
CITY OF LITTLE FALLS

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

June 8, 2015



AGENDA
PLANNING COMMISSION
 Conference Room, City Hall
 June 8, 2015, 6:00 p.m.

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

CALL TO ORDER: Planning Commission Chairperson

ADOPT THE AGENDA: June 8, 2015

APPROVAL OF MINUTES: May 11, 2015

INFORMATIONAL PUBLIC MEETING: Potential MN DoT Improvements to Trunk Highway 27

PUBLIC HEARINGS:

- 1) Request for conditional use permit to allow for an existing business to add liquid storage tanks with flammable materials in an I-2 (Heavy Industrial) zoning district.
 - a. Applicant: CM Automation LLC.
 - b. Owner(s): CM Automation LLC and City of Little Falls.
 - c. Property address: 16444 11th Street NE.
 - d. Brief Legal Description: Lots 3, 4 and 5 Block Three of NORTH BLUFF ADDITION.
 - e. Parcel number(s): 48.2896.000 and 48.2898.000.

- 2) Request to consider the vacation of a drainage and utility easement in the NORTH BLUFF ADDITION plat.
 - a. Applicant: CM Automation LLC. Owner(s): CM Automation LLC and City of Little Falls
 - b. Brief Legal Description: A 20.00 foot wide easement for drainage and utility purposes over part of Lot 3, Lot 4 and Lot 5, Block Three, as shown and dedicated on the plat of NORTH BLUFF ADDITION, Morrison County, Minnesota, according to the recorded plat of record in the Office of the County Recorder.

- 3) (NOTE: This item to be recessed to allow for proper public notice. Recessed meeting date will need to be scheduled) Re-Application for a Conditional use permit to allow for a Planned Unit Development to include the construction of eight single-story four-plex residential buildings for rental purposes on an approximate 8.8 acre parcel.
 - a. Applicant: Roach Development LLC
 - b. Legal Description: Part of Government Lot 2, Section 27 and NW4 of SW4, Section 26, Township 41, Range 32
 - c. Property Address: None (near intersection of Derosier Drive/Riverwood Drive), Little Falls)
 - d. Parcel number(s): 48.6960.001

OLD BUSINESS:

- 1) Discussion – Storage POD regulations

NEW BUSINESS:

NEXT REGULAR MEETING: Monday, July 13, 2015

ADJOURNMENT:

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

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

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

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

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

PUBLIC HEARINGS:

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

Oleson summarized the conditional use request. Public hearing opened at 6:32 pm. The applicant was not present at the hearing. Robin Hensel, 801 1st Street SE, asked why the extra 2 ft of fence height was needed and whether residential properties could also apply to have an 8 ft high fence. Public hearing closed at 6:37 pm. The committee discussed the request noting that the ordinance allowed for higher fences and there did not appear to be any reason why it should not be approved. A question was raised whether it would block site lines for traffic. Engineer Kimman stated the fence was not on a corner lot and it would not block views. A motion was made by Silbernack, seconded by Schulte to approve the rezoning request with no conditions. Motion carried.

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

Kimman summarized the easement vacation request and the landowners intent to provide additional space for building after a lot line adjustment combining lots in the area was approved. Public hearing opened at 6:43 pm. There was no public input. Public hearing closed at 6:44 pm. The committee discussed that a new drainage and utility easement was being granted elsewhere on the property and that it would adequately meet the needs of utilities and drainage and that water actually drains there now. A motion was made by Silbernack, seconded by Schulte to approve the vacating of the drainage

and utility easement as requested pending the approval of the replacement easement by the City Council. Motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

1. Discussion – Future MN DOT Improvements to Trunk Highway 27

Kimman presented information stating the MN DOT has the resurfacing of Trunk Highway 27 through Little Falls on its calendar for 2019. He presented several optional layouts that could be used. Kimman noted he would like to schedule a public informational meeting prior to the June regular meeting date. The committee agreed that this would be beneficial.

2. Discussion – Storage POD regulations

Oleson summarized that the city currently has no ordinance to address storage PODS which have become more popular in the last few years. He presented a draft ordinance based on other communities that have developed such ordinances, noting that one of the key provisions will have to do with how long such structures would be allowed on a property. The committee directed Oleson to research more communities in how they have addressed these and bring it back at a future meeting.

NEXT MEETING: Monday, June 8, 2015

ADJOURNMENT: A motion was made by Silbernack, seconded by Schilling to adjourn at 7:21 p.m. Motion carried.

Minutes submitted by Ben Oleson, Zoning Administrator.

Minutes approved on

STAFF REPORT

Application: Request for conditional use permit to allow for an existing business to add liquid storage tanks with flammable materials in an I-2 (Heavy Industrial) zoning district.

Applicant: CM Automation LLC. (Property Owners: CM Automation LLC and City of Little Falls)

Background Information:

Proposal: CM Automation LLC is in the process of purchasing Lot 5 of the “North Bluff Addition” subdivision from the City of Little Falls. If finalized, they would like to make use of a portion of Lot 5, along with their existing Lot 3 and 4, for the purpose of storing liquid storage tanks containing flammable materials.

The existing and proposed location for this business is within an I-2 Heavy Industrial District. The nearest building is a daycare facility. The remainder of the lots in the immediate area are mostly vacant at the current time. Surrounding land on all sides is also zoned I-2 Heavy Industrial.

Location:

- Property address: 16444 11th Street NE
 - Brief Legal Description: Lots 3, 4 and 5 Block Three of NORTH BLUFF ADDITION
 - Parcel number(s): 48.2896.000 and 48.2898.000
-

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

M. I-2 Industrial District (Heavy):

2. Conditional Uses:

- h. Crude oil, gasoline, liquid fertilizer or other liquid storage tanks.

11.06: PERFORMANCE STANDARDS:

G. Waste Material: Waste material shall not be washed into the public storm sewer system, nor the sanitary sewer system, without first having received a permit to do so from the city. If said permit is not granted, a method of disposal shall be devised which will not require continuous land acquisition for permanent operation and will not cause a detrimental effect to the adjacent land. Should the waste be of a solid form rather than fluid, the storage area shall be so located and fenced as to be removed from public view. In all districts, waste material, debris, refuse, garbage and materials not currently in use for construction or otherwise regulated herein shall be kept in an enclosed building or properly contained in a closed container for such purposes. The owner of vacant land shall be responsible for keeping such vacant land free of waste material and noxious weeds. Existing uses shall comply with this provision within six (6) months following the effective date hereof.

H. Drainage: No land shall be developed and no use shall be permitted that results in water runoff causing flooding, or erosion on adjacent properties. Such runoff shall be

properly channeled into a storm drain, watercourse, ponding area or other suitable facility.

I. Traffic Control: The traffic generated by any use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards or excessive traffic through residential areas. Traffic into and out of all business and industrial uses or areas shall in all cases be forward moving with no backing onto streets or pedestrianways. No access drive to any lot shall be located within twenty feet (20') of any two (2) intersecting minor or collector street right of way lines, nor within forty feet (40') of any two (2) intersecting major thoroughfare street right of way lines. (Ord. 801, eff. 6-3-1974)

J. Off Street Loading: Off street parking shall be provided for delivery or distribution of materials in connection with construction of any building or structure. Off street parking so provided shall be in accordance with this chapter. No deliveries or unloading of materials for construction shall occur between the hours of nine o'clock (9:00) P.M and six o'clock (6:00) A.M., if that noise is audible in a residential district. Any variations from this standard shall be by conditional use. (Ord. 01, 5th Series, eff. 2-28-2000)

L. Other Nuisance Characteristics: No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property or violate any state statutes, codes or city ordinances. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety, nor will damage public waste transmission or disposal facilities. (Ord. 801, eff. 6-3-1974)

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

Current Zoning:

- o Subject Property: Heavy Industrial District (I-2)
- o Surrounding Properties: Heavy Industrial District (I-2) on all sides

Current Land Use:

- o Subject Property: Existing industrial building (Lot 3 and 4); Vacant (Lot 5)
- o Surrounding Properties: Occupied daycare business to the east. Vacant industrially-zoned land on all other sides.

Lot size: Approx. 76,230 sq ft (Lots 3 and 4) plus approx. 65,776 sq ft (Lot 5). TOTAL = Approx. 142,206 sq ft (3.26 acres)

Sewer/Water: The property is connected to City sewer/water.

Natural Features:

Floodplain: The property is not within an identified floodplain.

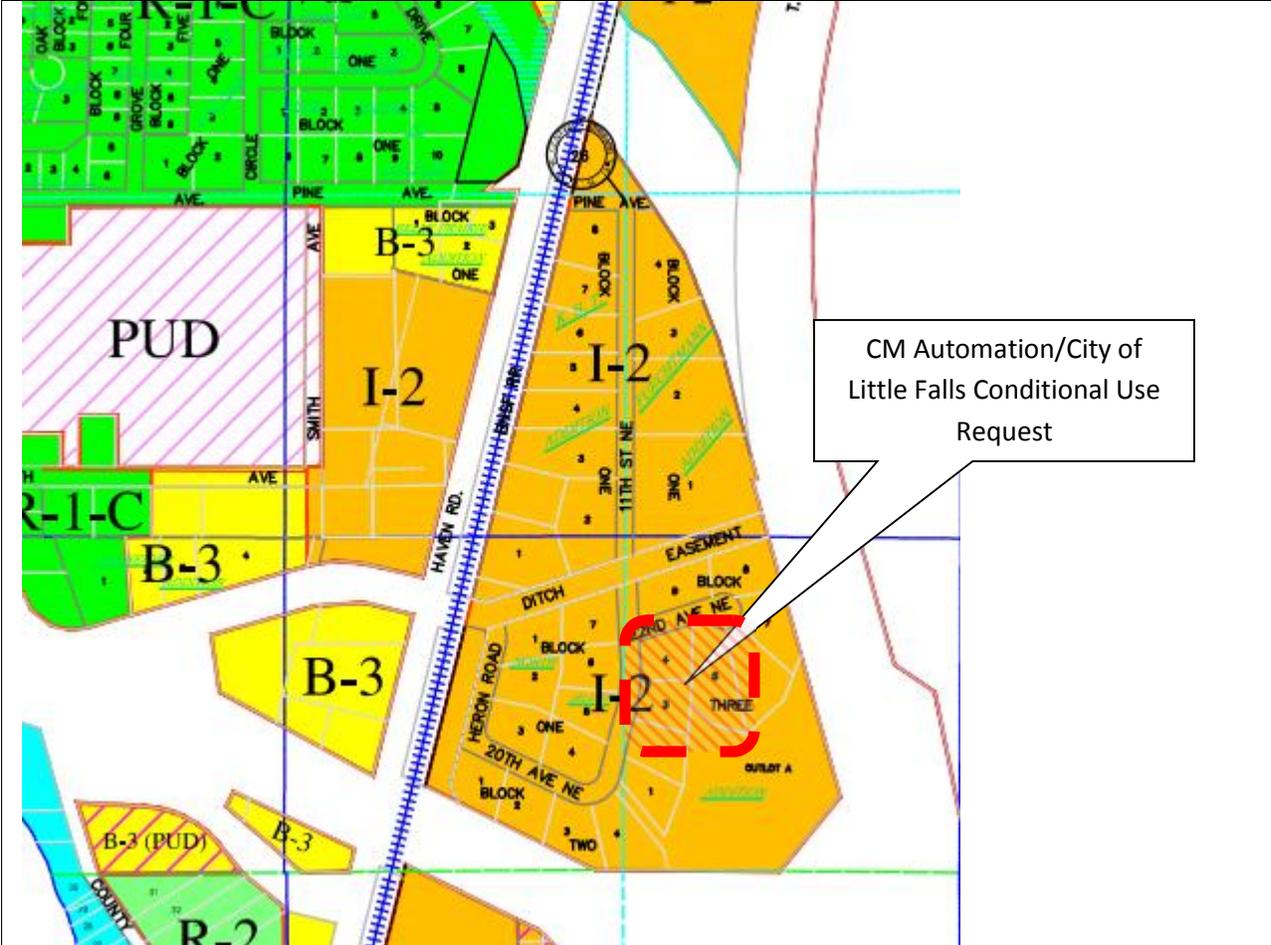
Bluff/Steep Slopes: There are no steep slopes on the property.

Wetlands: There do not appear to be any wetlands on the property, although a large wetland lies immediately to the south. The Morrison County SWCD has received notification of this meeting.

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

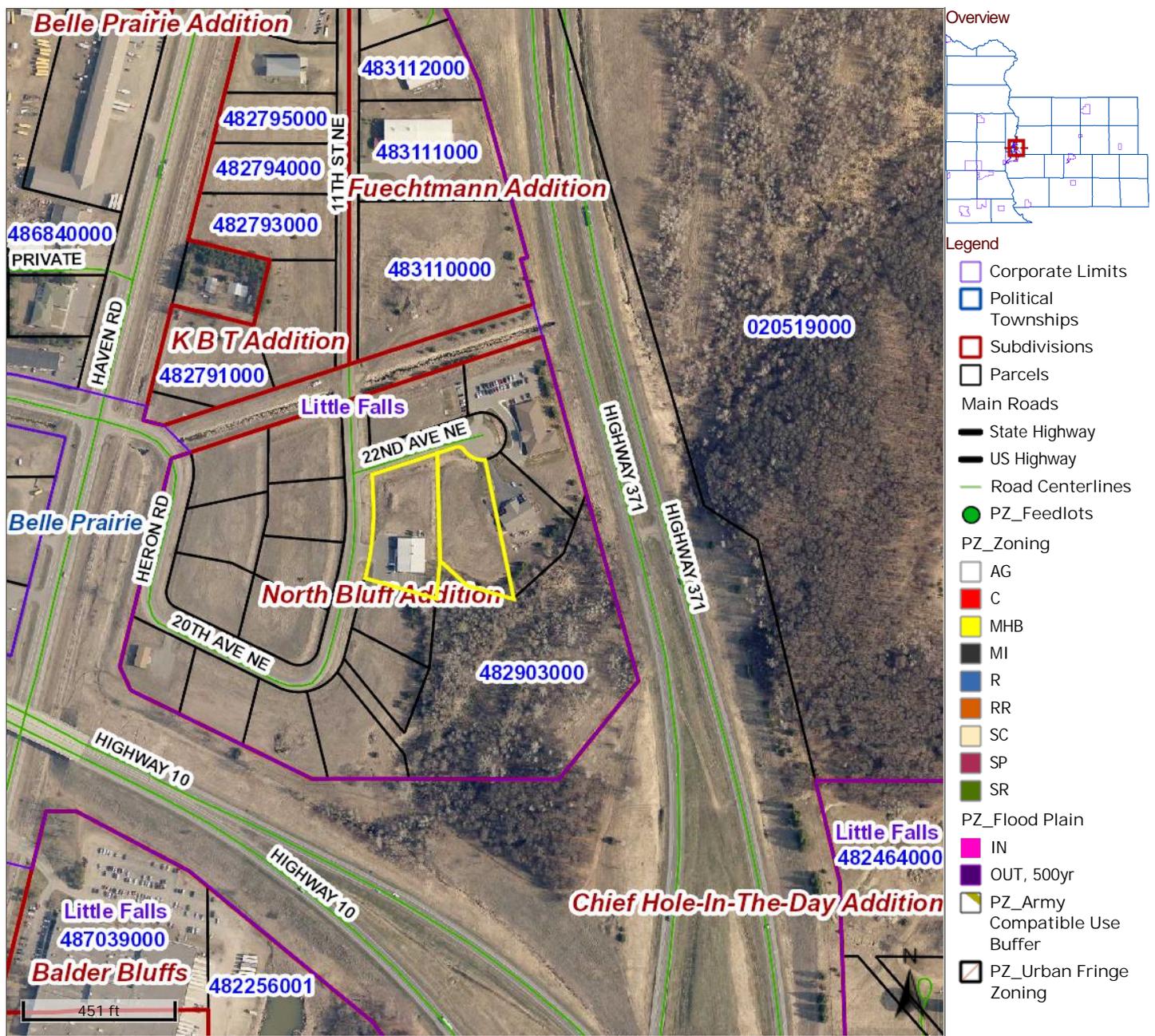
Staff Comments: As the Planning Commission considers this application, Staff would make the following comments:

1. A conditional use is required by the ordinance for having liquid storage tanks on the property. The primary concern, based on the other types of materials listed in the same part of the ordinance, would be the flammable or explosive nature of such liquids. Any requirements of the Fire Code should be met.
2. Impact on the public can 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. The industrial nature of the area and the zoning as such should minimize the potential for these nuisance characteristics devaluing nearby property, but the potential does exist - especially with a daycare facility for children located on the next property to the east.
3. While not specifically required, screening could be required if the Commission felt that the outdoor storage related to this use was necessary.
4. Performance standards in the ordinance do relate to odor, noise, traffic circulation, off-street loading hours of operation, drainage, waste materials, etc... These will all need to be met.



**CM Automation / City of Little Falls
Conditional Use Permit Request**
Lots 3, 4 and 5, North Bluff Addition
June 8, 2015





Last Data Upload: 6/2/2015 8:14:42 AM

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

Fee Paid \$ 325⁰⁰

Date Filed 5-21-15

Receipt Number 79684

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 22nd Ave NE (16444 11th St NE)

Legal Description of Property Lots 3-4-5 Block 3
North Bluff Addition

Parcel Identification Number 482896000 / 482898000 ← City of Little Falls
100 NE 7th Ave

Owner - Name CM Automation LLC Phone 320-252-5292
Address 123 Roosevelt Rd Little Falls MN
City St. Cloud State MN Zip 56301
56345
320-616-5500

Applicant (if other than owner) -

Name CM Automation LLC Phone 320-252-5292
Address 123 Roosevelt Rd
City St. Cloud State MN Zip 56301

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

Description of Request CUP for Storage of Flammable
liquids

Reason for Request to allow storage & filling of
flammable liquids

Present Zoning Classification I-2

Existing Use of Property Manufacturing

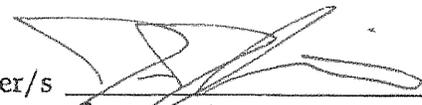
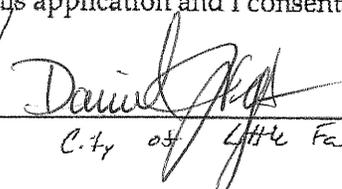
Existing Use and Zoning of the Surrounding Area (two blocks) Business & Manufacturing
I-2

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  - CM Automation, LLC,
Joseph J Francis Central McGowan, Inc.
Date 5-19-15

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

Signature of owner/s  / 
CM Automation City of Little Falls
Central McGowan, Inc.

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: Addition on North & East Sides

Landscaping: none grass area

Parking/Signs: None / adding signage

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? Business

Part zoned I-2 current use business, manufacturing, construction, Retail & Warehouse will not change character of neighborhood

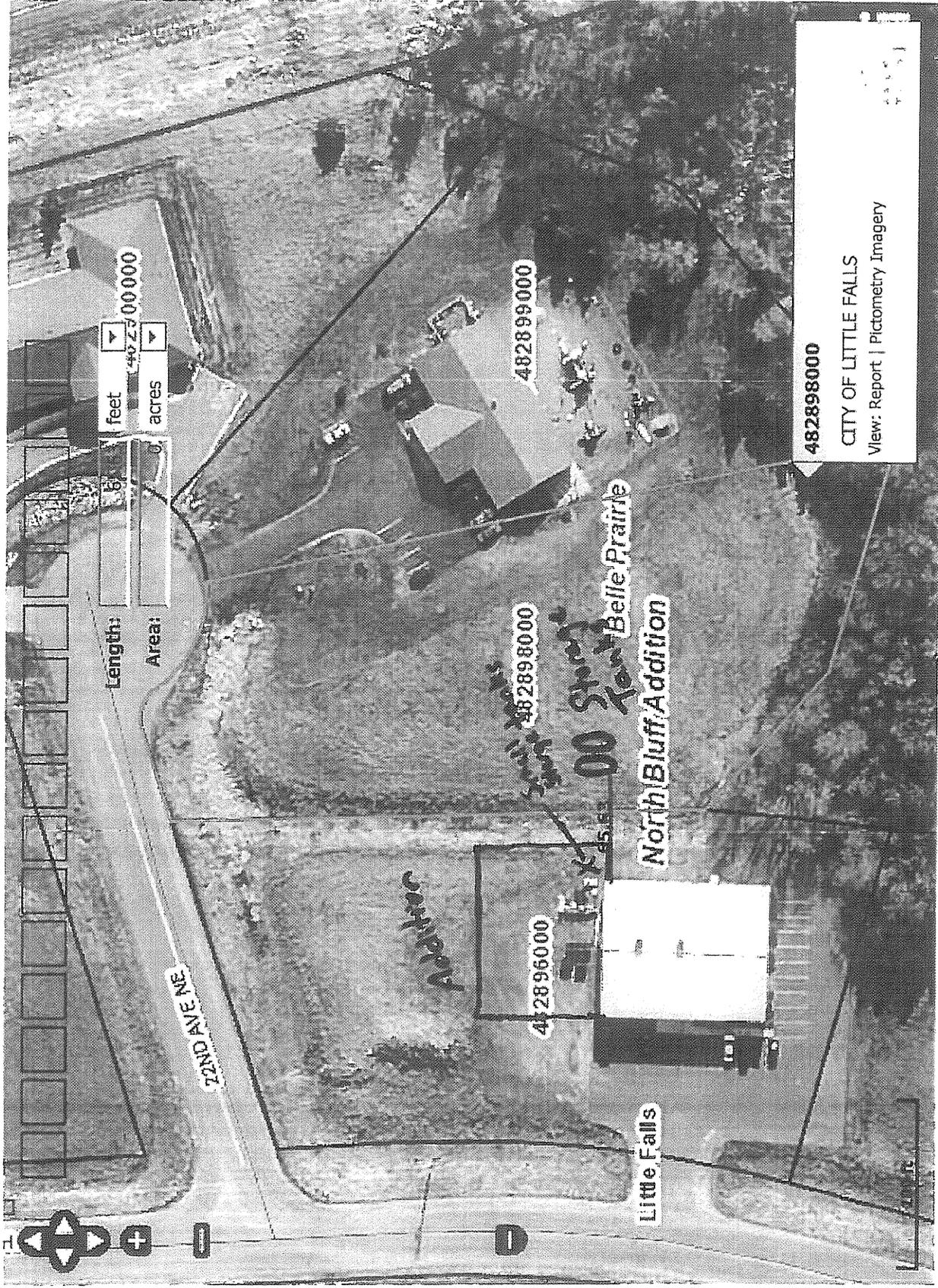
3. Describe the impact on the character of the neighborhood in which the property is located. None Industrial Park

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? 20-25 vehicles a day to business 3-4 Freight trucks daily with plenty of street parking

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? I-2 requires a cup to store flammable liquid tanks

Use other side of page if necessary.

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



STAFF REPORT

Application: Request to consider the vacation of a drainage and utility easement in the NORTH BLUFF ADDITION plat.

Applicant: CM Automation LLC. Owner(s): CM Automation LLC and City of Little Falls

Background Information:

- **Proposal:** As part of the original plat of North Bluff Addition, an easement was provided straddling the property lines between Lots 4 and 5 (and continuing on along to the south and east along the boundaries of other lots in the subdivision). CM Automation currently owns Lot 4 and has a pending agreement with the City of Little Falls to purchase Lot 5.

If the land sale is approved by the City Council, CM Automation is proposing to vacate the utility easement that runs between Lots 4 and 5 so that they make more full use of the property for their business. An alternate location for drainage and utilities on the east boundary of Lot 5 has already been discussed and approved by the City Council.

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

A copy of the area showing the existing easement (to be vacated) and the new proposed easement is attached. This hearing relates only to the vacating of the old easement. Establishing a new easement does not require a public hearing and has already been addressed by the City Council.

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

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

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

