



AGENDA
City of Fergus Falls Planning Commission Meeting
June 24, 2024
5:15 PM in City Council Chambers

1. Call to order
2. Approval of Agenda
3. Approval of Minutes from May 28, 2024
4. Public Hearings
 - a. V-2024-2: Key Property Investment LLC. Variance to Reduce the required front yard setback from 30 feet to 24 feet on the Cleveland side of the lot at 1022 Cleveland Avenue. Parcel ID: 71002991088000.
 - b. V-2024-3: Jason Schuetzle. Variance to Erect an accessory structure in one of the front yards of a corner lot at 1224 Greenfield Avenue. Parcel ID: 71002991623000.
5. Discussion Items
 - a. Sign Ordinance Updates
6. Staff Updates
 - a. Cannabis Zoning Update Following Council Discussion
7. Adjourn

If you have special needs for accommodations, please call 332-5436 or TDD 1-800-627-3529 (Minnesota Relay Service).

PLANNING COMMISSION MINUTES

May 28, 2024

The Fergus Falls Planning Commission held a regular meeting on May 28, 2024 in the Council Chambers of City Hall. Acting Chair Duffy called the meeting to order at 5:15 PM. Present were Sarah Duffy, Wayne Schuett, Mike Walls, Nate Kunde, and Ryan Fullerton. Absent were Laurel Kilde and Paul Vukonich. Staff present were Klara Beck and Jill Hanson.

APPROVAL OF AGENDA

Motion to approve the agenda by Commissioner Kunde and seconded by Commissioner Fullerton. Passed unanimously.

APPROVAL OF MINUTES

Commissioner Kunde made a motion to approve the minutes from April 22, 2024. It was seconded by Commissioner Fullerton. Passed unanimously.

DISCUSSION ITEMS

4a. SIGN ORDINANCE UPDATES

Community Development Director Klara Beck presented handouts for the discussion that showed the changes to the sign ordinance in red. Klara explained there were sections added to the code for findings, purposes, effects, severability, and definitions. Klara suggested replacing the section "Licenses & Permit Fees" with a "Permit Required and Exceptions" sections. Klara highlighted the sections on exempt signs and unauthorized signs, noting election signs are covered in state statute so we are using that same language. A new section was added for determining computation methods for the area of a sign. Awning signage was added to the code, window signage is exempt, and drive thru menu signs will be considered as part of the building permit process.

There was some discussion about billboards in B-5 and B-6 zones in the city limits, and it was suggested the proposed language be changed to allow for 400 feet spacing between billboards in these zones. It was noted that the State of MN allows 500 feet between signs on the interstate. Klara stated Electric Message Centers (EMCs) will have their own section in the code, as will temporary signs and community events. There was some discussion about authorized signs vs. unauthorized signs and how the Code Enforcement Officer may enforce violations of the code. The PC wanted to review the changes to the code individually and bring it back to the PC for discussion at the next meeting.

4b. PARKING IN B-6 ZONES

Klara Beck explained the PC has received a request to amend the B-5 and B-6 zoning code to prohibit overnight parking. Overnight parking has reportedly led to challenges for some businesses with large parking areas in the B-5 and B-6 zones, including a significant increase in litter, making it difficult for the business to maintain a clean and welcoming environment for their customers. The additional burden of cleaning up after overnight parkers stretched the capabilities of existing staff and resulted in Public Works staff from the City of Fergus Falls being deployed to perform cleanup.

There was some discussion and Acting Chair Duffy and Commissioner Fullerton both felt that the businesses in these zones should be able to determine if they want to allow overnight parking. If they do not, it should be their responsibility to restrict overnight parking on their sites. Commissioner Kunde stated that he felt that the City should not be responsible for cleaning up the trash on private lots.

STAFF UPDATES

5a. Cannabis Zoning

Klara Beck explained that the City Council heard the PC's recommendation from their April meeting but chose not to approve cannabis sales in B-3 zones and instead are focusing on sales in B-6. The city attorney's office is working

on final language. It will be brought back before the council at a future meeting. There was some discussion about the process thus far.

The meeting adjourned at **6:03 PM**.

Community Development Director



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www.FergusFallsMN.gov

Planning Commission Staff Report

To: City of Fergus Falls Planning Commission
Respectfully Submitted: Klara Beck, Community Development Director
Date: June 11, 2024
Subject: V-2024-2

REQUESTED ACTION

Approve a variance to reduce the required front yard setback from 30 feet to 24 feet on the Cleveland side of the lot at 1022 Cleveland Ave (PID 71002991088000).

GENERAL INFORMATION

<i>Applicant</i>	Key Property Investments LLC	<i>Planning Commission Hearing</i>	June 24, 2024
<i>Property Owner</i>	Key Property Investments LLC	<i>City Council Meeting</i>	July 1, 2024
<i>Address</i>	1022 Cleveland Ave	<i>Application Date</i>	May 29, 2024
<i>Parcel Number(s)</i>	71002991088000	<i>60-Day Expiration Date</i>	July 28, 2024
<i>Zoning</i>	R-2		

BACKGROUND

Site Information & Current Conditions

The lot at 1022 Cleveland Ave previously had a house on it that had fallen into disrepair. Upon acquisition of the site, the City of Fergus Falls undertook a cleanup and abatement process to address its condition and removed the home. Post-abatement, the City sold the lot to Key Property Investments to enable residential development.

The lot is a corner lot with an elevation matching the elevation of Cherry Ave and a steep hill down to Cleveland Avenue. Though the home is addressed to Cleveland Ave, the front of the home has historically faced Cherry Ave to avoid the drop to the level of Cleveland Ave. Corner lots for residential use are required to have additional width to account for front yard setbacks of 30 ft from both streets.

Adjacent Zoning

R-2-, One- and Two-Family Residence District.

Adjacent Uses

The area surrounding 1022 Cleveland Ave is mostly characterized by single-family homes. Cleveland School is located just down the street.

Proposed Project

Key Property Investments plans to develop the lot for residential use by building a 34' x 56' 3-bedroom home. They've chosen this layout to maximize the available buildable space on the lot. Again, corner lots for residential use are required to account for front yard setbacks of 30 ft from both streets. Building a 3 bedroom home requires the home encroach 6 feet into the front yard setback along Cleveland Ave. The hill itself reduces concerns regarding visibility on a corner lot due to placement of a home.

Public Notification & Comments

A letter was mailed to property owners within 350 ft of the subject property and a notice was published in the Daily Journal on June 12, 2024.

PROPOSED FINDINGS

§154.017(B)(4)(b) of the City Code states the Planning Commission and City Council consider the following criteria when evaluating a variance request:

1. Special conditions apply to the structures or land in question that are particular to the property and do not apply generally to other land or structures in the district or vicinity in which the land is located.

Criteria Met. 1022 Cleveland Ave's placement as a corner lot on a hill impacts the practicality of development under current setback requirements. These conditions do not apply generally to other properties in the vicinity.

2. The granting of the proposed variance will not be contrary to the intent of this chapter [meaning Chapter 154, Zoning and Subdivisions].

Criteria Met. The intent of Chapter 154 is to promote orderly development and ensure safety and aesthetics within the community. Granting the variance to reduce the setback from 30 feet to 24 feet on the Cleveland side of the lot will allow for the construction of a home that matches the surrounding neighborhood's character and is a desirable size for family living.

3. The special conditions or circumstances do not result from the actions of the owner/applicant.

Criteria Met. The lot's location on a hill and rules regarding corner lots predate the current owner's acquisition of the property. These factors are inherent to the lot and were not created by the applicant.

4. The granting of the variance will not merely serve as a convenience to the applicant but is necessary to alleviate practical difficulties in complying with the zoning provisions of this code. *M.S. §462.357, Sub. 6 defines practical difficulties as: "the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted,*

will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.”

Criteria Met. The proposed use of building a three-bedroom single-family home is reasonable and aligns with the neighborhood's residential character. The practical difficulties arise from the lot's unique placement as a corner lot on a steep hill, which are not due to the landowner's actions. Granting the variance will not alter the essential character of the locality but will enhance it by enabling development consistent with the neighborhood.

5. The variance requested is the minimum variance necessary to alleviate the practical difficulty.

Criteria Met. The requested reduction of the setback from 30 feet to 24 feet is the minimum adjustment needed to allow for the construction of a home.

RECOMMENDED ACTION

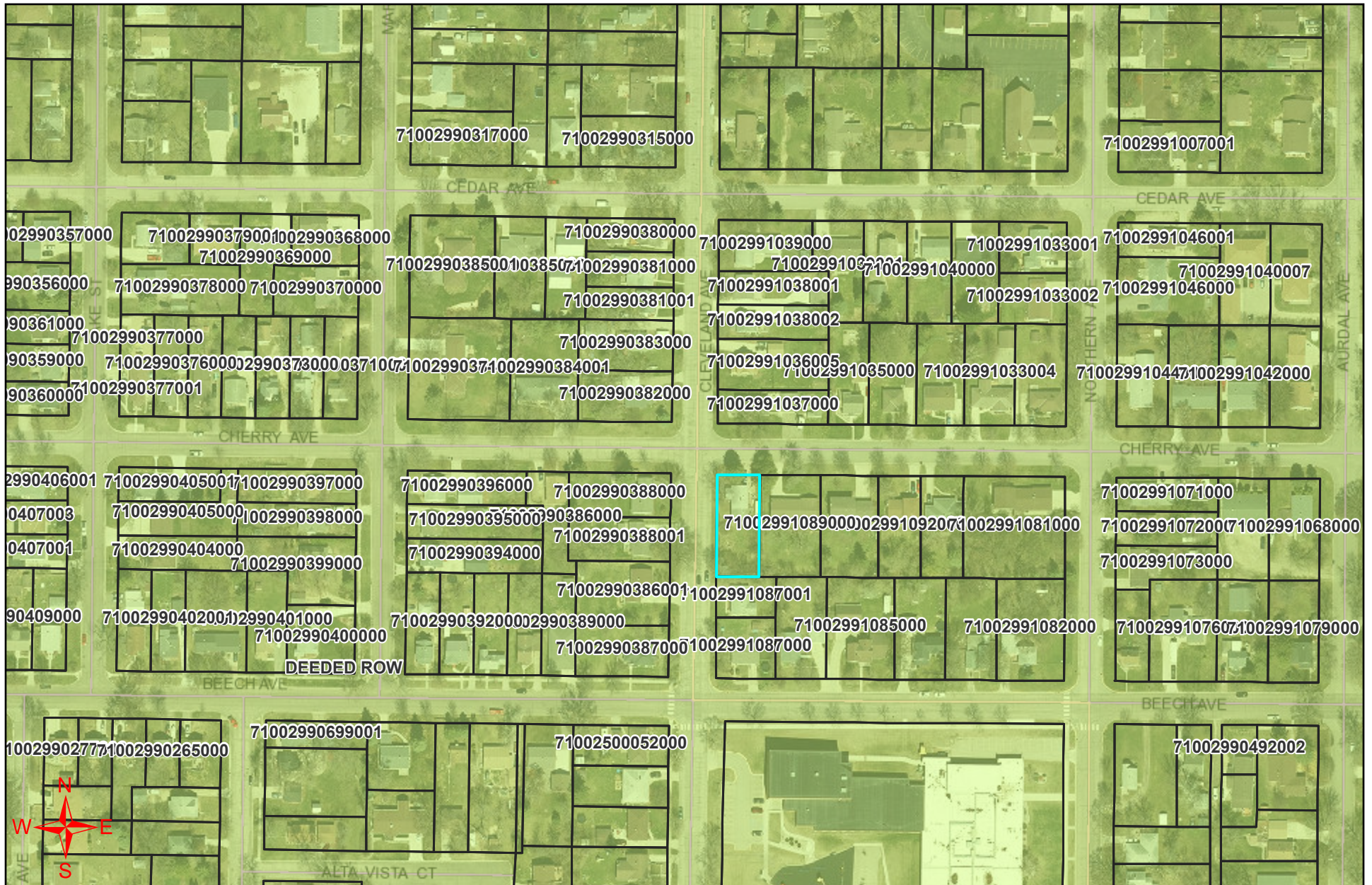
Approve a variance to reduce the required front yard setback from 30 feet to 24 feet on the Cleveland side of the lot at 1022 Cleveland Ave (PID 71002991088000).

ATTACHMENTS

1. Context Map
2. Zoning Map
3. Application & Supporting Materials



Not a legal document. For Reference Use Only. Accuracy is not guaranteed.



1:2,400

ArcGIS Web AppBuilder

This map has been compiled from information on file at the City of Fergus Falls Engineering Department. The City of Fergus Falls makes no representation and assumes no liability for errors, omissions, or inaccuracies contained on this map. This map should not be used for boundary survey information.



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

Variance

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: Key Property Investments LLC

Last name: Yaggie

First name: Andrew

Address: 1916 Deer Valley Rd

City/State/Zip: Fergus Falls, MN, 56537

Phone number: 701-212-5263

Email address: andrew@andrewyaggie.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)

1022 Cleveland Ave, Fergus Falls, MN 56537

4. Zoning Designation: R-2

5. Statement of Intent: State exactly what is intended to be done on or with the property which does not conform to City Code requirements.

The home desired to be build on that particular lot is wider than city set-back requirments would allow.

The desire home has dimensions of 34x56 which the current setbacks would not allow. The request is

the variance allow the setback on the Cleveland side of the lot to be 24ft instead of 30ft. This will allow

the home to be built to match the aesthetics of th neighborhood.

7. Additional Required Information: a. Legal Description and PIN: Provide the Parcel Identification Number(s) 71002991088000

The complete legal description(s) of the property involved or write “see attached”

SECT-35 TWP-133 RANGE-043 ROSEMOUNT ADDN LOTS 27 & 28 BLK 9

b. Practical Difficulty: The applicant should fully explain the “practical difficulty” that justifies the departure from the strict application of the Code.

1. Is the variance in harmony with the general purposes and intent of the ordinance?

Yes In speaking with the community development manager the set backs were designed to improve visibility at street intersections with this lot being located on a hill visibility would not be affected by a setback variance

2. Is the variance consistent with the comprehensive plan.- Not Applicable, no city plan.

3. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance?

To be used to build a 3 bedroom single familyhome that 6ft wider than the current zoning allows.

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner?

The plight is due to circumstances unique to the property the with the width of the lotand the set-back requirements will prevent a home from being built that matches the essential character of the neighborhood

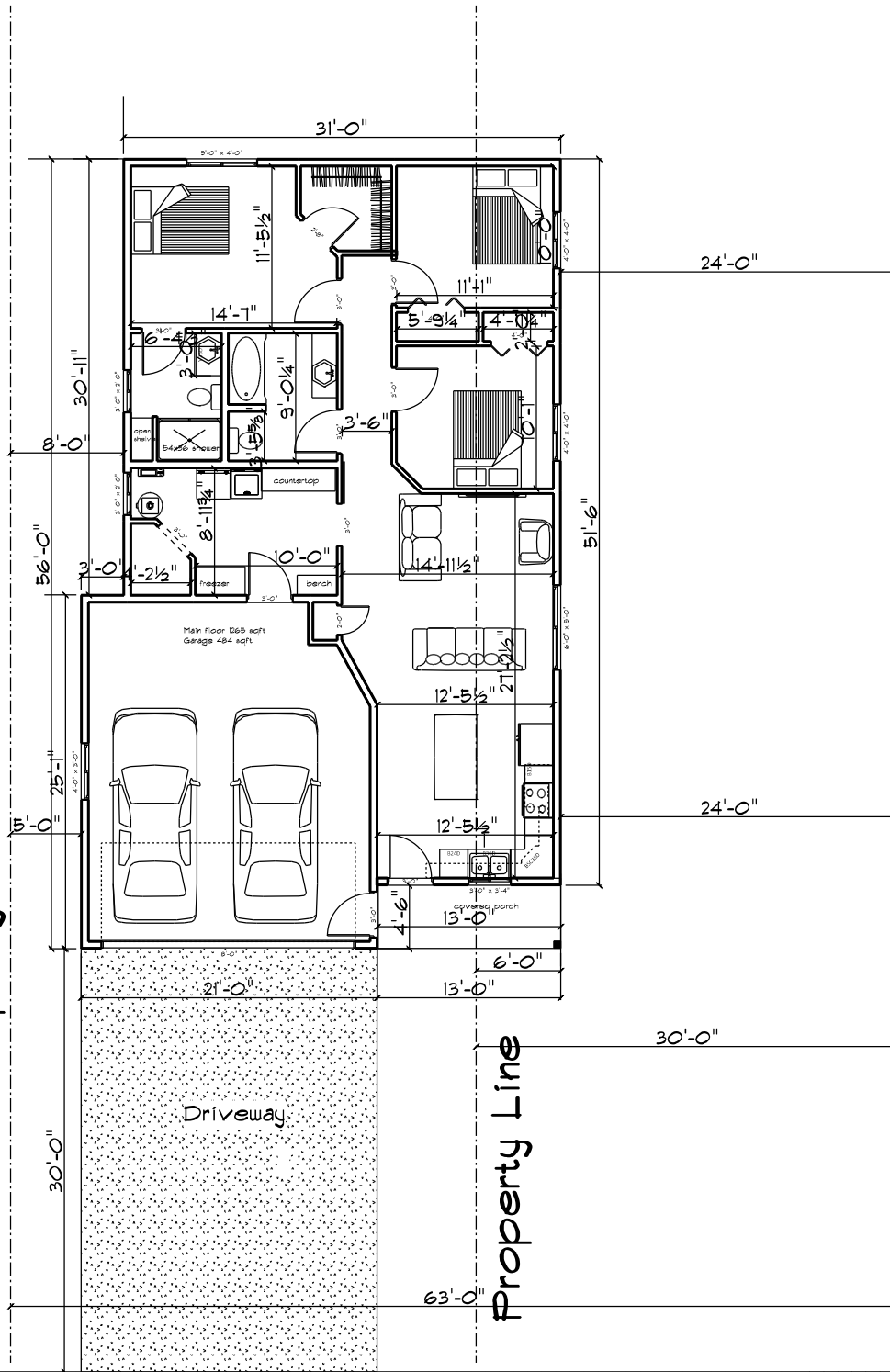
5. The variance, if granted, will not alter the essential character of the locality?

If the variance is granted it would not alter the essential character of the locality.

6. Economic considerations alone do not constitute practical difficulties, are there other reasons for the need for the variance?

Our goal is to build a thoughtfully laid out, desirable single family home at an affordable price point. If the variance is denied, we will not proceed with the project and this lot likely will never be redeveloped.

Property Line



Cleveland

Cherry

CITY ADMINISTRATOR'S OFFICE
Fergus Falls, Minnesota 56537

Receipt # 233941

Receipt Date May 29, 2024

Received From KEY PROPERTY INVESTMENTS

Amount \$350.00

Fund	Account	Description	Amount
101	34103 000	LAND VARIENCE 1022 CLEVELAND	350.00

City of Fergus Falls
Received By RANDEE



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Planning Commission Staff Report

To: City of Fergus Falls Planning Commission
Respectfully Submitted: Klara Beck, Community Development Director
Date: June 17, 2024
Subject: V-2024-3

REQUESTED ACTION

Approve a variance to erect an accessory structure in one of the front yards of a corner lot at 1224 Greenfield Ave (PID 71002991623000).

GENERAL INFORMATION

Applicant	Jason Schuetzle	Planning Commission Hearing	June 24, 2024
Property Owner	Jason Schuetzle	City Council Meeting	July 1, 2024
Address	1224 Greenfield Ave	Application Date	May 29, 2024
Parcel Number(s)	71002991623000	60-Day Expiration Date	July 28, 2024
Zoning	R-1		

BACKGROUND

Site Information & Current Conditions

The property at 1224 Greenfield Ave, Fergus Falls, MN 56537, is a corner lot that is almost triangular in shape, resulting in limited area that may be considered a side yard (see site layout attached to application). It contains a single-family, owner-occupied home, built in 2001. The 1-story frame house spans 1,586 sq. ft. An attached garage, also built in 2001, covers 840 sq. ft. Additionally, the property includes a 400 sq. ft. concrete swimming pool, constructed in 2023, with surrounding pavement.

Adjacent Zoning

R-1-, One-Family Residence District.

Adjacent Uses

The neighborhood surrounding 1224 Greenfield Ave has single-family homes.

Proposed Project

According to zoning regulations, corner lots for residential use must have additional width to permit appropriate building setbacks from both streets. 1224 Greenfield Ave therefore technically has two front yards. Moreover, city code states that “a detached accessory building shall not be located in any required front yard, including both required front yards on a corner lot.” Due to the shape of the lot at 1224 Greenfield Ave, it being a corner lot, and the placement of the home, there is little to no side yard and limited backyard space. The homeowner therefore requests a variance to construct a shed in the yard that abuts Opperman Ln.

Public Notification & Comments

A letter was mailed to property owners within 350 ft of the subject property and a notice was published in the Daily Journal on June 12, 2024. One comment was received via email as of June 18, 2024 stating support for the variance application.

PROPOSED FINDINGS

§154.017(B)(4)(b) of the City Code states the Planning Commission and City Council consider the following criteria when evaluating a variance request:

1. Special conditions apply to the structures or land in question that are particular to the property and do not apply generally to other land or structures in the district or vicinity in which the land is located.

Criteria Met. The property’s corner lot status, irregular shape, and lack of side yard are unique conditions not generally applicable to other properties in the area.

2. The granting of the proposed variance will not be contrary to the intent of this chapter [meaning Chapter 154, Zoning and Subdivisions].

Criteria Met. The intent of Chapter 154 is to promote orderly development and ensure safety and aesthetics within the community. Granting the variance results in reasonable land use without sacrificing safety or aesthetic appeal.

3. The special conditions or circumstances do not result from the actions of the owner/applicant.

Criteria Met. The property’s unique shape, corner lot status, and placement of the home and garage on the lot are pre-existing conditions not created by the current owners.

4. The granting of the variance will not merely serve as a convenience to the applicant but is necessary to alleviate practical difficulties in complying with the zoning provisions of this code. *M.S. §462.357, Sub. 6 defines practical difficulties as: “the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.”*

Criteria Met. The variance addresses practical difficulties due to the property’s characteristics, specifically its corner lot status, irregular shape, and the lack of side yards.

5. The variance requested is the minimum variance necessary to alleviate the practical difficulty.

Criteria Met. A variance allowing a shed to be added in what is technically a front yard along the side of the house allows for the reasonable use of the property when side or back yard space is unavailable.

RECOMMENDED ACTION

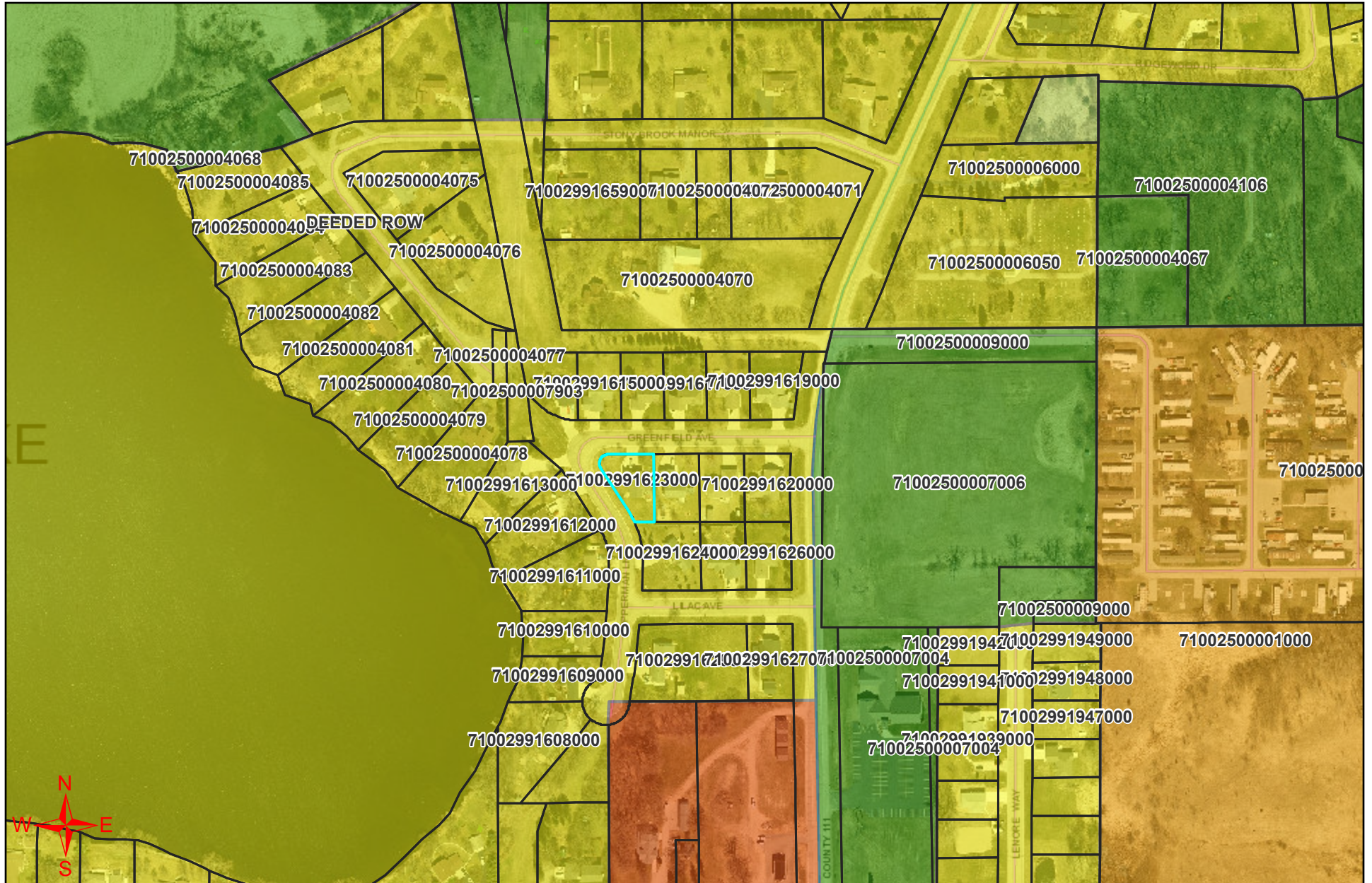
Approve a variance to erect an accessory structure in one of the front yards of a corner lot at 1224 Greenfield Ave (PID 71002991623000).

ATTACHMENTS

1. Context Map
2. Zoning Map
3. Application & Supporting Materials



710029 Not a legal document. For Reference Use Only. Accuracy is not guaranteed.



1:3,600

ArcGIS Web AppBuilder

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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

Variance

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: _____

Last name: Schuetzle First name: Jason

Address: 1224 Greenfield Ave City/State/Zip: Fergus Falls MN 56537

Phone number: _____ Email address: jason.schuetzle@fergusfallsmn.gov

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)

4. Zoning Designation: R-1

5. Statement of Intent: State exactly what is intended to be done on or with the property which does not conform to City Code requirements.

Requesting a variance for the construction of a shed in one of the front yards of my corner lot.

My property includes a 15x30 in-ground swimming pool with a 4-foot concrete border and a small concrete sun deck in the backyard, limiting the available space for placing the shed.

Due to the shape of the lot, it being a corner lot, and the placement of the home, I have no side yard.

7. Additional Required Information: a. Legal Description and PIN: Provide the Parcel Identification Number(s) 71-002-99-1623-000

The complete legal description(s) of the property involved or write "see attached"
SECT-26 TWP-133 RANGE-043 JENSEN'S COUNTRY SIDE 3RD ADDN LOT 4 BLK 3

b. Practical Difficulty: The applicant should fully explain the "practical difficulty" that justifies the departure from the strict application of the Code.

1. Is the variance in harmony with the general purposes and intent of the ordinance?

Yes.

2. Is the variance consistent with the comprehensive plan.- Not Applicable, no city plan.

3. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance?

Yes. By placing the shed in the most suitable location on my lot, I am ensuring that my property remains functional and aesthetically pleasing.

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner?

The unique characteristics of my property, specifically being an irregularly-shaped corner lot with no side yards, justify the need for this variance.

5. The variance, if granted, will not alter the essential character of the locality?

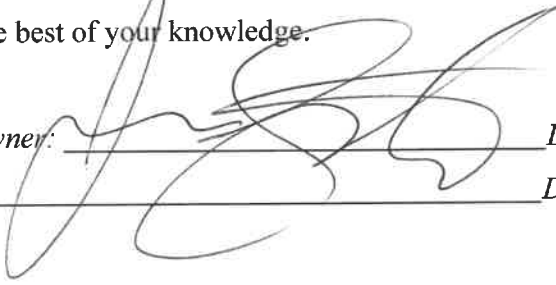
No.

6. Economic considerations alone do not constitute practical difficulties, are there other reasons for the need for the variance?

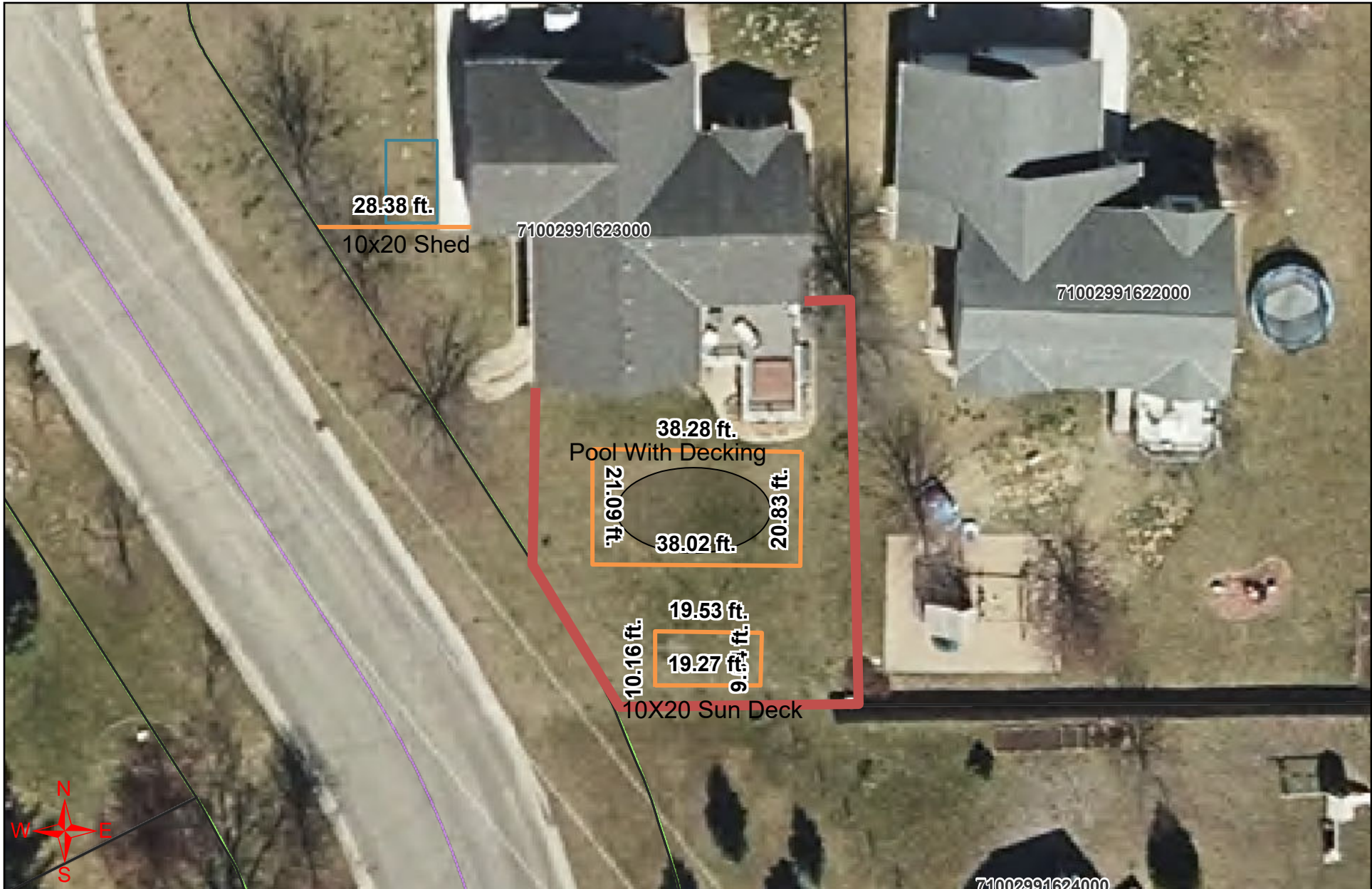
Nothing beyond the characteristics of the property.

c. Proposed Plans: A site plan is required, a landscape plan, grading and drainage plan and other plans may be required by the city/planning commission. Such plans shall be on 8½"x 11" or 11"x 17" paper or in PDF digital format. In cases of multiple variances, the applicant may be required to submit a property boundary and building survey.

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:  _____ *Date:* 10-11-2024

Applicant: _____ *Date:* _____



CITY ADMINISTRATOR'S OFFICE
Fergus Falls, Minnesota 56537

Receipt # 234112 Receipt Date June 11, 2024

* * * * CREDIT CARD * * * *

Received From JASON SCHUETZLE Amount \$350.00
Credit Card

Fund	Account	Description	Amount
101	34103 000	LAND VARIANCE	350.00

City of Fergus Falls
Received By Nicki Gaines



Planning Commission Memo

Page 1 of 1

Meeting Date: June 24, 2024

Subject: Cannabis Zoning Update Following Council Discussion

The June 17 Fergus Falls City Council meeting included another discussion on a proposed cannabis zoning ordinance. In the packet was the ordinance language that had received a first reading and restricts sales of newly legal cannabis to zones B-6 and above. Also included was an updated version based on council discussion from its June 12 Committee of the Whole meeting at which council indicated they would like to see a version of the ordinance allowing retail sales in the B-3 zone with either a conditional use permit or an interim use permit.

City Attorney Rolf Nycklemoe explained the difference between conditional use (permanent with conditions) and interim use (temporary) permits. City Administrator Andrew Bremseth noted that using interim use permits would require further code amendments as interim use permits are only allowed in industrial and, in limited cases, B-5 and B-6 zones.

The council remains divided on the issue. They ultimately voted on the original ordinance (B-6 zoning, no sales in B-3), which failed. Failing to reach a compromise on where cannabis businesses may be located, Council sent the ordinance back to the Cannabis Committee for further review.

Members of the public expressed frustration when at the podium for comment.

Respectfully Submitted:

Klara Beck
Community Development Director