

City of Litchfield

PLANNING COMMISSION

AGENDA PACKET

Monday, April 14, 2025

City of Litchfield – Planning Commission

AGENDA

Monday, April 14, 2025 – 5:30 P.M.

Held in the Council Chambers of City Hall
126 N Marshall Avenue

I. **CALL TO ORDER**

A. **ROLL CALL/DETERMINATION OF QUORUM**

B. **ANNOUNCEMENT OF ADDITIONAL ITEMS**

II. **APPROVAL OF MINUTES**

A. **MINUTES: (Packet)**

1. February 10, 2025

III. **SCHEDULED ITEMS**

A. **PUBLIC HEARINGS: (Packet)**

1. **VARIANCE REQUEST** – by Thomas & Deboarh Holtz at 711 Capwood Ave.

Variance to increase the height of six existing rear yard privacy fence panels to eight feet, where the maximum allowable fence height is six feet.

IV. **NEW BUSINESS**

V. **OLD BUSINESS**

A. **HPC/PC JOINT MEETING DISCUSSIONS UPDATE**

VI. **ADDITIONAL ITEMS**

A. HPC MEETING REPORT

VII. **SET HEARING DATES AND TIMES**

VIII. **REVIEW OF COUNCIL ACTIONS**

A. **VARIANCE REQUEST APPROVED** – *The City Council approved a variance request for a setback reduction from the west property line and an increase in building height for a structure addition and installation of additional silos on the west side of the First District campus at 101 S Swift Ave.*

IX. **ADJOURNMENT**

Minutes

February 10, 2025

I. CALL TO ORDER

A meeting of the Planning Commission was held on Monday, February 10, 2025, commencing at 5:30 p.m. in the Council Chambers of City Hall. Chairperson Asmus called the meeting to order.

A. ROLL CALL:

| | | |
|--------------|----------------|---------|
| Chairperson | Shannon Asmus | Present |
| Commissioner | Michael Flaata | Present |
| Commissioner | Larry Dahl | Present |
| Commissioner | John Carlson | Absent |
| Commissioner | Jeff Woods | Present |
| Commissioner | Tom Zens | Absent |
| Commissioner | Gary Barnes | Present |
| City Planner | Hannah Rybak | Present |
| Council Rep | Ron Dingmann | Present |

B. ANNOUNCEMENT OF ADDITIONAL ITEMS

II. APPROVAL OF MINUTES

It was moved by Commissioner Dahl, seconded by Commissioner Flaata, to approve the minutes of the December 9, 2024 meeting. All members present voted aye.

Motion Carried.

III. SCHEDULED ITEMS

A. PUBLIC HEARINGS:

- SITE PLAN REVIEW & VARIANCE REQUEST** – by First District Association at 101 S. Swift Avenue
Variance to accommodate a setback reduction from the west property line and an increase in building height, and site plan review for a structure addition and installation of additional silos on the west side of the First District campus.

City Planner, Hannah Rybak, provided an overview of the request. First District Association has been in an ongoing state of expansion since 2017. The next phase includes an expansion of “silo alley”. The proposed project includes a building addition and the addition of 15 new silos. The area contains 22 existing silos, with rectangular buildings located between the silos. The proposed building addition is essentially a “U” shape, expanding and connecting the existing rectangular building arms between the silos. The building addition contains 3,185 square feet. The Applicant has stated that this expansion is necessary to meet the production demands of the current facility. The position of the proposed building addition and new silos were set based on maximizing efficiencies with the existing building layout and production process flow. Additionally, several variances are necessary for this project. The height of the building addition is 43 feet, where 40 feet is the maximum allowable height. The proposed silos are 91 feet tall. Silos are exempt from the maximum building height requirement. An additional regulation that applies to

both the building and the silos is the additional setback based on structure height over 40 feet. One additional foot of setback is required for each foot in height over 40 feet.

No comments were received.

The Planning Commissioners raised several issues related to the FDA parking lot. Currently there is commercial vehicle/equipment being stored in the FDA parking lot. The hedges on the south side of the parking lot are only about 1-foot high, so they are not serving any screening purpose. The Commissioners expressed disappointment in the lack of coverage the rows of evergreens provide. They were assured when the parking lot was approved that the trees would grow large enough to provide an effective screen. Here we are 5 years later, and cars are still visible between the trees. The expressed that they would really appreciate seeing the full screening that was portrayed initially.

Planner Rybak stated that the parking lot is approved for employee parking only, so there should only be passenger vehicles parked there. Parking business vehicles and equipment there would be a violation of the CUP. She further stated that the hedges failing to provide the screening shown on the landscape plan is an issue that staff could request be corrected, so that the landscaping remains compliant with the CUP.

Commissioner Asmus opened the Public Hearing.

This being the time, date, and place set, with all mailed and published notices given as required by law, the hearing was opened at approximately 5:55 p.m., February 10, 2025, to consider the requested variances at the FDA campus.

Loureen Larson, 217 S Austin, stated that she is concerned about how much more water will be used with this expansion. She thinks that the project looks good otherwise. Commissioner Woods asked Loureen if they are affected by the parking lot. She stated no, FDA keeps the area up nicely.

Joe Carlen, FDA Director of Engineering, responded to the question related to additional water use. He stated that 85% of the cleaning water is actually water that is extracted from the milk. FDA only uses city water for domestic purposes (bathrooms, lunchroom, etc.) They are connected to city water as a backup. On the occasions it is needed, he contacts the City to coordinate use.

Commissioner Dahl asked if this project will have an electrical service impact? Joe Carlen responded that it would not.

Commissioner Flaata asked FDA about the equipment being stored in the parking lot. Joe Carlen responded that it was moved there due to a project occurring where the equipment is usually stored. He stated that he would look into moving it back to its regular location.

The Planning Commission members asked how many additional trucks would be coming and going from the facility following this project?

FDA responded 15-20 additional trucks.

Commissioner Barnes asked what percentage increase is this project adding? FDA responded approximately 50% additional raw storage. This does not directly coincide with an equal increase in production.

Commissioner Barnes asked what is the timeline for completion? FDA stated next winter.

Shane Dill, FDA Director of Sales, discussed the issues that the Planning Commission identified with the parking lot. He stated that there is a watering system on the trees, FDA is trying to get them to grow. He acknowledged that he would take the issues identified back to the FDA team to see what could be done. The Planning Commission asked Shane about a master plan. The Planning Commission strongly requests that FDA provide the City with a master plan to allow them to consider their variance decisions on the big picture, rather than just the request at hand. Shane stated that there should not be any huge projects like the expansions seen in recent years, but there will be additional projects.

The Planning Commission asked what the current truck traffic per day is. Shane Dill responded that there are about 180 trucks per day.

The public hearing was closed at approximately 6:14 p.m.

Commissioner Woods asked Mayor Dingmann if the expansions and operations at FDA are going the way the City Council expected? Mayor Dingmann responded yes.

Commissioner Asmus reiterated that the city needs to see a master plan. He disagrees that the silos are “fairly minor” for the residents in that area. It is the responsibility of the city to protect the residents in that area who are most affected by FDA’s continued expansion.

Commissioner Flaata made a motion to recommend that the City Council approve the site plan and two variances, subject to the following conditions:

1. Detailed construction plans for the project shall be submitted for review and approval prior to construction. Construction shall adhere to the site plan submitted with this application.
2. The plans indicate that no new impervious surface will be added. Existing drainage patterns and discharge locations shall be maintained.
3. A Stormwater Pollution Prevention Plan shall be submitted for the project.
4. All appropriate permits shall be obtained for the project and copies submitted to the City.
5. The plan shows a stormwater pipe extending beneath the proposed building. This will need to be approved through the plumbing permit process with DOLI. It should be noted that storm sewer pipes surcharge during large rain events.
6. Please verify if there is a stormwater pipe conflict between the new storm sewer proposed from MH 3 to the existing structure and the existing storm sewer line that extends east and west.
7. All utility requirements associated with new expansion shall be coordinated with the City well in advance of the expansion.
8. The four additional trees shall be planted as shown on the site plan by June 1, 2026, and shall meet minimum size requirements prescribed within the Zoning Ordinance at the

time of planting. The tree at the intersection of Swift & Darwin must be moved outside of the clear vision triangle.

This motion was seconded by Commissioner Dahl. All members present voted aye.

Motion carried.

IV. **NEW BUSINESS** None.

V. **OLD BUSINESS.**

A. **HPC/PC JOINT MEETING DISCUSSIONS UPDATE**

VI. **ADDITIONAL ITEMS**

A. **HPC MEETING REPORT**

Commissioner Barnes and Mayor Dingmann offered updates related to the work done by New History and the funding process.

VII. **SET HEARING DATES AND TIMES**

The next scheduled meeting is Monday, March 10, 2025, at 5:30 p.m.

VIII. **REVIEW OF COUNCIL ACTIONS.**

A. **CANNABIS ZONING AMENDMENTS APPROVED** – *The City Council adopted the version of the Ordinance in which cannabis retail businesses are permitted in the B-4 District.*

IX. **ADJOURNMENT**

Commissioner Asmus adjourned the meeting at approximately 6:38 p.m.

Hannah Rybak
City Planner

PUBLIC HEARING

CITY OF LITCHFIELD MEMORANDUM

To: Planning Commission Members
David Cziok, City Administrator

From: Hannah Rybak, City Planner

Date: April 7, 2025
Planning Commission Regular Meeting April 14, 2025

Request: **Request for approval of a variance to increase the height of six existing rear yard privacy fence panels to eight feet, where the maximum allowable fence height is six feet, at the property located at 711 Capwood Ave., PID: 27-2560000.**

GENERAL INFORMATION

Applicant/Owner: Thomas & Deborah Holtz

Location: 711 Capwood Ave.

Existing Land Use / Zoning: Single-Family Residential; zoned: R-1 Single-Family Residence District

Surrounding Land Use / Zoning:

- North: Single-Family Residential; zoned: R-1 Single-Family Residence District
- East: Single-Family Residential; zoned: R-1 Single-Family Residence District
- South: Single-Family Residential; zoned: R-1 Single-Family Residence District
- West: Single-Family Residential; zoned: R-1 Single-Family Residence District

Comprehensive Plan: The Litchfield Comprehensive Plan guides this property for low-density residential land use.

Deadline for Agency Action:

| | |
|--------------------------|------------|
| Application Date: | 03-05-2025 |
| 60 Days: | 05-04-2025 |
| Extension Letter Mailed: | N/A |
| 120 Days: | 07-30-2025 |

CONSIDERATIONS RELATING TO THE REQUEST

1. **Overview.** The Applicants have submitted a request for a variance that would allow an increase in fence height, from six feet tall to eight feet tall, for several sections of the existing rear-yard privacy fence at the subject property.

The Applicants' home was completed in 2024. Upon moving in, they discovered that there is a direct line of sight from the windows of their home to windows of the neighboring home directly behind them, at 714 Crescent Ln. The Applicants obtained a zoning permit and installed a privacy fence at the maximum height allowed in residential districts, which is six-feet in height. Unfortunately due to the window configuration and elevation of both homes, the fence does not obstruct the sight lines between the windows.

The Applicants have provided exhibits demonstrating that an increase of two feet to the central section of their fence would provide significant screening between the windows of the two homes, which they state is a benefit to both property owners. The Applicants' rear property line fence contains 14 panels. They are proposing to add two additional feet of height to six of those panels.

A variance of two feet, to allow an 8-foot tall fence, where six feet is the maximum allowable fence height, is being requested for the subject portion of the fence in question.

2. **Ordinance Authority.** *Litchfield City Code, Chapter 154, Section 9.5 D* provides Variance approval requirements. Variances shall only be permitted when the applicant can show that all of the following criteria have been met:
 1. That the variance is in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan.
 2. That there are practical difficulties in complying with the zoning ordinance. "Practical difficulties", as used in connection with granting of a variance, means that:
 - i. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - ii. The plight of the landowner is due to circumstances unique to the property not created by the landowners; and
 - iii. The variance, if granted, will not alter the essential character of the locality and will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel of land
 3. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of a parcel of land.
3. **Consistency of the Request with the Standards for Granting a Variance**

- a. *That the variance is in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan.*

The proposed variance to allow an increase in fence height is not in conflict with the Zoning Ordinance and Comprehensive Plan. The intent of the residential fence height restriction serves to ensure that residential properties are not surrounded by tall fences, which would make the properties appear commercial or industrial in nature. The proposed variance pertains only to a portion of the rear yard fence. Increasing the fence height in the subject area will not affect the residential appearance of the property.

Criterion met.

- b. *That there are practical difficulties in complying with the zoning ordinance.* “Practical difficulties”, as used in connection with granting of a variance, means that:

- i. *The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*

The desire for increased fence height to provide a visual barrier between the windows of the two homes is reasonable. **Criterion met.**

- ii. *The plight of the landowner is due to circumstances unique to the property not created by the landowners.*

The plight of both landowners stems from the configuration and elevations of both lots. This circumstance was not created by either landowner individually. The home on 711 Capwood Ave. was built in 2024, and the home at 714 E Crescent Ln. was built in 1994. There owners of 711 Capwood did not have space to offset the home to either side to avoid the issue of windows looking in to one another. **Criterion met.**

- iii. *The variance, if granted, will not alter the essential character of the locality and will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel of land.*

The proposed variance to allow an increase in fence height will be most impactful to the Applicants and the property owner at 714 E Crescent Ln. Both parties are in favor of the fence. The proposed fence will be a benefit to both homeowners in terms of privacy. The increased fence height will have no impact on other neighboring property owners. **Criterion met.**

- c. *The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of a parcel of land.*

The purpose of the variance request is to create a visual barrier between the windows of the subject property and the neighboring property directly behind it. **Criterion met.**

4. Engineering Considerations.

None.

5. Neighbor Support.



The Applicants shared their plans with all adjoining neighboring property owners. All property owners signed the application in support of the variance. The property owners are indicated on the above map with green “x” shapes.

FINDINGS OF FACT

Staff offers the following findings of fact for this proposal:

1. The Applicants are requesting approval of a variance to allow for a two-foot increase in fence height for six sections of their existing rear property line fence. This would result in an eight-foot tall fence where six feet is the maximum allowable fence height.
2. The subject property is located at 711 Capwood Avenue.
3. The subject property is located in the R-1 Single-Family Residence District.
4. The request is in harmony with the general purposes and intent of the Ordinance.
5. The request is consistent with the Comprehensive Plan.
6. The property owner proposes to use the property in a reasonable matter not permitted by the Zoning Ordinance.
7. The plight of the landowner is due to circumstances unique to the property and not created by the landowners.

8. The variance, if granted, will not alter the essential character of the locality.
9. The proposed increase in fence height would benefit the property owners of the adjacent property as well, by providing increased privacy between the homes.

RECOMMENDATION

Based on the submitted plans and findings of fact, staff recommends approval of the proposed variance at 711 Capwood Ave., as submitted.

POTENTIAL ACTION

1. Recommend Approval as Submitted: Motion to recommend approval of the requested variance, at the property located at 711 Capwood Ave., based on the findings of fact and the submitted plans in this report to the Planning Commission.
2. Recommend Approval with Conditions: Motion to recommend approval of the requested variance, at the property located at 711 Capwood Ave., based on the findings of fact, submitted plans, and the following conditions... (provide conditions).
3. Recommend Denial: Motion to recommend denial of the requested variance at the property located at 711 Capwood Ave., based on the following findings of fact..... (provide findings of fact to reflect denial).

ATTACHMENTS

Attachment A: Location Map

Attachment B: Application & Plans

711 Capwood Avenue

Location Map





City of Litchfield
 126 North Marshall Avenue
 Litchfield, MN 55355
 Tel (320) 693-7201 Fax (320) 693.9134
 www.ci.litchfield.mn.us

APPLICATION FOR CONSIDERATION OF REQUEST

STREET ADDRESS OF PROPERTY: 711 Capwood Avenue, Litchfield, MN 55355

PARCEL ID NUMBER(S): 27-2560000

LEGAL DESCRIPTION OF PROPERTY: LOT-011 BLK-001 CAPWOOD ADDN

OWNER NAME: Thomas E & Deborah Kay Holtz

ADDRESS: 711 Capwood Avenue, Litchfield, MN 55355

PHONE: 320-693-6766 **EMAIL:** dkholtz@hotmail.com

APPLICANT: (If different than property owner, attach Owner's information and signature to application)
NAME: N/A

ADDRESS: _____

PHONE: _____ **EMAIL:** _____

- Type of Request**
- Rezoning
 - Conditional Use Permit
 - Site Plan
 - Final Plat
 - Amendment to Ordinance
 - Variance
 - Vacation
 - Interim Use Permit
 - Lot Line Adjustment
 - Tax Parcel Split
 - Preliminary Plat
 - Planned Unit Development

Description of Request: (Attach separate page if necessary) We wish to extend the height of our current six foot privacy fence along the back side of our property. Currently, we can see directly into the house at 714 East Crescent Lane (kitchen, dining room, living room and master bedroom) and they can see directly into ours (bedroom, dining room, kitchen and master bedroom). In addition, we have a back patio for which we would like greater privacy. See more information in the attachments.

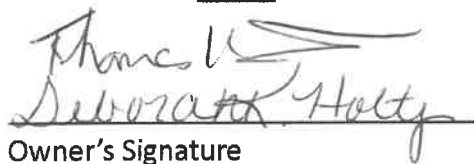
IF POSSIBLE, OBTAIN THE SIGNATURES OF ALL ADJACENT PROPERTY OWNERS:

SUPPORT:

| SIGNATURE | ADDRESS | GIVEN | NOT GIVEN | UNDECIDED |
|---------------------|--------------------------------------|-------|-----------|-----------|
| <i>[Signature]</i> | <u>714 E. Crescent Lane</u> | ✓ | | |
| <i>Karin Brink</i> | <u>721 E. Capwood Litchfield, MN</u> | ✓ | | |
| <i>Jim Luast</i> | <u>208 E Crescent Ln</u> | ✓ | | |
| <i>Pam Wheeler</i> | <u>701 Capwood Ave.</u> | ✓ | | |
| <i>Ken Mustapon</i> | <u>733 N Crescent</u> | ✓ | | |

Information Provided:

- N/A Preliminary Plat
- N/A Grading/Drainage Plan
- N/A Utilities Plan
- X Site Plan
- N/A Landscape Plan
- X Building Elevation
- N/A Sign Plan
- N/A Registered Land Survey
- X Narrative of Project


Owner's Signature

3-5-2025
Date


Applicant's Signature

3-5-2025
Date

Fee \$ _____

Rec # _____

Date _____

**Supporting Attachments
Application for Variance
711 Capwood Avenue
Litchfield, MN 55355
March 3, 2025**

We built our home on 711 Capwood Avenue during the summer of 2024. At that time, we installed a 6' privacy fence along the back of our lot, between us and 714 East Crescent Lane. We have discovered that our 6' fence does not provide adequate privacy between the properties.

The problem was first indicated during the construction project when the resident of 714 East Crescent Lane commented to us that he had seen people in our house after the construction crew had left for the evening and on another day that he had seen people walking around the back side of our new home and entering the house through the sliding deck doors.

After moving into our new home, it became obvious that there is a definite line of sight between the homes.

Elevation of the Properties

Our new home was built on a basement with zero entry access. Our lot has a very gradual slope to the street. The lot is very flat.



The house sitting on 714 East Crescent Lane was built much higher on the lot with fill added around the house. It sits much higher than the properties to the south, north and us to the east. The following photo shows the high elevation of that home.



Sight Lines Between the Properties

The following photograph was taken of 711 Capwood Avenue from the sliding glass doors in the dining room of 714 East Crescent Lane. Our window configuration is, from left to right, two windows in the master bedroom, one window in the kitchen, sliding patio doors in the dining room and a double window in a second bedroom.



The following photograph was taken of 714 East Crescent Lane from the patio doors at 711 Capwood Avenue. Their window configuration is, from left to right, a window in the kitchen, sliding doors in the dining room, two windows in the living room and a window in the master bedroom (partially obstructed in this photograph by a tree trunk).



As you can see, because of the difference in elevation the fence does not do a sufficient job of creating privacy, and there is a direct line of sight between major living spaces in the two homes. In addition, we have a back patio that is currently visible from 714 East Crescent Lane.

The back yards of these homes are not large. There is only 93 feet between our house and the house at 714 East Crescent Lane. The homes are close enough together that we can see people in each other's homes.

Proposed Remedy

We contacted the company that installed our fence for their recommendations.

They suggested and we propose removing five 6' panels and six 6' posts of the fence and replacing those sections with 8' sections and posts. This would provide approximately the following privacy.

The following modified photograph shows the approximate view of 711 Capwood Avenue from 714 East Crescent Lane with 8' sections rather than 6' sections.



The following modified photograph shows the approximate view of 714 East Crescent Lane from 711 Capwood Avenue with 8' sections rather than 6' sections.



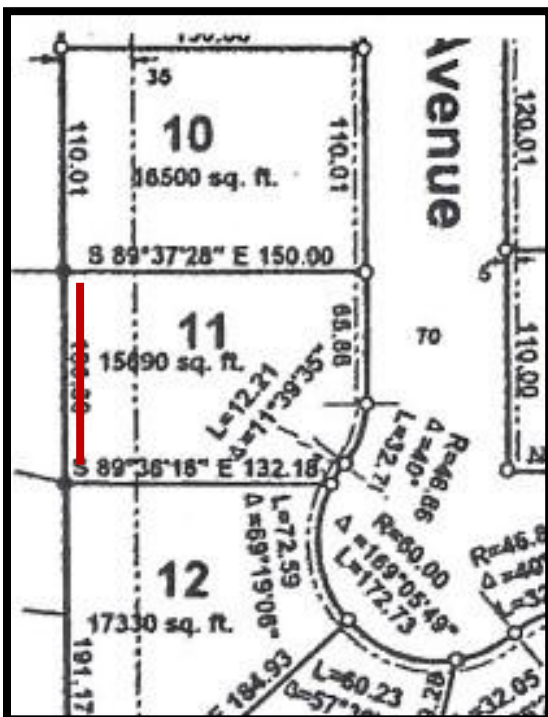
This is a photograph of our existing fence:



We indicate here the panels that would be increased from 6' to 8':



The following is our lot with the position of the current fence:



The following is a rough diagram of the fourteen panels in our current fence:



The red panels and posts are those we propose increasing in height:



Support of Neighboring Property Owners

This variance would most significantly impact our neighbor to the west at 714 East Crescent Lane. It would be a positive impact, providing improved privacy to that home as well. The owner of that property has given support by signing our application as have the owners of the property bordering 714 East Crescent Lane on the south and north sides and the owners of the property bordering 711 Capwood Avenue on the south and north sides.