

City of Independence

Request for an Amendment to the Conditional Use Permit by Ostvig Tree, Inc. Located at 1575 County Road 90

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	April 19, 2016
<i>Applicant:</i>	Jim and Kathy Ostvig
<i>Owner:</i>	Jim and Kathy Ostvig
<i>Location:</i>	1575 County Road 90

Request:

Jim and Kathy Ostvig (Applicant/Owner) request that the City consider the following action for the property located at 1575 County Road 90, Independence, MN (PID No. 27-118-24-11-0001):

- a. An amendment to the existing Conditional Use Permit to allow additional employees in association with the business on the property.

Property/Site Information:

The property is located on the west side of County Road 90 and just south of US Highway 12. The property is comprised of an existing house, large accessory building, outdoor storage area and wetlands on the west side of the property. The property has the following characteristics:

Property Information 1575 County Road 90
Zoning: *AG-Agriculture*
Comprehensive Plan: *Commercial/Industrial*
Acreage: ± 10 acres



Discussion:

The property is currently zoned Agriculture, but is guided by the City’s comprehensive plan for Commercial-Light Industrial. The applicant currently lives on the property in the existing house. The subject property has an existing conditional use permit to allow a landscaping and tree service business. The applicant is seeking an amendment to the existing conditional use permit to allow additional employees to be permitted on the property. The current conditional use permit allows up to 12 employees as a part of the commercial business. The applicant would like the City to consider allowing up to 38 employees in association with the conditional use permit.

The applicant has prepared a narrative which describes how the employees are utilized in the business. There are no proposed changes to the existing buildings. Essentially, the additional employees need a location to park on the site. The majority of employees leave the site to perform their work. The applicant has a large “construction yard” located on the property. Employees currently park in a location to the north of the large accessory building and behind the existing residence. From the aerial photographs, you can see how the site could accommodate additional vehicles. There is a sufficient area in this location to accommodate additional parking spaces (see illustration below).



Staff has reviewed the request and found that the site is in compliance with applicable City requirements. There have not been any known issues relating to the operation of the business on this property or pertaining to the conditions of the conditional use permit.

Any amendment to an existing CUP must meet the same requirements established for granting a new CUP. The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

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.

This property is zoned for commercial use. Should the applicant wish to expand the buildings or make other material improvements to the business in the future, the City would likely want to consider rezoning the property to CLI and requiring other aspects of the business to be brought into compliance with applicable commercial standards (i.e. paved parking and loading areas, lighting, etc.). The nature and geographic location of the applicant's business generally mitigates potential impacts on surrounding properties. The City will need to determine if the proposed amendment to the CUP meets the requirements for granting a conditional use permit. Commissioners can provide further direction relating to any additional provisions if recommended for approval.

Neighbor Comments:

The City has not received any public comments as of the time of this writing.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested amendment to the Conditional Use Permit. Should the Planning Commission make a recommendation to approve the requested action, the following findings and conditions should be considered:

1. The proposed Conditional Use Permit amendment request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. The Conditional Use Permit would be amended as follows:
 - a. Permit up to 38 employees in association with the business.
4. The applicant shall pay for all fees associated with the City's processing and review of the Conditional Use Permit.

Attachments:

1. Applicants Submittal Documents
2. Narrative From Owner
3. Site Plan