

2-2020-1

Received 2/5/2020  
-DW  
-Extndd into April 22



112 West Washington Avenue  
Fergus Falls, MN 56537  
Phone: 218-332-5434  
e-mail: [building.zoning@ci.fergus-falls.mn.us](mailto:building.zoning@ci.fergus-falls.mn.us)  
[www.ci.fergus-falls.mn.us](http://www.ci.fergus-falls.mn.us)

## Re-Zoning Application

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: MILLER First name: ANDREW  
Address: \_\_\_\_\_ City/State/Zip: FERGUS FALLS, MN, 56537  
Phone number: 218-770-3401 Email address: AMILLER@OTPERTAIL.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)

TBD 1XXX DOUGLAS AVE

### 4. Comprehensive Plan Designation: N/A

### 5. Zoning Change Requested: Complete item 5a and/or 5b as appropriate for your application.

#### a. Zoning Map Change:

Existing Designation(s): R-A  
Proposed Designation(s): R-2

b. Zoning Text Amendment: Identify which section of the City Code is to be amended and briefly describe how the text is to be changed in light of the intended project.

6. Reason for Zoning Change: In approving a request for rezoning a property or amending the zoning text, one or both of the following circumstances must be evident; indicate which of the

following best characterizes the reason that the intended use is not allowed by the existing zoning designation.

A mistake was made when the existing zoning text or map was approved.

Circumstances have changed since the original zoning that now justifies a change.

**7. Additional Required Information:**

**a. Legal Description and PIN:** Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved. ATTACHED

**b. Written Narrative:** The narrative should describe in detail the nature of the intended use, why you believe the use is not permitted by the existing zoning, and how the use would be permitted under the proposed rezoning or zoning text amendment. Narratives should also state whether any additional land use applications (e.g., conditional use Permit or variance) would be necessary to accommodate the intended use in compliance with the requirements of the proposed zoning change.

**c. Consultant Fees:** Whenever third party consultants are utilized in the preparation of application materials (e.g., a traffic study) or the City's review of an application (e.g., traffic study analysis), the applicant shall be responsible for paying the entirety of those costs.

**d. Other Information:** In addition to the written narrative, including but not limited to, a full size site plan, topographic survey landscape plan, grading and drainage plan, exterior building elevation drawings, and other information may also be required if deemed necessary by the Community Development Department.

**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: 2/5/2020

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**Applications for Re-Zoning must be received by the close-of-business on the second and fourth Friday of each month; Applications received after this date will not be processed until the following deadline date.**

**Re: Re-Zoning Application**

Application to re-zone 1.5 acre parcel currently R-A to R-2 for the purposes of constructing a single family home in an already established residential area on Douglas Street. R-A zoning does not permit single family construction on less than 2.5 acre lots. No other special uses are being requested.

Current Parcel # is: 7100450000800 of which a new 1.5 acre lot has been parceled off.

Parcel is adjacent to another parcel that is already zoned R-2.

Request for expedited processing as construction is intended to begin early spring 2020.

Respectfully submitted,

Andrew and Stacie Miller

526 W Bancroft Ave

Fergus Falls, MN 56537

218-770-3401

**PROPOSED LEGAL DESCRIPTION  
PARCEL A**

That part of Sublot 13 of the State Subdivision of the South Half of Section 4, Township 132, Range 43, in the City of Fergus Falls, Otter Tail County, Minnesota, described as follows:

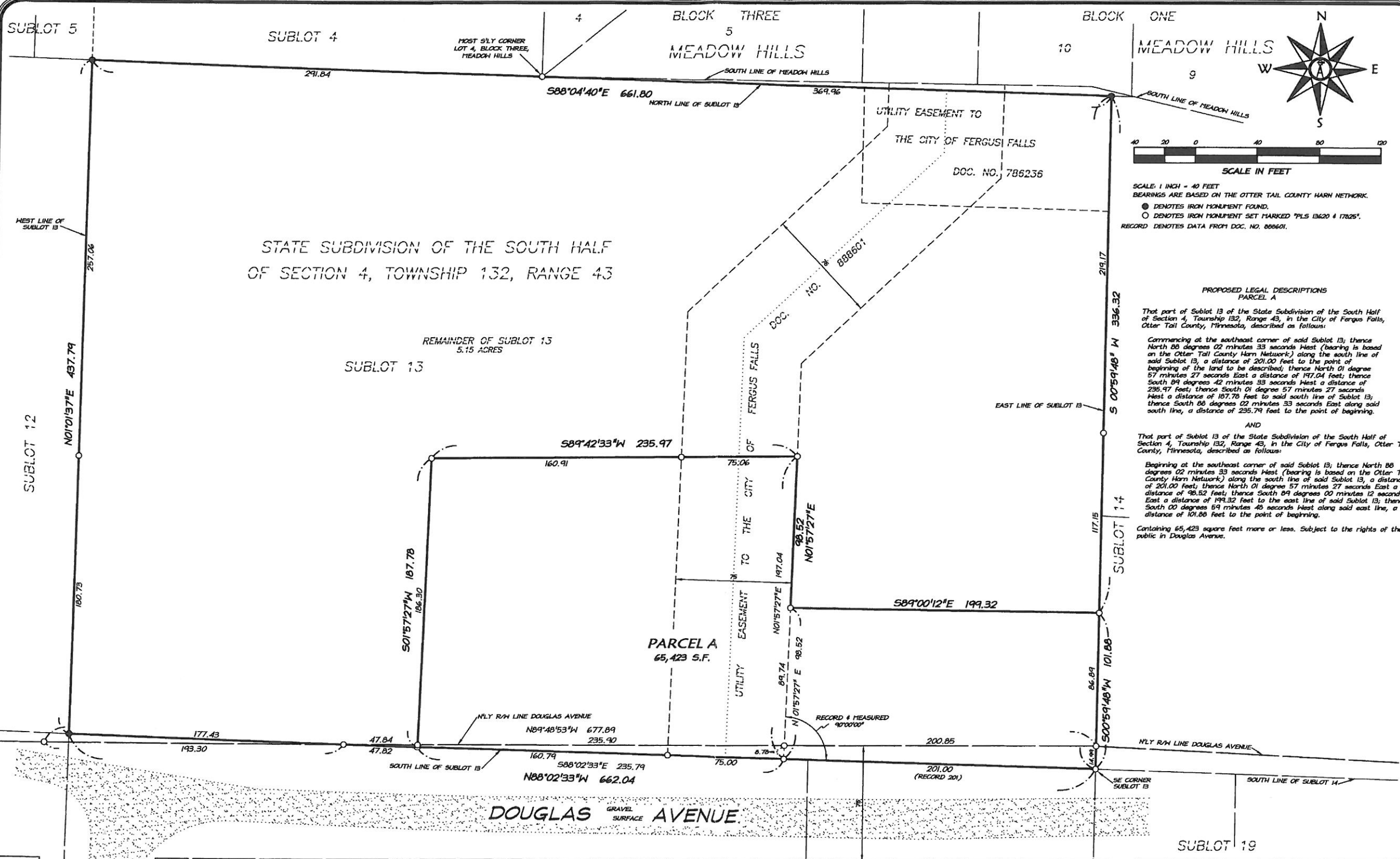
Commencing at the southeast corner of said Sublot 13; thence North 88 degrees 02 minutes 33 seconds West (bearing is based on the Otter Tail County Harn Network) along the south line of said Sublot 13, a distance of 201.00 feet to the point of beginning of the land to be described; thence North 01 degree 57 minutes 27 seconds East a distance of 197.04 feet; thence South 89 degrees 42 minutes 33 seconds West a distance of 235.97 feet; thence South 01 degree 57 minutes 27 seconds West a distance of 187.78 feet to said south line of Sublot 13; thence South 88 degrees 02 minutes 33 seconds East along said south line, a distance of 235.79 feet to the point of beginning.

AND

That part of Sublot 13 of the State Subdivision of the South Half of Section 4, Township 132, Range 43, in the City of Fergus Falls, Otter Tail County, Minnesota, described as follows:

Beginning at the southeast corner of said Sublot 13; thence North 88 degrees 02 minutes 33 seconds West (bearing is based on the Otter Tail County Harn Network) along the south line of said Sublot 13, a distance of 201.00 feet; thence North 01 degree 57 minutes 27 seconds East a distance of 98.52 feet; thence South 89 degrees 00 minutes 12 seconds East a distance of 199.32 feet to the east line of said Sublot 13; thence South 00 degrees 59 minutes 48 seconds West along said east line, a distance of 101.88 feet to the point of beginning.

Containing 65,423 square feet more or less. Subject to the rights of the public in Douglas Avenue.



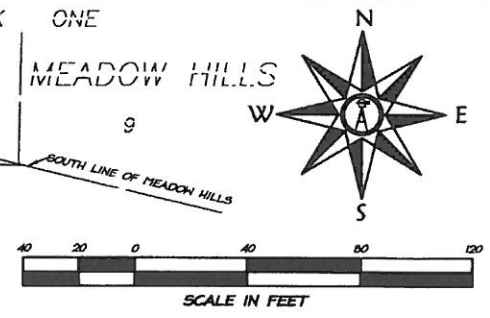
STATE SUBDIVISION OF THE SOUTH HALF OF SECTION 4, TOWNSHIP 132, RANGE 43

REMAINDER OF SUBLOT 13  
5.15 ACRES

SUBLOT 13

PARCEL A  
65,423 S.F.

DOUGLAS AVENUE  
GRAVEL SURFACE



SCALE: 1 INCH = 40 FEET  
BEARINGS ARE BASED ON THE OTTER TAIL COUNTY HARN NETWORK.  
● DENOTES IRON MONUMENT FOUND.  
○ DENOTES IRON MONUMENT SET MARKED "PLS 13620 & 17825".  
RECORD DENOTES DATA FROM DOC. NO. 888601.

PROPOSED LEGAL DESCRIPTIONS  
PARCEL A

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Containing 65,423 square feet more or less. Subject to the rights of the public in Douglas Avenue.

SURVEYOR'S CERTIFICATE

I hereby certify that this is a true and correct representation of a survey of the boundaries of the above described land, and that this survey was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Minnesota. Dated this 27th day of December, 2019.

*David A. Anderson*  
David A. Anderson  
Professional Land Surveyor  
Minnesota License No. 13620

CERTIFICATE OF SURVEY FOR:

**ROD SPIDAHL**

CONTRACT NO. 267-19 ADDENDUM	FOLDER 267-19	DRAWN BY GEH/LIB	FIELD BOOK ALS-191/77
DWG FILE 267-19 ADDENDUM	CRD FILE 267-19	CHECKED BY DAA	FIELD CREW JAK/GEH
SEC-TMP-RG	REVISION: 4-132-43		DRAWING NUMBER <b>8810A</b>

**ANDERSON LAND SURVEYING, INC.**  
PROFESSIONAL LAND SURVEYORS & LAND DEVELOPMENT CONSULTANTS  
313 SOUTH MILL STREET, FERGUS FALLS, MN 56537 (218) 739-5268  
(800) 300-9276

WILLIAMS AVENUE

SUBLOT 20

SUBLOT 19

SUBLOT 14

SUBLOT 21

SUBLOT 12

SUBLOT 4

SUBLOT 5

BLOCK THREE  
MEADOW HILLS

BLOCK ONE  
MEADOW HILLS

MOST S.W. CORNER  
LOT 4, BLOCK THREE,  
MEADOW HILLS

UTILITY EASEMENT TO  
THE CITY OF FERGUS FALLS  
DOC. NO. 786236

UTILITY EASEMENT TO THE CITY OF FERGUS FALLS

DOC. NO. 888601

RECORD & MEASURED  
90°00'00"

RECORD & MEASURED  
90°00'00"

SE CORNER  
SUBLOT 13

WEST LINE OF  
SUBLOT 13

SOUTH LINE OF MEADOW HILLS

NORTH LINE OF SUBLOT 13

EAST LINE OF SUBLOT 13

SOUTH LINE OF SUBLOT 14

SOUTH LINE OF SUBLOT 13

S.W. R/W LINE DOUGLAS AVENUE

N.E. R/W LINE DOUGLAS AVENUE

N.W. R/W LINE DOUGLAS AVENUE

S.W. R/W LINE DOUGLAS AVENUE

S.W. R/W LINE DOUGLAS AVENUE

S.W. R/W LINE DOUGLAS AVENUE

S.W. R/W LINE DOUGLAS AVENUE

S.W. R/W LINE DOUGLAS AVENUE

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S.W. R/W LINE DOUGLAS AVENUE

S.W. R/W LINE DOUGLAS AVENUE

S.W. R/W LINE DOUGLAS AVENUE

S.W. R/W LINE DOUGLAS AVENUE

S.W. R/W LINE DOUGLAS AVENUE



# Planning Commission Staff Report

**Planning Commission Public Hearing Date:** March 23, 2020

**City Council Meeting:** April 6, 2020

**Subject:** Case# R-2020-01: Andrew Miller (R-A to R-2)  
Zoning Map Amendment  
Applicant: Andrew Miller

Andrew Miller is requesting to rezone approximately 1.5 acres from R-A (Agricultural-Residence) district to R-2 (single and two Family Residence) district, to allow for the development of a house. The subject property is located at TBD Douglas Ave, further identified as PIN: 7100450000801.

	DATE
Application Received	February 5, 2020
Complete Application	February 5, 2020
Notices Published in Daily Journal	March 11, 2020
Notices Mailed to 350 feet area	March 12, 2020
PC Hearing to be held	March 23, 2020
60 Day Expiration	April 6, 2020

### **Standards of Evaluation**

City of Fergus Falls Zoning & Subdivision Ordinances:

- 154.032 R-2, One and Two Family Residence District
- 154.020 Zoning Amendments

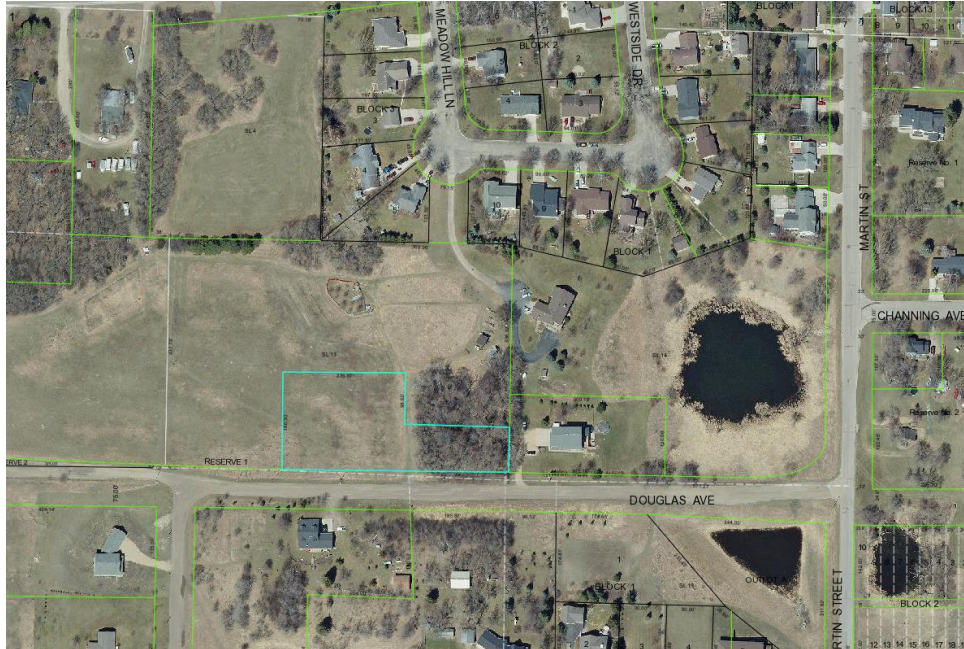
### **Overview of Zoning Map Amendments:**

Zoning Amendments are guided by Minn. Stat. § 462.357 as well as §154.020 of City Code. The zoning map may be amended whenever the public necessity and convenience and the general welfare require an amendment. The request for an amendment may come from a petition of the owner(s) of the property requesting to be rezoned, a recommendation of the Planning Commission, or action of the City Council.

At least one public hearing shall be held on any application for a zoning map amendment. Following the hearing, the Planning Commission shall make a recommendation to City Council whatever action it deems advisable. A rezoning of residentially zoned land to a commercial or industrial district requires a 2/3<sup>rd</sup>s vote by the City Council; any other rezoning requests require a simple majority for approval. Under Minnesota law rezoning requests cannot be approved with conditions.

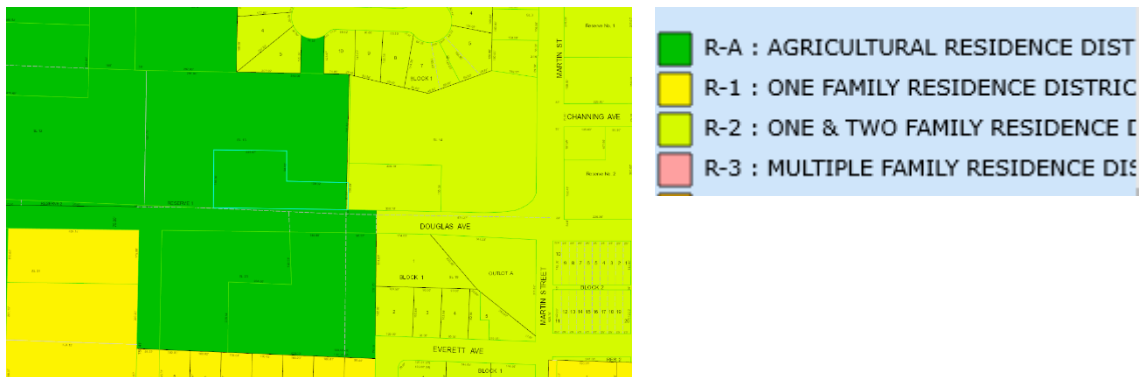
**Background:**

The applicant, Andrew Miller, recently purchased this property. As the property sits in the R-A zone, it cannot be built on due to not being 2.5 acres in size as the zone requires. In the R-2 zone a single family home can be built on a lot 6,000 sq.ft. in size or two family home on a 9,000 sq.ft. lot.

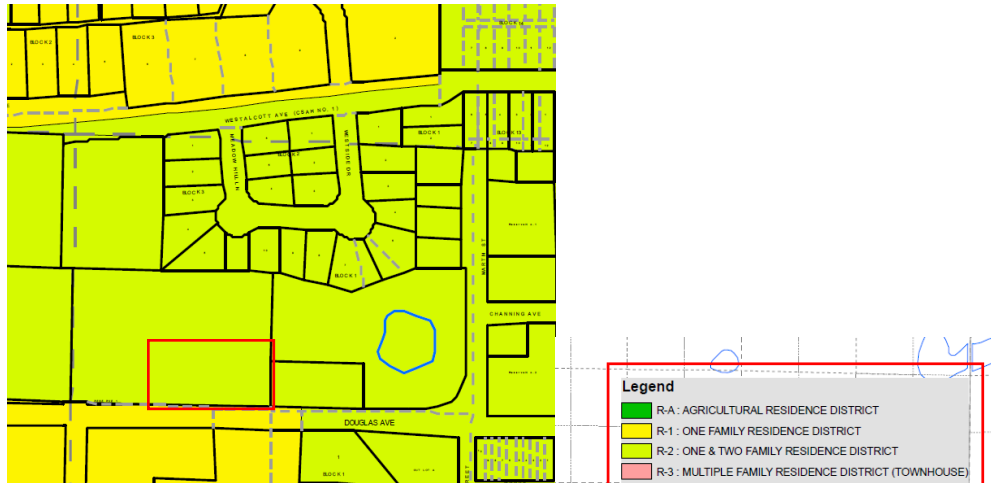


**Zoning Analysis:**

The subject property is directly adjacent to other R-2 zone property. The property to the east and the subdivision to the north of the original parcel. See the zoning map below:



Multi-family was contemplated for this area of the City. The subject property is designated as R-2 on the 2030 Future Zoning Map. See Below:



**Recommended Findings:**

1. The property is currently zoned R-A.
2. The property to the east of this parcel is zoned R-2.
3. The future zoning map identifies this area as R-2.
4. The parcel meets all of the size criteria of the zone.

**Staff Recommendation:**

Based on the above findings, staff recommends **approval** of R-2020-01, Andrew Miller for the rezoning of 7100450000801 from R-A to R-2.

**Alternative Courses of Action:**

**Motion to Approve:**

Should the Planning Commission choose to recommend approval, a motion should be made to approve the Zoning Map Amendment.

**Motion to Deny:**

Should the Planning Commission choose to recommend denial a motion should be made to recommend denial of the Zoning Map Amendment, stating the reason(s) for denial.

**Motion to Table:**

Should the Planning Commission need further information to make an informed decision on, a motion should be made to recommend tabling the item until no later than the next Commission date, state the reason(s) for tabling, including the information requested.

However, the Planning Commission should consider all facts and testimony after conducting the public hearing and render a decision accordingly.



**Originating Department:** Community Development Department

**Respectfully Submitted:** Darrin Welle

**Attachments:**

- Application
- Public Hearing Notice