

MEMO

Date: May 1, 2014

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 April 28, 2014. There were two public hearings for which the Planning Commission is passing on its recommendation to the Town Board.

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 Permit application to allow for temporary use of a dwelling while a new dwelling is constructed.

Applicant: Jamie Feldhake

Background Information:

- Proposal:** The applicants are proposing to live in the existing house on this property while a new house is constructed. Once completed, the existing (old) house would be removed from the property.

The property is located along County Road 82, a little more than ¼ mile east of East Lake Jessie Road. The property is served by ALASD sewer.

- Location:**
 - o Property Address: 5314 County Road 82 SE
 - o Sec/Twp/Range: 28-128-37
 - o Legal Description: SE4NW4 EX .58 AC (PARCEL 231 MDOT R/W HWY 27) AC 39.42
 - o Parcel Number(s): 03-1836-000

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. If the decision is for approval or denial, findings of fact should be cited.

Planning Commission Action: The Planning Commission has recommended approval of the requested conditional use permit based on findings of fact listed in the next section of this report. As part of their recommendation for approval, they are also recommending the following conditions of an approval:

1. That the existing home be removed within thirty (30) days of the completion of the new home.
2. That the home be connected to ALASD sewer as per ALASD policy.
3. That no additional entrances from County Road 82 be constructed, nor the existing entrance moved, without approval from the Douglas County Highway Department.

Recommended Findings: The following findings of fact are presented by the Planning Commission for consideration by the Town Board, based on the Staff Report presented to the Planning Commission and the discussion at the public hearing:

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:**

No. No additional burden on parks or schools or any other public facilities and utilities would be expected because the application involves replacing one single-family home with another.
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 use of the property will not change and it will not impact the ability of adjacent vacant land to develop.
3. **The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties:**

Yes. The new house would likely improve the appearance of the property.
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 interest in seeing properties improved and invested in by landowners.
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 "Urban Residential." The purpose of this district is:

Urban Residential (UR): The Urban Residential district is intended to provide opportunities for urban density (two to three dwelling units per acre) residential development in areas that are most readily served by urban infrastructure and services. Areas chosen for this district are within existing or planned public sewer district service areas. Proposed residential developments that would create oversized lots would be reviewed to facilitate an efficient and orderly transition to urban densities at a future date should landowners choose to do so.

The proposed use is the same as the current use – residential development served by ALASD sewer.

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 Urban Residential:

Urban Residential: The purpose of this land use category is to provide opportunities for urban density housing in areas that are most readily served by urban infrastructure and services. This category is intended for areas that are currently served by Alexandria Area Sanitary Sewer District (ALASD) infrastructure or are within the identified future service area of ALASD. Within these areas, new residential development will be reviewed to ensure that the proposed density, dimensions, and layout of lots will allow for the efficient use of public infrastructure and the cost-effective provision of public services. A gross urban density of two to three dwelling units per acre or higher is intended for these areas. Proposed subdivisions that would create oversized lots would be reviewed to allow for a transition to urban densities of housing in an orderly and efficient manner. 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.

Typical “lot-block” or “conservation” subdivision designs are both considered appropriate in these areas. Where sensitive or unique natural or cultural resources, such as wetlands, shoreland, etc. are present, a conservation subdivision design with lower densities 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 proposed use is the same as the current use – residential development served by ALASD sewer.

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

Yes. The proposed use will not create any more traffic hazard or congestion than already exists. Traffic levels would be those associated with any single-family use.

PUBLIC HEARING #2

Application: Interim Use Permit application to allow a Nursery/Garden Store and related signage in the Rural Residential zoning district.

Applicant: Douglas and Shirley Jacobson

Background Information:

- **Proposal:** THIS APPLICATION WAS TABLED AT THE MARCH 24, 2014 MEETING FOR ADDITIONAL INFORMATION AND TO ALLOW THE APPLICANT TO PREPARE AN ALTERNATIVE PLAN.

The applicants had originally proposed to make use of an existing building and greenhouse for a Nursery/Garden Store. After discussion at the March 24 meeting, and concerns raised about the impact of business activity on Alyssa Lane and nearby neighbors along Alyssa Lane, there was discussion that moving the business activity to the east and northeast portion of the property, along with a new driveway off of Berglund Mile to accommodate the business traffic.

The applicants had stated at the March meeting that they intend to make the facility available to residents at the Alexandria Opportunities Center for the development of skills and recreation opportunities, but would also like to make use of the site for retail sales of garden products/flowers.

The updated site plan and proposal includes placing up to three greenhouses in the NE corner of the property between the row of pine trees and the row of red willow along the north boundary of the property. A single driveway would be constructed into the property off of Berglund Mile (this is a change from what was shown on the updated site plan where there was to be an "IN" and an "OUT" driveway). Parking would be provided for up to about 17 cars and there would be room for vehicles to turnaround/back out of parking spots to leave from the same driveway where they enter.

Staff's understanding is that the existing greenhouse off of the existing garage would remain in place, but be used only for growing and storage of plants and not be open to the public.

The property on which this sits does not currently have a dwelling, per se, although the storage building to which the greenhouse is attached does contain kitchen facilities (a sink, a large refrigerator and a stove/oven) and a chemical toilet. There are no sleeping facilities/bedrooms on the property.

The property has road frontage on both Alyssa Lane and Berglund Mile although the driveway serving the building/greenhouse is currently only from Alyssa Lane.

The property is part of a 7-lot residential subdivision (Anderson Acres) which was platted in 2000 after approval by Douglas County. There is also a 12-lot residential subdivision (Roob Estates/Airway Acres) immediately to the west of the Anderson Acres subdivision. To the east (across Berglund Mile) and to the south are large unplatted parcels which appear to serve primarily as wildlife/open space and are not currently being actively farmed.

□ **Location:**

- Property Address: 6101 Alyssa Lane NE
- Sec/Twp/Range: 2-128-37
- Legal Description: Lot 3, Block 1 of Anderson Acres
- Parcel Number(s): 03-0013-050

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. If the decision is for approval or denial, findings of fact should be cited.

Planning Commission Action: The Planning Commission has recommended denial of the requested interim use permit based on findings of fact listed in the next section of this report.

Recommended Findings: The following findings of fact are presented by the Planning Commission for consideration by the Town Board, based on the Staff Report presented to the Planning Commission and the discussion at the public hearing:

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:

No. No additional burden on parks or schools would be expected because it will not involve additional residents or school-age children and there will not be a need for any expansion or improvement to utilities. The impact on streets will likely have the greatest impact as heavy delivery truck traffic and increases in passenger vehicle traffic could potentially increase the need for dust control or grading on Berglund Mile. As the applicant would be unable to control how many potential customers would be traveling along Berglund Mile and possibly Alyssa Lane to visit the greenhouse, it has the potential to create an amount of traffic that would burden the roadway(s). Berglund Mile and Alyssa Lane are both gravel roads.

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:

No. Anytime a commercial or semi-commercial use is placed in a residential setting, there is a potential for a decrease in the attractiveness of nearby properties for residential use. Much of this potential depends on the scale of the commercial operation and the degree to which it changes the character of the neighborhood. Since the applicant would be unable to reasonably control how many people visit the site or where customers walk around the property and because the site is so close to other residential properties, the impact on surrounding properties could be significant in deterring additional residential development and the enjoyment of existing residential uses.

3. The structure and site shall have an appearance that will not have an adverse

effect upon adjacent residential properties:

No. Currently, the property appears to be well-kept and would not appear to have an adverse impact on adjacent residential properties. However, the adverse impact on adjacent properties can come not just from how the grounds are maintained, but from the visual impact of vehicles going in and out of the property and people walking around the property. As the applicant would have limited ability to control how many vehicles and people are moving about on the property, and because the site is fairly visible from neighboring properties, these could have an adverse effect on adjacent residential properties.

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:

No. The Township, through the Rural Residential Zoning district, is generally seeking for this area to be populated with larger lot single-family housing. While there are other possible properties in the Rural Residential zoning district around the Township that would be better suited for such a use – those that are further from other residential properties and which have better screening from existing vegetation and/or topography.

The Township also has a general interest in maintaining property values; it is likely that the operation of a retail business – with significant potential for traffic levels and activity significantly out of character with typical levels – would detract from the value of surrounding or nearby properties for residential use.

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:

No. 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.”

See discussion in Items #1-4 above. The commercial/semi-commercial use proposed for the property is not consistent with the Rural Residential zoning district in which it lies.

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

No. The comprehensive plan identifies the area of the proposed development in the Future Land Use Map as Rural Conservation Residential:

Rural Conservation Residential: The purpose of this land use category is to provide opportunities for residential development in areas of the Township not expected to be consistent with urban densities of housing within the next twenty-five (25) years, but that may be consistent over a fifty (50) year time frame. These areas may be developed at rural or semi-rural densities, but are intended to be designed in a manner than protects sensitive or unique natural or cultural resources that exist on or near the property. As such, any residential subdivision in this area at a density inconsistent with the protection of sensitive or unique natural or cultural resources must be developed with a conservation subdivision design (typical "lot-block" designs are not considered appropriate).

Residential subdivisions in this district shall also allow 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.

Long-term commercial/industrial uses that are incompatible with residential uses should not be allowed in this district.

Typically, the intent of this district is not for long-term commercial uses if they are incompatible with residential uses. The proposed use on the property for a nursery/garden store involves factors which are conflicting with the main residential use of the area – the relatively dense nature of residential development in the area, the lack of existing vegetative or topographic screening, the location along gravel roads that need additional maintenance as traffic levels increase and the lack of a residence on the subject property to ensure security of the site

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

No. The proposed nursery/garden store will certainly have the potential to increase traffic to the point where it becomes a nuisance to neighboring property owners, and possibly to the point where it would require additional road maintenance by the Township. This largely depends on the success of the proposed business in attracting customers and the incentive for the operator of the greenhouse would be to generate more traffic than less.

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

Yes. The existing buildings conform to all applicable zoning regulations for height, size and setbacks. The use of the property as a nursery/garden store is allowable as an interim use.

9. **The use will terminate upon a date or event that can be identified with certainty and/or clarity:**

Yes. The ordinance specifies that a termination date for all interim uses should be set. If the permit were granted, and then later not renewed, the buildings on the property would not be overly difficult to convert to typical residential use (a greenhouse, while not typical, could relatively easily be removed or used for residential/personal purposes).

10. **The use will not impose additional costs on the public if it is necessary for the public to take the property in the future:**

Yes. The main potential for additional costs to the public would be if the site became filled with equipment, machinery, etc... and was then abandoned by the owner. In such a case, the Township may incur clean up costs. However, with proper limitations on the amount of material/equipment that can be stored or displayed for sale on the property and because the nature of the proposed use would be plants rather than buildings or equipment, it would seem very unlikely that any clean-up costs would be excessive. The buildings and structures on the site, as noted above, would lend themselves to residential use that is typical in the neighborhood.

11. **The use will be subjected to, by agreement with the property owner, any conditions that the Town Board deems appropriate in allowing the proposed interim use, including a condition that the owner will provide an appropriate surety to cover costs that would be necessary to eliminate the interim use from the property, including removal of buildings, equipment, restoration of the landscape to a suitable condition or other appropriate and necessary costs:**

Not applicable. These would be relevant in the event the application was approved. The recommendation is for denial.

Other Items

- The Commission welcomed Shad Steinbrecher as the new member of the Planning Commission. Mr. Steinbrecher replaces Mrs. Haar, who resigned from the Commission last month.
- The Commission discussed draft ordinance amendments to the section of the ordinance regulating detached accessory buildings. They have directed Staff to schedule a public hearing on these matters for the May 2014 meeting.
- A training session and discussion on a Comprehensive Plan update was tabled due to the length of the meeting.

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 888-439-9793.

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Sincerely,

HOMETOWN PLANNING

A handwritten signature in black ink, appearing to read 'Ben Oleson', with a stylized flourish at the end.

Ben Oleson
Planning and Zoning Administrator