
ALEXANDRIA TOWNSHIP

PLANNING COMMISSION

MEETING PACKET FOR
March 23, 2015



PRELIMINARY AGENDA
Alexandria Township Planning Commission
March 23, 2015
6:00 p.m. – Township Conference Room

Call to Order

Adopt Agenda

Approve Minutes

February 25, 2015

Public Hearing

1. None

Zoning Administrator's Report

New Business:

Old Business:

1. Discussion –Douglas County Ordinance Amendments regarding variance criteria.
2. Discussion – previously approved plat/CUP
3. Discussion – Comprehensive Plan Update

Adjournment

Planning Commissioner Hacker will be attending the meeting remotely from the following location

*16 South 120th Ave.
Avondale,Az. 85323*

**NOTE: This is a preliminary agenda, subject to change at any time.

STAFF REPORT

Issue: Discussion - Douglas County Ordinance Amendments regarding variance criteria.

Agenda Item: Old Business - 1

Background: Douglas County has proposed amendments to its ordinances regarding the criteria for granting of variances. This change was in response to the changes made by the State Legislature several years ago regarding the same issue.

The County had their public hearing on this matter at their March 9 Planning Advisory Commission meeting and the County Board was scheduled to review the changes at their March 17 meeting.

If the County has adopted the changes, the Township should either adopt the same changes or review them to make the Township language more restrictive.

The Township had made similar changes several years ago. There are a few differences between the existing Township language and the proposed County language. Most are relatively minor and have mostly to do with the phrasing of the same idea. Others are more substantial and should be discussed to determine what the final language should be in the Township ordinance.

A copy of the following is attached:

1. The existing Township language
2. The proposed County language
3. A "tracked changes" version showing the changes that would be necessary to match the proposed County language.

Staff will be confirming the final language adopted by the County Board (if adopted prior to our meeting) and highlighting any changes from what was originally proposed.

I. VARIANCES.

1. Criteria for Granting of Variances.

- a. The Board of Adjustment shall have the exclusive power to order the granting of variances from the terms of this Ordinance, including restrictions placed on nonconformities. Variances shall only be permitted when the following criteria have been met, as determined by the Board of Adjustment:
 - i. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan.
 - ii. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.
 - iii. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner;; and the variance, if granted, will not alter the essential character of the locality.
 - iv. Economic considerations alone do not constitute practical difficulties.
 - v. A variance may not permit any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located.
 - vi. The Township may impose conditions in the granting of variances provided it is directly related to and bears a rough proportionality to the impact created by the variance.
 - vii. Variances shall be issued to the property and are not transferable.

H. VARIANCES.

1. Criteria for Granting Variances.

- a. The Board of Adjustment shall have the exclusive power to order the granting of variances from the terms of this ordinance, including restrictions placed on non-conformities. Variance may only be granted when the applicant establishes that there are practical difficulties, as defined herein, in complying with the terms of this ordinance and that the granting of such variance(s) will be in keeping with the spirit and intent of this ordinance and the goals and policies of the comprehensive plan. It shall be the burden of the applicant to demonstrate a practical difficulty to sustain the need for a variance. Absent a showing of practical difficulty as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variance. No variance shall be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. Specifically, the Board of Adjustment must find that each of the following criteria are considered:
 - (1.) That the request is in harmony with the general purpose of the Douglas County Land Use Ordinance and the goals and policies of the Comprehensive Plan; and
 - (2.) That the applicant is proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance; and
 - (3.) That the issuance of the variance(s) will maintain the essential character of the locality; and
 - (4.) That the alleged practical difficulty is due to circumstances unique to the property; and
 - (5.) That the need for the variance was created by actions other than of the landowner or prior landowners; and
 - (6.) That economic considerations alone shall not constitute practical difficulties that justify the granting of a variance; and
 - (7.) The practical difficulty cannot be alleviated by a method other than a variance; and
 - (8.) The granting of the variance will not adversely impact the environmental health or quality of the location or a specific resource.
- b. Additional Considerations for After the Fact Applications.
 - (1). Why did the applicant fail to obtain a variance/or comply with the applicable requirements before commencing work? Did the applicant act in good faith? Why or Why not?
 - (2) Did the applicant attempt to comply with the law by obtaining the proper permits: and
 - (3) Did the applicant obtain a permit from another entity that violated the law: and
 - (4) Did the applicant make a substantial investment in the property: and
 - (5) Did the applicant complete the repairs/construction before the applicant was informed of the impropriety: and
 - (8) Would the minimum benefits to the county appear to be far outweighed by the detriment the applicant would suffer if forced to remove the structure
- c. The Board of Adjustment may impose conditions in the granting of variances. Conditions must be directly related and roughly proportional to the impact created by the variance from the requirements of terms of this zoning ordinance.

I. VARIANCES.

1. Criteria for Granting of Variances.

a. The Board of Adjustment shall have the exclusive power to order the granting of variances from the terms of this ordinance, including restrictions placed on nonconformities. ~~Variations shall only be permitted when the following criteria have been met, as determined by the Board of Adjustment:~~ Variance may only be granted when the applicant establishes that there are practical difficulties, as defined herein, in complying with the terms of this ordinance and that the granting of such variance(s) will be in keeping with the spirit and intent of this ordinance and the goals and policies of the comprehensive plan. It shall be the burden of the applicant to demonstrate a practical difficulty to sustain the need for a variance. ~~Absent a showing of practical difficulty as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variance. No variance shall be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. Specifically, the Board of Adjustment must find that each of the following criteria are considered:~~

(1.) ~~_____ i. _____ Variations shall only be permitted when they are~~ That the request is in harmony with the general ~~purposes and intent~~purpose of the ~~ordinance~~Alexandria Township Land Use Ordinance and the goals and ~~when the variances are consistent with the comprehensive plan.~~policies of the Comprehensive Plan; and

(2.) ~~Variations may be granted when~~That the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.~~iii. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes~~is proposing to use the property in a reasonable manner not permitted by the ~~zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner,; and the variance, if granted, will not alter the essential character of the locality.~~Land Use Ordinance; and

(3.) ~~iv. _____ That the issuance of the variance(s) will maintain the essential character of the locality; and~~

(4.) ~~That the alleged practical difficulty is due to circumstances unique to the property; and~~

(5.) ~~That the need for the variance was created by actions other than of the landowner or prior landowners; and~~

~~(3-)(6.) _____ That economic considerations alone ~~do~~shall not constitute practical difficulties that justify the granting of a variance; and~~

(7.) ~~v. _____ The practical difficulty cannot be alleviated by a method other than a variance~~may; and

(8.) ~~The granting of the variance will not adversely impact the environmental health or quality of the location or a specific resource.~~

b. Additional Considerations for After the Fact Applications.

(1.) ~~Why did the applicant fail to obtain a variance/or comply with the applicable requirements before commencing work? Did the applicant act in good faith? Why or Why not?~~

(2) ~~Did the applicant attempt to comply with the law by obtaining the proper permits; and~~

(3) ~~Did the applicant obtain a permit any use from another entity that is not allowed~~and~~violated the zoning ordinance for law; and~~

(4) ~~Did the applicant make a substantial investment in the property in the zone where the affected person's land is located.; and~~

~~vi. (5) Did the applicant complete the repairs/construction before the applicant was informed of the impropriety; and~~

(8) Would the minimum benefits to the county appear to be far outweighed by the detriment the applicant would suffer if forced to remove the structure

b.c. The Township Board of Adjustment may impose conditions in the granting of variances provided it is. Conditions must be directly related to and bears a rough proportionality and roughly proportional to the impact created by the variance from the requirements of terms of this zoning ordinance.

vii. — Variance shall be issued to the property and are not transferable.

STAFF REPORT

Issue: Discussion - Comprehensive Plan Update

Agenda Item: Old Business - 3

Background: At the January 2015 meeting, the Commission discussed changes to Section V. This month, we will continue with similar discussions for Section VI - Future Land Use.

A copy of the current Section VI is attached, for your review.

Staff would suggest discussion of at least the following questions in relation to Section VI:

1. Should any areas of the Township be changed to a different future land use category?
 - a. Residential: The extensive subdividing of land in the late 1990s and early 2000s throughout the County created a large supply of platted, undeveloped residential lots that continues to this day. The economy appears to be picking up, but it has not yet appeared to translate into large-scale building of new homes and there continues to be a large supply of platted residential lots available in the Township and in other nearby Townships that may take some years to be developed.
 - i. Should the Urban Residential land use category be made to cover less land?
 - ii. Should there be other options for development of land within the current ALASD district that don't necessarily require connection to ALASD sewer (i.e. for single lot plats or other small developments that would allow for some limited development while still preserving the ability to efficiently sewer the land in the future)? Does the current language in this section already cover this possibility?
 - iii. The current Plan discusses "ghost platting" (platting of lots in a way that anticipates how they would be further subdivided in the future) but doesn't explain what it is (as how "conservation subdivisions" are explained in a side bar). Should a sidebar explanation of ghost platting be added? Is this still a concept the Township sees as a viable option?
 - b. Commercial/Light Industrial:
 - i. Should more areas of the Township be classified for commercial/light industrial use? Several existing commercial/industrial uses that have been in place for many decades, but are not in identified commercial/industrial-zoned areas have requested improvements/expansions to their businesses that have been prohibited or made more difficult

because they are not zoned that way. This was discussed during the last Comprehensive Plan process somewhat and the decision was made to consciously limit the expansion/intensification of these uses at that time. Does that thinking still prevail? An ordinance amendment was also passed several years ago to allow for some limited improvements to “nonconforming” businesses in residential areas.

- ii. ALASD sewer lines have been extended past Liberty Road and extend to the east.
 - 1. Should the commercial node identified in the current Future Land Use Map be changed to Urban Commercial/Industrial?
- iii. The Urban Commercial/Industrial area on the north side of the Township (along Highway 29) is within the ALASD sewer district, but is not currently served with sewer service.
 - 1. Should this commercial node be changed to Rural Commercial/Industrial?

VI. Future Land Use

A future land use map was prepared as part of implementing the policies and strategies identified earlier in this Comprehensive Plan. The map contains the following land use designations that will serve as a guideline for making future zoning-related decisions. Under each land use designation is a description of its purpose and of general policies that would apply to that designation.

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.

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.

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.

Urban Commercial/Light Industrial

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.

Rural Commercial/Industrial

The purpose of this land use category is to provide opportunities for commercial and industrial uses that do not require urban sewer infrastructure or substantial water supply. Examples of such uses include those that generate only those wastes typically found in residential wastewater and that do not create nuisance characteristics incompatible with residential uses. Temporary heavy industrial uses, such as gravel extraction and processing may be allowed in these areas provided that they can be operated and closed in a manner that will make the land consistent with residential uses. This category is intended for areas that are outside 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. Long-term residential uses that are incompatible with commercial/industrial uses should not be allowed in this district.



What is a conservation subdivision?

The basic premise of a conservation subdivision is to place homes on relatively small parcels of land on a relatively small portion of the property, while preserving the unique natural and cultural features of the property. By contrast, a traditional “lot/block” subdivision lays a “grid” of private lots and roads over the entire property that is more likely to degrade the unique features that made the property desirable in the first place. A conservation subdivision can have several advantages:

- Allowing homes to be placed on smaller lots that do not require as much upkeep
- Reduced road and infrastructure construction and maintenance costs
- The ability to preserve the most desirable portions of the property as a scenic amenity
- Protection of sensitive natural resources

Traditional Subdivision



Conservation Subdivision

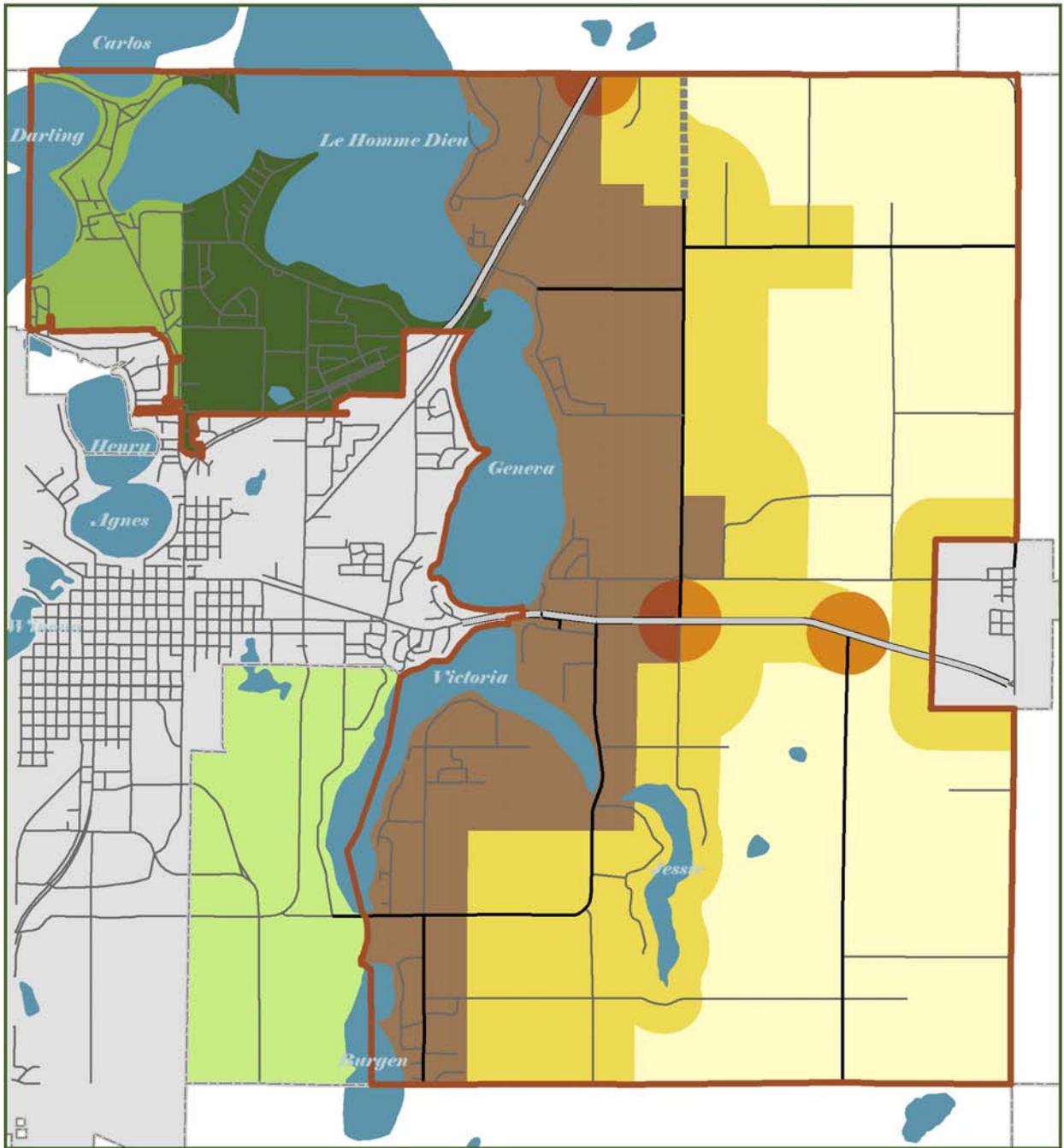


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Alexandria Township



Future Land Use



Future Land Use

- | | |
|--|---|
|  Rural Conservation Residential |  Annexation Phase II (Completed Jan. 2006) |
|  Transition Residential |  Annexation Phase III (2009 - 2011) |
|  Urban Residential |  Annexation Phase IV (2012 - 2014) |
|  Rural Commercial/Industrial | |
|  Urban Commercial/Industrial | |

Future Road Classification

-  Minor Arterial
-  Major Collector
-  Other Road
-  Proposed Future Road



Prepared June 2006
 Sources: Minnesota Department of Transportation,
 Minnesota Department of Natural Resources, Citizens
 of Alexandria Township