

CITY OF MOTLEY  
PLANNING AND ZONING COMMISSION  
AGENDA  
May 27, 2014  
6:00 pm – Motley City Hall

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1. Call to Order
2. Roll Call
3. Public Hearings  
*(NOTE: members of the public wishing to comment on a particular public hearing will be given an opportunity during the appropriate public hearing)*
  - a. Conditional Use Permit for the construction of multi-family housing in an R-2 zoning district (four separate 4-plexes on one parcel). Applicant(s): Roach Development LLC. Property address: None. Sec/Twp/Range: 18-133-31. Parcel number(s): 410028009. Partial Legal Description: Part of Government Lot 19 lying southerly of CIC #7 Mill Pond Townhomes.
4. Additions or Deletions to Agenda
5. Open Forum  
*(NOTE: the open forum is an opportunity for members of the public to comment on any item not related to a specific agenda item, but relating to land use regulations or planning within the City)*
6. Approval of Minutes
  - a. October 2013
  - b. November 2013
  - c. January 2014
  - d. February 2014
  - e. April 2014
7. Planning and Zoning Administrator's Report
8. Other Business
  - a. Review of draft Comprehensive Plan update
  - b. Presentation on available funding programs – Tad Erickson, Region 5 Development Commission
  - c. Training Session (if time allows) – Overview of Zoning/Subdivision Ordinances and Basic Zoning Terminology
9. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

**Members of the public:**

*Please see the next page for the City of Motley's policy regarding "Standards of Conduct at Public Meetings".*

**CITY OF MOTLEY  
STANDARDS OF CONDUCT AT PUBLIC MEETINGS**

The City Council encourages good-faith testimony from its citizens and desires to provide an environment based on respect and civility. In order to do so, the City Council of the City of Motley has established the following Standards of Conduct at Public Meetings, based on the norms of acceptable and courteous business behavior:

1. Members of the audience wishing to address the Council shall first secure the permission of the Chairperson.
2. Members of the audience will refrain from disruptive actions such as hand clapping, stamping of feet, whistling, cheering, yelling or similar demonstrations, which conduct disturbs the peace and good order of the meeting and which conduct might have an intimidating effect upon members of opposing viewpoints.
3. Persons addressing the City shall also refrain from slurs against race, creed, color, religion, national origin, gender, sexual or affectional orientation, marital status, familial status, age, disability, or status with regard to public assistance.
4. Profanity, slander, false statements, violence, or the threat of violence in any form shall not be tolerated.
5. City Officials shall also comply with these **STANDARDS OF CONDUCT**, the City of Motley's **CODE OF ETHICS FOR PUBLIC OFFICIALS** and the **CITY OF MOTLEY CONFLICTS OF INTEREST POLICY**.

Violations of these **STANDARDS** shall be determined by the opinion of the Chairperson of the meeting or, absent such opinion, by the opinion of the majority of the members of the deliberating body.

1. Any person violating these standards shall be called to order by the Chairperson of the meeting. If such conduct continues, said person may, at the discretion of the Chairperson, lose the floor. With the exception of Elected Public Officials (e.g. City Council) at City Council meetings, said person may be denied further audience before the City for that meeting.
2. If said person refuses to come to order and obey the directives of the Chairperson of the meeting, the Chairperson may request that said person leave the building. An exception to this is made for Elected Public Officials at City Council meetings as protected by law.

## STAFF REPORT

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**Application:** Conditional Use Permit for the construction of multi-family housing in an R-2 zoning district (four separate 4-plexes on one parcel).

**Applicant:** Roach Development LLC

**Agenda Item:** 3(a)

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### Background Information:

- **Proposal:** The applicant is proposing to construct four separate four-plexes (16 total dwelling units) on the approximate four (4) acre property. No subdivision of the land would occur and the dwelling units would be rented out and remain under one ownership.

The project would include the construction of private drives and parking areas to serve the development. The primary entrance/exit to the property would be from the east (Third Avenue South). The private drive would extend south to a gravel road that is identified as West River Road.

To the west of the property is Mill Pond, which is identified as having floodplain. The proposed development, however, is located at the top of a bank that rises approximately 10 feet above the pond and does not appear to be in the floodplain as identified in the FEMA Flood map (see map attached to this report)<sup>1</sup>. Mill Pond does not appear to be a DNR-protected water subject to shoreland regulations, although Staff is confirming this with the DNR.

As the project would be expected to disturb over one acre, it will be subject to NPDES stormwater permit requirements from the State of Minnesota (MPCA).

Initial calculations from the applicant indicate that impervious coverage would be about 30%, although this data needs to be confirmed as it appears to be based on a slightly different site plan than what was formally submitted. In the R-2 zoning district, coverage is limited to 25% unless a stormwater management plan is submitted and implemented that retains the 10-year, 24-hour rain event (in which case the impervious coverage may be increased by 50% to 37.5% of the entire property). Direct runoff to adjacent properties must also be eliminated as part of this plan. The applicant indicates they will be installing a stormwater pond, but has not submitted detailed plans at this point.

Sewer and water service stubs have already been provided to the property as part of the recent road reconstruction project on Third Avenue. The proposed development would connect to these stubs.

The proposed buildings would need to meet all other zoning and building code requirements. Height is limited to 25 feet. Maximum density in the R-2 district is limited to one dwelling unit for every 10,000 sq ft (that would allow for a maximum of 17 units for this property). All required building setbacks would be met as

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<sup>1</sup> A portion of this sloped area has been filled with material from the Third Avenue project that the City engaged in recently.

proposed (minimum 40 ft proposed setbacks on all sides exceeds the minimum required).

**Location:**

- Property address: None
- Sec/Twp/Range: 18-133-31
- Parcel number(s): 410028009
- Partial Legal Description: Part of Government Lot 19 lying southerly of CIC #7 Mill Pond Townhomes

**Zoning:** Medium Residential (R2) and Natural Resource (NR)

**Lot size** (from submitted survey): About 4 acres

Existing Impervious Coverage (based on aerial photo):

- 0 acres (0 percent)

Proposed Impervious Coverage (based on preliminary plans - needs to be confirmed):

- ~1.2 acres (about 30 percent)

**Natural Features:**

Floodplain: The property does appear to have floodplain on the far western edge (Mill Pond).

Bluff/Steep Slopes: The property is fairly flat in the area where building is proposed. There is a steep slope at the far western edge of the property that drops about 8-10 feet down to Mill Pond (no development is proposed in this area except for what appears to be the stormwater pond)

Wetlands: There is an area of wetlands on the northwestern edge of the property.

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**Applicable Statutes/Ordinances:**

**Minnesota Statutes**

SECTION III - RULES AND DEFINITIONS

3.2 DEFINITIONS

The following words shall be defined as follows for the purpose of this Ordinance:

- 140. Dwelling, Multi-Family.** Two or more dwelling units attached together by any point including duplexes, triplexes, townhouses and multi-level units regardless of type of ownership.

SECTION V - ZONING DISTRICTS AND DISTRICT PROVISIONS

**5.3 Residential – Medium Density (R-2)**

1. Purpose: To establish and maintain a medium density land use Zoning District, which will provide a buffer between Residential – Low Density (R-1) and higher density residential and commercial is non-riparian.
2. Permitted Uses. (R-2)<sup>2</sup>  
See Section 5.11
3. Conditional Uses. (R-2)<sup>3</sup>  
See Section 5.11
4. Excluded Uses. (R-2)<sup>4</sup>  
See Section 5.11
5. Lot and Use Requirements. (R-2)

Lot Width – feet, minimum	50
Buildable Lot Area - minimum	10,000 sq ft with city sewer/water, 2.5 acres with an ISTS
Setback, right-of-way, local streets – feet, minimum	15
Setback, right-of-way, collector and arterial streets – feet, minimum	25
Setback, side - feet, minimum	10
Setback, corner side – feet, minimum	15
Impervious coverage - maximum	25%
Building height - feet, maximum	25
Building height, accessory structure - feet, maximum	13
Accessory Structure Size – square feet, maximum, cumulative	1,280 for parcels 2.5 acres or less, 1,280 for each additional 2.5 acres parcel size
Building above highest known groundwater lot lake level – feet, minimum	3
Maximum Density	1 unit/10,000 sq. ft.

6. Performance Standards (R-2)
  - Side Yard Setback. The side-yard setback may be reduced by 50% provided one of the following is completed:
    - a. The property owner has the lot line in question surveyed by a licensed surveyor. The survey monuments establishing the lot line

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<sup>2</sup> Ordinance 2009-3, 4/28/2009

<sup>3</sup> Ordinance 2009-3, 4/28/2009

<sup>4</sup> Ordinance 2009-3, 4/28/2009

must be clearly visible so a determination of the encroachment can easily be made.

- b. The property owner shall install flags, stakes or other devices establishing the location of the property line. The property owner and the adjacent property owner on the line to be encroached upon must both sign and have notarized an agreement stating that they both agree upon the property line, as marked by the property owner.

Impervious Coverage. The impervious coverage may be increased by 50% provided the following:

- a. A stormwater management plan that retains the 10-year, 24-hour rain event is provided. Upon approval, the plan must be fully implemented.
- b. Direct runoff to adjacent properties in a 10-year, 24-hour rain event is eliminated through the use of swales, berms, ditches, grading or other necessary means.

**5.11 Land Use Matrix<sup>5</sup>**

**Table 1. City of Motley Land Use Matrix**

A - Denotes Allowed without a Permit		AC - Denotes <i>Accessory use</i>							
P - Denotes <i>Permitted use</i>		E - Denotes Excluded Use							
C - Denotes <i>Conditional use</i>									
Use	NR	R1	R2	R3	DMU	PU	C2	C1	I
<i>Dwelling, Multi-Family</i>			C	C	P				

SECTION IX - ADMINISTRATION

**9.5 Conditional Use Permits.**

- 3. In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following<sup>6</sup>:
  - a. Increasing the required lot size or yard dimension.
  - b. Limiting the height, size or location of buildings.
  - c. Controlling the location and number of vehicle access points.

<sup>5</sup> Ordinance 2009-3, 4/28/2009

<sup>6</sup> Amended by Ordinance 153.05, 3/9/2010

- d. Increasing the street width.
  - e. Increasing or decreasing the number of required off-street parking spaces.
  - f. Limiting the number, size, location or lighting of signs.
  - g. Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.
  - h. Designating sites for open space.
  - i. Stormwater runoff management.
  - j. Reducing impervious surfaces.
  - k. Increasing setbacks.
  - l. Restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
4. The Planning and Zoning Commission shall decide the issue with consideration to the following:
- a. The following must be met:
    - i. The use or development is an appropriate conditional use in the land use zone.
    - ii. The use or development, with conditions, conforms to the comprehensive land use plan.
    - iii. The use with condition is compatible with the existing neighborhood.
    - iv. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
  - b. The following must be considered:
    - i. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminishes or impairs values in the immediate vicinity.
    - ii. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
    - iii. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
    - iv. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or indifference with traffic on surrounding public thoroughfares.
    - v. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
    - vi. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.

- vii. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
- viii. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

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

- 1. The use or development is an appropriate conditional use in the land use zone.** Multi-Family housing is identified as a conditional use by the Land Use ordinance in the R-2 zoning district where this property is located.
- 2. The use with condition is compatible with the existing neighborhood.** The site is just south of a residential subdivision that was developed as a townhome planned unit development. A clinic and bank are located to the southeast of the proposed development and a propane company office are located to the northeast. The land directly to the east and south is undeveloped. The property borders a backwater area of the Long Prairie River (Mill Pond) to the west.
- 3. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.** The proposed four-plexes, if developed professionally, in an attractive manner, and with proper stormwater management should not be injurious to any of the above factors.
- 4. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminishes or impairs values in the immediate vicinity.** See answer to #3 above. The proposed use is similar to that of the use of property to the north and represents a reasonable transition from the commercial uses to the east and the residential uses to the north.
- 5. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.** The proposed use would not present any hindrance to the normal and orderly development of surrounding land, which is generally already developed or well-served by public utilities and streets.
- 6. The conditional [use will not increase] public cost for public facilities and services and will not be detrimental to the economic welfare of the community.** City sewer and water stubs have been installed for this site already and will be used by the applicant. The proposed use will add additional tax base and housing opportunities in the City.
- 7. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or indifference with traffic on surrounding public thoroughfares.** Traffic levels are not expected to be more than normal for residential/apartments and the proposed approach has good site lines in

either direction. Traffic levels existing in the area are not heavy such that congestion would be expected.

8. **Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.** The proposal includes space for off-street parking in garages and driveways that should be sufficient for normal residential use of the rental units. The interior driveways also appear to be wide enough to allow for parking.
9. **Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.** Outside of normal construction activities, these types of nuisances would not be expected to be an ongoing problem or nuisance.
10. **The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.** The proposed additions would not appear to have any impact on any natural, scenic or historical features as the area has recently been partially filled and does not contain any significant natural features, except for the far western edge of the lot which is not to be developed.
11. **The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.** The greatest likelihood for pollution from this use would be from the increased impervious surfaces on the lot, which could facilitate the movement of pollutants to the storm sewer system and Mill Pond. A stormwater retention pond is proposed for the site. If this, or some other stormwater management infrastructure and/or practices (both for temporary and permanent controls) are put in place and sufficient for preventing pollution, the potential for pollution of surface waters should be adequately reduced.

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**Planning Commission / Board of Adjustment Direction:** The Planning Commission / Board of Adjustment may approve the conditional use request(s), deny the request(s), or table the request(s) if the PC/BOA should need additional information from the applicant. If the PC/BOA should approve or deny the request, they should state the findings which support either of these actions.

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**Staff Comments:** Staff comments related to the request are noted below:

1. The ordinance encourages vegetative screening of commercial uses from roadways - 25% screening during leaf-on conditions. The existing condition on this property was no screening, so the proposal would not make things any more or less screened than they are now.
2. The applicant has not provided a survey of the property boundaries. The City may wish to require such a survey as part of any approval to ensure the setback measurements are accurate and to prevent future disputes over property lines.

3. Staff would urge the City to consider whether allowing these additions closer to the right-of-way would inhibit the City's ability to expand the roadway in the future or add additional infrastructure that may be necessary.

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**Staff Recommendation:** Based on the findings of fact and discussion listed above, Staff recommends approval of the proposed conditional use, subject to the following conditions:

1. That the applicant meets all requirements of the zoning ordinance for the development of the four-plexes, including those for setbacks, building height, stormwater management/impervious coverage and any other applicable regulations.
2. That the applicant submits accurate calculations of impervious coverage under the proposal.
3. That the property and buildings shall be maintained in a neat and orderly appearance such that excessive weed growth does not occur, that buildings are maintained in a safe and attractive manner and that parking and outside storage of materials is screened, enclosed or otherwise located so as not to be a detriment to surrounding properties.
4. That any other state or federal permits that may be required shall be obtained.

APP # \_\_\_\_\_  
Date \_\_\_\_\_  
(for office use only)

**CITY OF MOTLEY  
CONDITIONAL USE APPLICATION**

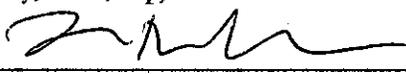
Name of Applicant ROACH Development Phone 320-360-4553

Mailing Address 1414 PAUL LARSON DRIVE Email \_\_\_\_\_

City, State, Zip Little Falls, MN 56345

Applicant is:  
Legal Owner   
Contract Buyer   
Option Holder   
Agent   
Other \_\_\_\_\_

Title Holder of Property:  
ROACH Development  
(Name)  
SAME  
(Address)  
\_\_\_\_\_  
(City, State, Zip)

Signature of Owner, authorizing application (required):   
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): \_\_\_\_\_  
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Location of property involved in this request:  
S.W. Motley

Fire No. \_\_\_\_\_, Parcel ID No. 41.0028.000 Zoning District R-2

**Read and Initial (required):**  
When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees, and other professional services the City may need to retain in reviewing permits. When applying for a permit through the City of Motley, you may be charged additional fees. If you have questions regarding your permit and need to contact Hometown Planning, you may be charged up to \$100.00 per hour in additional fees. You are liable for paying the fees. If the fees are not paid prior to the approval of your permit, these additional fees may be assessed to your property taxes. Please initial and date after reading.

Applicant must initial: ZR

State nature of request in detail: (What are you proposing for the property?)

4 - Four-plex Rental town homes - 16 units total -  
new drive ways -

What changes (if any) are you proposing to make to this site?

Building: 4 - Four-plexes

Landscaping: Sod, Blacktop - Sprinkled lawn, shrubs

Parking/Signs: on-site parking - minimal signs

Other:

Pursuant to the Motley City Ordinance, Section 9.5, the applicant should be prepared at the public hearing to discuss the following issues by explaining how the proposed Conditional Use will cause no significant adverse effects.

- (1) Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.

minimal impact, property is unused by anyone  
at this time -

- (2) Describe character of the area and the existing patterns and uses of development in the area.

How is this proposal consistent with those patterns and uses?

High Density Residential to North, open land to  
South -

- (3) Describe the impact on the capacity of existing or planned community facilities (sewer, drainage, other). Describe if additional facilities will be required.

No ADOL facilities required, sewer & water "subs"  
provided

- (4) Describe the impact on the character of the neighborhood in which the property is located.

minimal or no impact -

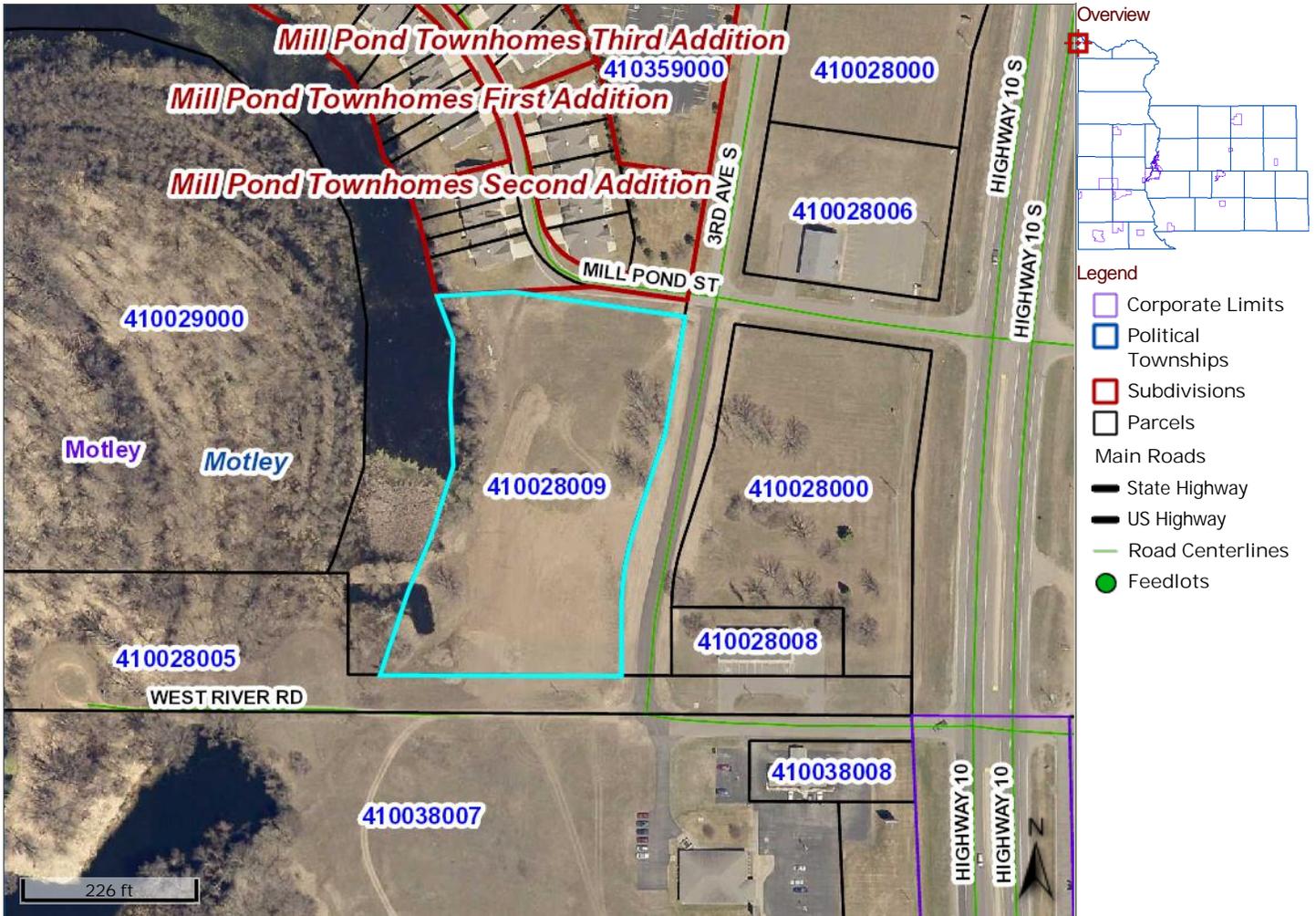
- (5) Describe the impact to traffic on roads and highways in the vicinity, and expected traffic generated by this application. Is there adequate parking available to accommodate the proposal?

MINIMAL EXPECTED IMPACT ON TRAFFIC -

ADEQUATE PARKING ON PRIVATE SITE -

- (6) Discuss any environmental limitations of the site or area.

POND TO WEST, WILL NOT BE IMPACTED - ON-SITE  
INFILTRATION POND WILL BE USED -



Parcel ID	410028009	Alternate ID	n/a	Owner Address	ROACH DEVELOPMENT LLC
Sec/Twp/Rng	18-133-31	Class	n/a		1414 PAUL LARSON DR
Property Address		Acreage	4.00		LITTLE FALLS MN 56345

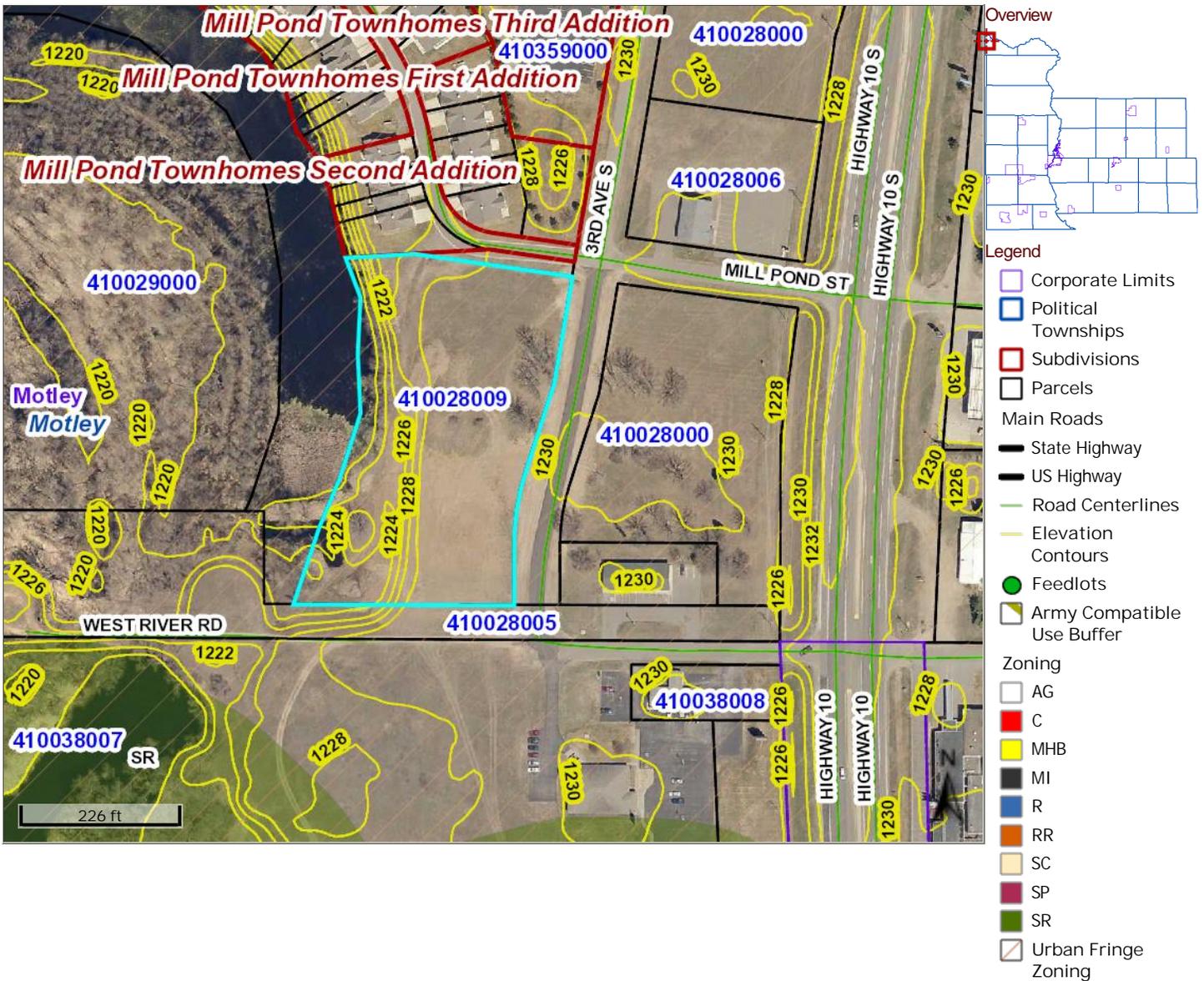
District MOTLEY CITY-School District 2170

Brief Tax Description PT OF GOV LOT 19 LYING SLY OF CIC #7 MILL POND TOWNHOMES, WLY OF LN PARL WITH & 33 FT WLY OF FOLL DESC LN A & NLY & ELY OF FOLL DESC LN B, LN A: COM AT SE COR OF GOV LOT 19, N 89°47'30" W 426.08 FT ALG S LN TO PT OF BEG, N 0°16'08" W 137.10 FT, NELY ALG CURV RT 134.80 FT, N 9°43'52" E 200 FT & THERE TERM, LN B: BEG AT SW COR OF SEC 18, N 0°01'24" E 180 FT ALG W LN, S 89°47'30" E 450 FT, S 0°01'27" W 147 FT, S 89°47'30" E 348.85 FT TO W LN OF 3RD ST & THERE TERM, SUBJ TO EASEMENT

(Note: Not to be used on legal documents)

Last Data Upload: 5/17/2014 7:12:33 AM

**Disclaimer:** The maps and data available for access at this website are provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. There are no warranties, expressed or implied, as to the appropriate use of the maps and data or the fitness for a particular purpose. The maps and associated data at this website do not represent a survey. No liability is assumed for the accuracy of the data delineated on any map, either expressed or implied.

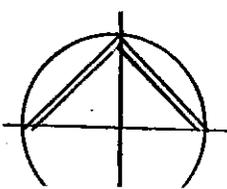
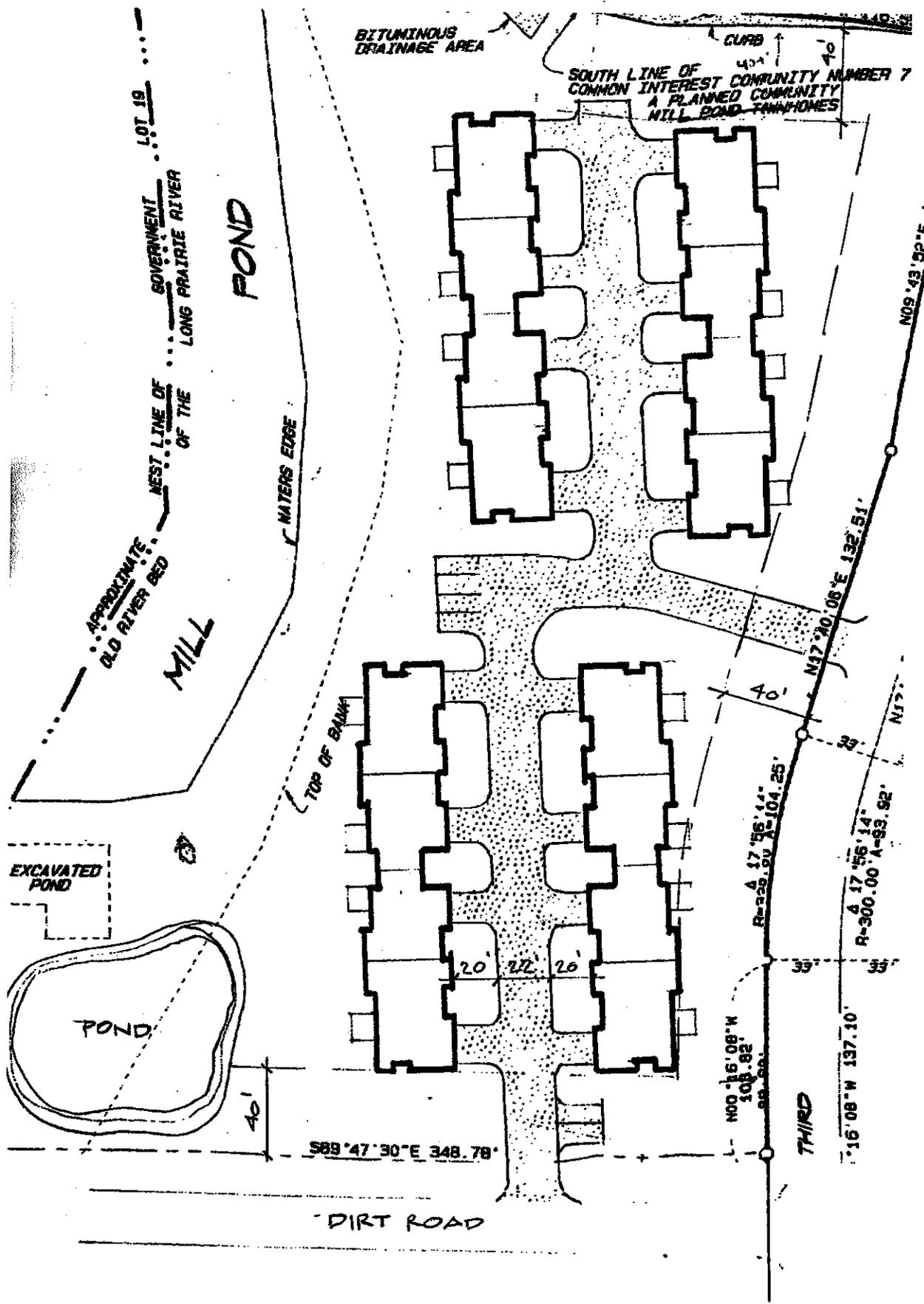


Parcel ID	41002809	Alternate ID	n/a	Owner Address	ROACH DEVELOPMENT LLC
Sec/Twp/Rng	18-133-31	Class	n/a		1414 PAUL LARSON DR
Property Address		Acreage	4.00		LITTLE FALLS MN 56345

District MOTLEY CITY-School District 2170

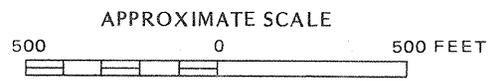
Brief Tax Description PT OF GOV LOT 19 LYING SLY OF CIC #7 MILL POND TOWNHOMES, WLY OF LN PARL WITH & 33 FT WLY OF FOLL DESC LN A & NLY & ELY OF FOLL DESC LN B, LN A: COM AT SE COR OF GOV LOT 19, N 89°47'30" W 426.08 FT ALG S LN TO PT OF BEG, N 0°16'08" W 137.10 FT, NELY ALG CURV RT 134.80 FT, N 9°43'52" E 200 FT & THERE TERM, LN B: BEG AT SW COR OF SEC 18, N 0°01'24" E 180 FT ALG W LN, S 89°47'30" E 450 FT, S 0°01'27" W 147 FT, S 89°47'30" E 348.85 FT TO W LN OF 3RD ST & THERE TERM, SUBJ TO EASEMENT

(Note: Not to be used on legal documents)



# SITE PLAN

1" = 50'



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP

CITY OF  
MOTLEY,  
MINNESOTA  
MORRISON AND CASS  
COUNTIES

(ONLY PANEL PRINTED)

COMMUNITY-PANEL NUMBER  
270300 0001 C

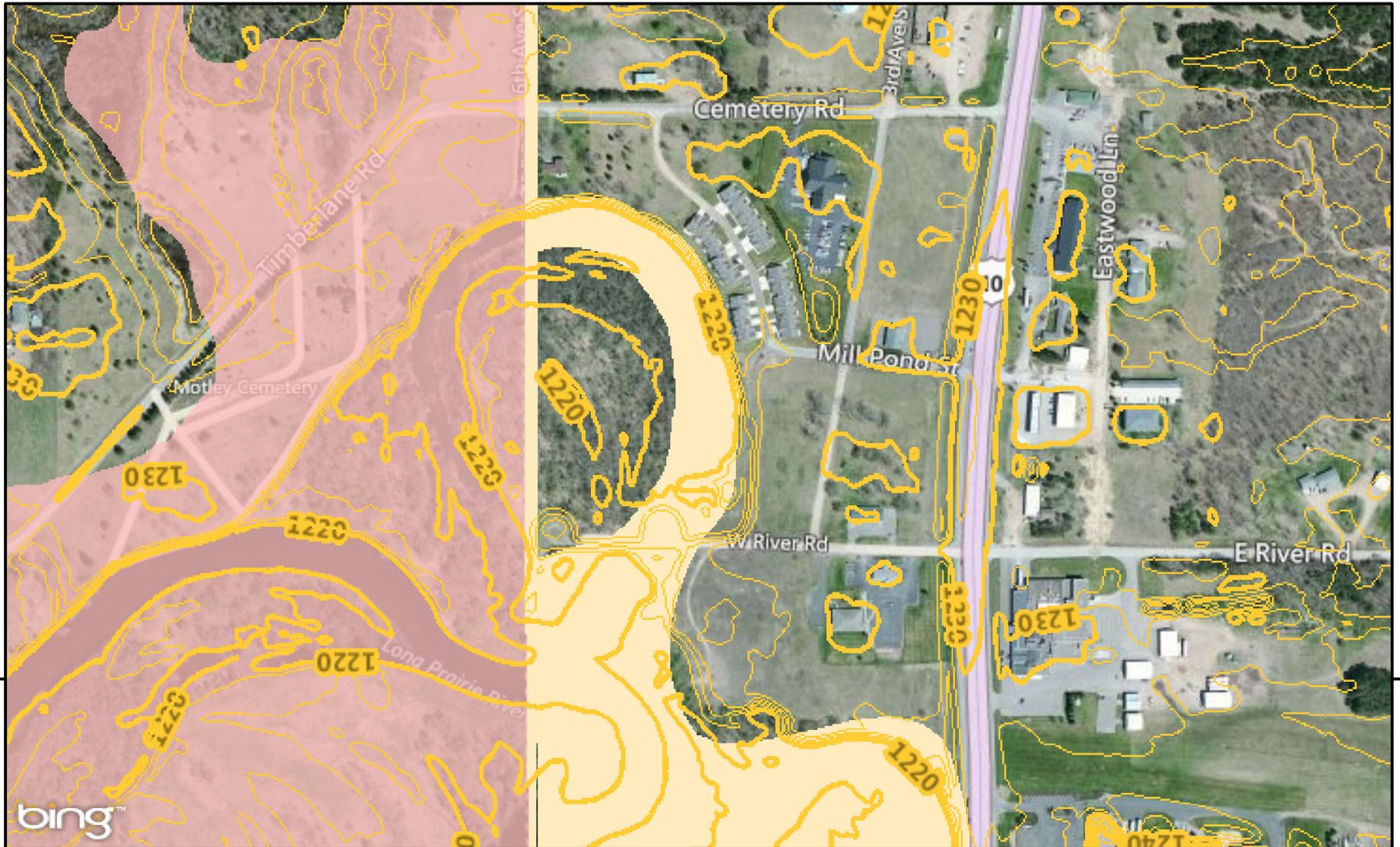
EFFECTIVE DATE:  
JUNE 19, 1989



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

# Floodplain and Topography



The State of Minnesota and the Minnesota Department of Natural Resources makes no representations or warranties expressed or implied, with respect to the use of maps or geographic data provided herewith regardless of its format or the means of its transmission. There is no guarantee or representation to the user as to the accuracy, currency, suitability, or reliability of this data for any purpose. The user accepts the data "as is."

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Note: Elevation images and contours were generated from LiDAR derived elevation surfaces acquired 2007-2012.



Scale: 1:7,287



Created on 5/19/2014