

TO: Planning Commission
FROM: Peter Gansen, Planning & Zoning Administrator
RE: Staff Report for I-24-001
DATE: November 12, 2024 Regular Meeting



Variance Application I-24-001

Applicant: NICHOLAS GRUNZKE

Property Address: NO SITE ADDRESS, INTERSECTION OF WEST ST & CO RD 11

Legal Description: SE1/4 OF SW1/4 EXC W1/2

Parcel ID: 10041095

Zoned: URBAN RESERVE UNSEWERED

- Applicant has filed the appropriate application.
- 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, as the property is not in the shoreland overlay district.

Request:

- Applicant is requesting an interim use permit for animal husbandry.

Summary of the property

The subject property is un-platted land that was subdivided via metes and bounds to a 20-acre tract.

The property is surrounded by low and medium residential zoning districts on the north and east boundaries, the same zoning district (urban reserve) is bordered on the west and the south side zoned wooded residential.

This property was rezoned in March 2020 from estate zoning to urban reserve zoning. Based on the minutes of that meeting the primary goal appeared to get it to a zoning district that would allow animal husbandry.

Animal husbandry is allowed as an interim use permit in the current zoning district.

Staff recommends the Commission consider approval based on the plans submitted in the application with the following proposed conditions and any other conditions the Commission feels appropriate.

Recommended Conditions:

- 1) **All stormwater runoff associated with the pasture area must be maintained onsite.**
- 2) **Any deviation from the submitted plan requires prior administrative approval from the City up to and including the Planning Commission.**
- 3) **IUP shall expire upon property ownership transfer/change or modification of property deed.**
- 4) **Animal units not to exceed ordinance limits.**
- 5) **Any violation of the conditions of this permit or use of the subject property shall terminate this permit.**

Upon review of an interim use permit application the Commission needs to consider the findings as required in Section §153.124. In review the Commission should state whether or not the following findings are acceptable towards granting the IUP.

The following findings must be met, if applicable:

1. Meets the standards of a conditional use permit set forth in § 153.119 of the City Code;

Yes, the application packet, site plan and survey appear to have meet the submission requirements set forth in section 153.119.

2. Conforms to the zoning regulations, performance standards and other requirements;

Yes, all performance standards related to the proposed use appear to be met. Fencing will contain the pasture area. A manure/waste management plan has been addressed and the proposed animal units will not exceed ordinance allowances.

3. Is allowed as an interim use in the zoning district;

Yes, the use is allowed based on the City's land use matrix chart.

4. Will terminate upon a date or event that can be identified with certainty;

Yes, see conditions.

5. Will not impose additional costs on the public;

No adverse cost to the public has been noted at this time.

6. Will be subjected to, by agreement with the owner, any conditions that the city has deemed appropriate for permission of the use, including a condition that the owner provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

With the following Conditions:

- 1) All stormwater runoff associated with the pasture area must be maintained onsite.**
- 2) Any deviation from the submitted plan requires prior administrative approval from the City up to and including the Planning Commission.**
- 3) IUP shall expire upon property ownership transfer/change or modification of property deed.**
- 4) Animal units not to exceed ordinance limits.**
- 5) Any violation of the conditions of this permit or use of the subject property shall terminate this permit.**