

## 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 August 26, 2013. There was one public hearing for which the Planning Commission is passing on its recommendation to the Town Board. Another public hearing application was tabled for additional research and information to be provided regarding a private easement and its impact on access to a proposed subdivided lot.

Attachments, drawings and photos related to the applications are available at: [www.hometownplanning.com](http://www.hometownplanning.com). Public comments (if any) are also at the same location.

### PUBLIC HEARING #1

**Application:** Conditional or Interim Use application to construct a new commercial/industrial building to house timber frame manufacturing and assembly as an expansion to the legal non-conforming business already on-site.

**Applicant:** Freehealer Asset Holdings, LLC (Ben Miller)

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#### Background Information:

**Location:**

- Property Address: 7300 - 39<sup>th</sup> Avenue NE
- Sec/Twp/Range: 1-128-37
- Legal Description: E 300' of N 1380' of E2NW4, 9.5 acres
- Parcel Number(s): 03-0003-840

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**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.

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**Planning Commission Action:** The Planning Commission has recommended approval of the request as a conditional use subject to the following conditions (changes to the original Staff-recommended conditions are noted):

1. That no outdoor storage be associated with the business, with the exception of company vehicles and incidental and temporary storage of materials being dropped on-site or prepared for delivery.
2. That any items to be stored outdoors consistent with #1 above be set back from the county road at least as far as the existing building (approximately 100 feet from the roadway), or as otherwise approved by the Zoning Administrator so as not to be easily viewed from the road.
3. That the applicant maintains the property in a neat appearance, consistent with the requirements of the Zoning Ordinance.
4. That the existing vegetative/tree buffer between the road and the proposed building site be maintained so that it continues to provide screening.
5. That large truck deliveries be limited to no more frequently than 3-4 times per week.

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**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 construct a new building to house an industrial use. 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 significant amounts of water supply given the proposed use. The impact on streets will be minimal, as the current cabinet shop takes about two deliveries from large trucks per week and the proposed additional business takes only about two deliveries per month. The property is served by a paved County Road, which is designed for 9-ton per axle.
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 use of the property will remain the same – industrial for the production of wood products (cabinets before and cabinets/timber wood for home construction after). The property is zoned for Rural Residential use and adjacent

properties are similarly zoned. The property across the road is currently owned by a person who has an excavating business. The adjacent property to the west is the home of the current owner of Collins Cabinets. The area is generally sparsely populated with relatively large lots. The proposed new building would be located in an area that is currently heavily treed and would be mostly screened from view.

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

**Yes.** The property is currently well-kept. The applicant intends to build the new building in an area that would mostly be surrounded by trees and will be transplanting a number of large pine trees between the current building and the road to provide additional screening.

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 Rural Residential Zoning district, is generally seeking for this area to be populated with larger lot single-family housing. In that sense, this proposal conflicts with that intent - although that is mitigated by the fact that the current use of the property is industrial and is of a similar nature to what is proposed (cutting and assembly of wood products). The Township also has a general interest in maintaining property values, and the proposed use would likely enhance the property value of this particular property.

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 "Rural Residential." The purpose of this district is:

"The Rural Residential district is intended to provide opportunities for moderate density (one dwelling per 2.5 acres) residential development of a semi-rural, suburban character. Areas chosen for this district are generally located far from any public sewer or water but are located within about one-quarter (1/4) mile of roads capable of handling significant additional traffic. It is intended that non-intensive agricultural and recreational open space will be the primary uses initially, but that these areas will slowly convert to moderate density residential development over a period of twenty (20) years or more. Urban density development and associated infrastructure are not expected to be feasible or desirable in this district for at least fifteen (15) years."

See discussion in #4 above. The industrial use proposed for the property is not consistent with the Rural Residential zoning district in which it lies. However, there is a "grandfathered" industrial use on the property that has been on this, or the adjacent, property for about 40 years. The ordinance anticipates the possibility of such "legal, nonconforming" businesses making improvements

over the years and allows for this provided it does not create or intensify nuisance characteristics.

The proposed use is of a similar nature to what already exists on the property. They both bring in raw wood products, cut and shape them, and in the case of cabinets, assemble them. The finished – or semi-finished products are then shipped off-site to properties where they are installed or finally assembled. Both businesses also have relatively infrequent deliveries – with large trucks delivering about 1-2 times per week for the cabinet business and 1-2 times per month for the timber frame business.

**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 Rural Conservation Residential:

Rural Conservation Residential: The purpose of this land use category is to provide opportunities for residential development in areas of the Township not expected to be consistent with urban densities of housing within the next twenty-five (25) years, but that may be consistent over a fifty (50) year time frame. These areas may be developed at rural or semi-rural densities, but are intended to be designed in a manner that protects sensitive or unique natural or cultural resources that exist on or near the property. As such, any residential subdivision in this area at a density inconsistent with the protection of sensitive or unique natural or cultural resources must be developed with a conservation subdivision design (typical “lot-block” designs are not considered appropriate).

Residential subdivisions in this district shall also allow 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.

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/industrial uses if they are incompatible with residential uses. The proposed (and existing) use on the property for cabinet making and timber frame cutting certainly involves large truck traffic, noise and other features that are usually incompatible with residential uses. However, the use would represent an expansion to a legal, nonconforming business that would have no additional nuisance impact beyond what has already existed, Douglas County Public Works has indicated no concerns regarding the relatively small increase in truck traffic expected, the work all takes place indoors, the property is well screened and the frequency of large truck deliveries is relatively infrequent.

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

**Yes.** The proposed businesses would not be expected to create any significant traffic hazard or congestion, given that they are located off a 9-ton paved county road, the driveway access is well suited to large trucks and has been used that way for many years and the frequency of large truck deliveries is not very high. The two businesses combined, at their current levels, employ only about 20-25 people.

**PUBLIC HEARING #2**

**Application:** Preliminary Plat for a three lot subdivision. Proposed lots to range in size from 6-8 acres. Two lots would contain existing residential dwellings. A third lot is proposed for agricultural or other non-building uses only as it does not have public road frontage.

**Applicant:** Tim Rock

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**Background Information:**

**Location:**

- Property Address: 1966 and 2044 Liberty Road NE
- Sec/Twp/Range: 10-128-37
- Legal Description: S 333.51' of N 667.35' of SE4NE4 and S 333.17' of N 1000.52' of SE4NE4, 10 acre parcels each
- Parcel Number(s): 03-1202-480 (2044 Liberty Rd NE), 03-1202-500 (1966 Liberty Rd NE).

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- Planning Commission Action:** The Planning Commission has tabled this item to research the status of a private easement. Neighbors and the applicant did not have the same understanding as to what rights the easement granted to current and future owners of property.

**Other Items**

- In regards to the Tim Rock application above (Public Hearing #2), Staff is looking for direction from the Town Board as to whether two possible variances are also required - one because the property is in the ALASD sewer district and such properties are normally required to connect to the ALASD sewer when land is subdivided. The other is because one of the lots does not have public road frontage. The relevant sections of the ordinance are as follows:

### 5.3 Lots.

1. **Access<sup>1</sup>.** All lots shall front upon a public right-of-way and have access to an improved street or roadway, except as otherwise allowed in the Zoning Ordinance.

### 5.5 Sewage Disposal.

Each lot shall be provided with a sewage disposal system by either a public sanitary sewer system or a private on-site system.

2. **Public sanitary sewer systems<sup>2</sup>.** Sanitary sewer shall be required as a condition of all subdivisions located within public sanitary sewer district boundaries and the Urban Residential district. This requirement for sanitary sewer shall apply to all classes of subdivisions. The following also apply:
  - a. All plans shall be designed and approved in accordance with the rules, regulations, and standards of the public sanitary sewer district and other appropriate agencies.
  - b. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted.
3. **Private on-site systems.** In subdivisions where municipal sewer services are not presently available, the Township may impose such restrictions and requirements as it deems necessary for the protection of the public health, safety and general welfare. All on-site systems must comply with the regulations and standards of the Township, the Minnesota Department of Health, and Minnesota Rule 7080 of the Minnesota Pollution Control Agency. The Township will consider alternative designs for individual sewage treatment systems (ISTS) such as cluster systems. For more information on delineating ISTS, please see Section 6.3 (7)(d).

The plain language of the ordinances appears to require a variance, and Staff has indicated this to the applicant. However, the fact that the lot without road frontage is not proposed for any buildings and the fact that the two lots to be used residentially already have had homes on them for many years and have their own private sewer systems are situations that are not typical and could be argued as reasons for not requiring a variance from the above two situations.

- The Planning Commission tabled a discussion on updating the Comprehensive Plan.
- Note: A public hearing is being planned next month (September 23<sup>rd</sup>) regarding ordinance changes. The changes would affect the sections on the regulation of signs and small animals.

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<sup>1</sup> Amended 7/2/2007

<sup>2</sup> Amended 7/2/2007

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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](mailto: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



■ = 25 sq. ft.

County Rd 73 NE

1 = Home

2 = Bldg/garage

3 = Mound system

• = Well

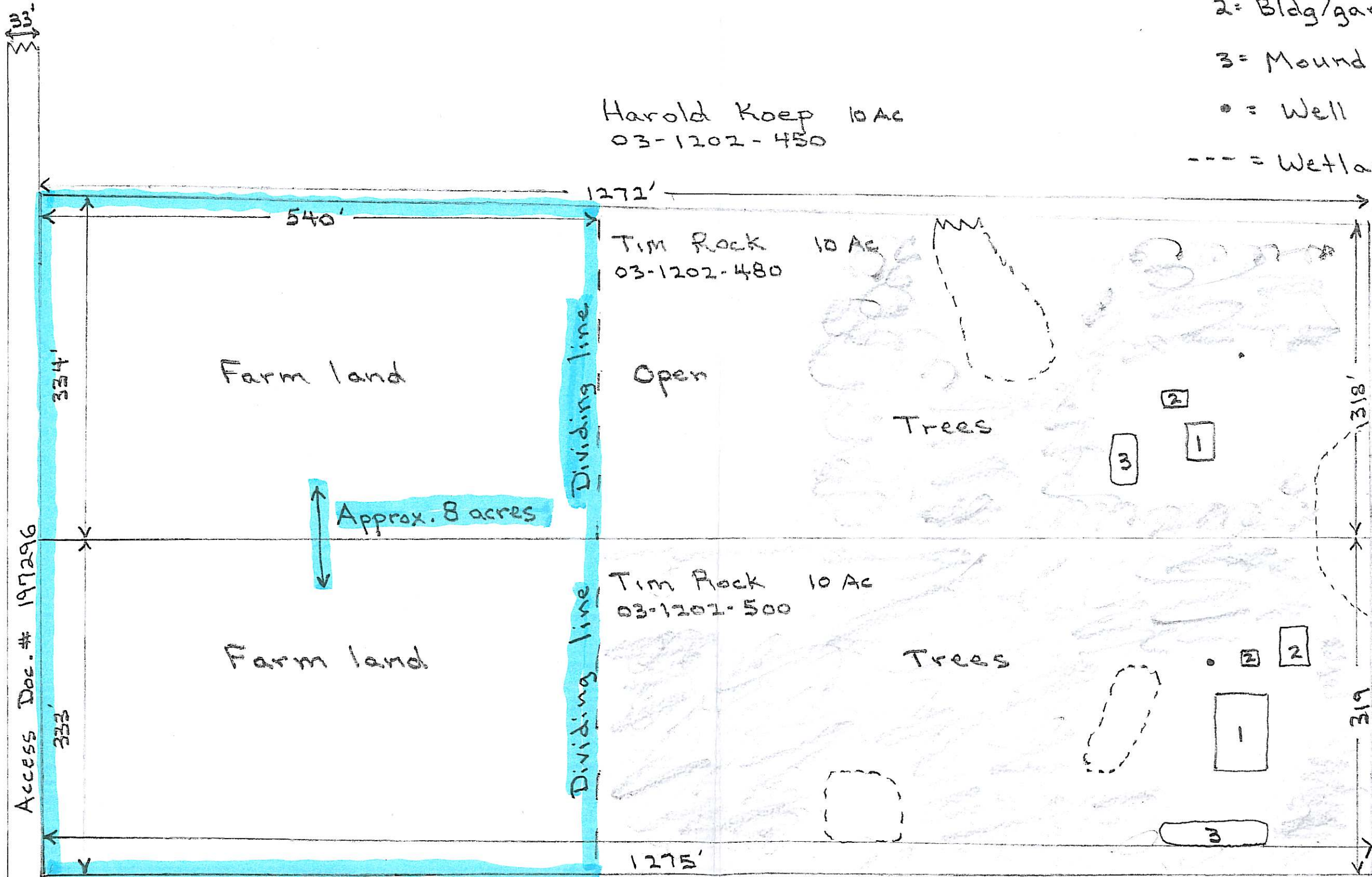
--- = Wetland

Harold Koep 10 Ac  
03-1202-450

Tim Rock 10 Ac  
03-1202-480

Tim Rock 10 Ac  
03-1201-500

Dean Logan 10 Ac  
03-1202-550



Riley Blair  
03-1205-000

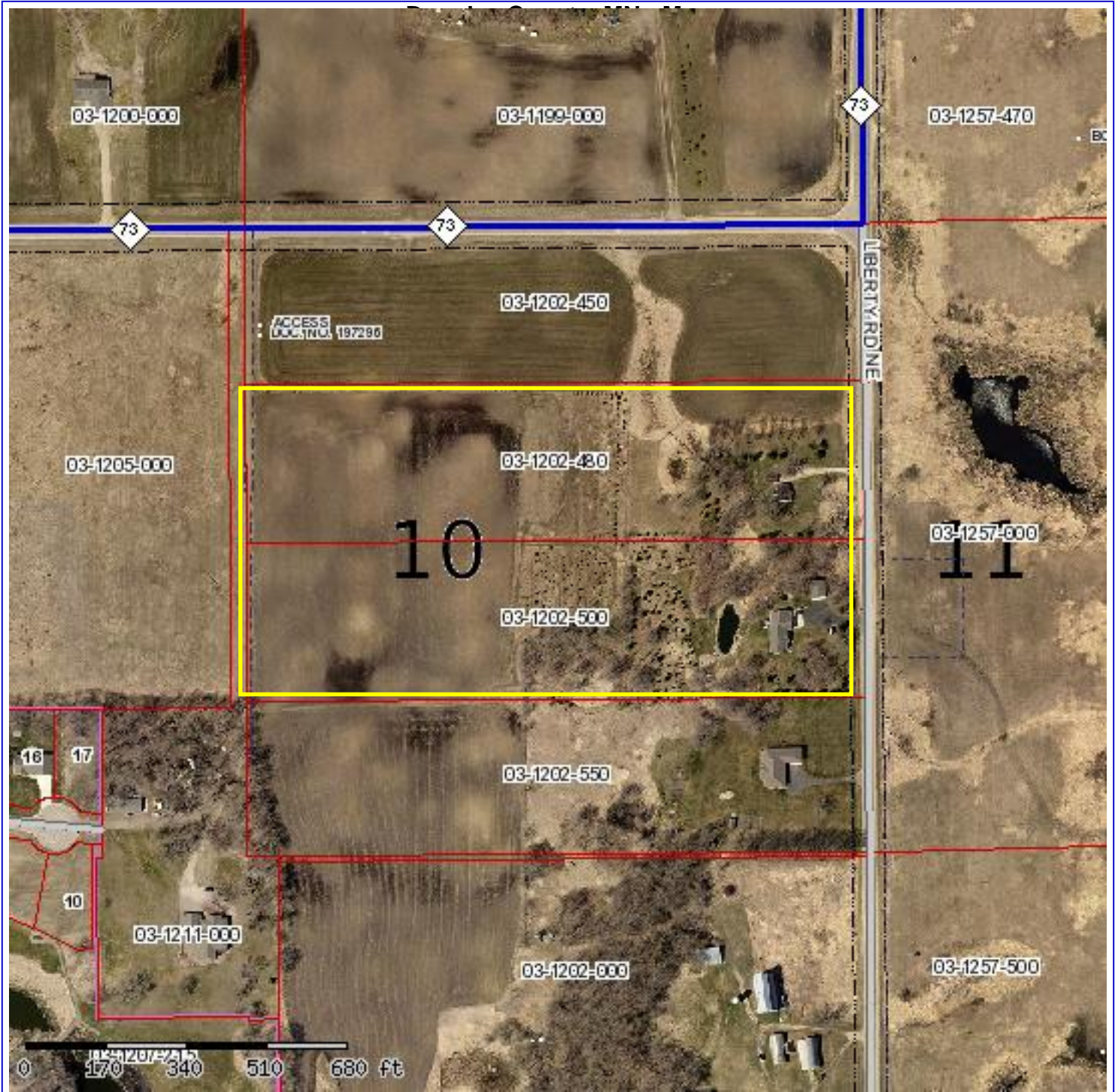
Gary Brundell  
03-1211-000

Liberty Rd. NE

8-1-13  
TIM ROCK



# Douglas County, MN - Map



## PIN: 03-1202-500

Taxpayer: ROCK/TIMOTHY W & SANDRA K

GIS Acres: 10.00

Water Acres: 0.58

ROW Acres: 0.22

Section: 10

Township: 128

Range: 37

Tax Desc.: S 333.17' OF N 1000.52' OF SE4NE4

AC 10

Plat Desc.:

Other Interest:

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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