



Planning Commission Staff Report

To: Fergus Falls City Council via Planning Commission
Respectfully Submitted: Klara Beck, Community Development Manager
Date: October 19, 2022
Subject: CUP-2022-7

REQUESTED ACTION

Approve a Conditional Use Permit for the Welcome House to house over five (5) and up to ten (10) people in a home zoned R-4 at 314 W Cavour Ave.

GENERAL INFORMATION

Applicant	The Welcome House	Planning Commission Hearing	October 24, 2022
Property Owner	The Welcome House Maternity Home	City Council Meeting	November 7, 2022
Address	314 W Cavour Ave	Application Date	September 29, 2022
Parcel Number(s)	71003990206001	60-Day Expiration Date	November 28, 2022
Zoning	R-4		

BACKGROUND

The nonprofit Welcome House traces its history back to 2009, stating on its website that its original mission was to “create a home for single pregnant women”. Since then, their mission has shifted and is now “To create a path to recovery for women through supportive transitional housing.” In 2021, the Welcome House board purchased a home at 314 W Cavour Ave. In conversations with City staff, representatives of the Welcome House board began referring to 314 W Cavour Ave as a “sober home” in June of 2022. Classification as a sober home can be interpreted to afford reasonable flexibility regarding land use and zoning under the Federal Fair Housing Act.

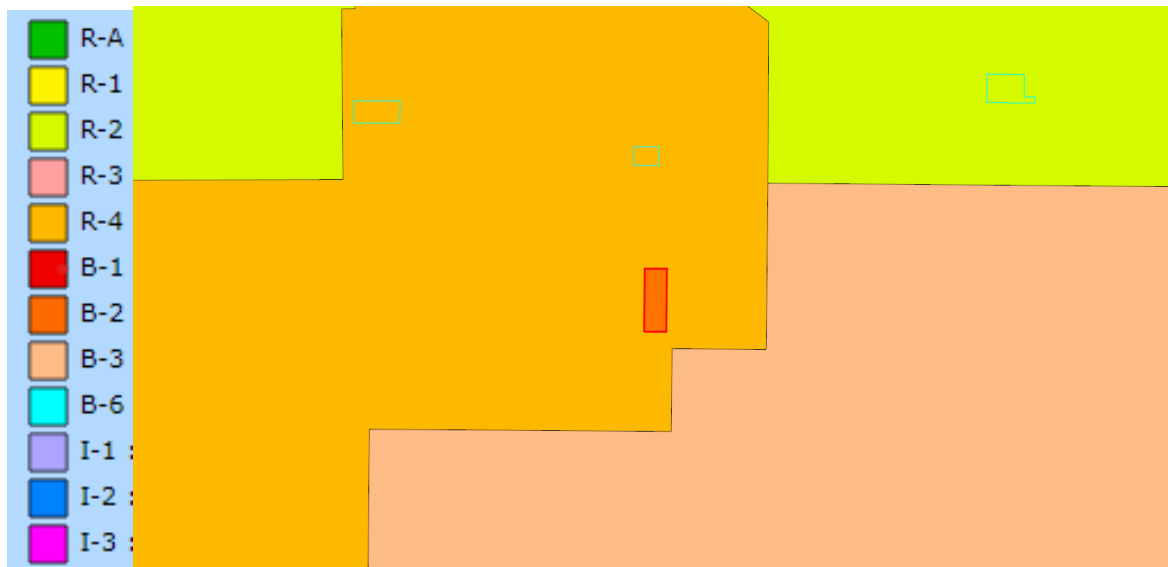
314 W Cavour Ave is set up for family use or congregate living in which boarders share kitchen and bathroom facilities. For Welcome House to financially carry out its mission through the home, the home must house more than 5 and up to 10 women. The City of Fergus Falls defines *family* in its zoning code as “an individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit.” Therefore, the needs of Welcome House to house up to 10 unrelated individuals conflicts with the City’s definition of family. A CUP is therefore requested for Welcome House to operate outside of the City’s zoning regulations.

Site Information & Current Conditions

314 W CAVOUR AVE is a residential lot in an R-4 zone.

Adjacent Zoning

Nearby is the B-3 zone that encompasses much of downtown Fergus Falls. The R-4 zone also abuts R-2.



Adjacent Uses

The home is in a mixed neighborhood with some businesses uses but is mostly surrounded by residential.

Proposed Project

“The Welcome House... has purchased the 314 W Cavour Ave property for the purpose of creating a recovery home of hope and healing for women to help them break free from chemical dependency. Our plan is to open with up to five women with the intent of expanding up to ten.

Public Notification & Comments

A notice of the public hearing was published in the *Daily Journal* on October 8, 2022. A copy of the public hearing notice was mailed to 36 property owners within 350’ on October 9, 2022.

STAFF COMMENT HERE

PROPOSED FINDINGS

§154.019(D) of the City Code states the Planning Commission shall recommend a conditional use permit and the Council may issue conditional use permits if it finds that the use at the proposed location meets the following criteria:

1. Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city.

The home will have staff, mentors, and is overseen by the board of directors.

There is an admission procedure that includes application, interview, criteria for enrollment, etc. The home will be accredited by the Minnesota Association of

Sober Homes, which oversees the health and safety of the home upon opening and through regular inspections. **Criteria Met**

2. Will be harmonious with the general and applicable specific objectives of the comprehensive plan and code provisions.
The city does not have a comprehensive plan.
3. Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood.
The home will continue to be used as a dwelling. Per the application, “the home will continue to be maintained as well as the grounds. We will have a lovely, subtle sign on the exterior of the home instead of a sign in the yard in order to blend into the neighborhood.” **Criteria Met**
4. Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools.
At present, City of Fergus Falls officials, building officials for the State of MN, and officials from the State Fire Marshal’s office agree that Welcome House is required to install a sprinkler system in the home as a life safety measure. This requirement is based on the building’s designation as Residential Group R-3 in MN Building Code. Welcome House has not agreed to install a sprinkler system. The City is working with Welcome House to submit a variance request to the State Fire Marshal’s office, who will provide final ruling. **Criteria Not Met**
5. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be hazardous or detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
No. Criteria Met
6. Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets.
No change to current ingress egress. **Criteria Met**
7. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
No. Criteria Met

RECOMMENDED ACTION

Based on the above findings, staff recommends **approval with conditions** of CUP-2022-07.
Conditions:

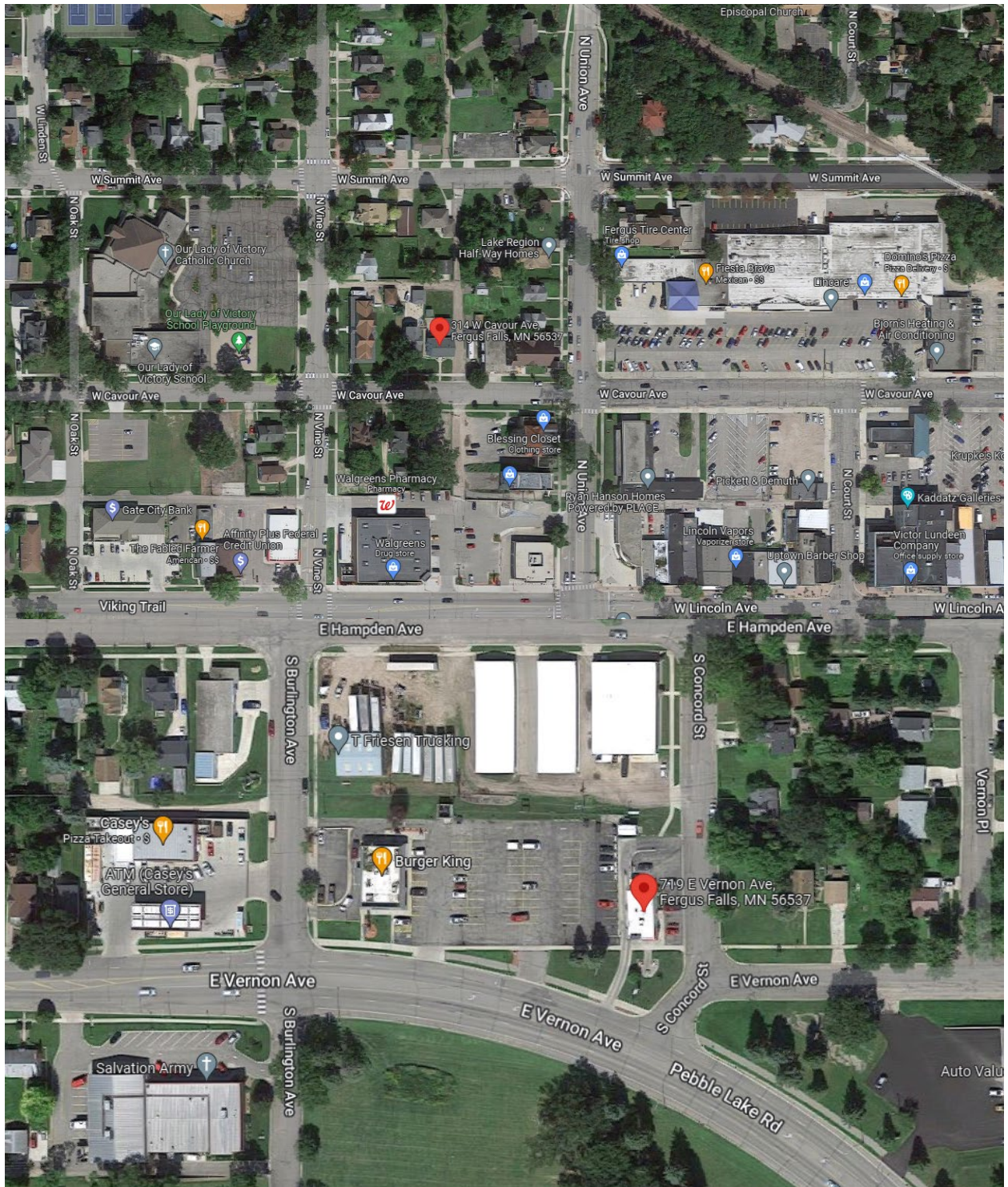
1. A nameplate sign, or professional nameplate sign, identifying the owner or occupant of a building or dwelling unit **will not exceed two square feet**. The sign may be placed in any front yard, but in no case may it be placed in any side yard. The sign may be illuminated.

2. Unless or until the State Fire Marshal issues a decision approving the Welcome House's variance request, Welcome House will work with the Fergus Falls Fire Dept to put in place a plan to sprinkle the building prior to occupancy by more than 5 people.

3. Prior to occupancy by more than 5 people,

ATTACHMENTS

1. Context Map



2. Application



112 West Washington Avenue

Fergus Falls, MN 56537

Phone: 218-332-5434

e-mail: planning@ci.fergus-falls.mn.us

www.ci.fergus-falls.mn.us

Conditional Use Permit

Application fee should be made payable to The City of Fergus Falls upon submittal of completed application. Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: Welcome House

Last name: Erlandson First name: Wendy, Board Chair

Address: 1678 College Way City/State/Zip: Fergus Falls, MN 56537

Phone number: 218-770-2273 Email address: erlandsonwendy@yahoo.com

2. Applicant Information: (if different from above)

Company name: _____

Last name: _____ First name: _____

Address: _____ City/State/Zip: _____

Phone number: _____ Email address: _____

3. Address(es) of Property Involved: (if different from above)

314 W. Cavour Ave, Fergus Falls

4. Zoning Designation: R-4

5. Statement of Intent: Briefly describe what will be done on or with the property requiring the conditional use approval.

The Welcome House, a non-profit organization, has purchased the 314 W. Cavour Ave. property for the purpose of creating a recovery home of hope and healing for women to help them break free from chemical dependency. Our plan is to open with up to five women with the intent of expanding up to ten.

7. Additional Required Information:

a. Legal Description and PIN: Provide the Parcel Identification Number(s)

71003990206001

Complete legal description(s) of the property involved or put "see attached"

Sec-34 Twp-133 Range-043 original plat-Fergus Falls Lot 12 Blk 7

b. Proposed Plans: A site plan is required. A landscape plan, grading and drainage plan, and other items may be required by the city/planning commission.

c. Written Narrative: The written narrative should thoroughly address the following general items in addition to any specific requirements pertaining to the proposed use, which Section 154.019 (Conditional Use Permit) of the City Code directs the City Council to evaluate during consideration of conditional use applications:

(1) Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city?

The home will have staff, mentors and is overseen by the board of directors. There is an admission procedure-application, interview, criteria for enrollment, etc. The home will be accredited by

MASH(Minnesota Association of Sober Homes) which oversees the health and safety of the home.

(2) Will be harmonious with the general and applicable specific objectives of the comprehensive plan and code provisions?

To the best of our abilities

(3) Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood?

The home will continue to be well maintained as well as the grounds. We will have a lovely, subtle sign on the exterior of the home instead of a sign in the yard in order to blend into the neighborhood.

(4) Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools?

Yes

(5) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be hazardous or detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?

It will not

(6) Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets?

This will not be a concern

(7) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?

It will not

8. Signature(s): By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: Wendy Gelandson Date: 9/23/22

Applicant: _____ Date: _____