
CITY OF LITTLE FALLS

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

June 12, 2017



AGENDA
PLANNING COMMISSION
 Conference Room, City Hall
 June 12, 2017, 6:30 p.m.

P	A	Member	P	A	Member
		Kleinschmidt, James			Schulte, Ray
		Esse, Robert			Czech, Joe
		Gosiak, Frank			Oleson, Ben (Zoning Administrator)
		Hanfler, Jeremy			Kimman, Greg (City Engineer)
		Schilling, Kara			

CALL TO ORDER: Planning Commission Chairperson

ADOPT THE AGENDA: June 12, 2017

APPROVAL OF MINUTES: May 8, 2017

PUBLIC HEARINGS:

- 1) Conditional use permit to construct and operate a commercial daycare serving greater than 14 persons on a 2.5 acre parcel to be subdivided at the south end of the subject parcel, zoned PUD-CH (Planned Unit Development – Country Homes). Applicant: Andrew Ebert. Legal Description: 2.5 acres to be split from Outlot A, Sunrise Addition. Property Address: None (Prairie Drive). Parcel number(s): 48.2871.000.

OLD BUSINESS:

NEW BUSINESS:

NEXT REGULAR MEETING: Monday, June 12, 2017

ADJOURNMENT:

MINUTES
PLANNING COMMISSION
 Conference Room, City Hall
 May 8, 2017, 6:30 p.m.

P	A	Member	P	A	Member
x		Kleinschmidt, James	x		Schulte, Ray
x		Esse, Robert	x		Czech, Joe
x		Gosiak, Frank	x		Oleson, Ben (Zoning Admin.)
x		Hanfler, Jeremy	x		Kimman, Greg (City Engineer)
	x	Schilling, Kara			

CALL TO ORDER: The Planning Commission Meeting was called to order by Jeremy Hanfler at 6:30 p.m.

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

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

PUBLIC HEARINGS:

- 1) Conditional use permit to construct and operate a commercial daycare serving greater than 14 persons on a 2.5 acre parcel to be subdivided at the south end of the subject parcel, zoned PUD-CH (Planned Unit Development – Country Homes). Applicant: Andrew Ebert. Legal Description: 2.5 acres to be split from Outlot A, Sunrise Addition. Property Address: None (Prairie Drive). Parcel number(s): 48.2871.000.

Oleson explained that the conditional use request presented by Andrew Ebert and Mike Corrow is to approve an 8800+ square foot commercial daycare center which would serve primarily children of Camp Ripley employees, averaging 40+ children/day with a staff of 12-15 people. Timeline discussed was to break ground in September and be open for business in December. A new plat will be needed plus the state approval process. Subdivision/master plan to be discussed at the next meeting. No public comment. Motion by Esse, seconded by Gosiak, to approve the conditional use request. Motion passed unanimously.

- 2) Amendment to City Code, Chapter 11 (Land Use Regulations). The purpose of the hearing is to make a comprehensive review of proposed amendments throughout the entirety of Chapter 11, including but not limited to, amendments relating to regulations on: impervious coverage on residential zoned property; nonconforming lots, uses and structures; detached accessory buildings; fences; obstructions at street intersections; buildings or structures not subject to the Building Code that are regulated otherwise; criteria for the review of conditional use permit applications; parking requirements; planned unit developments; and lot size, setbacks and uses within each zoning district. Proposed amendments also include elimination of the B-1 and I-1 zoning districts and to amend the City's Official Zoning Map. Applicant: City of Little Falls Planning Commission.

Oleson summarized the changes as proposed, which include many amendments previously discussed by the Commission. Kimman presented proposed changes to the zoning map to coincide with the proposed changes to zoning districts and address other areas where alternate zoning made more sense with surrounding land uses. The commission discussed the final Chapter 11 draft. No public comment. Motion by Gosiak, seconded by Esse, to forward the final draft of Chapter 11 to the city council for approval. Motion carried unanimously.

NEW BUSINESS: None

NEXT MEETING: Monday, June 12, 2017

ADJOURNMENT: A motion was made by Schulte, seconded by Esse, to adjourn at 7:33 p.m.
Motion carried.

DRAFT

STAFF REPORT

Application: Conditional use permit for the construction of a commercial building with a 10 foot rear yard setback (40 feet required unless a conditional use is granted).

Applicant: ALDI, Inc. (Andrew Shaw)

Property Owner: Edward J Gottwalt Revoc Trust

Background Information:

-) **Proposal:** The applicant is proposing to construct a commercial retail (grocery store) building that would be 10 feet from the north (rear) property line, where a 40 foot setback is required to avoid the need for a conditional use permit.
 -) **Location:**
 - o XXXX 18th Street NE
 - o Legal Description: Lots 2 and 3, Block One, Hidden Oaks
 - o Parcel number(s): 48.2945.000 and 48.2946.000
 -) **Zoning:** B-3 Noncentral Business District
-

Applicable Statutes/Ordinances:

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

K. B-3 Noncentral Business District:

4. Lot Area, Height, Lot Width And Area Requirements:

a. Minimum Requirements: The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this chapter. (Ord. 57, 3rd Series, 6-12-1989; amd. Ord. 80, 5th Series, eff. 8-18-2003)

b. Requirements Of Uses:

(1) Commercial uses shall be governed by the following setbacks and lot areas, unless a conditional use permit is issued:

Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard Interior	Side Yard Corner	Side Yard Adjacent To R District Or Existing Residential Use
1 acre, excluding road right of way	150 feet	50 feet	40 feet	10 feet	50 feet	40 feet

(Ord. 64, 4th Series, eff. 10-23-1995; amd. Ord. 80, 5th Series, eff. 8-18-2003)

5.30: SIGN REGULATIONS:

4. Business Districts: Within any business zoning district, non-exempt signs are allowed as follows (whether or not a permit is required):

Business Zoning Districts	Maximum Sign Area Of Single Sign	Maximum Sign Height	Cumulative Maximum Sign Area of All Non-Exempt Signs
Noncentral business district B-3	300 sq. ft. per surface when attached flat against a building wall or when located within 100 feet of the right-of-way of US Highway 10 or MN State Highway 371. Otherwise, 150 sq ft per surface.	30'	50 sq. ft. or 3 sq. ft. per front foot of lot which abuts a public right of way, whichever is greater, but not to exceed 1,200 sq. ft.*

* For buildings where more than two sides abut a public right of way or which can be accessed from a parking lot, seating area or secondary entrance available to customers on a side not abutting a public right of way, an additional 50 sq ft of signage shall be allowed beyond what would otherwise be allowed.

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

1) **Current Zoning:**

- Subject Property: B-3 Noncentral Business District
- Surrounding Properties:
 - West: B-3 Noncentral Business District
 - South: Not zoned by city (outside of city boundaries)
 - North: B-3 Noncentral Business District
 - East: R-1 One- and Two-Family Residential District/Planned Unit Development

2) **Current Land Use:**

- Subject Property: Vacant property
- Surrounding Properties:
 - West: “Big-Box” retail commercial (Wal-Mart) and vacant commercial land
 - South: Vacant land/scrap yard

- North: Retail commercial (Dollar Store)
 - East: Single-family residential/vacant residential
- 3) **Lot size:** Approximately 100,001 sq ft (2.3 acres)
- Existing impervious surface: 0 sq. ft. (0%)
 - Proposed net impervious surface: Approx. 1.7 acres (74%)
- 4) **Sewer/Water:** The property has City sewer/water available.
- 5) **Natural Features:**
- Floodplain: The property is not within an identified floodplain
- Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes. The site is relatively flat.
- Wetlands: There are not any wetlands on the property that would impact the proposed use.
- 6) **Will the granting of the conditional use be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?**

Needs discussion. The intent of a 40 ft rear yard setback is generally to provide some space between the rear of a commercial building, which generally contains the less attractive parts of a commercial building (trash dumpsters, utility connections, etc.) as well as allowing for adequate space for loading and unloading of delivery vehicles, which are sometimes located to the rear of a building. In some cases, the rear of a building faces properties zoned for residential uses which is another reason for a larger setback. The ordinance anticipates however, that a lesser setback may be warranted in some situations by allowing these via a conditional use permit.

In this case, the portion of the building that would be located within 10 feet of the rear lot line is to the north of the property on a lot that was originally platted as an "interior" lot - meaning that if this application did not involve the development of two originally platted lots, the setback required to the north property line would be only 10 feet, as is proposed. Because both lots are being developed and the south lot was a corner lot, the north lot line becomes a rear lot line by definition instead of a side lot line as originally platted. The setback to the other rear property line (the east line) will be the required 40 feet and does not require a conditional use permit.

Further, the lot that abuts this property to the north is also a lot currently being used for retail commercial purposes and the issue of having an increased setback to residential properties does not apply. The loading dock for this building would be located on the east side of the property, negating the need for a loading area on the north side of the property.

- 7) **Will the granting of the conditional use be consistent with the City of Little Falls' Comprehensive Plan?**

The Comprehensive Plan does not directly address setback requirements from rear property lines. The proposed use of the property (retail commercial) is anticipated and supported by the Comprehensive Plan, which identifies this areas for “Highway Commercial” uses:

Highway Commercial - This designation is for retail sales and services outside the downtown and typically located on major highways especially where the highways intersect. (pg. 1-5 - Vision and Plan)

Planning Commission/Board of Adjustment Direction: The Planning Commission may recommend to the Council approval of the conditional use request, denial of the request, or tabling of the request if the Commission/Board should need additional information from the applicant. If the Commission/Board should approve or deny the request, the Commission/Board should state the findings which support either of these actions.

Staff Comments: As the Planning Commission/Board of Adjustment considers this application, Staff would make the following comments:

1. Staff has received one written comment from the public regarding this application at the writing of this report. The comment indicates they do not object to the 10 ft setback, but would like an existing fence to remain in place for privacy (there is an existing fence running along the entire east side of the lots involved). Any additional comments received before the meeting will be presented to the Planning Commission/Board of Adjustment at the hearing.
2. The applicants have also submitted the required “Waiver of Subdivision” application to combine the two lots involved.



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 Not assigned

Legal Description of Property Lots 2 & 3, Block 1, Hidden Oaks, Little Falls, Minnesota

Parcel Identification Number 48.2945.000 & 48.2946.000

Owner - Name Edward James Stewart Phone 320-761-9752
Address 14982 PONDVIEW DR.
City LITTLE FALLS State MN Zip 56345

Applicant (if other than owner) -

Name ALDI, Inc. - Andrew Shaw Phone 507.333.9460
Address 4201 Bagley Avenue North
City Faribault State MN Zip 55021

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

Description of Request CUP is being requested to accomodate construction of a proposed new approximate 22,000 square foot ALDI grocery store and parking lot, including the associated site improvements such as drive aisles, landscaping, stormwater facilities, utilities, and landscaping.

Reason for Request Section 11.04 of the City Code requires a rear yard setback of 40 feet. We are requesting a side yard setback of 10 ft on the north side of the proposed building in lieu of a rear yard setback of 40 ft. Reduced setbacks may be considered with approval of a Conditional Use Permit.

Present Zoning Classification B3, Non-Central Business District

Existing Use of Property Vacant Lot/Undeveloped

Existing Use and Zoning of the Surrounding Area (two blocks) Existing lots are undeveloped land and the subject property is zoned B3. Surrounding zoning is B3 and R1 and land uses are commercial and 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 _____ When _____

Signature of Applicant/s 

Date May 9, 2017

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: New approximately 22,000 square foot grocery store per plans

Landscaping: Landscaping per plans

Parking/Signs: Parking lot and associated site and building signage per plans

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? Adjacent and surrounding properties are primarily commercial and residential land use, and surrounding zoning is B3 and R1, which is compatible with the character of the area and the existing patterns and use of development.

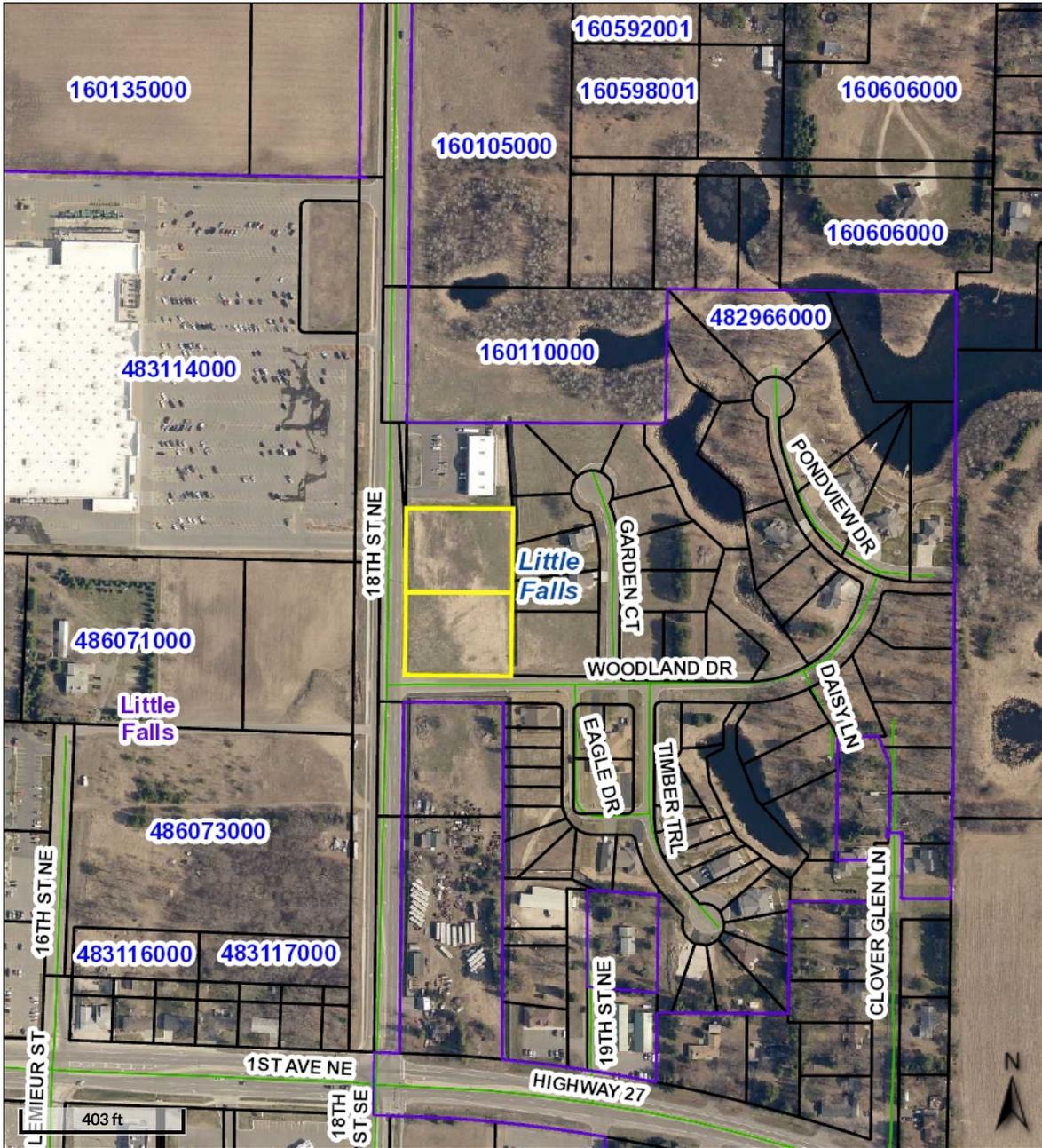
3. Describe the impact on the character of the neighborhood in which the property is located. No negative impact to the character of the neighborhood or surrounding properties. Design and construction of the proposed project fits the intent of the City Ordinance and is also compatible/complimentary to the properties located within the zoning district and adjacent land uses.

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 is not anticipated to increase dramatically as a result of the proposed project due to traffic already generated by adjacent and surrounding commercial/retail businesses.

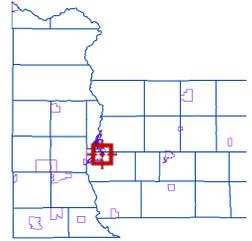
5. What part of the City Zoning Ordinance creates a practical difficulty to the property in question? What is the practical difficulty that prevents the land to be used in a reasonable way? The City Zoning Ordinance for B3 Zoning requires a 40 ft rear yard setback. Space constraints onsite limit available space for development and required parking. Approval of the proposed Conditional Use will mitigate space constraints and allow for reasonable use.

Use other side of page if necessary.

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



Overview



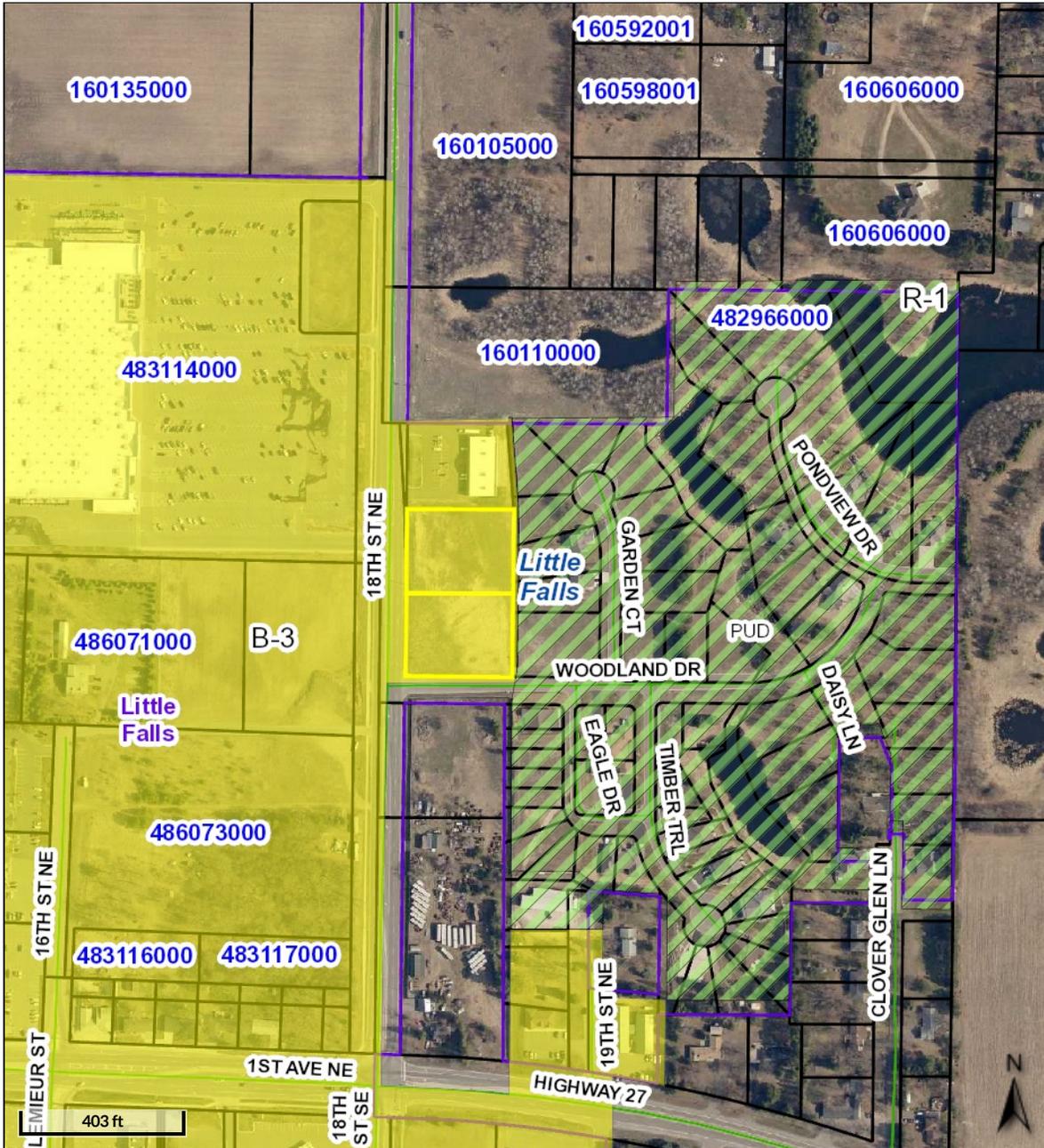
Legend

-  Corporate Limits
-  Political Township
-  Parcels
-  Road Centerlines
- Streams**
-  <all other values>
-  Protected Stream/County Ditch
-  Protected Stream/County Ditch
-  Original Path
-  County Ditch
-  Protected Ditch
-  Protected Ditch/County Ditch

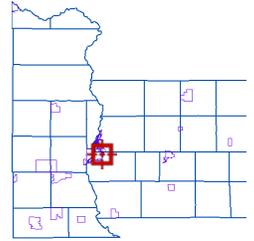
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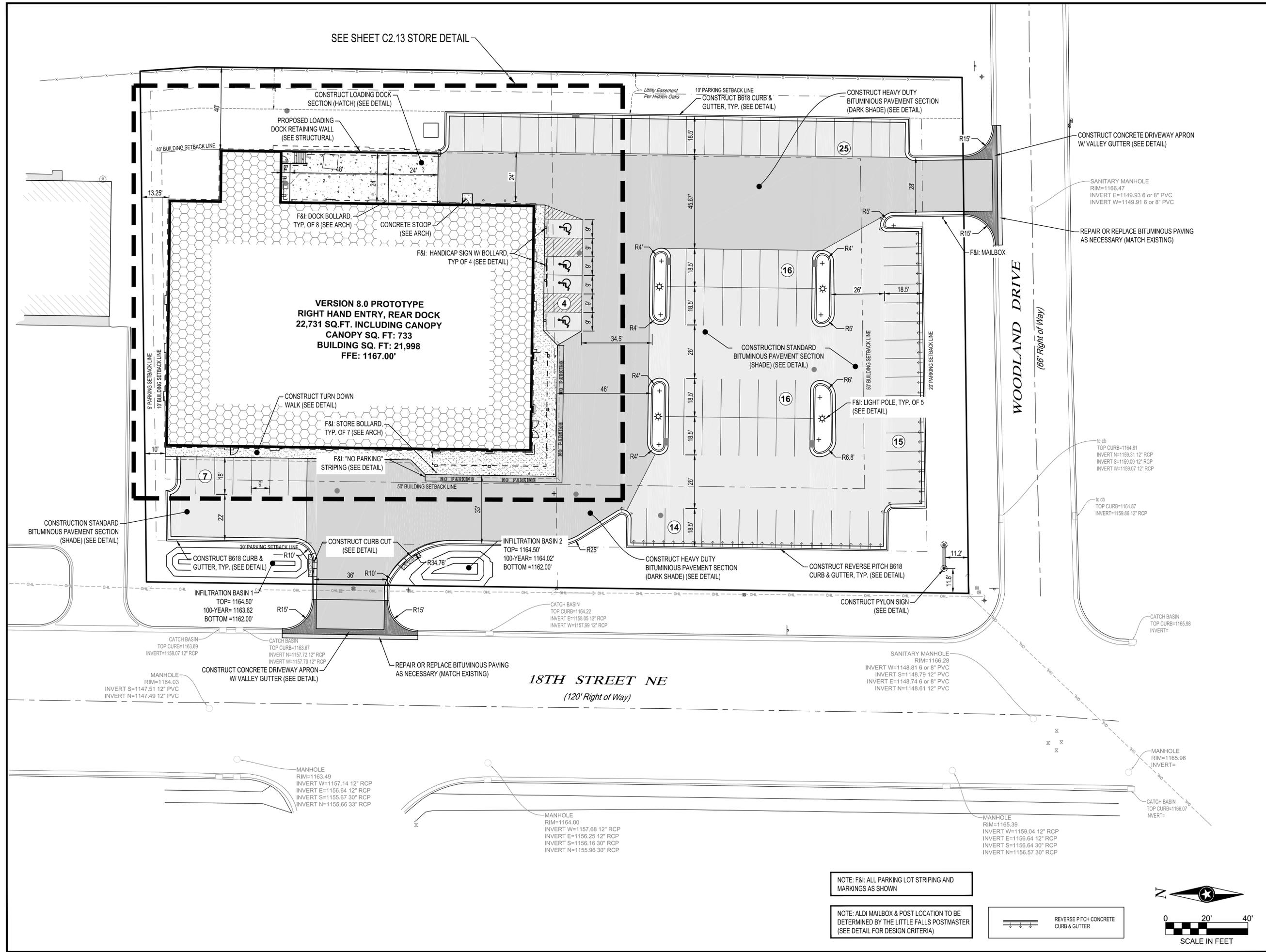


Overview



Legend

-  Corporate Limits
-  Political Township
-  Parcels
-  Road Centerlines
- Streams**
-  <all other values>
-  Protected Stream
-  Protected Stream/County Ditch
-  Original Path
-  County Ditch
-  Protected Ditch
-  Protected Ditch/County Ditch
- Little Falls Zoning**
-  B-1
-  B-2
-  B-2, PUD
-  B-3
-  B-3, PUD
-  I-1
-  I-2
-  I-2, PUD
-  PUD
-  PUD-CH
-  PUD.M
-  R-1
-  R-1, PUD
-  R-1C
-  R-2
-  R-2, PUD
-  R-2.M
-  R-3
-  R-3, PUD
-  R-4



Issued:	Date:
A CITY SUBMITTAL	5/12/17
B	
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Revisions:	Date:
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I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	
Andrew T. Brandel	
DATE: 5/12/2016	LIC. NO. 47,078
I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.	
DATE:	LIC. NO.
MINNEAPOLIS / ST. PAUL OFFICE 7900 INTERNATIONAL DRIVE INTERNATIONAL PLAZA, SUITE 550 MINNEAPOLIS, MN 55425 PHONE: 952.246.0699	
ALDI Inc. Store #: #91 LITTLE FALLS, MN	
Address LITTLE FALLS, MN 56345 Project Name & Location:	
SITE PLAN	
Drawing Name:	Project No.
Date: 5/12/17	16-20005
Type: V-8.0	
Drawn By: JMF	
Designed By: RJA	C2-11
Reviewed By: RJA	Drawing No.

SIGNAGE			
DESCRIPTION	QUANTITY	SQ. FT. PER SIGN	TOTALS
TOWER SIGN	2	74.9	149.8
FOOD MARKET SIGN	2	38.1	76.2
TOTAL SIGNAGE			226.0

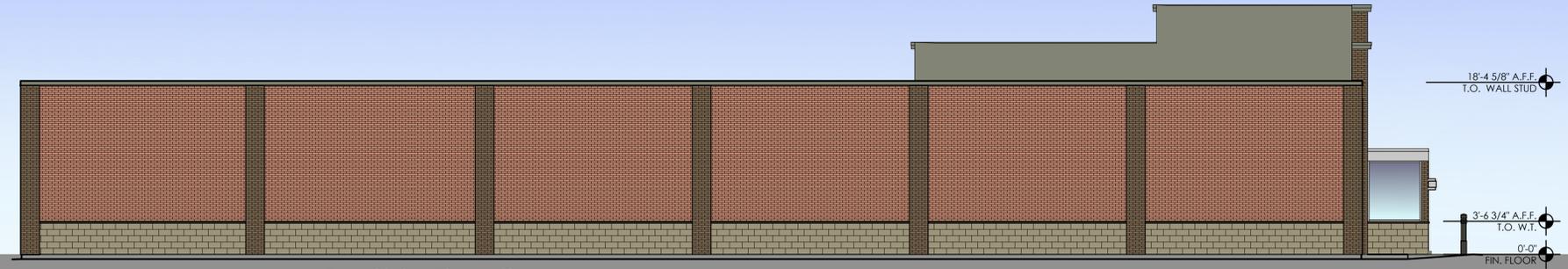
SIGNAGE IS SHOWN FOR REFERENCE ONLY AND SHALL BE UNDER SEPARATE PERMIT SUBMITTAL.

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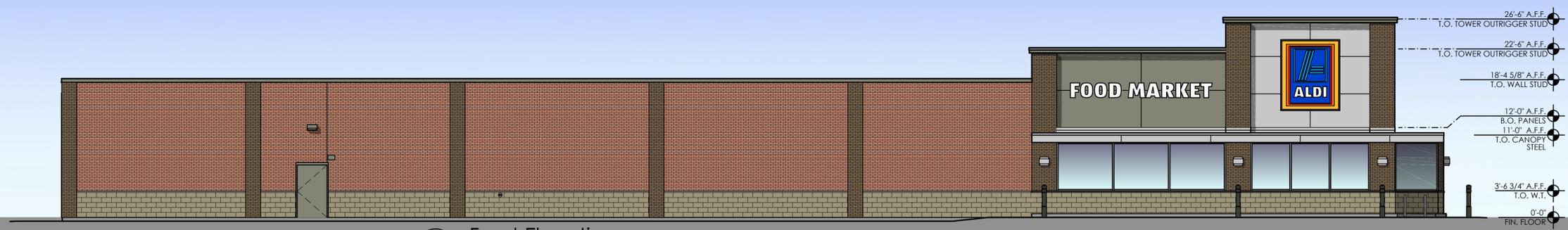
For review of actual colors, a material sample board should be created on a project specific basis.



4 Side Elevation
SCALE: 1/8" = 1'-0"



3 Side Elevation
SCALE: 1/8" = 1'-0"



2 Front Elevation
SCALE: 1/8" = 1'-0"



1 Rear Elevation
SCALE: 1/8" = 1'-0"



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