

Conditional Use Permit

What is a conditional use permit?

The City of Fergus Falls has a zoning code. This is a set of rules that says where buildings can be built on a lot, how big they can be, etc. It also impacts how a property can be used depending on its zone.

A use is either *permitted* or *conditional*. A use may be permitted in one zone but conditional in another. A permitted use means a property owner does not need any more zoning permission. A conditional use means a property owner does need to get permission. In Fergus Falls this permission is called a “conditional use permit.”

Why do we have conditional uses?

Zoning protects the health, safety, and welfare of a community. A use is conditional because it may not be “in harmony” with the surrounding area. A conditional use permit also requires a public hearing. Neighbors within a certain distance are notified of the hearing. This way, neighbors who would be most affected may bring concerns to the City’s attention. In short, a conditional use permit allows for flexibility in the zoning code while ensuring neighbors and the public can voice concerns or issues.

Do I need a Conditional Use Permit?

The City of Fergus Falls code lists each zoning district. Each district has a list of *Permitted Uses* and *Uses by Conditional Use Permit*. Contact the City Planner before applying at 218-332-5427 or planning@fergusfallsmn.gov.

How long does it take?

The process typically takes two months. Keep this in mind especially at the end of the construction season.

1. Planning Commission meets once a month on the 4th Monday.
2. City Council meets twice a month on the 1st and 3rd Mondays.
3. Complete applications are due about 6 weeks before the Planning Commission meeting. The deadline is the 3rd Friday of the month (you apply in January for the February meeting).

[Click here](#) for a 2024 calendar which has the meeting dates and deadlines for the year.

How much does it cost?

The application fee is \$350. An application is considered “incomplete” until the fee is paid. The fee is not refundable if the request is denied. The fee is in addition to any other required permit fees.

What are common application mistakes?

The most common reasons an application is incomplete are the following:

- The application fee was not paid.
- The applicant does not own the property and did not get the property owner’s signature.
- The questions are left blank, or the answers are not detailed enough.
- No supporting information was provided, such as a site plan sketch.

See the next page for a flow chart about the steps in the process.

STEP 1: APPLICATION

Submit an application and pay the fee. All materials are public and uploaded to the City's website.

STEP 2: COMPLETENESS CHECK

City staff will respond within 10 days. The letter will say if:

- The application is incomplete. The letter will say what is still needed.
- The application is complete. The letter will have the days and times of the meetings.

STEP 3: STAFF REVIEW

City staff review an application to see if it meets the requirements for a conditional use permit. Any staff comments are sent to the applicant. An applicant may need to provide more information or make changes before the public hearing.

STEP 4: PUBLIC NOTICE & NEIGHBOR LETTERS

At least ten days before the Planning Commission meeting the City must:

- Publish a notice in the *Daily Journal*. This notice includes basic information about the request.
- Send a copy of the *Daily Journal* notice to property owners within 350 feet of the request.

STEP 5: STAFF REPORT

The staff report is a summary of the request and recommends whether it should be approved or denied. Staff may recommend approval but only if certain conditions are met. The Planning Commission does not have to accept staff's recommendation or conditions.

The applicant receives a copy of the staff report. It is published around five days before the Planning Commission meeting.

STEP 6: PUBLIC HEARING (PLANNING COMMISSION)

At the Planning Commission meeting staff present their report. The applicant may speak to the Planning Commission if they choose. The Planning Commission then opens the public hearing. Anyone may come and speak during the hearing. After the public hearing the Planning Commission votes on their recommendation. The recommendation is considered at the next City Council meeting.

STEP 7: FINAL DECISION (CITY COUNCIL)

The final decision is made by the City Council. This usually happens one week after the Planning Commission meeting. The City Council does not have to accept the Planning Commission's recommendation or conditions.



112 West Washington Avenue

Fergus Falls, MN 56537

Phone: 218-332-5434

e-mail: planning@fergusfallsmn.gov

www.fergusfallsmn.gov

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: _____

Last name: Ouellette First name: Roger

Address: 301 N. Union Ave City/State/Zip: Fergus Falls, MN 56537

Phone number: 318-572-5914 Email address: roger.ouellette@live.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)

4. Zoning Designation: R-4, Multiple Family Residence District

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

The property is planned to host the My Readers Edge Tutoring Services for the assistance of dyslexic and difficulty reading needs students within the Fergus Falls and Ottertail community.

Yes, the design, construction, operations and maintenance will be compatible and the same as it appears today.

(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, the building will be serviced by the essential public facilities within the city limits of Fergus Falls, MN

(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?

The building property will not involve the use, activities, process, etc. that will be hazardous or detrimental to any person, property or general welfare of the community.

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

_Yes, there is a parking lot on the west side of the building that can be used for the ingress and egress to the property to reduce or prohibit the congestion or interference with traffic around Union Ave, and Summit St.

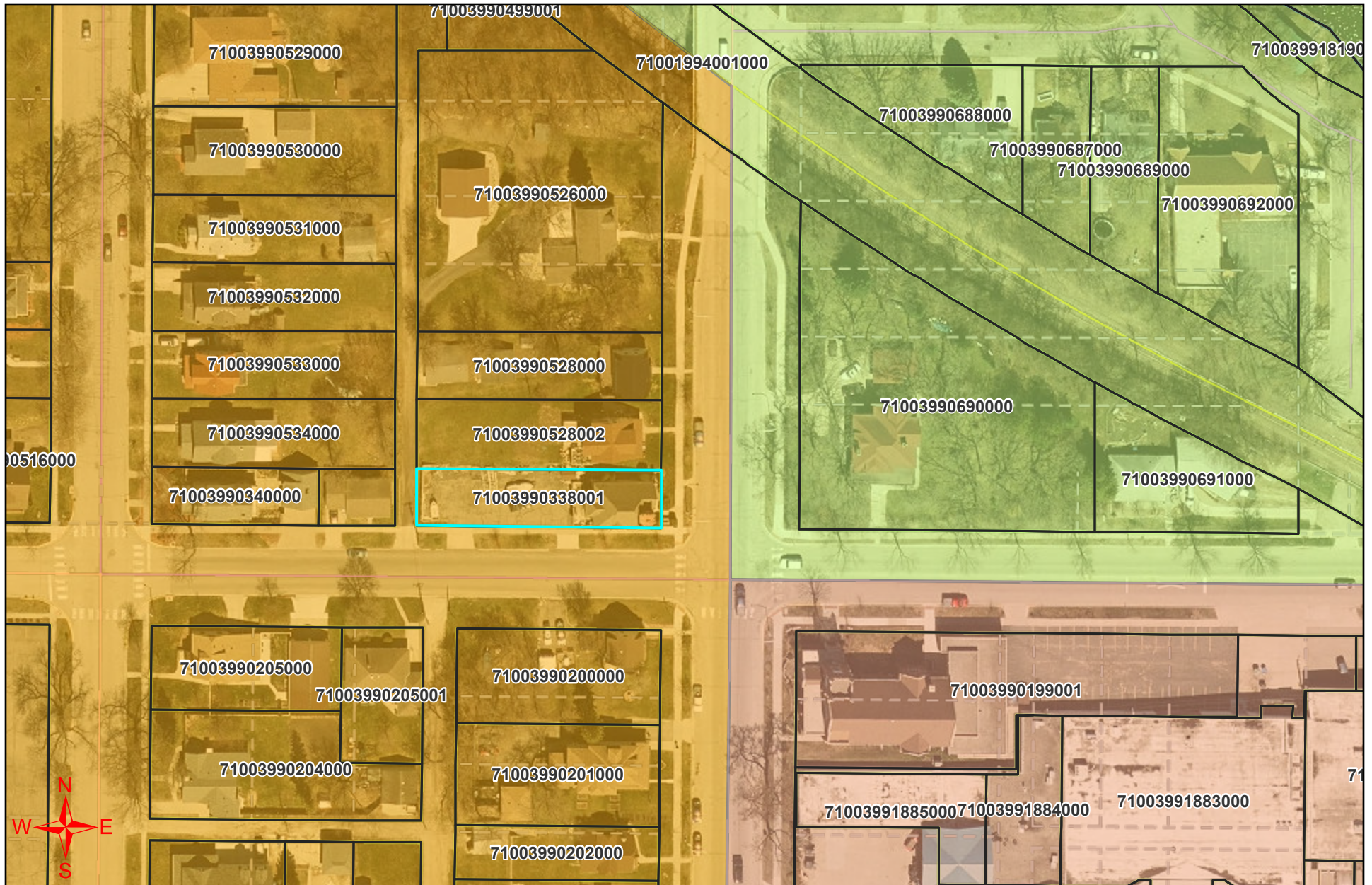
(7) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?

No exterior changes to the structure are planned for the My Readers Edge business that will operate out of the building.

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:* _____

Applicant: _____ *Date:* _____





Planning Commission Staff Report

To: City of Fergus Falls Planning Commission
Respectfully Submitted: Klara Beck, Community Development Manager
Date: September 9, 2024
Subject: CUP-2024-2

REQUESTED ACTION

Approve without conditions a Conditional Use Permit (CUP) for My Readers Edge Tutoring Services at 301 N Union Ave.

GENERAL INFORMATION

Applicant	Roger Ouellette	Planning Commission Hearing	September 23, 2024
Property Owner	Roger Ouellette	City Council Meeting	October 7, 2024
Address	301 N Union Ave	Application Date	August 28, 2024
Parcel Number(s)	71003990338001	60-Day Expiration Date	October 27, 2024
Zoning	R-4, MULTIPLE-FAMILY RESIDENCE DISTRICT		

BACKGROUND

Site Information & Current Conditions

The building was originally constructed as a church. In 1979, it was repurposed for conditional use as a chiropractic clinic. The building retains the architectural appearance of a church.

Adjacent Zoning

R-4, R-2, and B-3.

Adjacent Uses

Residential, religious, service business.

Proposed Project

The property is planned to host My Readers Edge Tutoring Services, offering support for students with dyslexia and reading difficulties within the Fergus Falls and Otter Tail County community. The only building modifications considered by the owner is replacement of a sign face. There is an existing sign outside the building that designates its current use as a chiropractic clinic. The sign footings will remain unchanged, with only the face of the sign being replaced to reflect the new use as a tutoring business.

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 September 11, 2024. **Comments?**

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.

Criteria Met. The proposed use as a tutoring business will not pose any risks to public health, safety, or welfare. The nature of the business is educational and does not involve any hazardous materials, processes, or significant risks to the neighborhood.

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.

Criteria Met. The property at 301 N Union Ave retains the appearance of a church, consistent with its original purpose, and no exterior or significant interior modifications are proposed. The property is eligible for conditional use as a professional office due to its history as a church before September 1, 1977. According to § 154.031 of Fergus Falls city code, buildings that previously served as schools, churches, government purposes, hospitals, clinics, or small retail stores may be remodeled and conditionally used for professional and general offices, excluding uses such as retail sales, wholesale sales, or warehousing. The proposed tutoring service aligns with these requirements and will not detract from the essential character of 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.

Criteria met. The property is adequately served by existing public facilities and services. No additional infrastructure demands will be created by the proposed tutoring business.

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.

Criteria met. The tutoring business will not produce any hazardous materials, excessive noise, or other detrimental effects on the neighborhood. The operation is educational and primarily indoor, posing minimal impact on the surrounding area.

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

Criteria Met. Ingress and egress to the property are adequate. The volume of traffic expected from a tutoring business is minimal.

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

Criteria Met. The building will retain at least 60% of its original exterior structure, and no natural, scenic, or historic features of major importance will be affected by the proposed use.

RECOMMENDED ACTION

Recommend approval without conditions of the Conditional Use Permit (CUP) for My Readers Edge Tutoring Services at 301 N Union Ave.

ATTACHMENTS

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