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MEMO

Date: August 9, 2016
Re: Planning Commission/Board of Adjustment Report
From: Ben Oleson, Zoning Administrator

Dear Mayor and City Council,

The Planning Commission/Board of Adjustment held its regular meeting on August 8, 2016. There was one public hearing for a conditional use permit and another public hearing regarding proposed amendments to Section 11.03 of the City Code. The Planning Commission/Board of Adjustment has made a recommendation for approval following both hearings.

AGENDA ITEM #1

Application: Conditional use permit to construct an 11,560 sq ft addition to the west side of an existing public school building (Lincoln Elementary) in an R-3 Multiple Family Zoning District.

Applicant: Little Falls School District ISD 482

Background Information:

- Proposal:** The applicant is proposing to construct an 11,560 sq ft one-story addition to the west side of the existing Lincoln Elementary School in what is currently an open grass/play area. The purpose of the addition is for use by Early Childhood Education classrooms, program space, offices and related facilities.

An additional 14,700+ sq ft area of the northwest corner of the property would be converted to parking (22 spaces) and driving lanes/drop off area. Fenced outdoor play areas and a potential additional future addition are also identified on the applicant's site plan.

- Location:**
 - o Legal Description: Lots 1-16 of Water Power Co #2 and Block 70 of Thayer's Addition.
 - o Property Address: 300 6th Street SW.
 - o Parcel number(s): 49.0665.000 and 49.0335.000.

- **Property Owner:** Little Falls School District ISD 482

Planning Commission Recommendation: The Planning Commission is recommending approval of the requested conditional use as requested with the following conditions of approval and findings of fact:

1. No conditions of approval.

Findings of Fact: The following findings of fact are presented by the Board of Adjustment in relation to their recommendation for approval:

1. **Current Zoning:** The request for an addition to an existing elementary school is consistent with the uses allowed by conditional use in the R-3 zoning district and with the surrounding R-3 and R-2 zoning districts.
 - a. Subject Property: Multiple-Family Residential District (R-3)
 - b. Surrounding Properties: Multiple-Family Residential District (R-3) to the west, north and east. One- and Two-Family Residential District (R-2) to the south.
2. **Current Land Use:** The proposed addition is consistent with the existing use of the property as public elementary school.
 - a. Subject Property: Public elementary school
 - b. Surrounding Properties: Public school athletic fields/courts to the west and immediate north, mix of single-family residential, multiple family and parking lot otherwise.
3. **Lot size:** Approximately 224,000 sq ft (5.14 acres)
4. **Sewer/Water:** The property is connected to City sewer/water.
5. **Natural Features:**
 - a. Floodplain: The property is not within an identified floodplain.
 - b. Bluff/Steep Slopes: There are no steep slopes on the property.
 - c. Wetlands: There do not appear to be any wetlands on the property that would impact the proposal.

AGENDA ITEM #2

Public Hearing: Amendment to City Code, Sections 11.03.B (Nonconforming Uses and Structures), 11.03.D (Accessory Buildings) and 11.03.E (Required Yards and Open Space). The purpose of the amendments are to lower the maximum allowed impervious coverage on residential zoned property, to eliminate a requirement to match average impervious coverage of nearby lots when building structures on a nonconforming lot, to eliminate an overall limit on combined floor area for detached accessory buildings in residential zoning districts, and to amend how structures, fences, trees, shrubs or other obstructions are regulated at street intersections.

Applicant: City of Little Falls Planning Commission

Background Information: At the July 11, 2016 meeting of the Planning Commission, there was discussion regarding a number of possible ordinance amendments relating to accessory building regulations, regulation of new structures on certain nonconforming lots, impervious coverage regulations and fence regulations. The attached proposed amendments were based on that discussion, research by Staff and the input and discussion that occurred at the August 8 public hearing.

The proposed amendments can be summarized as follows:

1. New structures on nonconforming lots:
 - a. Add a requirement that any such construction meet the impervious coverage limits elsewhere in the Code;
 - b. Eliminate a requirement that any such construction have impervious coverage equal to or less than the average impervious coverage of lots within 100 feet.
 - c. Add a requirement that impervious coverage be limited in residential zoning districts to 33 percent for the first 12,000 sq ft of a lot (e.g. an 80' x 150' lot) and an additional 10% of each square foot over 12,000 sq ft (down from the current 75% limit).
 - i. NOTE: While not specifically noted in the motion by the Planning Commission, the discussion seemed to be to retain the 75% limit for lots that would have uses such as churches, schools or parking lots provided that such uses met the requirements of the City's stormwater ordinance (Section 11.20) or were otherwise reviewed via conditional use permit. The attached language represents Staff's recommendation for how to achieve the intent of the Planning Commission discussion.
2. Accessory buildings on residential lots:
 - a. Eliminate a requirement that accessory buildings in residential districts must have boxed eaves only if they are of a size that does not require a building permit (200 sq ft or less).
 - b. This section of the proposed amendments was tabled by the Planning Commission for additional revisions. No recommendation has yet been made for amendment to existing language.
3. Fence regulations:
 - a. For fences located in front yards at street intersections, the retain the current requirement that fences not obstruct views 25 ft back from the intersecting lot lines at the street corner for uncontrolled intersections;
 - b. For controlled intersections (2 or more stop signs/lights), reduce the distance noted above to 10 feet from the intersecting lot lines.
 - i. NOTE: While not specifically stated in the motion by the Planning Commission, the discussion seemed to be to not allow any exceptions to

this 10 ft setback by interim use permit as had been noted in the language presented for the hearing. That interim use permit process would have required the consideration of a number of safety factors and consistency with traffic engineering guidelines to ensure adequate visibility and would have allowed for the City to require removal of the fence should the intersection be changed from controlled to uncontrolled. The attached language removes the opportunity for an interim use permit so as to reflect what seemed to be the intent of the Planning Commission.

- c. Related to the proposed fence regulations, City Staff also sought comment on a proposal to allow for up to 6 ft fence height on all property lines (current regulations limit the height in a front yard to 4 feet). This change, however, would require a separate public hearing and no recommendation was yet made by the Planning Commission. The discussion and public input was mixed on whether to allow for the additional height on front yard fences.

Planning Commission Recommendation: The Planning Commission is recommending approval of amendments to the City Code as noted in the attached ordinance amendment.

If you have any questions, please feel free to contact me. I can be reached by phone at (888) 439-9793 or by email at oleson@hometownplanning.com.