feet (25') of the street intersecting right of way lines.

Q. Fences and Hedges: Fences and hedges shall be permitted in all yards, subject to the following: (Ord. 801, eff. 6-3-1974)

1. ~~Solid walls in excess of four feet (4') in height shall be prohibited.~~ Fences in residential districts must comply with the height and setback requirements as listed below:

<b>Fence/Hedge Height in Residential Districts</b>		
<u>Location</u>	<u>Maximum Height (as measured from 6 inches above the adjacent ground level)</u>	<u>Distance from Lot Line</u>
<u>Front Yard (parallel to street)</u>	<u>2.5 feet (30 inches)</u>	<u>2 feet, unless fence can be maintained entirely from one side, then 0 feet.</u>
<u>Front Yard (perpendicular to street)</u>	<u>4 feet</u>	<u>2 feet, unless fence can be maintained entirely from one side, then 0 feet.</u>
<u>Interior or Street Side Yard</u>	<u>6 feet</u>	<u>2 feet, unless fence can be maintained entirely from one side, then 0 feet.</u>
<u>Rear Yard</u>	<u>6 feet, unless the rear yard is common with the front yard of an abutting lot, then 4 feet.</u>	<u>2 feet, unless the property abuts an alley, then 8 feet.</u>
<u>Buildable Area</u>	<u>8 feet</u>	<u>Not applicable</u>
<u>Any Property Line adjoining a Business or Industrial-Zoned Property</u>	<u>6 feet, unless otherwise allowed by conditional use permit.</u>	<u>2 feet, unless fence can be maintained entirely from one side, then 0 feet.</u>

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

<b>Fence/Hedge Height in Business and Industrial Districts</b>		
<u>Location</u>	<u>Maximum Height (as measured from adjacent ground level)</u>	<u>Distance from Lot Line</u>
<u>Any lot line</u>	<u>6 feet, unless otherwise allowed by conditional use permit.</u>	<u>2 feet, unless fence can be maintained entirely from one side, then 0 feet.</u>

~~2. Fences in residential districts may be located on any lot line to a height of four feet (4'), except that a fence up to six feet (6') in height may be erected on the lot line from the nearest front corner of the principal building.~~

~~3. Should the rear lot line of a lot be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard of the abutting lot shall not be fenced to a height of more than four feet (4').~~

~~4. Fences located within the buildable area, or eight feet (8') or more from the rear lot line, may be up to eight feet (8') in height, and all fences located on property abutting an alley must maintain an eight foot (8') setback from property line. (Ord. 22, 5th Series, eff. 11-6-2000)~~

~~5. Fences in business and industrial districts may be erected on the lot line to a height of six feet (6'); to a height of eight feet (8') with a security arm for barbed wire subject to a conditional use permit. (Ord. 801, eff. 6-3-1974)~~

~~6. Fences in excess of thirty inches (30") in height extending across front yards or side yards facing a street or avenue shall require a special use permit. (Ord. 70, 2nd Series, eff. 2-29-1982)~~

~~7. Fences within required yards shall not exceed five feet (5') in height, except by special use permit, except as otherwise permitted herein.~~

~~8. Fences may be placed along property lines, provided no damage of any kind results to abutting property.~~

3. Approved fencing materials include stone, brick, finished wood, rigid plastic and chain link. Other materials may only be approved by conditional use permit, except that the following types of fences are prohibited: barbed wire, electrical fencing, razor wire, creosote lumber, chicken wire, concrete block or poured concrete, plastic webbing, plywood or pressed wood.

4. No fence may be erected on either street side of a corner lot that will obstruct or impede the clear view of an intersection by approaching traffic, subject to the provisions of 11.03.E.4.

5. No fence shall be erected where it will impede a drainageway or drainage easement.

6. Notwithstanding height limitations elsewhere in this ordinance, fences enclosing or adjacent to sport courts or fields, in any zoning district, may be up to twelve (12) feet in height with a minimum ten (10) foot setback from any property line. Such fences shall not exceed twenty-five percent (25%) opacity.

97. The property owner shall be responsible for determining the location of property lines. Prior to issuance of a building permit for any fence, abutting property owners shall be notified.

10. That side of the fence considered to be the face (facing as applied to fence posts) shall face the abutting property.

~~11. Fences exceeding height limits may be erected, provided they do not encroach upon front or side yard requirements or within ten feet (10') of a rear lot line. (Ord. 801, eff. 6-3-1974)~~

12. No barbed wire shall be used for fencing, except that it may be used on security fences on Business or Industrial-zoned properties which are at least six feet (6') high, exclusive of the barbed wire, or in the maintenance of existing barbed wire fences presently used in farming operations. All other barbed wire fences shall be removed before April 1, 1982. (Ord. 68, 2nd Series, eff. 11-30-1981)

R. Bulk Storage (Liquid): All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall require a special use permit in order that the council may have assurance that fire, explosion or water or soil contamination hazards are not present that would be detrimental to the public health, safety and general welfare. All existing aboveground liquid storage tanks having a capacity in excess of two hundred (200) gallons shall secure a special use permit within twelve (12) months following enactment of this chapter; the governing body may require the development of diking around said tanks, suitably sealed, to hold a leakage capacity equal to one hundred fifteen percent (115%) of the tank capacity. Any existing storage tank that, in the opinion of the council, constitutes a hazard to the public safety, shall discontinue operations within five (5) years following enactment of this chapter.

S. Zoning And Comprehensive Plan: Any change in zoning granted by the council shall automatically amend the comprehensive plan in accordance with said zoning change.

T. Apartments: In recommending the granting of special use permits for structures containing three (3) or more dwelling units, the council shall find that the proposed development plan is in substantial compliance with the apartment policy statements on file with the planning commission as approved. (Ord. 801, eff. 6-3-1974)

U. (Rep. by Ord. 47B, 2nd Series, eff. 4-7-1980)

V. Residential Structures: Unless located in a mobile home park, all residential dwelling structures used for living purposes shall be at least twenty four feet (24') in width and at least thirty feet (30') long, and placed on a permanent foundation. (Ord. 132, 2nd Series, eff. 10-29-1984)

W. Building Numbers: One principal building on each property shall display numbers on the street or avenue side of the building according to their address and shall be readable from the