

MEMO

Date: October 31, 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 September 27, 2014. There were no public hearings. The Commission reviewed portions of the 2006 Comprehensive Plan for the purpose of proposing updates at a future date.

There are several other items related to Planning & Zoning that need that attention of the Town Board.

#1 - FINAL PLAT APPLICATION

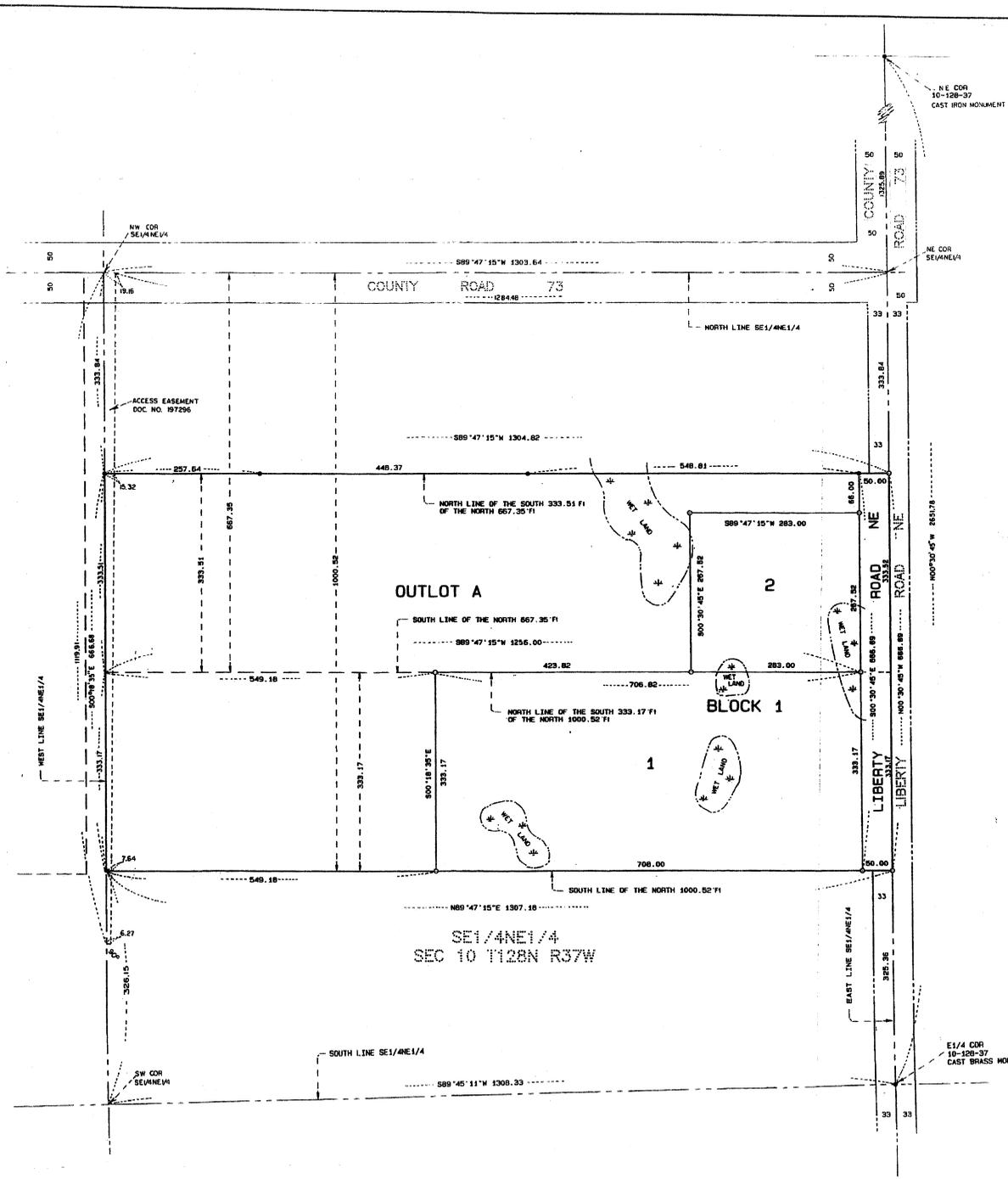
Application: Final plat application for "Rock Acres"

Applicant: Tim and Sandy Rock

Background Information:

- Proposal:** The applicants are requesting final plat approval for their plat known as "Rock Acres". This preliminary plat was approved by the Town Board on February 3, 2014 with the following conditions:
 1. The applicant shall dedicate enough land so that there is a full 50 ft of right-of-way along Liberty Road for all three proposed lots.
 2. The applicant shall submit more detailed documentation from a licensed SSTS designer indicating where the properties can support two private sewer systems for each lot (current compliance inspections showing a compliant system for each of the two existing systems must also be submitted and can serve as evidence of one available site). This documentation need not be submitted prior to final plat approval, but must be submitted by the end of May 2014.
 3. No construction or placement of structures or other improvements shall take place on

ROCK ACRES



SQUARE FOOTAGE / AREA
 Block 1 256,688 square feet or 5.84 acres
 Lot 1 75,007 square feet or 1.74 acres
 Outlot A 523,680 square feet or 12.07 acres
 Public way 33,334 square feet or 0.77 acres
 Total Area 870,689

NOTE: In accordance with the Title Commitment Number 14-66 issued by Chicago Title Insurance Company dated May 29, 2014, the land within this plat is subject to a Right-of-Way Easement to Douglas County Co-op Light and Power Association (nka Runestone Electric Association) as recorded in Book Y of Misc., page 54, in the office of the Douglas County Recorder.

I hereby certify that this plat has been checked and approved as to compliance with Chapter 505, Minnesota Statutes this day of _____, 20__.

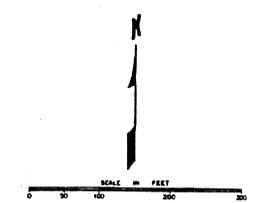
Douglas County Surveyor

I hereby certify taxes payable in year _____ on lands herein described are paid in full and there are not delinquent taxes, and transfer was entered this _____ day of _____, 20__.

Douglas County Auditor/Treasurer

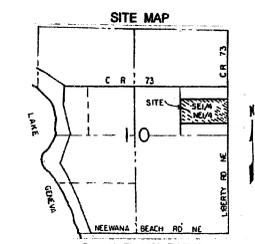
Document Number _____
 I hereby certify that this instrument was filed in the office of the County Recorder for record on this _____ day of _____, 20__ at _____ o'clock _____ M., and was duly recorded as Plat Number _____.

County Recorder, Douglas County, Minnesota



- REPLACE 1/2" IRON PIPE MARKED L.S. 18645 UNLESS OTHERWISE NOTED
 - 1/2" PIPE BENT WITH CAP STAMPED "R.L.S. 18645"
- WET LAND

Orientation of this bearing system is based on the Douglas County Coordinate System NAD83 (1996 adjustment). The east line of the Northeast Quarter of Section 10, T128N, R37W is assumed to bear North 00 degrees 30 minutes 45 seconds West.



Sec 10, T128N, R37W
 No Scale

KNOW ALL PERSONS BY THESE PRESENTS: That Timothy W. Rock and Sandra K. Rock, husband and wife, owners, and Neighborhood National Bank N.A., a National Association organized and existing under the laws of the United States of America, mortgagee, of the following described property:

The South 333.17 feet of the North 1000.52 feet of the Southeast Quarter of the Northeast Quarter, Section 10, Township 128 North, Range 37 West, Douglas County, Minnesota

AND

The South 333.51 feet of the North 667.35 feet of the Southeast Quarter of the Northeast Quarter, Section 10, Township 128 North, Range 37 West, Douglas County, Minnesota

Have caused the same to be surveyed and platted as ROCK ACRES and do hereby dedicate to the public for public use the public way as created by this plat.

In witness whereof said Timothy W. Rock and Sandra K. Rock, husband and wife, have hereunto set their hands this _____ day of _____, 20__.

Timothy W. Rock
 Sandra K. Rock

STATE OF MINNESOTA
 COUNTY OF DOUGLAS

This instrument was acknowledged before me on _____ by Timothy W. Rock and Sandra K. Rock, husband and wife.

(Notary Signature) _____ (Notary Printed Name) _____
 Notary Public, _____ County, _____
 My Commission Expires _____

In witness whereof Neighborhood National Bank N.A., a National Association, has caused these presents to be signed by its proper officer this _____ day of _____, 20__.

NEIGHBORHOOD NATIONAL BANK N.A.

By: Peter R. Wood, Vice President

STATE OF MINNESOTA
 COUNTY OF DOUGLAS

This instrument was acknowledged before me on _____ by Peter R. Wood, Vice President of Neighborhood National Bank N.A., a National Association.

(Notary Signature) _____ (Notary Printed Name) _____
 Notary Public, _____ County, _____
 My Commission Expires _____

SURVEYOR'S CERTIFICATE

I Rodney F. Eldevik do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been correctly set; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat, and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20__.

Rodney F. Eldevik, Licensed Land Surveyor
 Minnesota License Number 19845

STATE OF MINNESOTA
 COUNTY OF DOUGLAS

This instrument was acknowledged before me on _____ by Rodney F. Eldevik

(Notary Signature) _____ (Notary Printed Name) _____
 Notary Public, _____ County, _____
 My Commission Expires _____

Approved by the Board of Supervisors of Alexandria Township of Douglas County, Minnesota this day of _____, 20__.

Chairperson _____ ELDEVIK LAND SURVEYING, INC.
 ALEXANDRIA MN
 (320) 783-7566

Outlot A unless specifically approved by the Township Board.

4. No future subdivision of Outlot A, or Lots 1 and 2, shall be allowed except in conformance with the requirements of the Subdivision Ordinance, or other applicable ordinances, in effect at the time. This shall include requirements for connection to public or regional sewer system(s).
5. The applicant shall reduce the width of Outlot A along Liberty Road from 80 feet to 66 feet, with the excess 14 feet to be added to the proposed Lot 2.

Conditions #1 and 5 have been met and are shown on the enclosed final plat drawing.

Condition #2 was met earlier with the submittal of information from a licensed sewer designer in May 2014.

Conditions #3 and 4 are ongoing conditions.

Town Board Direction: The Town Board can approve the final plat application or table the application for additional information.

Staff Recommendation: As all of the conditions of the preliminary plat have been met (including payment of the required Douglas County Park Dedication fee), Staff recommends that the final plat be approved by the Town Board. The Title Commitment will be reviewed by the Douglas County Surveyor. Other County agencies will also need to sign off on the final plat. Staff would recommend that the Town Board give its approval, with the understanding that if any of the other County agencies or required signatories to the final plat are unable to sign for some reason, the final plat will not go through.

Approved final plats must be recorded at the Douglas County Recorder's office within 60 days of its approval.

#2 - EXPIRATION OF CONDITIONAL USE PERMIT

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)

Background Information:

- Proposal:** The applicant applied for and was approved for a conditional use permit on September 4, 2013 to operate his business out of this site. Since that time, the negotiations between the applicant and the landowner that they were going to purchase the land from for the business broke down and no sale was ever made. The building proposed as part of the conditional use permit was never built.

The Township ordinance states:

“Work on any project requiring a conditional use permit shall begin within one (1) year of the issuance of the permit and completed within eighteen (18) months of permit issuance or it shall expire.”

The one year time frame has passed and Staff has spoken with the applicant. He says they have no intentions of acting on the approved conditional use permit given that they were not able to purchase the land as originally anticipated.

□ **Location:**

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

Staff Recommendation: Staff recommends that the Town Board acknowledge that the Conditional Use Permit for Freehealer Asset Holdings, LLC, as approved in September 2013, has expired. The Town Board could consider whether they wish to have this fact recorded, although Staff does not believe it is necessary.

Other Items

- At the September Planning Commission meeting, the Commission discussed the process of how it is determined whether an existing building being moved on to a property in Alexandria Township requires a conditional use permit. Currently, this is determined solely by the Zoning Administrator as the ordinance states:

6. “Prior to the issuance of a land use permit, a conditional use permit may be required by the Zoning Administrator for a used building being moved or placed on a tract of land.

a. If the building is being moved from the community with building codes, the applicant must provide written documentation from the appropriate official of that community that the building substantially meets the building code and is not currently subject to condemnation as a dilapidated or substandard building.”

The Commission and Staff discussed that it may be better to have more people make this determination than just the Zoning Administrator, as it involves somewhat of a subjective determination.

The Commission is recommending that the Town Board consider creating a subcommittee, or assigning duties to an existing subcommittee, for reviewing these kinds of applications when they arise so as to determine whether a conditional use permit is required.

- A landowner within the Township contemplating a subdivision of their property is requesting a meeting of the Development Review Team (DRT). The ordinance states:

3.2 Pre-Application Meetings

1. **Purpose.** In order to familiarize the subdivider with these regulations and related laws and to avoid costly revisions of plans and plats before preparing the necessary documents and drawings for a subdivision application submittal, applicants are encouraged to meet with the Township's Development Review Team at a pre-application meeting. The purpose of these meetings is to discuss the requirements in this ordinance and other applicable regulations and the procedures for approval of a subdivision with the applicants as early in the design process as possible.

2. **Meeting Schedule.** The Development Review Team will hold at least two regularly scheduled meetings per month, or more often as needed. The Township's Development Review Team will hold meetings at the call of the Zoning Administrator as determined necessary, but within no less than thirty (30) days upon the request of a subdivider. Whenever possible, the Zoning Administrator shall coordinate with the Douglas County Land & Resource office to schedule review of proposed subdivisions in Alexandria Township at the same time as the County reviews applications at its Development Review Team meeting. It is the intent of the Township that these meetings be coordinated with the County's Development Review Team process and schedule as much as possible so as to facilitate an orderly subdivision review process.

3. **Development Review Team.** Members of the Development Review Team may include the Township Zoning Administrator, Township Engineer, and up to two Township Planning Commission representatives, in addition to those already serving on the County's Development Review Team. The Zoning Administrator may also invite other relevant officials who must eventually approve various aspects of the subdivision plat coming within their jurisdiction. Items to be discussed include the general layout of streets, blocks and lots, reservations of land for public uses, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services.

Staff will plan to work with the DRT members to schedule a review of the proposed subdivision within the 30 day time frame.

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