

TO: Planning Commission
FROM: Peter Gansen, Planning & Zoning Administrator
RE: Staff Report for Application C-24-03
DATE: June 11, 2024 Regular Meeting



Subdivision Application C-24-003
Applicant: Daniel and Liza Anderson
Property Address: 31945 Harvest Rd
Legal Description: LOT 3 BLOCK 22 & LOT 2 BLOCK 22 WHITEBIRCH SIXTEEN
Parcel ID: 10080641
Zoned: R-2 Medium Density Residential

- Applicant has filed the appropriate application for a Conditional Use request.
- Applicant has paid the appropriate fee for the application.
- Public notice of the Hearing was published in the legal newspaper and all property owners within 350' were mailed a notice of hearing.
- Public notice was not given to the DNR via email.

Conditional Use Request:

- To construct a 38 X 36 (1,368 SQFT) Accessory Structure.

Summary of the property

LOT 3 BLOCK 22 & LOT 2 BLOCK 22 WHITEBIRCH SIXTEEN is located at the intersection of Harvest Road and Buschman Road.

The property and adjacent properties are platted residential development.

The zoning classification for the property of R-2. This zoning classification requires a conditional use permit for accessory structures over 1280 square feet up to 1600 square feet.

The applicant met with the Zoning Administrator for a preapplication meeting to present their plans.

The site topography, access and lot configuration appear to be suitable for the proposed use and is consistent with the comprehensive land use plan, which encourages residential development in areas within this zoning classification.

The property is zoned R-2 and the request is an allowed use with a conditional use permit under the Land Use Categories Chart Section §153.044.

Based on the information presented at this time staff recommends approval with no conditions.

Findings:

Upon review of a Conditional Use application the commission needs to consider the findings as required in Section §153.119 (E). In review the commission should state whether or not the finding is acceptable towards granting the CUP, if applicable.

The following findings must be met:

(a) The use or development is an appropriate conditional use in the land use zone.

The property is zoned R-2 and the request is appropriate under Section §153.044 & §153.032.

(b) The use or development with conditions conforms to the Comprehensive Land Use Plan.

Accessory structures conform to residential development consistent with the comp plan.

(c) The use with conditions is compatible with the existing neighborhood.

The proposed use is residential similar to the surrounding properties.

(d) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the city.

(2) The following must be considered:

(a) The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair property values in the immediate vicinity;

(b) The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;

(c) The conditional use will not create excessive additional requirements

at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;

The use does not require any additional public infrastructure.

(d) The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic on surrounding public thoroughfares;

The proposed use is keeping with the residential character of the neighborhood creating nominal additional traffic flow.

(e) Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use;

The use is in keeping with the residential character of the neighborhood creating nominal additional parking or loading requirements.

(f) Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner that no disturbance to neighboring properties will result;

The proposed use is in keeping with the residential character of the neighborhood. No commercial use of the property is proposed as a condition of the CUP.

(g) The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance; and

(h) The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

The following are recommended conditions.

1) None.