

MEMO

Date: June 26, 2013

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 June 24, 2013. There was one public hearing 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

Original Application: Interim Use Permit request to allow limited temporary outdoor storage and/or display for sale of used dwellings, boats, boat lifts, trailers, vehicles or other similar items.

Applicant: Bob Noyes (BLL Properties, LLC)

Background Information:

Location:

- Property Address: Immediately south of 3608 State Highway 29 North
- Sec/Twp/Range: 3-128-37
- Parcel Number(s): 03-0029-940

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 interim use subject to the following conditions:

1. That the applicant be limited to no more than ten (10) items displayed for sale on site at any one time. Of these ten, no more than three homes or buildings, in average condition, be greater than 200 sq ft in size.
 - a. (Staff-suggested re-wording): That the applicant be limited to no more than ten (10) items displayed for sale on site at any one time. Of these ten, no more than three may be homes or buildings greater than 200 sq ft in size. All such homes or buildings must be, in average or better condition, ~~be greater than 200 sq ft in size.~~
2. That any items to be stored (not displayed for sale), in addition to those mentioned in no. 1 above, shall be placed a minimum of 30 feet from any adjacent residentially-zoned lands and 250 feet from the centerline of the state highway, or as otherwise approved by the Zoning Administrator so as not to be easily viewed from the highway.
3. That any hazardous leaks and/or substances be immediately attended to;
4. That the applicant maintains the property in a neat appearance, consistent with the requirements of the Zoning Ordinance – including mowing the site on at least an annual basis.
5. That the existing vegetative/tree buffer between the parcel and the residential parcels to the west/southwest be maintained (except for the removal of dead/diseased trees, noxious weeds and limited trimming clearing that does not significantly reduce the screening.
6. That the applicant adhere to any requirements that may be imposed by the Minnesota Department of Transportation relating to driveway approaches, turn lanes or other such requirements. Applicant will procure the letter from MnDOT waiving the turn lane requirement.
 - a. (Staff-suggested re-wording): That the applicant adhere to any requirements that may be imposed by the Minnesota Department of Transportation relating to driveway approaches, turn lanes or other such requirements. The Applicant will procure provide the Township with a written the letter from MnDOT waiving the turn lane requirement, indicating any improvements they are requiring or limitations they are imposing to avoid the need for improvements.
7. That the interim use shall terminate five (5) years after the date of its approval by the Town Board, unless one of the earlier events outlined in the Zoning Ordinance triggering a termination occurs first.

Recommended Findings: The following findings of fact are presented by Staff 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 conform to the applicable zoning regulations, including any dimensional restrictions the regulations may impose on buildings or uses:**

Yes, with conditions. As there are no permanent structures involved, there are no such regulations involved in this application. The most directly applicable regulations are the restrictions on outdoor storage and screening. Temporary equipment is allowed to be stored outdoors without having to be enclosed or screened, which is what is proposed here (albeit it in a way where the materials are being displayed for sale rather than just stored). Screening is required between commercial and residential uses. While the proposed use is not a typical commercial use likely envisioned by this section, the boundary between this lot and the residential lots to the west is heavily treed.

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

Yes. The use would terminate five (5) years after it is approved, or upon other events outlined in the Zoning Ordinance which cause an interim use to terminate (i.e. upon property transfer, upon a change in zoning regulations which disallows the use as an interim use, upon violations of the conditions, etc...) Given that the use is temporary display of items for sale with no permanent improvements or buildings, it should not be difficult for the owner to comply with any expiration of the interim use permit.

3. 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 it would seem very unlikely that abandonment would occur.

4. 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:

Yes. If the Township so chooses, it could require a surety (e.g. bond or cash escrow) to cover the cost of removing materials from the site. The Planning Commission did not recommend such an action and it may be less necessary given that the proposed use is for temporary display of a limited number of items.

Other Items

1. Jack's Family Recycling Center:

The Town Board discussed this matter at its first meeting in June and has asked Kathy Hodges to continue cleaning up the front of the property and provide an update at the July 1 meeting. Kathy Hodges is expected to be at the meeting to provide an update.

2. Gary Thompson:

Gary Thompson has requested to be on the agenda to discuss possible improvements to Outlot E of Lake Geneva Estates CIC Plan #117 (Outlot E is immediately west of the golf course clubhouse and is approximately 2.70 acres in size – see attached for map).

Staff has discussed with Mr. Thompson's attorney (Scott Johnston) that the following from the Township Subdivision Ordinance applies to improvements on outlots:

Alexandria Township Subdivision Controls Ordinance

Section 2. Definitions

2.2 Words and Terms Defined.

Outlot. A portion of land within a subdivision which is intended for future development and to be further subdivided into additional lots, streets, open space, or other common uses in a subdivision. *No construction or placement of structures or other improvements shall take place on outlots unless specifically approved by the Township Board.* Outlots may only be subdivided through the major subdivision procedure. (emphasis added)

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.

Sincerely,

HOMETOWN PLANNING



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Planning and Zoning Administrator

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Douglas County, MN - Map



Disclaimer: Douglas County does not warrant or guarantee the accuracy of the data. The data is meant for reference purposes only and should not be used for official decisions. If you have questions regarding the data presented in this map, please contact the Douglas County GIS Department.

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