

MEMO

Date: August 29, 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 August 25, 2014. There were two public hearings for which the Planning Commission is passing on its 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: After-the-fact interim Use application for a home occupation (pet grooming business) in an Urban Residential zoning district.

Applicant: Wendy Ramsdell

Background Information:

- Proposal:** The applicant is proposing to continue operating a pet grooming business in her home. The pet grooming business was moved from its long-time location in the City of Alexandria to this property several years ago. A complaint was received regarding the business in 2011, to which the Township responded by sending several letters. The matter was eventually turned over to the Township Attorney and after some time, the applicant made contact with the Township Attorney, indicating that the letters were sent to her daughter and that she never saw them. The applicant has now made the proper application for a an interim use permit.

The pet grooming business, according to the applicant, involves 1-4 customers per day. The dogs are kept entirely within the home in kennels while they are at the property, except for occasional short walks outside when the dogs are on a leash. The applicant has two of their own dogs in an outdoor kennel. No overnight boarding occurs with the business. The hours

of operation are 9am-5pm or earlier Monday-Friday. The applicant is proposing one small sign (approx. 15" x 36") to be placed on the rails of the deck leading into the home. There are no employees outside of the occupants of the home.

- Location:**
 - o Property Address: 2701 Kings Road SE
 - o Sec/Twp/Range: 28-128-37
 - o Legal Description: S 28, T 128, R 37, Lot 6, Block 5 of Golden Gate, AC .52.
 - o Parcel Number(s): 03-2004-000
- Zoning:** Urban Residential/Residential Shoreland (RS)
- Lot size:** Approx. 0.52 acres.
- Septic System Status:** The property is served with ALASD sewer.

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 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 applicant must pay an after-the-fact fee of \$500, unless waived or otherwise amended by the Town Board.
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 or materials related to the business except as allowed by the ordinance;
 - b. All parking associated with customers shall be located on the existing driveway.
3. That the hours of operation allowed for retail sales or outside group activities be limited to between 9:00 am and 5:00 pm to help protect the residential nature of the neighborhood (the default requirement in the ordinance is 7am to 7pm).
4. That the days of operation shall be allowed Monday through Saturday.
5. That the use must comply with all requirements in the Ordinance relating to "Moderate-Activity Home Occupations" except that signage shall be regulated by Section V.A of the Township Zoning Ordinance.
6. That the interim use shall terminate 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. (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).

The recommendation was unanimous (3-0).

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:

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 minimal.

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 proposed use will be entirely within buildings on the property and the only exterior evidence would be the limited traffic coming in and out of the property. The expected maximum number of customers – and customer vehicles – at any one time is one.

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 the only exterior evidence of the home occupation would be vehicles coming in and out of the property and the proposed sign (approx. 15" x 36").

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 Urban Residential zoning 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 would not be in conflict with this goal and would allow a resident to generate some limited income from an allowable home occupation.

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. Home occupations are generally allowed within residential districts provided they can meet the required minimum requirements and any others deemed necessary during the review by the Planning Commission and Town Board.

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:

“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.”

Home occupations, subject to restrictions and public hearings when required, are considered consistent with the residential uses anticipated for this area.

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

Yes. So long as the home occupation (dog grooming) is limited to 1-2 customers at a time, traffic hazards or congestion would not be expected.

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 use of a portion of the home for a dog grooming business would not impose any unusual costs on the Township in such a situation.

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:**

Due to the nature of the proposed use this should not be necessary.

PUBLIC HEARING #2

Application: Conditional Use application for an agricultural equipment dealership in a Commercial - Urban zoning district.

Applicant: Global Ag Investments

Background Information:

- **Proposal:** The applicant is proposing to operate a business selling agricultural equipment (both for large-scale farming and smaller equipment intended for contractors or homeowners). The conditional use is required due to the outdoor display of the equipment for sale. Limited retail sales of related parts and supplies would occur as well. The great majority of equipment to be sold would be new equipment, with very limited sale of used equipment. There would be office space in the existing building on the property, with an expectation of about 5 employees. Some remodeling of the interior will be necessary to meet certain building code requirements.

The applicant is not currently planning any new buildings, but anticipates installing an additional "hoop barn" in 2015 to allow for storage of some equipment out of the elements - primarily snow. The two current buildings are a 30' x 60' office building and a 33' x 60' storage/shop building.

The applicant is planning for a sign on the property at the driveway entrance. The proposed sign would be 20 ft in height (to the top of the sign) and contain a backlit sign 6'2" in height and 16' in width (~99 sq ft). The Township's sign ordinance limits freestanding signs to no more than 64 sq ft. The applicant has been made aware of this and will reduce the size of the

sign accordingly. The applicant states the sign would be backlit, which requires specific approval as part of the conditional use permit process.

This property is located along State Highway 29 and is subject to the requirements of MN DoT. There is already a right turn lane to this property for traffic coming from the north. There is no passing lane for traffic coming from the south, although Staff has spoken with Jim Utecht of MN DoT and he has indicated that they are not requiring any additional improvements to the highway as a result of this use.

- Location:**
 - o Property Address: 3608 State Highway 29 North
 - o Sec/Twp/Range: 3-128-37
 - o Legal Description: S 3, T 128, R 37, 2.07 AC OF NE4NW4 POB IS 240.49' W OF THE N4 COR & 1012' SW ALONG CSAH 29 (300' ON RD) AC 2.07.
 - o Parcel Number(s): 03-0029-000
- Zoning:** Commercial - Urban (CU)
- Lot size:** Approx. 2.07 acres
- Septic System Status:** The property is not served with ALASD sewer (it is within the ALASD service area, but has not been required to connect due to the distance to the nearest existing line) and would contain a private septic system. The existing system on the property is a tank and drainfield, although the drainfield has been found failing. The system would be converted to a holding tank while a design for a drainfield is prepared.

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.

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 applicant must not store equipment or materials within the easement intended for emergency service vehicles in the northeast corner of the property (at the entrance to the property from State Highway 29).
2. That the property maintains a neat appearance, free of inoperable equipment (except as will be made operable within fourteen (14) days of it coming on the lot) or other junk material.
3. That the applicant maintains sufficient area for the free flow of delivery vehicles and other traffic internally on the site such that it is not necessary for traffic to back out on to State Highway 29, on to non-paved areas of the property, or onto neighboring properties.
4. That any expansion of the property onto adjacent property, whether by purchase or lease, that involves the expansion of equipment display areas or paved parking/display

surfaces shall require screening of at least 8 feet in height. In this case, a screening plan shall be submitted to, and approved by, the Township Zoning Administrator.

5. That this approval shall be for agricultural and lawn/garden equipment (mowers, skid-steers or similar equipment and related attachments). All previously granted conditional use permits are deemed abandoned and any sale of other materials (i.e. used cars, docks, RVs, etc...) shall require a separate conditional use permit.
6. That all signage related to the business shall obtain the required permits and meet the applicable size, height and other requirements. The sign for this property may be backlit as part of this conditional use permit approval.

The recommendation was unanimous (3-0).

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:**

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 minimal.

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 on which the outdoor storage of equipment for sale occurs is separated from residential properties by about 180 feet at its nearest point. While not controlled by the applicant, there is a row of mature trees and understory growth between the residential properties and this site. On the north and south boundaries are commercial-zoned and used properties (a plumbing shop currently under construction to the south and mini-storage buildings to the north).

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

Yes. While the current property does contain a number of inoperable vehicles and materials being stored outdoors, the applicant states that their lease agreement with the landowner is that these will be removed from the site prior to October 2014. When operational, there will be agricultural equipment stored outdoors and displayed for sale. Most of these will be new equipment and the intent of the business as a sales lot should provide incentive to keep the property in a neat appearance. The nearest residential properties are at least 180 feet to the west and are screened by natural vegetation.

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 zoned and the use is deemed appropriate for the site. This site has been used for sale of autos, docks, agricultural equipment, RVs and other such items in the past as per conditional use permits granted by Douglas County.

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.”

See discussion in Items #1-4 above. Commercial uses with outdoor storage are allowed by the ordinance as a conditional use.

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 Urban Residential district is intended to provide opportunities for urban 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.”

The current zoning of “Commercial-Urban” is consistent with the above

designation in the Comprehensive Plan.

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

Yes. Traffic to this site is expected to include customer traffic in normal passenger vehicles and semi-truck and other truck delivery of agricultural equipment and other materials. A right turn lane exists to this property for traffic coming from the north and Staff's conversation with MN DoT staff indicates that they are not requiring any additional improvements as a result of the proposed use.

Additionally, there exists at the driveway entrance of this property and for a minimum distance into the property and easement for emergency service vehicles. This is so that such vehicles can access the south portion of the mini-storage buildings to the north.

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 maximum amount of the property that can be covered with impervious surfaces is 75%, unless a stormwater management plan meeting the requirements of the ordinance is developed and implemented. Staff estimates current coverage to be at about 60-70% based on the applicants measurements and measurements from the Douglas County GIS website.

Other Items

- A training session relating to a Comprehensive Plan update was presented by Oleson. The Commission anticipates reviewing and discussing the existing "Issues and Trends" section of the 2006 Comprehensive Plan at its next meeting, time permitting.

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