
CITY OF LITTLE FALLS

BOARD OF ADJUSTMENT / PLANNING COMMISSION

May 12, 2014



AGENDA
PLANNING COMMISSION
Conference Room, City Hall
May 12, 2014, 5:00 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: May 12, 2014

APPROVAL OF MINUTES: May 5, 2014

PUBLIC HEARINGS:

- 1) St. Francis Health Services of Morris, Inc., 1200 1st Avenue NE, variance request to allow the construction of a new building to replace the existing building within the required rear yard setback. Rezoning request from R-3 Multiple-Family Residential District to B-3 Noncentral Business District.

OLD BUSINESS:

NEW BUSINESS: None

NEXT MEETING: Monday, June 9, 2014

ADJOURNMENT:

City of Little Falls
PLANNING COMMISSION MINUTES
 Conference Room, City Hall
 May 5, 2014, 5:00 p.m.

P	A	Member	P	A	Member
	x	Bieganek, Justin		x	Schilling, Kara
x		Dahlberg, Doug	x		Schulte, Ray
x		Gosiak, Frank	x		Silbernick, Keith
x		Hanfler, Jeremy	x		Lochner, Jerry (Staff)
			x		Oleson, Ben (Staff)

CALL TO ORDER: The Planning Commission Meeting was called to order by Frank Gosiak, Planning Commission Chairperson, at 5:00 p.m.

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

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

PUBLIC HEARINGS:

- 1) **GG & O Enterprises LLC, 209 16th Street NE, variance request by GG & O Enterprises LLC, to decrease the rear and front yard setbacks to allow for two separate additions to the existing hotel in a B-3 district.** Oleson presented a summary of the variance request, noting that nothing has changed from the previously approved request by the City Council on April 15, 2013. The request was not acted on within 6 months which subsequently led to the approved variance request expiring. Public hearing opened at 5:01 p.m. Robin Hensel, 807 1st St SE commented that the company should accommodate the neighbors request for a fence. Comments by Lochner stated that the owner will be using the same type of construction as the existing structure to keep consistent the aesthetics of the structure. Lochner also pointed out that the property was platted before Highway 10 was put in so there is not a new precedent being set in regards to the variance request. Also noted was the neighbors request to change the type of fence between properties from a 4' privacy fence to a 6' chain link fence. Public hearing closed at 5:09 p.m. A motion was made by Silbernick, seconded by Dahlberg to present the variance request to the city council for approval. Motion carried

OLD BUSINESS:

- 1) **Belle Prairie Annexation/Mississippi Headwaters Board Information Update:** Oleson confirmed that after meeting with the Mississippi Headwaters Board, the City of Little Falls and the Mississippi Headwaters Board were of the same understanding in regards to the zoning regulations and boundaries that would apply to the recently annexed areas of Belle Prairie.

NEW BUSINESS: None

NEXT MEETING: Next regular meeting is 6:30 p.m. on Monday, May 12th, 2014.

ADJOURNMENT: A motion was made by Schulte, seconded by Silbernick to adjourn at 5:13 p.m.
Motion carried.

Minutes submitted by Doug Dahlberg, Secretary.

Minutes approved on

DRAFT

STAFF REPORT

Application: Variance to allow the construction of a new building to replace the existing building within the required rear yard setback. Rezoning request from R-3 Multiple-Family Residential District to B-3 Noncentral Business District.

Applicant: St. Francis Health Services of Morris, Inc.

Background Information:

- Proposal:** St. Francis Health Services of Morris, Inc. is proposing to demolish, in two phases, the existing north section of the building on this property and replace it with a new, larger nursing home building. At its closest point, the new building would be approximately 10 feet from the rear property line (min. 50 ft required). The rear property line, in this case, is the east property line - which is the line which abuts the Highway 10 right-of-way (entrance ramp).

The rezoning request is to change the zoning from the existing R-3 Multiple-Family Residential District to B-3 Noncentral Business District. The purpose would be to have the property match the zoning of the surrounding properties on three sides. It would also give the applicants more flexibility in terms of the allowable signage on the property.

- Location:**
- Property address: 1200 1st Ave NE
 - Legal Description: Part of the Southwest Quarter and part of the Northwest Quarter, all in the Southwest Quarter of Section 9, Township 40, Range 32 as described in Document No. 526761 as recorded in the office of the County Recorder, Morrison County, Minnesota.
 - Parcel number(s): 48.6095.000 and 48.0960.000
- Property Owner:** St. Francis Health Services of Morris, Inc.

Applicable Statutes/Ordinances/Court Decisions:

Little Falls City Code

11.04: ADMINISTRATION AND ENFORCEMENT

C. Variances:

1. The planning commission shall, within sixty (60) days, make a recommendation to the city council on variance requests. If the planning commission fails to make a report within said sixty (60) days, then the council shall hold a public hearing, unless the applicant requests an extension of time. Failure to receive a report from the planning commission as herein provided shall not invalidate the proceeding or actions of the council. The council and planning commission may hold joint public hearings on variance requests. The council, sitting as the board of appeals and adjustment, shall hear and decide all applications for variances. (Ord. 44, 3rd Series, eff. 5-30-1988)

2. A variance from the literal provisions of this chapter may be granted in instances where the strict enforcement of such provisions would cause undue hardship because of circumstances unique to the individual property under consideration, only when it is demonstrated that such action will be in keeping with the spirit and intent of this chapter.
3. The term "undue hardship", as used in this subsection, means the following:
 - a. The property in question cannot be put to a reasonable use if used under conditions allowed by this chapter.
 - b. The plight of the owner of the property in question is due to circumstances unique to his property and not created by him.
 - c. If the variance is granted, it will not alter the essential character of the locality.
 - d. The term also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.
4. Economic considerations alone will not constitute an undue hardship if reasonable use for the property exists under the terms of this chapter.
5. Variances shall be granted for earth sheltered construction, as defined by statute, when in harmony with this chapter.
6. A variance may not be granted for any use that is not permitted or conditional under this chapter for property in the district where the affected land is located.
7. A variance may be granted for the temporary use of a one-family dwelling as a two-family dwelling.
8. A variance may be granted which imposes conditions to ensure compliance and to protect adjacent properties.
9. No variance permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit is issued and construction actually begun within that period, and is thereafter diligently pursued to completion. (Ord. 132, 2nd Series, eff. 10-29-1984)
10. A variance shall lapse and become void if the variance for which a permit has been granted is discontinued for a period of one year, or if a variance is no longer required by the provisions of this chapter. (Ord. 17, 3rd Series, eff. 9-29-1986)

E. Amendments:

1. This chapter may be amended according to the provisions of the city charter.
2. Initiation: Proceedings for amendment of this chapter shall be initiated by: a) a petition of the owner or owners of the actual property, the zoning

of which is proposed to be changed; b) a recommendation of the planning commission; or c) by action of the council.

4. Action By Planning Commission: Within sixty (60) days after the date or receipt of the petition by the zoning administrator, the planning commission shall make a written report to the council stating its findings and recommendations, unless the applicant, in writing, requests an extension of time.
5. Action By Council: On receipt of the written report from the planning commission, the council shall hold a hearing within thirty (30) days after the receipt of the report and recommendations from the planning commission. If the planning commission fails to make a report within sixty (60) days after receipt of the application, then the council shall hold a public hearing within thirty (30) days after the expiration of said sixty (60) day period, unless the applicant, in writing, requests an extension of time. Failure to receive a report from the planning commission as herein provided shall not invalidate the proceedings or actions of the council. The council shall give not less than ten (10) days nor more than thirty (30) days' notice of time and place of such hearing published in the designated legal newspaper, and such notice shall contain a description of the land and the proposed change in zoning. At least ten (10) days before the hearing, the council shall order the zoning administrator to mail an identical notice to the owner and to each of the property owners within three hundred feet (300') of the outside boundaries of the land proposed to be rezoned. Failure to mail the notice or failure of the property owners to receive the notice shall not invalidate the proceedings. At the time of hearing, the council may take final action upon the application or it may continue the hearing from time to time for further investigation and hearing. The council may also request further information and report from the planning commission.
6. Referral To Planning Commission: The council shall not rezone any land or area in any zoning district or make any other proposed amendment to this chapter without having first referred it to the planning commission for their consideration and recommendation.
7. Effect Of Denial: Rezoning applications may be denied by motion of the council and such motion shall constitute a finding and determination that the proposed rezoning is not in the best interest for the physical development of the city. No application which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the planning commission. (Ord. 801, eff. 6-3-1974)

11.05: ZONING DISTRICTS AND MAP

G. R-3 Multiple-Family Residential District:

1. Permitted Uses:

- a. Any use permitted in the R-2 district.

2. Conditional Uses:

- a. Any use permitted as conditional in the R-2 district. (*The following is listed as a conditional use in the R-2 district: "e. Hospitals, nursing homes, homes for the aged and medical clinics; provided, that no building shall be located within fifty feet (50') of any property line."*)

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

- a. There shall be no height restriction on buildings in the R-3 district, except that any structure exceeding three (3) stories or forty five feet (45') shall be set back from the nearest property line a distance equal to one-half (1/2) the building height.
- b. A side yard abutting a street shall not be less than thirty feet (30') in width.

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

Current Zoning:

- o Subject Property: Multiple-Family Residential District (R-3)
- o Surrounding Properties: Noncentral Business District (B-3) on all sides (the immediate property to the east is the Highway 10 right-of-way/entrance ramp).

Current Land Use:

- o Subject Property: Nursing Home
- o Surrounding Properties:
 - West: Commercial (Burger King)
 - East: Highway 10 entrance ramp
 - South: Nursing Home/Manufactured Home Park
 - North: Commercial (Holiday Station/Pine Country Bank)

Lot size: Approx. 5 acres (subject parcel only)/11.5 acres (both parcels in common ownership)

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 are wetlands on the property. The applicants are having a wetland delineation completed and Morrison County SWCD will be reviewing that delineation.

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. The proposal would replace the existing nursing home with a new, larger nursing home. The construction would be done in two phases so as to allow residents to remain in the building while each portion is being built.
2. The wetland on the property appears to be some distance away from the proposed construction, but this will need to be verified. The applicants are having a wetland delineation completed and this will be reviewed by Morrison County SWCD.
3. The City Code does have requirements for stormwater management and these would need to be met prior to issuance of any permits to construct the building.
4. If the property is rezoned from R-3 to B-3, the relevant setbacks would be as follows:
 - a. Rear Yard: 40 feet
 - b. Front Yard: 50 feet
 - c. Side Yard Corner: 50 feet
5. If the property remains zoned R-3, the relevant setbacks would be as follows:
 - a. All property lines: 50 feet (due to it being a nursing home)
 - b. For buildings/uses other than nursing homes in the R-3 district, the setbacks are:
 - i. Rear Yard: 30 feet
 - ii. Front Yard: 30 feet
 - iii. Any side yard abutting a street: 30 feet
6. The required 50 ft rear setback comes from a requirement in the listing of permitted/conditional uses that indicates nursing homes can be allowed provided they are at least 50 feet from all property lines. This applies only if the property remains zoned R-3.
7. The required setback from all streets would be 50 feet, whether it the property is rezoned to B-3 or remains zoned R-3. This would require a separate variance hearing as the current proposal would put the new building 30-35 feet from the north property line (1st Avenue/Highway 27). Due to an error in the identification of setbacks in the applicant's original drawings presented to the City and a misreading by Staff of the ordinances requirements (which has some

- conflicting requirements within the setback requirements), the variance from the front lot line was not included as part of the public notice for this meeting.
8. The signage restrictions for nonresidential uses in the B-3 zoning district are as follows:
 - c. Business Districts: Within business zoning districts, signs are allowed by permit as follows (nonresidential property located in a flood fringe district (FF) shall follow the sign regulations for its underlying zoning district classification):

Business Zoning Districts	Maximum Sign Area Of Single Sign	Maximum Sign Height	Total Area Of All Signs
Noncentral business district B-3	300 sq. ft. per surface	30'	3 sq. ft. per front foot of lot (narrowest footage on a corner lot) abutting a public right of way 50' or more in width not to exceed 1,200 sq. ft.

9. The signage restrictions for nonresidential uses in the R-3 zoning district are as follows:
 - 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:

Nonresidential Uses In Residential Zoning Districts	Maximum Sign Area Of Single Sign	Maximum Height	Display Surface Of All Signs (Accum.)
R-3, R-3.M, R-4 (>300' frontage)	48 sq. ft. per surface	15'	100 sq. ft.



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 1200 1st Ave NE, Little Falls, MN 56345

Legal Description of Property See attached per Morrison County GIS

Parcel Identification Number 48.6095.000

Owner - Name Little Falls Health Services Phone 320-630-7808
Address 1200 1st Ave NE
City Little Falls State MN Zip 56345

Applicant (if other than owner) -

Name Kyle Camacho (Prairie Design) Phone 701-282-2850
Address 601 Sheyenne St
City Horace State ND Zip 58047

Type of Request - Rezoning X Variance X Conditional Use Other

Description of Request Rezoning of property from R3 to B3 as well as a variance for the east side building setback to 10' and north / front side building setback to 30'.

Reason for Request Reason for rezone is to match zoning to actual existing use of the property.
Reason for variance is to allow for proper phasing of the project.

Present Zoning Classification R3

Existing Use of Property Assisted Living Facility

Existing Use and Zoning of the Surrounding Area (two blocks) South: R4 mobile home park,
West: B3 apartments and retail shops.

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 _____

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

INSTRUCTIONS TO THE APPLICANT

Completed applications, with *all* submittal requirements, must be submitted to the Planning & Zoning Department no fewer than 25 days prior to the meeting date. The City may omit or remove unrelated information requirements depending on the type of application request. In order for your application to be accepted as complete, and to have a public hearing scheduled, a copy of plans and graphics must be submitted on 11 inch by 17 inch paper or less and the following information provided:

- 1. This application must be completed, including responses to all parts of this application.
Be sure the applicant and/or property owner signs the application
- 2. The required fee must be paid. See fee schedule for details.
- 3. A map showing the location of the proposed site, scale to be not less than 1" = 300'.
- 4. A scaled plot plan with north indicated, showing parcel lot lines, location and set backs of all existing and proposed structures, water features, and contour lines.
- 5. The plot plan should also show the existing structure dimensions and their square footage. Include all buildings and structures within three hundred feet of the proposed site.
- 6. Elevation plans for all existing and proposed structures.
- 7. Location and size of all required parking. Include existing and proposed curb cuts, driveways, across roads, turn-arounds, parking including RV, boat and additional vehicle storage, off-street loading, and sidewalks.
- 8. Proposed landscaping and screening plans: garbage dumpsters, areas preserved in natural state including buffer areas, areas to be developed into lawn (grass), areas to be covered by woodchips or mulch, garden areas, shrubbery, types, size, age, and number of proposed trees and their location, exterior lighting to be proposed including location and type, any other items deemed appropriate.
- 9. Square footage of all impervious coverage. Impervious coverage includes the horizontal area of all buildings, decks, roof overhangs, patios, walks, driveways, and any other parking areas and drives constructed of any material.
- 10. Proposed storm water drainage plan.
- 11. Proposed and existing sanitary sewer and water supply plans.
- 12. Approximate location of any proposed signs (if applicable).
- 13. All types of proposed uses and outside storage proposal.

The following questions must be answered.

1. What changes are you proposing to make to this property?

Building: 65 beds to 64 beds and building reconstruction

Landscaping: Will be done to City code

Parking/Signs: Will be done to City code

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? This is a reconstruction project. Use will stay the same.

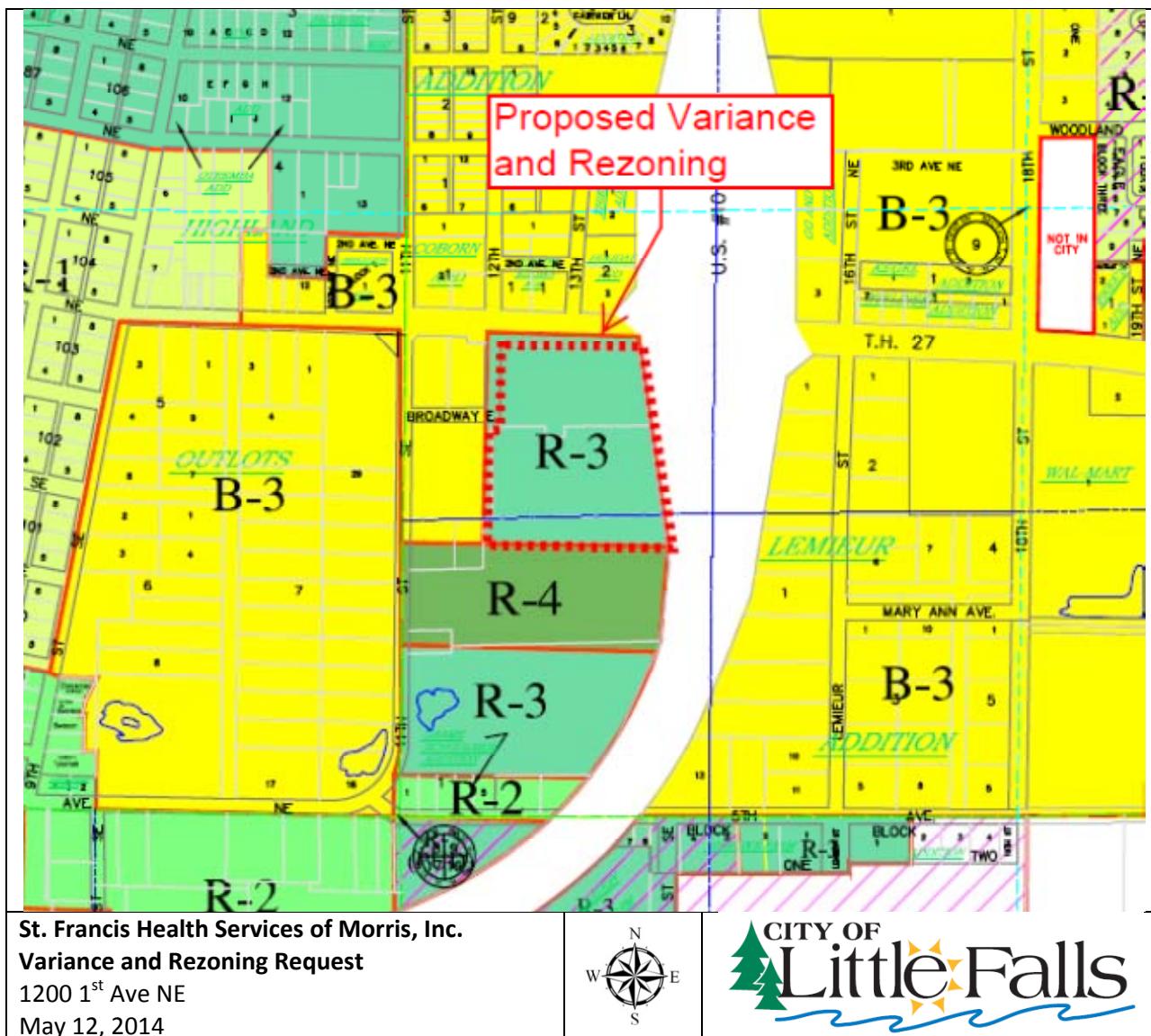
3. Describe the impact on the character of the neighborhood in which the property is located. This is a reconstruction project. Use will stay the same.

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? This is a reconstruction project. Use will stay the same, thus traffic patterns will not change.

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 50' setback from the ROW on the east side will cause problems with the phasing of the project. A 10' setback variance is being requested to help facilitate the phasing. The 50' setback on the north end will cause problems with the phasing of the project. A 30' setback is being requested to help facilitate the phasing.

Use other side of page if necessary.

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



Morrison County, MN



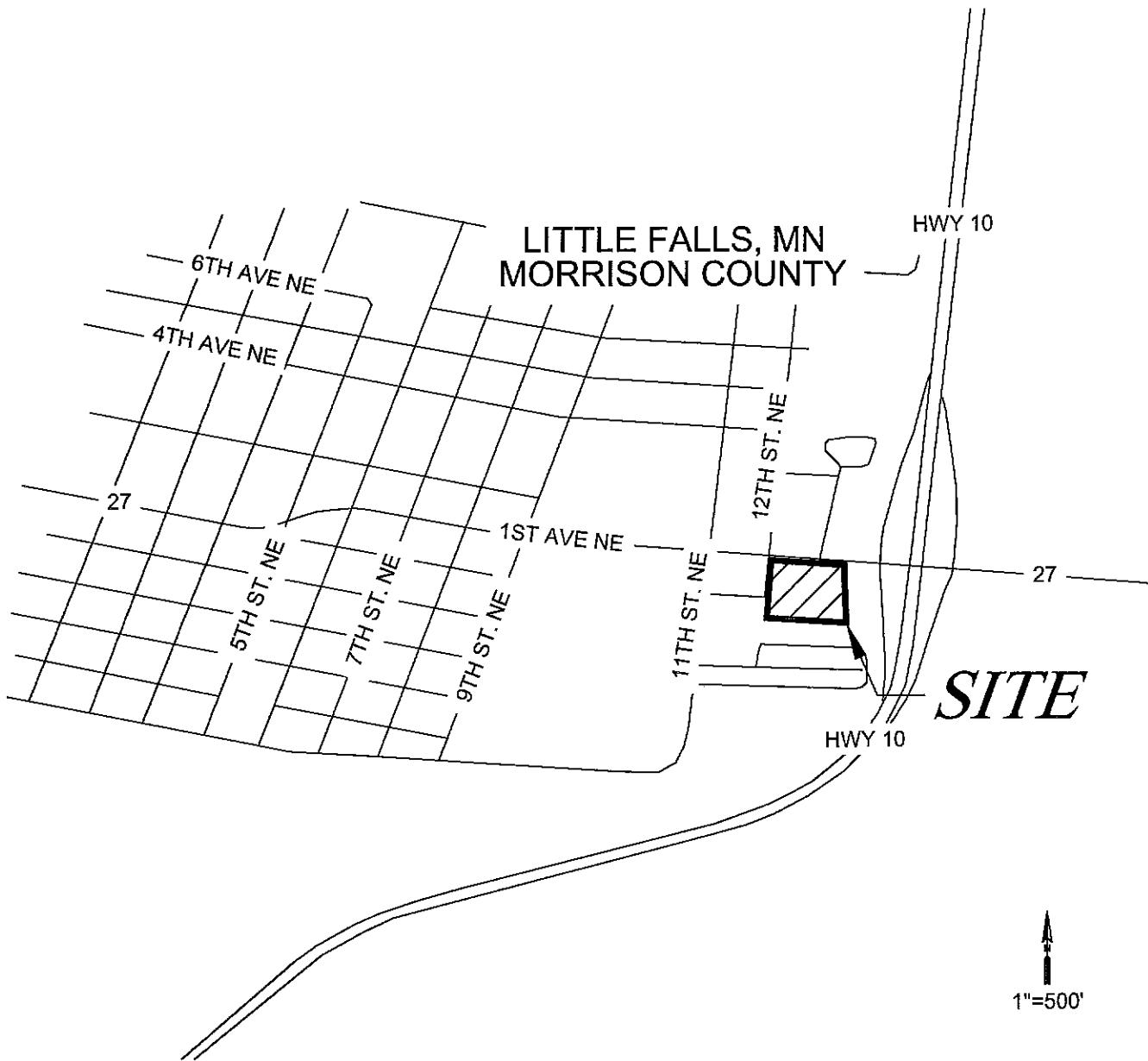
Date Created: 4/25/2014



Parcel ID	486095000	Alternate ID	n/a	Owner Address	ST FRANCIS HEALTH SERVICES OF MORRIS INC 801 NEVADA AVE MORRIS MN 56267
Sec/Twp/Rng	9-40-32	Class	5E-Exempt Properties		
Property Address	1200 1ST AVE NE LITTLE FALLS	Acreage	n/a		
District	LITTLE FALLS EAST-#482-HRA				
Brief Tax Description	89*00'14" E 33 FT, N 01*46'16" E 346.53 FT TO S RT OF WAY LN OF HWY 27, N 86*42'34" W 33.01 FT ALG HWY TO INTERS WITH CTRLN OF 12TH ST, S 01*46'16" W 347.85 FT ALG CTRLN & SLY EXT TO BEG, SUBJ TO UTILITY EASEMENT 49.1132.000				
	THAT PT OF NW1/4 OF SW1/4 WHICH LIES S OF CTRLN OF HWY 27 & WHICH LIES E OF CTRLN OF 12TH ST NE & E OF SAID CTRLN EXT OR PROD TO S LN OF SAID NW1/4 OF SW1/4 (NURSING HOME) LESS PT DESC AS: BEG AT INTERS OF S LN OF NW1/4 OF SW1/4 & W LN OF HWY 10, N 06*08'33" W 393.93 FT ALG W LN OF HWY, N 88*14'25" W 382.09 FT, S 01* 40'57" W 46.02 FT, N 88*12'38" W 84.05 FT, N 01*41'24" E 45.97 FT, N 88*14'25" W 235.51 FT TO CTRLN OF 12TH ST NE, S 01*47'23" W 402.37 FT ALG CTRLN OF 12TH ST NE & ITS EXT SLY TO INTERS WITH S LN OF NW1/4 OF SW1/4, ELY ALG SAID S LN TO BEG & LESS PT DESC AS: COM AT SW COR OF SW1/4, N 01* 46'16" E 1733 FT ALG W LN, S 89*00'14" E 386 FT TO SLY EXT OF 12TH ST, PT OF BEG, CONT S				
	(Note: Not to be used on legal documents)				

LUTHERAN CARE CENTER

1200 1ST AVENUE NE
LITTLE FALLS, MN MORRISON COUNTY




LOWRY
ENGINEERING

3330 FIECHTNER DRIVE - SUITE 102
FARGO, NORTH DAKOTA 58103

LUTHERAN CARE CENTER
LITTLE FALLS, MN
MORRISON COUNTY

PRELIMINARY
NOT FOR
CONSTRUCTION

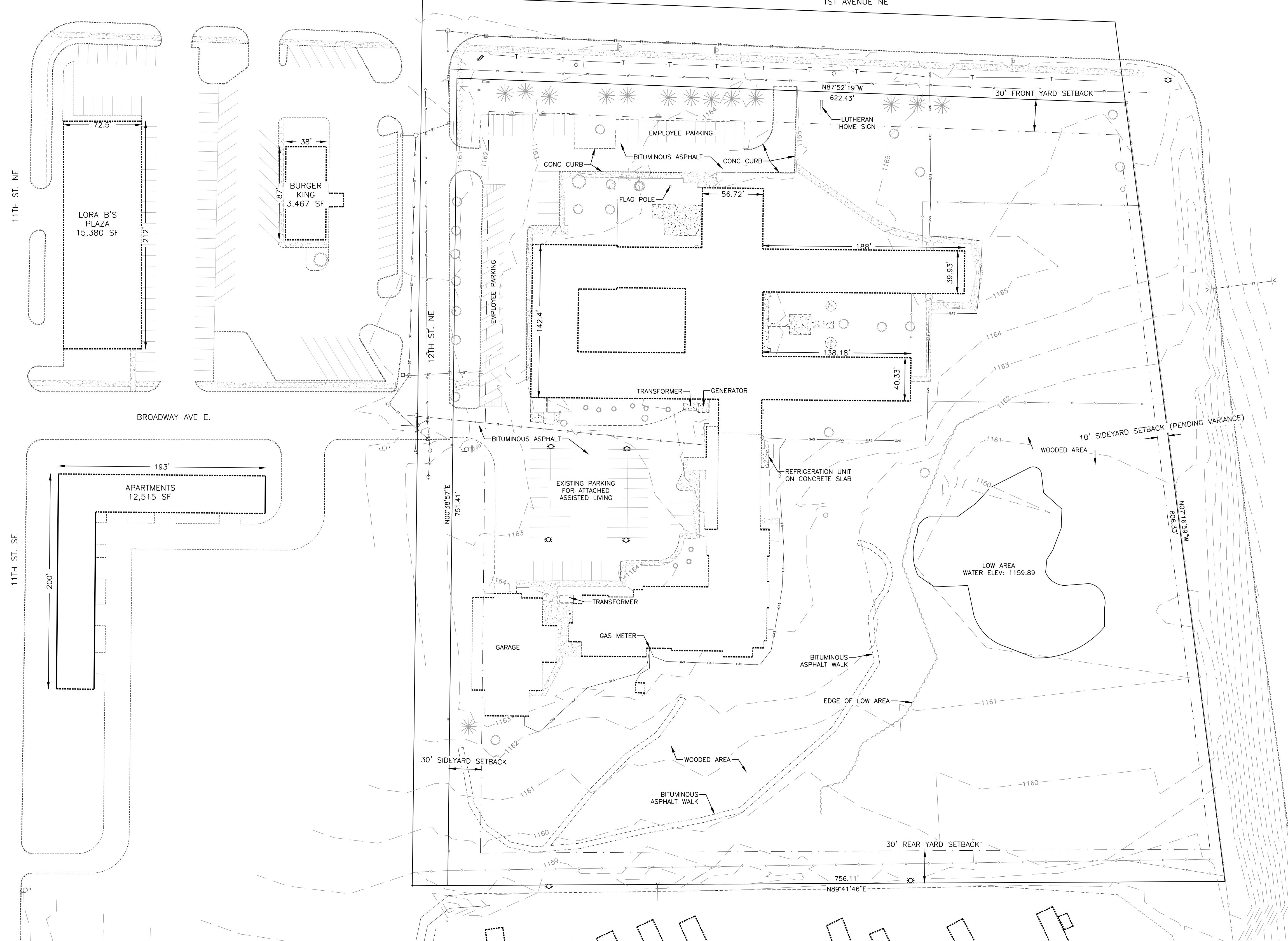
LE JOB #	14015
PROJECT DATE:	4/21/2014
CHECKED BY:	AJT
DRAWN BY:	PWB
APPROVED BY:	AJT
SHEET:	1 OF 1

DESC

LUTHERAN CARE CENTER

1200 1ST AVENUE NE

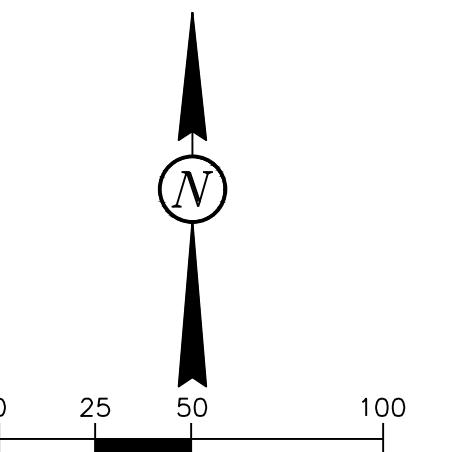
LITTLE FALLS, MN MORRISON COUNTY



SITE STATISTICS		
SITE COVERAGE		
ITEM	AREA (SF)	AREA (%)
BUILDING *	73,647	14.8
CURB AND GUTTER/VALLEY GUTTER	1,850	0.4
PARKING & DRIVES	52,522	10.6
BITUMINOUS ASPHALT WALKS	4,174	0.8
SIDEWALKS/PATIOS/STEPS	10,735	2.2
TOTAL IMPERVIOUS	142,928	28.8
GREEN SPACE	352,932	71.2
TOTAL AREA	495,860	100

BENCHMARK: FIRE HYDRANT LOCATED AT THE SOUTH ENTRANCE FROM 12TH ST. NE. SE FLANGE BOLT FIRE HYDRANT @ 1163.30

BASIS OF BEARING: MORRISON COUNTY GRID NAD83 (2011)



CALL BEFORE YOU DIG
NORTH DAKOTA
UTILITIES UNDERGROUND LOCATION SERVICE
1-800-755-8555

E JOB #	14015
ROJECT DATE:	4/22/14
HECKED BY:	AJT
RAWN BY:	PWB
PROVED BY:	JML
EET:	1 OF 3

PROPOSED LAYOUT

**PRELIMINARY
NOT FOR
CONSTRUCTION**

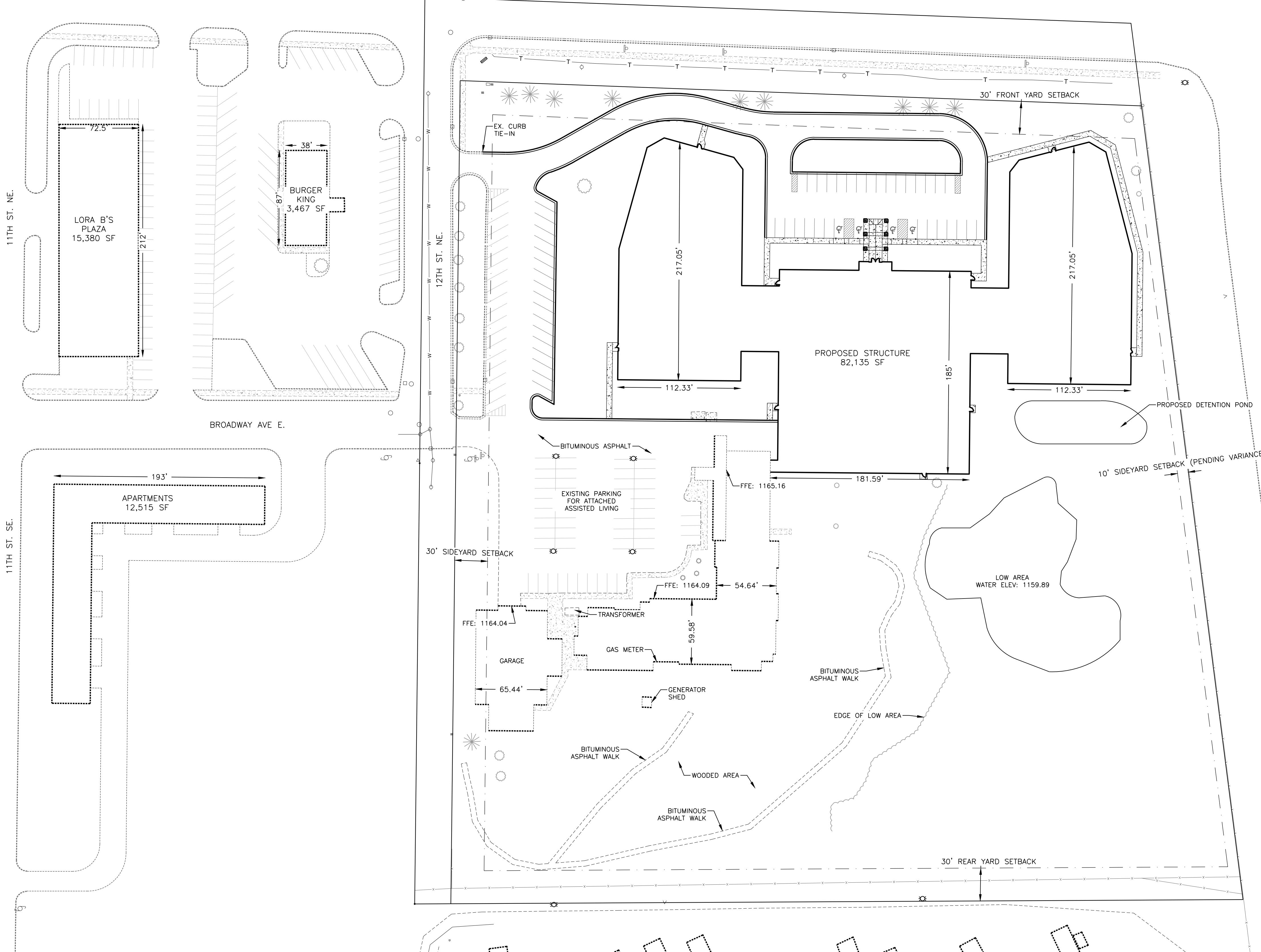
The logo for Lowry Engineering consists of a graphic element at the top and text below it. The graphic element features a large black 'L' shape positioned above a large grey 'E' shape, with a small black 'e' shape nested between them. Below this graphic, the word 'LOWRY' is written in a large, bold, black sans-serif font. Underneath 'LOWRY', the word 'ENGINEERING' is written in a slightly smaller, bold, black sans-serif font.

LUTHERAN CARE CENTER LITTLE FALLS, MN MORRISON COUNTY

LUTHERAN CARE CENTER

1200 1ST AVENUE NE

LITTLE FALLS, MN MORRISON COUNTY



**PRELIMINARY
NOT FOR
CONSTRUCTION**



LUTHERAN CARE CENTER LITTLE FALLS, MN MORRISON COUNTY

LE JOB #	14015
PROJECT DATE:	4/22/14
CHECKED BY:	AJT
DRAWN BY:	PWB
APPROVED BY:	JML
SHEET:	2 OF 3

PROPOSED LAYOUT

C-2

CALL BEFORE YOU DIG
NORTH DAKOTA
UTILITIES UNDERGROUND LOCATION SERVICE

FIRE HYDRANT LOCATED AT THE SOUTH ENTRANCE
T. NE. SE FLANGE BOLT FIRE HYDRANT @ 1163.30

BASIS OF BEARING: MORRISON COUNTY GRID NAD83 (2011)

04/25/14 11:33:05AM Z:\Projects\14015 - Little Falls\Drawings\14015_ProjectDesign\14015_C.dwg

