

MEMO

Date: February 1, 2017
To: Alexandria Town Board
From: Ben Oleson, Hometown Planning
Zoning Administrator, Alexandria Township
Re: Zoning Administrator's Report

Dear Town Board Members:

The Planning Commission held its regular meeting on January 23, 2017. There were three public hearings held and the Planning Commission is passing on their recommendations to the Town Board in relation to these applications.

Attachments, drawings and photos related to the applications are available at: www.hometownplanning.com. Public comments (if any) are also at the same location.

PUBLIC HEARING #1

Application: Conditional Use Request to allow a used dwelling and garage in a Rural Residential zoning district.

Applicant: Alfred Kramer

Background Information:

- Proposal:** The applicants is proposing to move in a used dwelling and detached garage and place them permanently on the lot. He has indicated that he will be replacing the siding, roofing, windows and doors by the end of June 2017 after likely placing the structures on the lot sometime in January.

A conditional use permit is required in most situations where a used structure is being moved onto a lot.

- Location:**
 1. Property address: 3723 AIRWAY LN NE
 2. Sec/Twp/Range: 2-128-37
 3. Parcel number(s): 03-0013-280
- Zoning:** RR - Rural Residential

Planning Commission Recommendation: Based on the findings of fact and discussion listed elsewhere in this report, the Planning Commission, on a 3-0 vote, recommends approval of the requested conditional use permit with the conditions as listed below.

1. That the siding, shingles, windows and doors on the home be replaced with new materials of a uniform nature and which reasonably fits in with that of the surrounding area, or as otherwise approved by the Zoning Administrator. This work shall be completed by August 1, 2017 unless an extension is granted by the Town Board.
2. That a list of contractors established to perform the work in #1 above be submitted to the Township Board prior to the February 6, 2017 meeting.
 - a. NOTE: The applicant has submitted the attached listing of contractors.

Town Board Direction: The Town Board can accept the recommendation of the Planning Commission, render a modified decision on the application, or send the request back to the Planning Commission for further review if additional information is needed.

Recommended Findings of Fact: The following findings of fact are presented by the Planning Commission for consideration by the Town Board:

1. **The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area:**

Yes. No additional burden on parks or schools would be expected because it will involve a single-family home that would not overly burden local schools and there will not be a need for any expansion or improvement to utilities or streets beyond what would normally be expected without the proposed sign.
2. **The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land:**

Yes. The property abuts residentially-zoned property on all sides. The existing condition of the buildings is poor enough that it would likely depreciate from the value of neighboring properties. However, with proper replacement of the siding, shingles, windows and doors as the applicant has stated is their intent, and as the Township has required in the conditions of approval, the home would fit in reasonably well with the development in the area.
3. **The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties:**

Yes. Note discussion in #2 above.
4. **The use in the opinion of the Town Board is reasonably related to the overall needs of the Township and to the existing land use:**

Yes. The Township has a general desire to support the use of property for residential uses when appropriately located and zoned. This property is zoned residentially and the placement of a home on the property would be what was expected by the Township and what is allowed by its ordinances provided that it can be repaired to reasonable condition.

5. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to located the proposed use:

Yes. The area of the proposed development has been zoned as “Rural Residential” The purpose of this district is:

“The Rural Residential district is intended to provide opportunities for moderate density (one dwelling per 2.5 acres) residential development of a semi-rural, suburban character. Areas chosen for this district are generally located far from any public sewer or water but are located within about one-quarter (1/4) mile of roads capable of handling significant additional traffic. It is intended that non-intensive agricultural and recreational open space will be the primary uses initially, but that these areas will slowly convert to moderate density residential development over a period of twenty (20) years or more. Urban density development and associated infrastructure are not expected to be feasible or desirable in this district for at least fifteen (15) years.

The lot on which the home and garage are proposed was platted in 2005 prior to Township zoning administration and is zoned for residential use.

6. The use is in conformance with the Comprehensive Plan of the Township:

Yes. The comprehensive plan identifies the area of the proposed development in the Future Land Use Map as “Transition Residential” The purpose of this district is:

“The purpose of this land use category is to provide opportunities for residential development in areas not currently identified for provision of urban infrastructure, such as sewer, water, or storm drains, but that could efficiently accommodate urban housing densities within the next twenty-five (25) years as the population of the area increases. These areas may be developed at rural or semi-rural densities, but are intended to be designed in a manner than allows for a transition to urban densities of housing in an orderly and efficient manner as sewer, water, or other public infrastructure or services become available. This may be accomplished through ghost platting, conservation subdivision designs that cluster homes on urban-sized lots, provision of urban sewer or road infrastructure at the time of development, or by other appropriate means.

Where sensitive or unique natural or cultural resources are present, a conservation subdivision design that protects these resources may be required. Long-term commercial/industrial uses that are incompatible with residential uses should not be allowed in this district.”

The lot on which the home and garage are proposed was platted in 2005 prior to the current Township Comprehensive Plan or zoning administration and is zoned for residential use.

7. **The use will not create a traffic hazard or congestion:**

Yes. The use of the property for single-family residential use would not add enough traffic to create a traffic hazard or congestion.

8. **The use will conform to the applicable zoning regulations, including any dimensional restrictions the regulations may impose on buildings or uses:**

Yes. The applicant will need to meet all applicable setbacks, height restrictions and other requirements of the ordinance.

PUBLIC HEARING #2

Application: Preliminary Plat of TQM Addition (2-lot commercial subdivision) in a Commercial-Urban zoning district.

Applicant: Ben Zacher

Background Information:

- Proposal:** The applicants are proposing to subdivide an approximate 10.67 acre parcel into one 5.5 acre parcel that would include an existing building and a 4.01 acre outlot that would be unbuildable. Another 1.16 acres of the parcel would be dedicated as public road right of way for the west half of Liberty Road.

Access to proposed Lot 1 would be from as it exists now – both from Liberty Road and from County Road 82. Access to the outlot would be from Liberty Road, although no buildings have been requested to be allowed on the outlot and the need for access should be minimal.

The property is located within the sewer district (ALASD) boundaries and as such connection to the existing sewer line running in the north ditch of County Road 82 is typically required by ordinance. However, in the case of an unbuildable outlot, Staff’s conversation with Douglas County Land & Resource indicates that the County typically does not require connection to ALASD sewer (although it could be required if deemed appropriate). The decision whether to require an ALASD connection or not is handled through the platting process and does not require a variance application.

The applicant stated at the site visit that both Lot 1 and Outlot A are intended to be purchased by the same person, but needed to be separated first for financing purposes.

- Location:**
 1. Property address: 4801 CO RD 82 SE
 2. Sec/Twp/Range: 22-128-37
 3. Parcel number(s): 03-1757-800

- Zoning:** C-U - Commercial - Urban

Planning Commission Recommendation: Based on the findings of fact and discussion listed elsewhere in this report, the Planning Commission, on a 4-0 vote, recommends approval of the requested preliminary plat with the conditions as listed below.

1. No buildings or sewage-generating uses are allowed on Outlot A without the express approval of the Town Board.

Town Board Direction: The Town Board can accept the recommendation of the Planning Commission, render a modified decision on the application, or send the request back to the Planning Commission for further review if additional information is needed.

Recommended Findings of Fact: The following findings of fact are presented by the Planning Commission for consideration by the Town Board:

1. **Coordination with existing nearby development:** The proposed development would be well coordinated with surrounding development as it would not represent a change from the the existing development of the lot and as it has largely existed for several decades. The primary issues regarding coordination with nearby development relates to whether the property is connected to the existing ALASD sewer lines running under Liberty Road.

Staff has spoken with Douglas County Land & Resource to determine how they have treated requests for Outlots and whether connection to ALASD has been required. While they said there is at least one case where connection was required, the majority of the time they do not require connection - either because the lot is unbuildable or because the Outlot is large enough that future subdivision is anticipated and the County prefers to wait until a plan for development has been provided.

In this case, by Township ordinance, outlots are considered unbuildable unless specifically approved otherwise by the Town Board. The applicant has not requested that Outlot A be buildable and as such does not want to be required to provide a sewer stub to the outlot.

2. **Consistent with Comprehensive plan.** The development of this parcel into residential lots is consistent with the Comprehensive Plan, which anticipates commercial use. If anything, the Comprehensive Plan would anticipate higher densities than what is proposed, although this is not likely to occur as long as the existing building remains on the property.
3. **Land/soil suitability.** No additional development is planned beyond what already exists.
4. **Agriculturally Important Lands.** The land is not suitable for agricultural use given that it is already largely developed and is not conducive to use for farming purposes.
5. **Conformance to Applicable Rules and Regulations.** The proposed lots will meet all minimum size and width requirements. The primary issues relating to applicable rules and regulations are the connection to ALASD sewer as discussed previously in this report.

6. **Self-Imposed Restrictions.** The applicant has not submitted any self-imposed restrictions or covenants, except that they are not requesting that Outlot A be buildable.
7. **Adequate Public Facilities.** Proposed Lot 1 and the building on it is already connected to ALASD sewer and has road frontage on both County Road 82 and Liberty Road. Electrical and other utilities are in the area.
8. **Debris and Waste.** The applicant has not stated any intent to use any area within the development to bury debris or waste. Known waste buried many decades ago has been removed, according to the applicant.
9. **Access.** All of the proposed lots have more than the required minimum amount of access to the existing public right-of-way. Driveway access is regulated by Douglas County Public Works off of County Road 82 (Lot 1). Access from Liberty Road is regulated by the Township. No new accesses are proposed beyond what already exists.
10. **Lot Arrangement.** All lots are arranged in accordance with ordinance requirements, provided the Township is satisfied with the Outlot layout.
11. **Sewage Disposal.** The building on the property is connected to ALASD sewer. No sewage would be generated on Outlot A.
12. **Water.** Each of the proposed lots are already served, or would be served, by private wells.
13. **Grading, Drainage and Stormwater Facilities.** There are not any drainage or stormwater facilities planned for the development at this time and no new development is anticipated on the lots.
14. **Highways, Streets, and Alleys.** There are not any proposed streets for the development. Both lots are already served from either County Road 82 or Liberty Road.
15. **Trails and Sidewalks.** The applicant is not proposing to construct any public trails or sidewalks through this development.
16. **Utilities.** There are existing electrical utilities available to the site.
17. **Natural, Unique or Sensitive Features.** The property contains a significant wetland areas. The configuration of the lots puts all of the wetlands on Outlot A.

PUBLIC HEARING #3

Application: Preliminary Plat of Anderson Storage (2-lot commercial subdivision) in a Commercial-Rural zoning district.

Applicant: Marcus Anderson

Background Information:

- **Proposal:** The applicants are proposing to subdivide approximately 24.86 acres of an approx. 55 acre parcel into two lots – one that is about 5 acres in size and the other that is about 19.86 acres. The property is currently zoned Commercial – Urban and each lot would be intended for commercial use consistent with what is allowed in that zoning district.

Access to proposed Lot 1 would be from an existing approach off of County Road 81. Access to proposed Lot 2 would be from an existing approach off of County Road 82. Both accesses are regulated by Douglas County Public Works and their requirements will depend on how the properties are used in the future.

The property is located within the sewer district (ALASD) boundaries and as such connection to the existing sewer line running in the north ditch of County Road 82 is required by ordinance. The applicants have applied for a variance from this requirement and that hearing is to be held on January 18th.

The applicants have a pending buyer for Lot 2 and the anticipated use of that lot would be for mini-storage rental units. Lot 1 does not have an anticipated use or buyer as far as Staff is aware.

- **Location:**
 1. Property address: CO RD 82 SE
 2. Sec/Twp/Range: 22-128-37
 3. Parcel number(s): 03-1760-000

- **Zoning:** C-U - Commercial - Urban

Planning Commission Recommendation: Based on the findings of fact and discussion listed elsewhere in this report, the Planning Commission, on a 4-0 vote, recommends approval of the requested preliminary plat as presented (with no conditions of approval).

Town Board Direction: The Town Board can accept the recommendation of the Planning Commission, render a modified decision on the application, or send the request back to the Planning Commission for further review if additional information is needed.

Recommended Findings of Fact: The following findings of fact are presented by the Planning Commission for consideration by the Town Board:

1. **Coordination with existing nearby development:** The proposed development would be well coordinated with surrounding development as it would not represent a significant change from the density of development that has existed in that area for several decades (proposed lot sizes of 5 and 19.86 acres). The primary issues regarding coordination with nearby development relates to the driveway spacing off of County Road 82 and whether the property is connected to the existing ALASD sewer lines on the north side of County Road 82.

Staff has spoken with the Douglas County Public Works Director regarding driveway access and they have indicated that, given the anticipated use of the lot for mini-storage and the relatively low traffic generated by a mini-storage facility, that they are satisfied with the use of the existing farm field approach into the property.

Staff has spoken with the ALASD Director regarding sewer access. Based on the estimate provided for what it would cost to connect the lots to sewer, he has indicated that they would not require connection even if the use of one or both of the lots generated sewage. As such, and if the Township Board of Adjustment grants the requested variance and does not require connection to ALASD, any use of the property that generates sewage would require a private sewage treatment system. The applicant has submitted a letter from a sewer designer indicating that he is confident that both lots have adequate space for two sewage treatment drainfields.

2. **Consistent with Comprehensive plan.** The development of this parcel into residential lots is consistent with the Comprehensive Plan, which anticipates commercial use and higher densities of lots in the area. If anything, the Comprehensive Plan would anticipate much higher densities than what is proposed, although this is complicated somewhat by the number of wetlands throughout the site, the expense of running sewer to each lot and the limited driveway access that is allowed off of a county road.
3. **Land/soil suitability.** The soils appear suitable for development and uses that are allowed by ordinance.
4. **Agriculturally Important Lands.** The land is a mix of wetlands, open field and areas historically tilled for agricultural crops. The soils on the property are generally not prime farmland for Lot 1 and either prime farmland or farmland of statewide importance for Lot 2, with the exception of the wetland areas. The property is located in an area with a mix of residential uses, commercial uses and open farmland and is zoned for commercial use.
5. **Conformance to Applicable Rules and Regulations.** The proposed lots will meet all minimum size and width requirements. The primary issues relating to applicable rules and regulations are the connection to ALASD sewer (being addressed in a separate variance application) and Douglas County driveway spacing issues (addressed by Douglas County Public Works).
6. **Self-Imposed Restrictions.** The applicant has not submitted any self-imposed restrictions or covenants, except to note that their intended use of the properties – either through direct use or sale to others – would not require connection to ALASD sewer.
7. **Adequate Public Facilities.** The properties would be served with private sewer and water if the separate variance application is approved to not have to connect to ALASD sewer. Otherwise connection to ALASD would be required with a plat. Electrical and other utilities are in the area.
8. **Debris and Waste.** The applicant has not stated any intent to use any area within the development to bury debris or waste.
9. **Access.** All of the proposed lots have more than the required minimum amount of access to the existing public right-of-way. Driveway access is regulated by Douglas County Public Works off of County Road 81 (Lot 1) and County Road 82 (Lot 2).
10. **Lot Arrangement.** All lots are arranged in accordance with ordinance requirements.

11. **Sewage Disposal.** See previous discussion. There is not currently any sewage disposal on the property as there is no sewage generated. Sewage disposal would either be by connection to ALASD sewer or the provision of a private sewage treatment system. Both lots have been found to be suitable for two septic drainfields by a licensed sewer designer.
12. **Water.** Each of the proposed lots are already served, or would be served, by private wells.
13. **Grading, Drainage and Stormwater Facilities.** There are not any drainage or stormwater facilities planned for the development at this time. Any future development of the lots that disturbed more than one acre of soil would be required to provide a stormwater pollution prevention plan. Development that created more than one acre of impervious surface would be required to install a stormwater pond or other suitable stormwater infrastructure.
14. **Highways, Streets, and Alleys.** There are not any proposed streets for the development. Both lots are served by existing county roads.
15. **Trails and Sidewalks.** The applicant is not proposing to construct any public trails or sidewalks through this development.
16. **Utilities.** There are existing electrical utilities available to the site.
17. **Natural, Unique or Sensitive Features.** The property contains a number of wetland areas. The configuration of the lots would put most of this wetland area along the edges of the property away from likely development areas.

If you have questions or concerns on the items in this report or any other issues, please do not hesitate to contact us. You can reach me by email at oleson@hometownplanning.com or by phone at 320-759-1560.

Sincerely,

HOMETOWN PLANNING



Ben Oleson
Planning and Zoning Administrator