

MEMO

Date: July 29, 2016

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 July 27, 2016. There was one public hearing regarding a proposed ordinance amendment, for which the Planning Commission is passing on their recommendations 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: Interim Use Permit request to continue operation of an existing cabinet shop business in the Urban Residential district.

Applicant: Jeremy and Bethany Olson

Background Information:

- Proposal:** The applicants are proposing to continue operating a cabinet shop that has been operating at the site for 10+ years. The owners indicate that when they built the house and attached shop, Douglas County Land & Resource staff noted that the use of the building for a cabinet shop was not regulated and they could do so. Since Township Staff was unable to find any evidence of this, and because the Township ordinance requires an interim use permit for a use such as a cabinet shop being operated from a dwelling site, the applicant has applied for the interim use permit to continue operating.
- Location:**
 1. Property Address: 3430 Hazel Hill Road SE
 2. Sec/Twp/Range: 34-128-37
 3. Partial Legal Description: 7.13 AC IN THE NW COR OF NW4NW4
 4. Parcel Number(s): 03-2178-700
- Zoning:** Urban Residential (UR)

Planning Commission Recommendation: Based on the findings of fact and discussion listed elsewhere in this report, the Planning Commission unanimously recommends approval of the requested interim use permit with the conditions as listed below.

1. That the hours of operation of the cabinet shop be limited to between 7:00 am and 7:00 pm, with the exception that deliveries may be made between the hours of 6:00am and 9:00pm.
2. That the property maintains an appearance more like a residential setting than a business setting, consistent with the requirements of the ordinance. This shall include, at a minimum:
 - a. No outdoor storage of equipment, lumber or any other business-related materials for longer than 12 hours unless screened as required by the ordinance.
 - b. Any signage for the facility shall be limited to no more than 6 sq ft in size.
 - c. That the number of non-immediate family employees shall be limited to two (2) full time equivalents, but not more than four (4) persons.
3. That the interim use shall terminate 10 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. (Note: Interim Uses are typically granted an initial period of five years, although the Township can establish any timeframe that it feels is necessary to protect the neighborhood and ensure compliance).
4. That the approval shall include the potential future construction of up to a 40' x 80' storage building for use with the business activities and/or personal storage (the Commission did not limit the use of the building, provided that it was related to the approved cabinet business, or the dimensions/appearance outside of what would otherwise be required by the Zoning Ordinance.)

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:**

No. The business has been operating for more than 10 years and no significant or excessive burdens have been observed. The amount of deliveries by large “straight” trucks is limited to approximately 1-3 per week or less and customer traffic is limited to approximately 1-3 vehicles per week.
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 site is not located in a residential area. The property to the north across the road is a “grandfathered” scrap yard that is not currently operating. The remainder of the surrounding land is agricultural in nature.

On-site parking areas, the shop and vehicles stored outdoors are all largely

screened from view by the dwelling/shop building itself or distance from the road.

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

Yes. Currently, the property appears to be well-kept and would not appear to have an adverse impact on nearby residential properties. The greatest potential for such an impact would appear to be if the business were to start having significant outdoor storage that was in view of adjacent properties or the road. The business, to this point, has not had any outdoor storage of materials of which staff is aware.

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, through the Urban Residential Zoning district, is generally seeking for this area to be populated with single-family housing. In that sense, this proposal conflicts with that intent. However, home occupations of a moderate nature are allowed in this zoning district and the fact that any approval would be via an interim use (which has an expiration and the Township can choose not to renew the permit should conditions change in the area) helps ensure that the intent of the Town Board will be met.

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:

"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."

See discussion in Items #1-4 above. The semi-commercial use as a home occupation proposed for the property is consistent with the Urban Residential zoning district in which it lies given that such uses are specifically allowed by ordinance.

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:

Transition Residential: 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 that 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.

Typically, the intent of this district is not for long-term commercial uses if they are incompatible with residential uses. However, temporary (“interim”) home occupations are allowed and consistent with the Comprehensive Plan in that any request to continue renewing the interim use permit can be denied should conditions change and the use is no longer deemed compatible with the area.

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

Yes. The proposed cabinet shop 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 County, but seems unlikely to be such that it would create a hazard or congestion. Hazel Hill road is a paved County road designed for relatively large levels of traffic and the road is currently being widened/improved to increase safety.

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 for a home occupation 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.

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, lumber 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 outside on the property, 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 necessary. If the Township so chooses, it could require a surety (e.g. bond or cash escrow) to cover the cost of removing materials or buildings from the site. Due to the nature of the proposed use, with very little equipment expected on the site, and the Township finds that it is not necessary.

12. **Specific Findings Relating to Home Occupation Regulations:**

- Customer Activity: MAHO – may attempt to attract potential or actual customers to physically enter the property but only by appointment and such that limited numbers of customer vehicles are present on the property at any one time.
 - The applicant states that approximately 1-3 customer vehicles are present on the property in any given week. Customer activity in this amount would meet the above requirement.
- Pickups and Deliveries – Pickup and delivery activities shall not block traffic or pose a safety hazard: MAHO and HAHO – any pickups or deliveries of products, supplies, equipment or other materials by vehicles larger than 26,000 lbs. GVW shall be limited to no more than one per week and only between the hours of 7:30 am and 7:30 pm unless otherwise determined by the Planning Commission.
 - The applicant states that 1-3 delivery vehicles (or less) occur per week. Pickup and delivery activity in this amount would meet the above requirement.
- Location and Residency Requirement – All home occupations must be located on the homestead of the business operator or on an adjacent lot under the same ownership. For the purposes of this section, a lot shall be considered “adjacent” if any portion of the lot is within 100 feet of any portion of the homestead lot, unless otherwise approved by the Township.
 - The owners of the proposed home occupation live on the same property.
- Minimum Lot Size and Setbacks to Nearby Dwellings: LAHO and MAHO – no minimum lot size or setback requirements from nearby dwellings unless specifically required by the Planning Commission
 - The lot is over 7 acres in size and is adequate for the amount of space necessary for the proposed business, parking, deliveries, etc...

- Outside Storage: MAHO – no outside storage of supplies, equipment or maintenance items shall be allowed, except that up to two business-related vehicles (under 26,000 lbs GVW) may be stored outdoors; all other work and work related items shall be kept in an enclosed structure or building such that they are not visible from neighboring properties or from a public road right-of-way.
 - The applicant has not requested any outdoor storage and it does not appear that it has had any over the past 10+ years of operation.
- Parking – Parking areas shall be limited in size so as not to exceed that typical of the surrounding neighborhood, except where specifically allowed by the Township. In such cases, the Township may impose requirements for screening or landscaping of the parking area so as to minimize its impact on the neighborhood character.
 - The lot currently has a relatively large parking area sufficient for the amount of traffic that has been occurring on the site and is anticipated.
- Noise – Excessive or sustained noise levels are prohibited. Excessive or sustained noises shall be those in violation of Alexandria Township Ordinance 94-17 (Ordinance Regulating Noise).
 - Staff is not aware of any noise complaints over the past 10+ years of operation and the noisy part of the operation should be adequately contained within the shop area.
- Lot Coverage – Shall comply with the limitations of the underlying zoning district.
 - The lot coverage maximum is 25% of the lot size. With a 7 acre lot, this is not – and should not- be a problem.
- Water and Sanitary Facilities – The site must be capable of supporting adequate on-site sanitary (sewer and water) facilities to serve both the primary dwelling and the activities of the home occupation.
 - The site is served with a private sewer system that is adequate for the use on the property. The cabinet shop would create only minimal additional sewage from employees (if any).
- Pollutants and Waste - The operator of a home occupation shall properly dispose of all liquid, gaseous or other pollutants and solid waste including but not limited to garbage, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal, and all other waste materials.
 - These requirements will need to be met. Staff is not aware of any complaints of improper handling of such pollutants or waste.
- Hours of Operation – No business activities associated with a MAHO or HAHO shall occur between the hours of 7:00 pm and 7:00 am, unless otherwise stated in the interim use permit.

- The applicant has proposed to operate within the 7am to 7pm hours, with only the possibility of occasional deliveries at around 6am.
- Signage: MAHO - No signage allowed.
 - The applicant has proposed a small sign (approx.. 6 sq ft or less). However, given a 2015 US Supreme Court ruling regarding sign regulations that largely prohibits a community from regulating the message on a sign, and the fact that the Township's sign regulations exempt signs 6 sq ft or less in size, so long as the sign is 6 sq ft or less it cannot be regulated.
- Impacts on Public Roads
 - Weight Limits - All posted weight limits for roads shall be obeyed.
 - Dust Control - If located along a township road, a home occupation shall enter into a written agreement with the Township relating to additional dust control measures created by the home occupation
 - The property is not located along, or served by, a Township road.
- Employees - MAHO - None (0), unless otherwise approved by the Town Board.
 - The applicant states that they have two (2) part time employees beyond family members. This will need to be specifically approved by the Township.

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 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