

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, SEPTEMBER 19 – 7:30 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Chair Phillips at 7:30 p.m.

2. ROLL CALL

PRESENT: Chair Phillips, Commissioners Gardner, Thompson
STAFF: City Administrative Assistant Horner, City Administrator Kaltsas
ABSENT: Commissioners Dumas, Palmquist
VISITORS: Jan Gardner, John Peterson, Steve Poole, Morton Builders Rep (did not give name)

3. Approval of minutes:

- a. August 15, 2017 Planning Commission Meeting
- b. September 5, 2017 City Council Meeting Minutes (For Information Only)

Motion by Thompson, to approve the minutes of the June 20, 2017 Planning Commission Meeting, second by Phillips. Ayes: Phillips and Thompson. Nays: None. Absent: Dumas and Palmquist. Abstain: Gardner. Motion approved.

4. PUBLIC HEARING: Morton Buildings, Inc. (Applicant) and Virgil and Theresa Marple (Owners) request that the City consider the following action for the property located at 7825 County Road 11 (PID No. 09-118-24-22-0003) in Independence, MN:

- a. A conditional use permit allowing an expansion to an existing accessory building which would cause it to be greater than 5,000 square feet.

Kaltsas said the property is located south of County Road 11 and just west of The County Road 11/County Road 92 intersection. There are two houses on the subject property and approximately 12 detached accessory buildings. The property has a CUP allowing for the two homes to be located on the property.

The applicants are seeking a conditional use permit to allow the expansion of an existing building which will exceed 5,000 sf in overall size. The proposed building expansion will add approximately 1,200 SF to the existing 5,000 SF accessory building. The expansion area will be to the south of the existing building and internal to the property. All applicable setbacks will be met by the proposed addition. The existing building is used for the private storage of the owners. There are several additional accessory buildings located on this property. The owners live in the existing home on this property.

The maximum size of any accessory structure on a property is 5,000 SF. Any accessory structure greater than 5,000 SF requires a conditional use permit. In this particular case, the

proposed existing building will be expanded which will result in a building greater than 5,000 SF. The City has established criteria for granting a conditional use permit.

The City has the following criteria for granting a Conditional Use Permit:

1. *The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.*
2. *The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.*
4. *Sufficient off-street parking and loading space will be provided to serve the proposed use.*
5. *The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.*
6. *The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.*
7. *The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.*
8. *The proposed condition use is consistent with the comprehensive plan of the City of Independence.*
9. *The proposed use will not stimulate growth incompatible with prevailing density standards.*

Properties greater than 10 acres do not have a limitation on the total square footage of accessory buildings permitted on the properties. The applicant could construct an additional accessory structure on the property that is detached from the existing building. The proposed expansion would include the residing and reroofing of the entire building. The requested Conditional Use Permit appears to meet all of the aforementioned conditions and restrictions. Allowing the expansion of the existing building does not appear to have any adverse effects on this property or the surrounding properties.

Staff is seeking a recommendation from the Planning Commission for both the request for a Conditional Use Permit with the following findings:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. No future expansion of the accessory building shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.

3. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Thompson asked if it was called out that, there could be no commercial use of the building. Kaltsas said it is prohibited by ordinance and could be written in, as a condition to make sure it is understood. Kaltsas noted the current CUP has had no issues.

Public Hearing Open

Marple reiterated that this was for personal storage and not for commercial use.

Motion by Thompson to close the Public Hearing, second by Gardner.

Public Hearing Closed

Motion by Gardner, second by Thompson to approve a conditional use permit allowing an expansion to an existing accessory building which would cause it to be greater than 5,000 square feet for the property located at 7825 County Road 11 (PID No. 09-118-24-22-0003) in Independence, MN. Ayes: Thompson, Gardner and Phillips. Nays: None. Absent: Dumas and Palmquist. MOTION DECLARED CARRIED.

5. **PUBLIC HEARING:** John Peterson (Applicant) and LE Peterson Living Trust (Owner) request that the City consider the following action for the properties located at the east end and south of Burr Oak Lane (PID No.s 08-118-24-42-0001 and 08-118-24-31-0001) in Independence, MN:
 - a. A lot line rearrangement which would move the existing lot line between the two properties further to the west.

The applicant is seeking a minor subdivision to expand the smaller property from 10 acres to 20 acres and include frontage on the existing right of way of Burr Oak Lane. The smaller property located to the east of the larger property does not currently have access onto the Burr Oak Lane right of way. The applicant would like to expand the smaller property to allow for a more saleable parcel with a more suitable building site. There is a wetland that is located at the east of the of the existing right of way that would restrict access into the smaller parcel. The proposed lot line rearrangement would provide the requisite 300 LF of frontage on a public right of way. The larger parcel will be reduced by 10 acres and still maintain approximately 30 acres in overall acreage. The larger property to the west has the ability to realize an additional building eligibility through the rural view lot provisions in the before condition. In the after condition, the property will no longer be eligible for an additional building eligibility as it will no longer be an original quarter-quarter section. The applicant is aware of this condition. The applicant has demonstrated that both properties have a minimum of 2.5 acres of buildable upland and the requisite primary and secondary septic site locations.

The City allows up to three properties to be developed off of a private driveway. The applicant is proposing to work with the property owner to the north to share the existing p

private driveway to provide access to both of the subject properties. The City could at anytime decide to extend Burr Oak Lane to the east. In order to ensure emergency vehicle and public works access to these properties, staff is recommending that the City require the applicant to construct a turn around and provide the necessary easement at the east end of the improved part of Burr Oak Lane (See Image Below). The City has a standard cul-de-sac detail that would stipulate the dimensions. The cul-de-sac would allow emergency and public works vehicles a turnaround point prior to the private driveway.

The proposed lot line rearrangement is generally in keeping with the City's zoning and subdivision regulations. The applicant is proposing to make the smaller property arguably better due to the inclusion of the requisite frontage on a public right of way. The proposed minor subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

Staff is seeking a recommendation from the Planning Commission for the requested minor subdivision with the following findings:

1. The proposed minor subdivision for a lot line rearrangement meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The Applicant shall provide the City with an easement description and plan for the cul-de-sac to be located at the eastern end of the improved portion of Burr Oak Lane. The construction of the cul-de-sac will be required prior at the time of issuance of a building permit for either parcel.
3. The Applicant shall provide a legal description for the required drainage and utility easements, as required by the City. The Applicant shall execute the requisite conveyance documents pertaining to the easements.
4. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
5. The Applicant shall record the subdivision, easement and City Council Resolution with the county within six (6) months of approval.

Phillips asked where the cul-de-sac would be and Kaltsas noted there is a 66' right of way. Gardner asked if the 66' could be expanded to 120'. Kaltsas said there would be an easement description written into the plan. Gardner noted the easement specs should be added the language.

Phillips asked about the neighbors to the west of the property. He noted the cul-de-sac would be near that property. Kaltsas said the onus falls to the petitioner property. Thompson asked how they would future proof this road idea. Kaltsas noted Burr Oak is substandard but is a public road. He said the burden balance would be on this property owner and in the future could involve assessments. Kaltsas said the City has the right-of-way but public safety aspects need to be considered and how many houses would be allowed on a road like this.

Public Hearing Open

Poole said he is adjacent to this property on the north side. He said he has no issue with the lot line but rather the Burr Oak expansion. He wondered about assessments and private drives being added in the future. Kaltsas said he would recommend the standard 120 easement.

Motion by Garnder to close the Public Hearing, second by Thompson.

Public Hearing Closed

Phillips said this is a better proposition for the City and considers it a good move. Gardner said it keeps it more in line with rural residential and would be an improvement.

Motion by Gardner, second by Thompson to approve a lot line rearrangement which would move the existing lot line between the two properties further to the west for the property located at the east end and south of Burr Oak Lane (PID No.s 08-118-24-42-0001 and 08-118-24-31-0001) in Independence, MN with modifications made to line item (2) per City specifications. Ayes: Thompson, Gardner and Phillips. Nays: None. Absent: Dumas and Palmquist. MOTION DECLARED CARRIED.

7. Open/ Misc.

8. Adjourn.

Motion by Gardner, second by Thompson to adjourn at 8:00 p.m. Ayes: Thompson, Gardner and Phillips. Nays: None. Absent: Dumas and Palmquist. MOTION DECLARED CARRIED.

Respectfully Submitted,

Trish Bemmels
Recording Secretary