

MEMO

Date: July 2, 2015

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 22, 2015. 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

Application: Conditional Use Request for a dual purpose shop for auto repair and floor coating systems.

Applicant: John Keener. Owner Gerald & Sandra Krebs

Background Information:

Proposal: The applicant is proposing to operate an automotive repair (including cars, trucks, motorcycles, and custom street rods) and floor coating business out of the existing building on the property.

The property in question is currently zoned Commercial Urban (C-U). The building has housed several commercial businesses in the recent past, including commercial painting, auto body repair, and (used) automotive sales.

This property is located along the north side of County Road 82 approximately one mile East of Alexandria City limits. It is located directly adjacent to Weston Station Supper Club on the east. Property to the north is undeveloped and there is heavy tree/wetland screening. Property to the south is a public right of way ditch parallel to County Road 82, beyond the roadway the property to the south is agricultural field. Property to the West consists of an office and storage building.

- **Location:**
 - Property Address: 4353 County Highway 82 East
 - Legal Description LOTS 3 & 4 "MOVOLDS 1ST SUB OF PT OF N2NE4" AC .92
 - Section-Township-Range: 22-128-37
 - Parcel Number(s): 03-1800-200
- **Zoning:** Commercial Urban (C-U)
- **Lot size:** 0.92 acres (according to Douglas Co. GIS)

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 unanimously recommended approval of conditional use permit for the proposed auto repair business (the floor coating business was considered "Light manufacturing of parts and assembly" and therefore does not need special approval as it is listed as a permitted use in the C-U zoning district) with the following conditions of an approval:

1. That the property maintains a neat appearance, free of inoperable equipment (except as will be made operable after repair within a reasonable time) or other junk material.
2. That outdoor storage of vehicles (except employee vehicles or short-term customer vehicle parking), equipment, and other materials will be located behind the building or otherwise screened from view of neighboring properties or the public road by a fence of at least eight (8) feet in height if they are to be located on the property for longer than twenty-four hours.
3. That this approval shall be for an auto repair and floor coating business within the confines of the existing building and yard. Any auto sales on the site shall be only occasional and limited to two (2) vehicles displayed for sale at any one time. Any future expansion of the building or change in use shall require a new conditional use permit, unless such changes are clearly incidental and do not represent a significant change from the permitted use in the opinion of the Zoning Administrator. All previously granted conditional use permits are deemed abandoned except for the 1998 approved CUP for parking of semi tractor/trailers (Lot 4).

Recommended Findings: The Planning Commission recommends the following findings of fact in support of its recommendation:

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 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 be not out of the ordinary or excessive compared to that generated by previous uses on the property.

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 is surrounded on all sides by commercially-zoned properties, including across County Road 82 to the south. The nearest residentially-zoned properties are 1,000 feet or more away.

3. **The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties:**

Yes. There are no adjacent residential properties. The nearest residentially-zoned properties are 1,000 feet or more away.

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 commercial uses when appropriately located and the use is deemed appropriate for the site. This site has been used for various commercial businesses over the years and the proposed use for auto repair and floor coating is consistent with what is allowed in the Commercial Urban zoning district.

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 "Commercial - Urban" The purpose of this district is:

"The Commercial - Urban district is intended to provide opportunities for commercial uses that are best located in areas providing urban services, such as centralized sewer treatment and urban streets. Examples of such uses include those that generate high-strength or problem wastes not typically found in residential wastewater, those generating large amounts of wastewater, or facilities that discharge chemical or other non- organic wastes in amounts not suitable for treatment in an individual sewage treatment system. Areas chosen for this district are located along state highways at intersections with county or township roads capable of handling additional traffic and within current public sewer district service areas."

The proposed business use of auto repair and floor coating is consistent with the purpose of the C-U zoning district due to the amount of traffic generated for this site and the availability of public sewer, which is better suited to handling any special wastes on the site that may not be appropriate for a private septic system.

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 Commercial-Light Industrial”

“The purpose of this land use category is to provide opportunities for commercial and light-industrial uses that are best served by urban sewer infrastructure due to the types and/or amount of wastewater produced. Examples of such uses include those that generate high-strength or problem wastes not typically found in residential wastewater, such as facilities serving food or drinks, those generating large amounts of wastewater such as laundry operations, or facilities that discharge chemical or other non-organic wastes in amounts not suitable for treatment in an individual sewage treatment system. This category is intended for areas that are inside of the identified future service area of ALASD that are visible or easily accessible from State highways at major intersections. These areas are intended to be located in “nodes” at major intersections rather than in a “strip” design along long sections of a road corridor. Heavy industrial uses which require significant water supply or that generate nuisance characteristics inconsistent with residential uses are not intended within this district. Long-term residential uses that are incompatible with commercial/industrial uses should not be allowed in this district.”

7. The proposed use is consistent with the Urban Residential land use category in that it involves commercial uses that may generate waste unsuitable for a private septic system and is located within ¼ mile of a major road intersection. **The use will not create a traffic hazard or congestion:**

Yes. Traffic to this site is expected to be similar to what other commercial/industrial uses have generated in the past – some limited deliveries from heavy trucks, customers bringing vehicles to the site for repair, and delivery vans. This amount and type of traffic would not be expected to create congestion or hazard as the site has good site lines as you enter and exit from the property and there is a frontage road that allows for traffic entering/leaving the property to be off of County Road 82.

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

Yes, with proper management of outdoor storage. All outdoor storage will be well screened and all setback requirements will need to be met for any additions to the building. The applicant indicates that any vehicles kept for any time over 24 hours will be kept in an area adjacent to the back of the building. The area to the back of the building consists of a fence to the east and heavy tree cover to the north providing screening from neighboring properties and the road. The adjacent property to the west is owned by the same landowner of the subject property. There is an existing fence on the boundary of the property two lots to the west to provide screening.

OTHER ITEMS

- The Planning Commission discussed three other items:
 - A landowner was in attendance discussing his desire to place mini-storage on a parcel that is zoned Urban Residential, but is located in an area where the predominant use is agricultural or large lot residential. It was discussed that in order to allow mini-storage, the property would need to be rezoned or a change would need to be made to the ordinance to allow such uses in the Urban Residential zone (likely with a number of standards that would need to be met). The applicant indicated he will consider his options and possibly come back with a request.
 - The Commission discussed whether it should study the issue of pervious pavers and whether to change the Township's current ordinances which do not allow any credit against impervious coverage for their use. The Commission directed Staff to research the issue more with the City of Alexandria, Douglas County and the DNR (NOTE: initial contact with the DNR suggests that they no longer allow for credit to be given to pervious pavers if it would result in greater than 25% impervious coverage on the lot).
 - The Commission discussed whether it should change Township policies regarding when new roads are taken over by the Township - with the alternative being something like not accepting roads until a certain percentage of the approved lots are developed. The Commission directed Staff to conduct further research on this issue and see if other communities are doing something similar.

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



Ben Oleson
Planning and Zoning Administrator

MEMO

Date: July 6, 2015

To: Alexandria Town Board

From: Ben Oleson, Hometown Planning
Zoning Administrator, Alexandria Township

Re: Final Plat Application - "Victoria Estates First Addition"

Dear Town Board Members:

The Township has received an application for final plat approval of "Victoria Estates First Addition" from Lake Victoria Holding LLC. The preliminary plat of this subdivision was approved on November 1, 2010 with the following conditions of approval:

1. That the applicant presents a full Stormwater Management Plan for the development to the Township for review by the Township Engineer for compliance with the Township Stormwater Management Ordinance. The plan shall be approved by the Town Board with input from the Township Engineer prior to final plat approval. If the final stormwater plan requires changes to the layout of the development, such changes will be subject to review by the Planning Commission prior to action by the Town Board.
2. That the developer identify who will be responsible for both short and long term maintenance of the stormwater facilities and submits appropriate documentation, prior to final plat approval.
3. That final construction plans in accordance with Section 6.5 of the Subdivision Ordinance and with Section 5.0 of the Stormwater Management Ordinance be submitted and approved prior to final plat approval.
4. That all required road, stormwater and other improvements be installed or sufficient financial guarantee (at least 125% of projected costs, as approved by the Township Engineer) provided prior to final plat approval, as outlined in Section 3.9 of the Subdivision Ordinance and Section 7.0 of the Storm Water Management Ordinance.
5. The ALASD shall approve of the sanitary sewer connections, as proposed. Written approval from ALASD shall be submitted prior to final plat approval.
6. That a developer's agreement is required prior to final plat approval to address all issues related to maintenance of the stormwater pond and associated facilities, timing of the construction of all road and sewer improvements, and any other issues deemed appropriate by the Township.

7. That a Stormwater Pollution Prevention Plan (SWPPP) be submitted and approved by the MPCA and Alexandria Township prior to any land disturbance for construction of the roads, sewer and/or stormwater facilities.

On March 2, 2015, the Town Board authorized the applicants to proceed directly to final plat despite the long time period since the preliminary plat had been approved based on previous input from the Township Attorney and the fact that the Subdivision Ordinance had not changed since the preliminary plat was approved.

The proposed final plat has a different layout than what was approved during the preliminary plat stage. Specifically, the originally approved preliminary plat contained eight new lakeshore lots, six back lots and two separate roads. The applicants have now decided to reduce the number of lots to five lakeshore lots (three fewer), one back lot (five fewer) and one roadway that would end at the property line and have a temporary turnaround constructed on a public easement.

The requirements of the Township Subdivision Ordinance for final plat applications are as follows:

1. A completed Final Plat application
 - The final plat application has been received, but the Township is awaiting a version signed by the landowners (expected to be received by tomorrow).
2. Three copies of the final plat.
 - These have been received.
3. A developer's agreement and financial security, if applicable, that provides for the construction of the required improvements after final plat approval.
 - A written Developer's Agreement has been provided. Slight modifications are recommended to ensure the agreement complies with the Township ordinance requirements (unless otherwise approved by the Town Board) and to refer to the current plat (Victoria Estates First Addition) rather than Victoria Estates.
4. Three copies of final construction plans.
 - Construction plans have not been submitted. The ordinance and developer's agreement allows for these to be submitted after final plat approval, but prior to construction.
5. A revised preliminary plat.
 - The submitted final plat represents the revisions to the preliminary plat approved in November 2010.
6. A title insurance commitment or Opinion of Title
 - A title insurance commitment has been provided and will be reviewed by the County Surveyor.
7. Draft restrictive covenants, if proposed.
 - None have been provided and none are necessary to ensure compliance with Township requirements.

8. The appropriate fee in the Fee Schedule (including the park dedication fee).
 - The park dedication fee required is \$1800 (\$300 per lot). This has not yet been paid, but is expected to be submitted tomorrow.
9. Compliance with all conditions of preliminary plat approval (*the primary question relating to compliance with the conditions below is one of timing – is the Town Board comfortable approving the final plat subject to the developers agreement requiring that all final construction plans be submitted and approved prior to construction and the provision of sufficient financial security*):
 - That the applicant presents a full Stormwater Management Plan for the development to the Township for review by the Township Engineer for compliance with the Township Stormwater Management Ordinance. The plan shall be approved by the Town Board with input from the Township Engineer prior to final plat approval. If the final stormwater plan requires changes to the layout of the development, such changes will be subject to review by the Planning Commission prior to action by the Town Board.
 - That the developer identify who will be responsible for both short and long term maintenance of the stormwater facilities and submits appropriate documentation, prior to final plat approval.
 - That final construction plans in accordance with Section 6.5 of the Subdivision Ordinance and with Section 5.0 of the Stormwater Management Ordinance be submitted and approved prior to final plat approval.
 - That all required road, stormwater and other improvements be installed or sufficient financial guarantee (at least 125% of projected costs, as approved by the Township Engineer) provided prior to final plat approval, as outlined in Section 3.9 of the Subdivision Ordinance and Section 7.0 of the Storm Water Management Ordinance.
 - The ALASD shall approve of the sanitary sewer connections, as proposed. Written approval from ALASD shall be submitted prior to final plat approval.
 - That a developer’s agreement is required prior to final plat approval to address all issues related to maintenance of the stormwater pond and associated facilities, timing of the construction of all road and sewer improvements, and any other issues deemed appropriate by the Township.
 - That a Stormwater Pollution Prevention Plan (SWPPP) be submitted and approved by the MPCA and Alexandria Township prior to any land disturbance for construction of the roads, sewer and/or stormwater facilities.

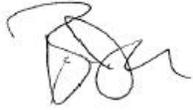
Town Board Direction: The Town Board shall approve, conditionally approve, or disapprove the final plat. Given that several of the required items are not yet fully provided or have the required signatures, Staff would recommend that the Board, if they approve the final plat, stipulate that the signature of the Township Board Chair will not be provided until the items

are properly submitted and reviewed, if necessary, by the Township Attorney and/or Zoning Administrator and Township Clerk.

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

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

Ben Oleson
Planning and Zoning Administrator