

MEMO

Date: July 31, 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 July 22, 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: Conditional Use Application for the movement of greater than 10 cubic yards of soil and materials in a shore and bluff impact zone, to repair previous bluff excavation and address erosion issues.

Applicant: Carol A. Nelson/Niska Trust

Background Information:

Location:

- Property Address: 2716 LeHomme Dieu Heights NE
- Sec/Twp/Range: 4-128-37
- Parcel Number(s): 03-0064-950

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 subject to the following conditions (changes to the original Staff-recommended conditions are noted):

1. That the work to rebuild/complete the stairway at the bottom of the bluff be completed by hand and without the need for excavation equipment (i.e. a skid-loader, mini-backhoe or other such equipment), except as may be specifically approved by the Township Zoning Administrator after consultation with Douglas County SWCD officials. A mini-backhoe or such equipment may be used at the top half of the bluff for the placement of rock boulders or other equipment provided proper care is taken to prevent further destabilization of the hillside during the work.
2. That the stairway and any retaining walls to be constructed be in substantial conformance with what previously existed on-site, as noted in the property survey prepared by Nyberg Surveying, Inc. (Job 6673, dated 8/28/2008).
3. That the building that previously existed in the bluff may be replaced, but not expanded in any dimension, subject to the time limitation identified in #4 immediately below.
- ~~3.4.~~ That all work (stairway, retaining walls, building replacement, site stabilized from erosion) be completed by ~~December 31, 2013~~ August 31, 2014 ~~in accordance with the previous permit extensions granted by the Township Zoning Administrator.~~ Should the building, in particular, not be replaced by this date, it would be considered abandoned and could not be rebuilt without a variance. If the building is not rebuilt, the site needs to be stabilized in a manner approved by the Zoning Administrator.
- ~~4.5.~~ Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences, biologs or other appropriate measures on downslope areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets or other forms of temporary cover until vegetation is re-established.

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 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. The proposal is to address an unfinished project to install stairs and replace a building in a bluff, which will have no impact on such public facilities.
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:**

Not applicable. The use of the property will remain the same – residential. The proposed shoreland alteration should help to improve property values generally

in the area by fixing an existing erosion problem and eliminating overgrown weeds and grasses.

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

Yes. The appearance of the lot would not be a detriment as a result of the proposed work as it is intended to improve the appearance of the near-shore area, stop existing erosion and prevent future erosion.

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 interest of the Township (i.e. the public) in this case is to maintain properties in an attractive condition and prevent soil erosion into area lakes

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. A shoreland alteration intending to address a potential erosion problem and maintain the appearance of a lakeshore property is consistent with various requirements of the ordinance to prevent such erosion problems in the first place – particularly in Shoreland Residential areas, such as how this property is zoned.

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

“To protect and regulate the use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the natural environmental values of shorelands, and provide for the wise use of waters and related land resources.”

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/Light Industrial uses that are incompatible with residential uses should not be allowed in this district (*Alexandria Township Comprehensive Plan, p. 22*).

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

Yes. The proposed work will not create road congestion or hazard beyond what is required to bring equipment on-site during the work. No additional traffic would be generated as the work does not involve the construction of new structures or an increased intensity of use on the lot.

8. **Shoreland Specific Criteria:**

- a. Prevention of Soil Erosion/Pollution: The proposed work is intended to stop existing erosion and prevent future erosion. Provided the work is done carefully and with limited use of excavation equipment, and provided proper temporary and permanent erosion control practices are used, the proposal should help prevent soil erosion and pollution.
- b. Limited Visibility of structures from public waters: A small building that had previously existed in the bluff would be rebuilt to the same size. While the structure itself will be highly visible from the lake, it is not expected to be significantly different than what already had existed.
- c. Adequate Water Supply/Sewage Treatment: These properties are already served by a private well and ALASD sewer.
- d. Watercraft Impact on Public Safety: The proposed work will have no impact on watercraft use of the lake. It would not create a significant intensity of use on the lot or lake beyond what is already occurring.

Other Items

1. Sign and Small Animal Ordinance Updates:

The Planning Commission reviewed a draft of a proposed update to the Township ordinances relating to signs. This draft was based on Douglas County’s recently adopted update to its own sign ordinance, but with several changes to make it more restrictive. The more restrictive elements are essentially to prohibit electronic signs (known as “electronic changeable copy signs” in the draft – see pgs. 8-9 of the draft) throughout the Township and to prohibit billboards (known as “off-premise highway signs” in the draft) throughout the Township. The draft also changes the titles of some sections to reflect the terminology used for the Township’s zoning districts, which differ from that of the County. The Planning Commission indicated they felt the draft ordinance was ready to be brought to a public hearing either in August or September, along with other

changes that have been discussed re: changes to the regulation of small animals. The changes to the regulation of small animals would do the following:

1. Prohibit the keeping of small animals subject to the ordinance on parcels less than one acre in size, unless they were kept completely within a dwelling (not an attached garage). Currently, the ordinance allows for up to 3 small animals regardless of lot size.
2. Exempt lots greater than 2.5 acres in size from any specific requirements regarding small animals. Currently, the ordinance exempts only lots greater than 5 acres in size.
3. Allow for certain numbers of animals as an allowed use (no permit required) on lots between 1 and 2.5 acres in size depending on how much fenced/enclosed area is present on the site. Increases in these numbers are allowed for every 0.5 acres above 1 acre (so long as the required amount of enclosed area is provided). Currently, an interim use permit is required for any number of animals.
4. Allow for greater numbers of animals with an interim use permit (subject to the appropriate amount of fenced areas and lot size). Currently, the maximum number of animals allowed is 3 regardless of lot size or fenced area.

See attached for the latest drafts of both ordinance amendments that would be scheduled for public hearing.

2. Site Visits:

The date and time for Planning Commission site visits (to view properties that have applied for a conditional/interim use permit or a subdivision) was changed to the Wednesday before the 4th Monday at 12:30pm.

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