

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, MAY 4, 2021 –6:30 P.M.
(Virtual Meeting/ All Attendees)

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 6:30 p.m.

3. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

2. ROLL CALL (Note: all noted present were “virtually” present

PRESENT: Mayor Johnson, Councilors Spencer, Betts, McCoy and Grotting

ABSENT: None

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner, City Attorney Vose

VISITORS: Jeff Kazin, Thomas Anderson, Mike Schrader, Jim Wehmann, Donovan DesMarais, Jerry Wise, Paul Otto

3. ****Consent Agenda****

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council Minutes from the April 20, 2021 Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1 Checks Numbered 20441-2046, Batch #2 Checks Numbered 20448-20466, Check Number 20447 was voided).
- c. Approval of Contract with Z Systems, Inc. to Supply and Install Audio Visual System for Community Room.
- d. Approval to Purchase Furniture from Henricksen for the Community Room.
- e. First Quarter Building Permit Report (for information only).

Motion by Betts, second by McCoy to approve the Consent Agenda. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

4. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

5. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings: (Virtual)

- Planning Commission Meeting
- City Council Workshop
- LSIA Spring Meeting
- Clean-up Days

Grotting attended the following meetings: (Virtual)

- Planning Commission Meeting
- City Council Workshop

McCoy attended the following meetings:(Virtual)

- Planning Commission Meeting
- City Council Workshop

Betts attended the following meetings: (Virtual)

- Planning Commission Meeting
- Police Commission Meeting (in person)
- City Council Workshop

Johnson attended the following meetings: (Virtual- unless noted)

- Planning Commission Meeting
- City Council Workshop
- National League of Cities Meeting
- Small Cities Council Meeting
- Orono School Board Meeting
- Police Commission Meeting (in person)
- Sensible Land Use Coalition Meeting
- Citizens League Seminar
- Met with Rugby team representative about games

Horner attended the following meetings: (Virtual)

- Clean-Up Days
- Planning Commission Meeting
- City Council Workshop
- BKV architect meetings

Kaltsas attended the following meetings:

- MnDOT meetings on construction efforts for Highway 12 and 92

6. Jeff Kazin (Applicant/Owner) is requesting the following action for the property located 7475 County Road 11 (PID No. 0911824120001) in the City of Independence, MN:

- a. **RESOLUTION 21-0504-01:** Considering approval of a conditional use permit to allow the construction of a new detached accessory structure that exceeds 5,000 SF on the property.

Kaltsas said the applicant approached the City with plans to add a second detached accessory structure on the subject property. It was noted that the proposed 7,500 square foot detached accessory structure would exceed the maximum square footage permitted of 5,000 without a conditional use permit. The applicant would like the City to consider granting a conditional use permit to allow the proposed 7,500 SF accessory building to be added to the property.

In reviewing the request, the City determined that there was a possible wetland located in the general vicinity of the proposed building (see image below). The applicant worked through the wetland delineation process and last week it was determined that no wetlands existed in the vicinity of the proposed shed and or as shown on the national wetland inventory. All accessory structures greater than 5,000 square feet require a conditional use permit

530.01 Agricultural District established.

Subd. 3. Accessory uses.

(d) Detached agricultural storage buildings, barns, or other structures, accessory to an existing single-family dwelling and subject to the following criteria:

3. The maximum square footage of any individual accessory building or structure shall be 5,000 square feet.

The proposed detached accessory building is 7,500 square feet in size (60' x 125'). There is an existing ~5,500 square foot detached accessory structure already on the property. For properties greater than 10 acres, there are no maximum total allowable detached accessory structure square footage limitations. The proposed building would be used for the personal and private storage of agriculture equipment associated with the applicant's farm. There would be no commercial use of the accessory structure permitted. The proposed detached accessory structure would be constructed using materials and colors identical to the existing accessory structure. The building would be oriented so that the doors are facing to the west with no openings on the north, south and east sides. The applicant has provided the City with a site survey, floor plan and building elevations of the proposed building. It should be noted that there are no doors shown on the "open" side of the building, but the applicant intends to fully enclose the building in the future with overhead doors.

The proposed site and buildings have the following characteristics:

Site Area: 63.08 Acres

Required Setbacks:

Front Yard: 85 feet from centerline

Side Yard: 30 feet principal structure

15 feet accessory structure

Rear Yard: 40 feet

Proposed Setbacks:

Front Yard: N/A (500+ feet from CL of CSAH 11)

Side Yard: 15 feet (east side property line)

Rear Yard: N/A (500+ feet from rear property line)

The proposed detached accessory structure would meet all applicable building setbacks.

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 from 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.

The City has visited the site and discussed the proposed detached accessory structure with the applicant. The conditional use permit would allow an accessory structure larger than 5,000 SF. The City is being asked to determine whether or not the proposed accessory structure larger than 5,000 SF would meet the criteria for granting a conditional use permit.

The applicant is proposing to construct a detached accessory structure to provide additional storage for use with their farm. The applicants live on the subject property. The applicant has not submitted any information pertaining to building lighting. All building lighting will need to comply with the City's lighting standards. The City typically reviews building lighting during the building permit review process. No additional building screening is proposed given the proximity of all structures on adjacent properties combined with the existing vegetation and general screening provided by the placement of the building. The applicant has prepared a site plan and building plans for the proposed site improvements. The City will want the applicant to submit a grading and drainage plan with the building permit to ensure runoff from the building is adequately routed and or mitigated prior to exiting the property.

The following conditions should be considered:

1. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
2. The applicant shall provide a proposed grading and drainage plan for review by the City.
3. The applicant shall provide the City with information and details pertaining to any and all building and site lighting. All lighting will be required to comply with the City's applicable lighting standards.
4. No commercial use of the proposed detached accessory structure shall be permitted.
5. No future expansion of the detached accessory structure shall be permitted without the further review and approval by the City through the conditional use permit amendment process.

Kaltsas said Commissioners discussed the application and asked questions of staff and the applicant. Commissioners found the application to be complete and thought that the request met the criteria for granting a CUP. Commissioners recommended approval of the requested CUP to allow an accessory structure on the property that exceeds 5,000 SF. The Planning Commission recommends approval of the request for a conditional use permit with the following findings and conditions:

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in 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 applicant shall provide a proposed grading and drainage plan for review by the City. The applicant may be required to add a gutter or other drain tile to the east property line to ensure that drainage resulting from the construction of the new building does not impact the adjacent property.
4. The applicant shall provide the City with information and details pertaining to any and all building and site lighting. All lighting will be required to comply with the City's applicable lighting standards.

5. No commercial use of the proposed detached accessory structure shall be permitted.
6. The City is approving the construction of the building detailed in the plan set attached as **Exhibit B**. No future expansion of the detached accessory structure shall be permitted without the further review and approval by the City through the conditional use permit amendment process.
7. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Johnson asked the applicant if they had questions. Kazin thanked Kaltsas for his help and it is pretty straightforward and makes a nice courtyard for the farming operation. Grotting asked about the flow of the water. Kaltsas said this does not change the natural flow and we look at how the building impacts flow.

Motion by Spencer, second by Grotting to approve RESOLUTION 21-0504-01 for a conditional use permit to allow the construction of a new detached accessory structure that exceeds 5,000 SF property located 7475 County Road 11 (PID No. 0911824120001) in the City of Independence, MN: Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

7. Thomas Anderson (Applicant/Owner) is requesting the following action for the property located at 2076 Copeland Road (PID No. 20-118-24-23-0002) in the City of Independence, MN:
 - a. **RESOLUTION 21-0504-02:** Considering approval of a rural view lot subdivision that would create a new buildable lot.

The applicant approached the City several months ago about the possibility of purchasing the property and creating a rural view lot in accordance with applicable standards. The applicant is proposing to create one (1) rural view lot in accordance with the provisions set forth in the City's Zoning Ordinance. The subject property has a total acreage of 48.85 acres. The provisions in the Agriculture Zoning District allow one (1) rural view lot for every 40 acres of land under the same ownership. Under the current zoning standards, the subject property has the ability to realize one (1) rural view lot for a total of two (2) lots on this property. Rural view lots must have the following characteristics:

Lot size required: between 2.5 and 10 acres

Lot size proposed: Parcel B – 6.62 acres

Minimum lot frontage required: 300 LF (for property between 5-10 acres)

Minimum lot frontage proposed: Parcel B – 524 LF **Ratio of lot frontage to lot depth required** - no more than 1:4

Ratio of lot frontage to lot depth proposed – Parcel B - ~1:1.5 (524:780)

In addition to the minimum size necessary to subdivide, the ordinance requires a minimum of 2.5 acres of buildable upland, 300 LF of frontage on a right of way and no greater than a 1:4 ratio of lot frontage to lot depth for each rural view lot. Based on the proposed subdivision, the rural view lot would have approximately 4.1 acres of useable upland and 524 LF of frontage on Copeland Road.

The proposed subdivision would produce a 6.62-acre rural view lot. The existing home and detached accessory structure would remain on the property being created as a rural view lot. The existing home meets all applicable setbacks in the after condition. The existing detached accessory structure appears to meet the setback from Copeland Road; however, the condition is not impacted as a result of the proposed subdivision and is either legal non-conforming or conforming (requires an 85-foot setback from the centerline of Copeland Road – centerline is not shown, and structure appears to be +83.6). The applicant worked with the

City to configure the rural view lot in a manner that maintained conformability and worked with the existing house and detached accessory structure. In addition, the applicant wanted the larger remainder property to maintain a significant portion of the wetland/pond area that is located on the west side of the property. The proposed angled lot line configuration provided appears to align well with the existing property conditions and also provides for the septic site on Parcel B.

The remainder of the property (Parcel A) would comprise 42.23 acres and have one principal building entitlement. Parcel A would easily accommodate a new building pad given its overall size, topography, and proposed dimensions. Any development on the property would need to meet all applicable setbacks including those from wetlands. The City received an on-site septic report verifying that both Parcel A and B can accommodate a primary and secondary on-site septic system. The applicant has included the requisite drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2) for both the existing and proposed parcel. The remaining property will have **no** rural view lot subdivision eligibilities following this subdivision.

The newly created Parcel B will be required to pay the City's requisite Park Dedication fee. For this property, the requirement is \$4,715.00. This fee will need to be paid prior to recording the subdivision. *Park dedication fee of \$3,500 per lot up to 4.99 acres, plus \$750 per acre for each acre over 5 acres* The proposed rural view lot subdivision appears to meet all applicable standards of the City. The proposed subdivision is in keeping with the character of the surrounding area and maintains a larger agricultural property that can accommodate a future residential structure.

Commissioners discussed the application and asked questions of staff and the applicant. Commissioners discussed the frontage requirements and proposed layout and recognized the need for an angled property line as proposed. Commissioners found the application to be complete and thought that the request met the criteria for granting approval of a minor subdivision. Commissioners recommended approval of the requested minor subdivision to allow a rural view lot split on the property.

The Planning Commission recommended approval of the request for a rural view lot subdivision with the following findings and conditions:

1. The proposed rural view lot subdivision meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the rural view lot subdivision is subject to the following:
 - a) The Applicant shall pay the park dedication fees in the amount of \$4,715.00, for the newly created Parcel B, prior to the applicant receiving final approval to record the subdivision by the City.
 - b) The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
 - c) The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
 - d) The Applicant shall execute and record the requisite drainage and utility and right of way easements with the county within six (6) months of approval.
 - e) The remaining Parcel A will have no remaining rural view lot eligibilities.

Motion by Betts, second by McCoy to approve RESOLUTION 21-0504-02 for approval of a rural view lot subdivision that would create a new buildable lot property located at 2076 Copeland Road (PID No. 20-118-24-23-0002) in the City of Independence, MN: Ayes: Johnson, Spencer, McCoy, and Betts. Nays: None. Absent: None. Abstain. Grotting. MOTION DECLARED CARRIED.

8. Mike Schrader (Applicant) and Jim Wehmann (Owner) are requesting the following actions for the property located at 6625 Fogelman Road (PID No. 10-118-24-43-0009) in the City of Independence, MN.
 - a. **ORDINANCE 2021-03:** Rezoning the subject property from AG-Agriculture to RR-Rural Residential in accordance with the Comprehensive Land Use Plan.
 - b. **RESOLUTION 21-0504-03:** A minor subdivision to allow the creation of a new lot on the property located at 6625 Fogelman Road.

Kaltsas said the applicant is proposing to create one (1) additional rural residential lot in accordance with the provisions set forth in the City's Zoning Ordinance. The ordinance stipulates that Rural Residential properties must be a minimum of 7.6 acres to allow for the subdivision of an additional lot. The new lot must be a minimum of 2.5 acres of buildable upland, have a minimum lot frontage on a public road and have no greater than a 1:4 lot frontage to lot depth ratio. In order for the City to consider granting approval for a minor subdivision to permit an additional lot using the provisions set forth in the RR-Rural Residential zoning district, the City would first need to consider approving the rezoning of the property.

The property is currently zoned A-Agriculture and guided by the Comprehensive Plan as Rural Residential (see Comprehensive Plan and Zoning Map attached). There are several factors to consider relating to rezoning a property. The City's ordinance has established criteria for consideration in granting a zoning amendment.

520.07. Criteria on zoning amendments. Subdivision 1. The planning commission and the city council may consider, without limitation, the following criteria in approving or denying zoning amendments. Subd. 2. Zoning amendments must conform to the Independence city comprehensive plan. Subd. 3. The zoning amendment application must demonstrate that a broad public purpose or benefit will be served by the amendment. Subd. 4. The zoning amendment application must demonstrate that the proposed zoning is consistent with and compatible with surrounding land uses and surrounding zoning districts. Subd. 5. The zoning amendment application must demonstrate that the subject property is generally unsuited for the uses permitted in the present zoning district and that substantial changes have occurred in the area since the subject property was previously zoned. Subd. 6. The zoning amendment application must demonstrate merit beyond the private interests of the property owner.

As it relates to meeting the criteria for granting a zoning map amendment, the following information can be considered:

Subd. 2. The proposed rezoning is consistent with the comprehensive plan.

Subd. 3. Rezoning this property to RR would allow the property to be subdivided which is generally consistent with properties surrounding the subject property.

Subd. 4. The property has historically been used as a residential property. The neighboring properties on all sides are currently used as rural residential.

Subd. 5. The property is currently zoned agriculture. The use of property as an agriculture operation is somewhat restricted due to the limited amount of tillable acreage. The city has identified that this property will be better suited for residential purposes.

Subd. 6. The City will need to determine that the rezoning of the property has public merit that reach beyond the interests of the property owner.

The rezoning from A-Agriculture to RR-Rural Residential does not appear to create a property that is inconsistent with the surrounding properties.

Minor Subdivision:

The proposed lot would have the following characteristics.

Lot size required: minimum of 2.5 buildable acres

Lot size proposed: West Parcel - 7.71 acres East Parcel - 4.55 acres

Minimum lot frontage required: 250 LF (for property between 3.50-4.99 acres)
300 LF (for property between 5.00-10.00 acres)

Minimum lot frontage proposed: West Parcel - 529 LF East Parcel - 313 LF

Ratio of lot frontage to lot depth required: no more than 1:4

Ratio of lot frontage to lot depth proposed: West Parcel - 1:1 East Parcel – 1:2

Staff discussed the proposed subdivision with the applicant and identified a general configuration that would be compatible with the surrounding area and offer the least amount of impact to the surrounding properties. The survey confirms that all existing structures on the West Parcel will meet all applicable setbacks in the after condition. The east parcel will require a new driveway and provides a suitable area for a single-family home to be located on the property.

The existing home has an existing on-site septic system that will remain in use with the existing home. The applicant has provided the City with information verifying that both properties can accommodate a primary and secondary site (see locations on survey).

The proposed subdivision delineates drainage and utility easements along all property lines. The easements have been revised to meet the City's established criteria. There was initially a five-foot wide easement provided as a part of the original plat and the City now requires ten feet. The survey reflects that the additional five feet will be dedicated to the City as a drainage and utility easement. The newly created East Parcel will be required to pay the City's Park Dedication required fee. For this property, the park dedication payment amount is \$3,500.00. This fee will need to be paid prior to recording the subdivision.

*Park dedication fee \$3,500 per lot up to 4.99 acres, plus \$750 per acre for each acre over 5.
4.55 acres- \$3,500 for first 5 acres = \$3,500.00*

There is one other bit of information that should be noted by the City. The property located at the southwest corner of Fogelman and County Road 90 was also originally platted as a part of the French Hills Subdivision. That property was subdivided in 2016 in a similar fashion to this request. At the time it was subdivided, there were concerns raised relating to a covenant that was placed on this subdivision that would restrict future subdivisions. The City is not a party to any covenants and does not have authority to enforce private covenants on a property. The City therefore needs to consider its current zoning ordinances and whether or not the proposed rezoning and subdivision are consistent with the current standards. As it relates to this point as well as the overall request, it appears that the proposed subdivision meets all of the applicable standards of the City's zoning and subdivision ordinance. The lots being created will fit into the character of the surrounding area and should have minimal impacts on the surrounding properties. The adjacent properties to the east, west, north, and south are similar in size to the proposed lots after the subdivision.

Commissioners discussed the application and asked questions of staff and the applicant. Commissioners discussed the concerns relating to the original development and any potential restrictions relating to the subdivision of the property. Commissioners noted that the proposed lot configuration created two lots that were consistent with the surrounding properties. Commissioners found the application to be complete and thought that the request met the criteria for granting approval of a minor subdivision. Commissioners recommended approval of the requested minor subdivision on the property.

The Planning Commission recommended approval of the requested rezoning and minor subdivision with the following findings:

1. The proposed rezoning and minor subdivision meet 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 execute and record the requisite drainage and utility easement with the county within six (6) months of approval.
3. The Applicant shall pay the park dedication fees in the amount of \$3,500 prior to the applicant receiving final approval to record the subdivision by the City.
4. The Applicant shall pay for all costs associated with the City's review of the requested subdivision.
5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Betts asked Vose about covenants and association agreements. Vose said the City acting as a governing body really does not enforce these types of agreements unless they are an "owner" in the development. He said he was not certain this was a case where there were actual covenants drawn up.

Motion by Johnson, second by Spencer to approve ORDINANCE 2021-03: Rezoning the subject property from AG-Agriculture to RR-Rural Residential in accordance with the Comprehensive Land Use Plan for the property located at 6625 Fogelman Road (PID No. 10-118-24-43-0009) in the City of Independence, MN. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

Motion by Grotting, second by Spencer to approve RESOLUTION 21-0504-03: A minor subdivision to allow the creation of a new lot on the property located at 6625 Fogelman Road for the property located at 6625 Fogelman Road (PID No. 10-118-24-43-0009) in the City of Independence, MN. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

9. Donovan DesMarais (Applicant) and Jerry Wise (Owner) are requesting the following actions for the property located at the northeast corner of CSAH 11 and Woodhill Drive (PID No. 01-118-24-34-0010) in the City of Independence, MN:
 - a. Concept plan review for a proposed subdivision of the subject property to create four (4) new lots (3 would have lakeshore on Lake Sarah).

Kaltsas said the applicant is asking the City to consider and provide feedback relating to a concept plan for the proposed subdivision of the subject property. A concept plan allows the City the opportunity to initially review the proposed subdivision and provide feedback and comments to the applicant prior to the submittal of any applications for rezoning and preliminary plat. In order for the City to ultimately consider approval of a plan similar to the proposed concept plan, the following steps would be required:

1. Consider Preliminary Plat approval.
2. Consider Final Plat approval. The applicant has prepared a concept plan for review by the City. The City has preliminarily reviewed this plan and provided review comments to the applicant. The property is currently zoned RR-Rural Residential and is also located within the S-Shoreland Overlay zoning district adjacent to Lake Sarah. The City Council recently concluded that properties zoned S-Shoreland and have access to sanitary sewer, can be subdivided into 1-acre minimum lots as long as all applicable requirements can be satisfied by the applicant. The applicable requirements that stipulate the number of lots generally relate to the

minimum road frontage (200 LF – for lots less than 3.49 acres), minimum shoreline frontage (100 LF) and minimum width at the building setback line (100 LF).

505.13. Zoning provisions.

Subd. 1. *General.* The following standards shall apply to all proposed developments and subdivisions within the shoreland district of the protected waters listed in subsection 505.05. Where the requirements of the underlying zoning district as shown on the official zoning map are more restrictive than those set forth herein, then the more restrictive standards shall apply. The City has discussed the potential subdivision of this property with the applicant. The initial review of the subdivision contemplates a high-level review only of the proposed concept development plan. A detailed review of the storm water, grading, wetlands, and infrastructure details will be completed prior to consideration of any future applications. The City does not formally approve or deny a concept plan. The concept plan review will provide direction and comments to the applicant for their use during the preparation of future applications.

The following comments should be considered by the City:

1. The subdivision of property and corresponding plans will be subject to the review and approval of the Pioneer Sarah Watershed Management Commission.
2. A wetland delineation will need to be completed prior to any formal preliminary plat submittal.
3. Building setback and OHWL lines have been added to the concept plan to provide better context for the Planning Commission and City Council to understand how the lots would accommodate a home and driveway.
4. The proposed subdivision creates a total of 4 lots: 3 with shoreland access to Lake Sarah. The City requires a minimum lot public road frontage of 200 LF per lot. This property has approximately 1169 LF of total frontage on Woodhill Drive and CSAH 11. The City can waive the minimum frontage requirement per lot if certain criteria are satisfied. The proposed layout appears to create a more advantageous configuration due to access for all lots coming off of Woodhill Drive versus CSAH 11. Hennepin County has indicated that an additional access onto CSAH 11 would not likely be approved. This issue should be noted for discussion by City Council.
5. The proposed layout is somewhat impacted by the existing detached accessory structure located on lot 2. This structure is not considered a legal structure as there is no principal structure located on this property. The City will need to further discuss how and if this structure can remain, noting that if this property is subdivided and sells, the lot would still not have a principal structure guaranteed. This structure is shown to meet applicable building setbacks in the proposed condition.
6. The proposed lots would be connected to the City's sanitary sewer system. The type of connection to the public sewer line will need to be further reviewed and considered by the City. In addition, the invert elevation of the public sewer may dictate additional restrictions for the elevations of the proposed homes.
7. There is one existing connection to the sanitary sewer serving the existing detached accessory structure. This connection can be used for one of the proposed lots. The three new and additional lots would be subject to applicable connection fees in addition to the initial assessment fee of \$9,550 per lot.
8. Park dedication will be required for this development if it moves forward. The City's current park dedication fee is \$3,500 per lot (less than 4.99 acres). Staff would like direction and feedback relating to the general design and layout of the proposed subdivision and the issues identified within this report.

The Planning Commission discussed the proposed concept development plan and offered the following comments:

- Commissioners discussed the existing detached building and asked if the City could come up with a mechanism/agreement that would ensure that the structure would be brought into compliance with applicable standards and obtain all applicable permits. Staff noted this comment and would work with the City Attorney to develop said mechanism/agreement.

- Commissioners discussed the tradeoff between reconfiguring the lot lines so that all properties have the requisite frontage versus allowing reduced frontage on Woodhill Drive. It was noted that the property has the requisite frontage for all lots. It was further noted that the configuration of the lots and potential access limitations that would come into play if reconfigured may be justification for allowing reduced frontage.
- Commissioners asked if any additional water quality measures would be required (i.e., ponding, buffers, rain gardens, etc.). It was noted that this would be further reviewed if a formal subdivision application were made to the City.

City Council is being asked to review the plans and provide feedback to the applicant pertaining to the proposed concept plan. No formal action can be taken by the City Council on the concept plan. There are additional steps that will need to be taken for any development of this property to occur.

Johnson asked about the lot with the shed and if the area to the North is wetland. Kaltsas said it was not but rather a treed area. Johnson said he feels lot number 4 would come off of Woodhill Dr and it would be good to consolidate to one entry. Grotting asked if there was a setback variance precedent from the lakeshore. Kaltsas said there was not a precedent for new lots.

Betts asked what was along the shoreline. Spencer said it was shallower along that end of the lake and an area of cattails, but a low dock can provide access.

Grotting asked if the structure that was there could be torn down in the future as it was in an ideal spot. Kaltsas said the applicant feels the value is high for the structure and the lot will be more marketable with it on it. Betts asked if that structure had water running to it. Kaltsas said it was connected to city sewer and it has a well. Betts asked if the well location would be an issue. Kaltsas said if they subdivided, they would have to have individual wells for each property. Johnson noted there was only one sewer connection. Kaltsas said that was correct and it comes off of Woodhill. He noted they would have to work out how to use the existing stub. Johnson asked if that would be an issue with Met Council. Kaltsas said we would be utilizing additional connections which were granted by the Met Council.

DesMarais said they may need to disconnect the original line and run a new line along lot 2 and then reconnect. He said they would put three new wells on the property as well. Spencer said the direct answer to Betts question is that the garage has its own well.

Otto stated it would be preferable to have two driveways for lots 3 and 4 rather than a shared driveway. He said the sewer line will be pretty simple with putting in a new curb stop. Otto said they have tried to manipulate the lot lines so everyone can have lake access. Johnson asked if lot 3 had a creek to the lake and wondered if there was a spring there. Otto said there was rip rap swale down there that was fairly wide.

10. Open/ Misc.

11. Adjourn.

Motion by Grotting, second by Betts to adjourn at 7:53 p.m. Ayes: Johnson, Grotting, McCoy, Betts, and Spencer. Nays: None. Absent: None. None. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Trish Gronstal/ Recording Secretary