



PLANNING COMMISSION MEETING MINUTES
TUESDAY JULY 16, 2024

7:30 PM REGULAR MEETING

1. Call to Order

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

2. Roll Call

Present: Thompson, Gardner, Tearse, Volkenant

Absent: Dumas

Alternates: Story, Usset

Staff: City Administrator Kaltsas, Simon

Visitors: (See Sign in sheet)

3. Approval of Minutes:

- a. May 21, 2024, Planning Commission Meeting Minutes.
- b. June 18, 2024, City Council Meeting Minutes (For Information Only).

Motion by Story, seconded by Volkenant to accept the minutes as written.

Ayes: Gardner, Thompson, Tearse, Story, and Usset. Nays: None. Absent: Dumas. Abstain: None.

Motion Approved. 5-0

4. **PUBLIC HEARING (Continued)** – Blue Valley Farm LLC (Applicant/Owner) is requesting the following action for the property located at 7550 Turner Road (PID No. 28-118-24-13-0005) in the City of Independence, MN.

- a. A conditional use permit amendment to allow an outdoor riding arena to be added to the subject property as a part of the commercial horse boarding facility on the subject property.

Kaltsas – continuation to CUP – add outdoor riding arena to the CUP. Zoned AG, guided AG by

comp plan, 23 acres in overall size. Planning Commission reviewed this at an earlier meeting, request was tabled so applicant can continue making revisions to app to better mitigate and potential impact from the riding arena. Installed without proper grading permit and CUP amendment that was needed because it's a commercial stable. Talked about alternate locations on the property. Applicant put together a proposal to move the arena slightly further to the West. 200ft in length and applicant is adjusting it by shifting to the East but maintaining the general local of where that is. Owner submitted a new drainage plan was submitted. Alleviate some concerns expressed by adjacent property owner. Drainage pattern historically goes in an area with the swale to north of property. Applicant will recreate swale and add mechanical drainage to the bottom of hill. Mechanical drainage would help to clear up some of the standing water that gets caught at the property lines. Drainage would probably improve existing condition. Proposing to extend evergreen buffer. There is a row of evergreen trees and where there were additional ones. Clay soil and water died off trees. Different type of evergreen tree to plant that could withstand some of this. It is a filtered buffer. It is not overly planted. There was a question related to footing material installed – sand and synthetic integrated into it. Talked with manufacturer and when we were presented with that info, footing that was installed did have some concern of it getting into ground water. They did more research to find another material that would be ok. They would like to maintain a vegetative buffer. New proposed material would be better suited as we set a standard moving forward with the indoor and outdoor materials. Condition #3 no employees of the business reside at the residence. Residence is occupied by the owner of the business – Windamawr stables. Blue Valley is the owner of the property, does not live at the property. One area of ordinance that relates to ownership is property has to be owner occupied. We have an opportunity to clarify the language of that. The owner of the business resides at the property. There is gray area. I have original report still in place. Applicant came back with an amendment. There are other locations you could put an outdoor riding arena on this property. It's unfortunate that it is there without any say from the city.

Gardner- any questions for mark?

Thompson – the housing provision is in the CUP; do you have language for altering that for staff recommendations?

Kaltsas – we can craft that tonight if we want to have a discussion about that. I wanted planning commission to provide info.

Gardner- with a riding arena and a house, the owner lives in the house

Thompson – does the Cup address this?

Kaltsas – we wouldn't address the residence. Many of our horse stables have a guest ADU or apartment. They are usually in the barn or separate building. We have a lot of stables that are not owner occupied. Owners don't live there, some are part timers or full time. The owner does not own at the home. The operator of Windamawr Stables lives at the property.

Gardner – we haven't had any complaints, have we?

Kaltsas – no its just because we are looking into this

Usset – should we remove this from the CUP?

Kaltsus – we can remove or change language.

Usset – removing it to match others makes the most sense.

Thompson – I'm on the removal bandwagon. There are a lot of houses held in trusts, LLCs where the person residing is not the owner. I would just remove it. There is no ADU.

Kaltsus – it's not a condition that I've used. We are very conscientious of employees or caretakers. It gets gray really fast on how we apply that.

Story – did you have any conversation about the screening and why partial?

Kaltsus – you can see it from adj owners' property you can see it partly because of the water. If it

was something that you said you wanted more, you could layer more evergreens into that mix.
Volkenant – is it necessary for them to put it all the way around?
Gardner – no

PUBLIC HEARING OPENED

Jeanne – owner. Thank you for your help and guidance. It wasn't our intention to go against the rules. We jumped ahead of it and apologize for that. Mark has been very helpful to work with. We took all concerns to heart. We looked at all the plans and what would be easiest and hardest. Placement of arena so it's not directly behind neighbor's house and drainage. That's why trees died. Even with mitigation, we aren't sure how many trees grow there. There seems to be some spring there. IT goes all the way around the barn. It affects us changing it to other locations on the land. We suggested some new trees and we can go more if they can grow. We didn't talk about density, and I have spoken to an arborist, and they recommended not going denser because they don't grow well. I have looked at black hills spruce and Swiss Stone Pine. More bushy, thick and more compact. This was the best location, horses to compete – they have to be outdoors. They must get used to air, bugs, wind, etc. Size is 100x200. Other farms have larger. We would abide by hours of use. We would not have more than 2 horses in the ring at a time because they are jumping. Reestablish original grading that is low, add drain tile, move water away from the corner to the N. Keep fence line that is present and reestablish pasture. No gravel path going into the ring.

Neil – precision grading – proposing a French drain along there. Water collecting along property line. If the property owner would like, we can extend that tile up a little if he wants the help mitigating that drainage. That would be a positive flow through there. We would remove what's there now, return to topsoil and grade so no water would collect there anymore.

Gardener – what kind of French drain?

Neil – 6" – dig a trench with slight slope and filtering fabric. 6" perforated with sock,
Gardener – that should eliminate surface water

Jenny Harris- drainage off our driveway has proven to work with all the rain we have had recently. Also, in that location it is close to the barn and road if we ever need an emergency vehicle. Outdoor arena is just for practice, not shows or competitions.

Rachel W – head trainer – concerns regarding arena footing – Stacy with HC did site visit. No wetland in our near vicinity and no violation of that. She recommended the buffer. Vegetation buffer around the arena. If that doesn't suffice, we researched other options that pass others.

Thompson – not just the berm, but the footing as well

Rachel W- yes.

Jenny Harris – when we purchased the property, we never intended to occupy it. We have worked with Windamawr in the past and leased and that's why we purchased.

Jenny - #3. We don't have any employees. I live on the site. Jeanne doesn't have any employees either.

Story – as we dug into it that's why it all got brought up. A lot of stables have that.

Jenny Harris – we have independent contractors that we hire for contract work.

Tom Bren – the neighbor guy – I appreciate that they have looked at the water issue. There are facts that have been violated. #3-#5 have been violated. #3 is the least impactful. #4 & #5 have not been taken care of. CUP details.

Kaltsas – CUP conditions.

Tom Bren – General welfare. Complete privacy and now there is a commercial business, but they went ahead and put an outdoor riding arena that is close to half an acre that is right in our backyard and view. #5 detrimental effect – violation of that. All the documentation says that amendment should be compliant with all the original CUP. They never approached us, no permit – activate awareness, ask for forgiveness. Gives examples of 4 other locations. Other site next to the original placement would be closer to the barn and doesn't impact anything instead of them looking at it from their home instead of us looking at it. This takes care of grading but not the fact that it is still there. This is the least amount that can be done to justify it and why not move it. This is the kind of thing that can be mitigated ahead of time. I understand grading, soils, horses, etc. I don't like what they put right there.

Gardner – you have had 2 months to get together and not do that here.

Tom Bren – they didn't reach out to me. They worked with Mark.

Gardner – I'm not saying your right or wrong.

Tom Bren – they haven't been mitigated.

Gardner – your against having it put there at all.

Tom Bren – I am. They need to train outside, I get that. The distraction was that they would be impacted by polo horse trailers.

Gardner – you are on record as not wanting this

Tom Bren – I don't want to stare at it.

Gardner – we use trees to do this. I can see through the trees and they were planted 16 years ago. It is a cure for this thing.

Tom Bren – why is the impact of violating 4 & 5 not being considered. It is being overlooked

Thompson – we are hearing public feedback on a new CUP. We are not having a disciplinary hearing on old CUP.

Tom Bren – you told them to move it and they didn't.

Gardner – they did and we are reviewing.

Tom Bren - this doesn't happen if they apply for the permit in the first place.

Volkenant – we assess that plan on city regulation and rules and if they fall within those, we have to consider that. It can't be solely based on one person doesn't want to look at it.

Tom Bren – it clearly states rules, and it should not be forgotten.

Volkenant – we can add more landscaping, so you don't have to see it.

Story – would that be of interest to you?

Tom Bren – I'd have to see it. I would like it to be 100ft further. Tighter screening would have to be looked at.

Volkenant – you can cover this up with landscaping.

Tom Bren – I never complain about anything. This is the first. It says they can have 2 events a year. What constitutes an event. No good language on this. June 22 there were 20 some cars over there, what's the regulations on that?

Kaltsas – event is fairly large. Occupancy at 49 people. 50 people or more. If there were regular events and it wasn't a few people training. That might be outside of the norm.

Gardner – we usually limit. What kind of events do you have?

Jenny Harris – always had horses in it. Previous owner had horse trainings out there as well.

Turner Rd washes out with bad rain. WE would have too much washout with landscape. Traffic use is busy.

Tom Bren – when they were out there riding in the past, they were training where I am

proposing.

PUBLIC HEARING CLOSED

Motion by Story, seconded by Thompson to close public hearing. Ayes: Gardner, Volkenant, Thompson, Tearse, Story, and Usset. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0

Motion by Story, second by Thompson to approve request from Blue Valley Farm LLC (applicant/owner)

1. A conditional use permit amendment to allow an outdoor riding arena to be added to the subject property as a part of the commercial horse boarding facility on the subject property.

Thompson – we are talking about this only because the CUP exists. If it was a farm they could build this with setbacks, it would be an approved because it is commercial.

Kaltsas – yes.

Thompson -If this was a private farm with 8 horses, they could put this up and it would be permitted.

Kaltsas – yes. They would still need to pull grading permits, etc., but no PC.

Thompson – what does a more robust screening plan look like?

Volkenant – full, not cheap but it would work. Visual coverage immediately. There are trees that would grow in wet areas. May lose needles in the fall but no one is probably there in the winter anyway.

Thompson – it's not the horses, It's the fence and sand. It's an odd combination. Horses in a field vs on sand.

Volkenant – they can screen out the arena and still see the trees overhead.

Story – language of CUP.

Kaltsas – state statute language we don't make up.

Story – no detrimental effect. If it wasn't commercial they could do any of this.

Thompson – any complaints on the property for the event or any complaints on the property before this review.

Kaltsas – no.

Gardner – it was worse before blocking drainage.

Story – how if faces was bad and direct. It is visible still now but it is not filling entire vision.

That doesn't mean a perfect view from 20 years ago. It's a balance.

Thompson – how fast can a landscape plan be turned around? Can it be ready for city council?

Kaltsas – yes, a landscape professional can put this together and we can review it.

Volkenant – yes if they have time in their schedule. Could we consider if more landscaping is added... faster visual block and drain tile

Kaltsas – species and

Story – how do we put that in a motion?

PUBLIC HEARING OPENED

Kaltsas – landscape plan higher level screening, opaque, layer in, etc?

Thompson – can we knock out an easy one – remove owner occupant restriction.

Story – came in asking for forgiveness, not permission. They came back at significant cost to be

honest and compromise.

Usset – screening won't be cheap.

Story -I'm more satisfied this time around.

Thompson – approval of cup changes subject to staff recommendation 1-8.

3 additional conditions. Seconded by Story.

- 1.Remove occupancy condition from original Conditional Use Permit
- 2.Provide landscape plan at time of review of city council that creates near absolute screening of fence and fill area on subject property
- 3.Remove original number 3 for large events.

Motion by Thompson, seconded by Story to approve CUP changes with 3 additional conditions. Ayes: Gardner, Thompson, Volkenant, Tearse, Story and Usset. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0

5. **PUBLIC HEARING** - Mike Reneau (Applicant) Greg Page (Owner) is requesting the following action for the property located at 7075 Highway 12 (PID No. 22-118-24-24-0001) in the City of Independence, MN:

- a. A conditional use permit (CUP) to allow a ground mounted solar system greater than 500 SF.

PUBLIC HEARING OPENED

Kaltsas – talked about it before and recommended denial since we didn't have a basis to grant a variance for ground mounted solar larger than 500 sq. ft. We have amended the ordinance since then. Subject property is AG, AG. Applicant has approached city to add ground mounted solar and reconstruction of principle structure. Add solar 2,000 sq. ft. ground mounted solar. 4 ground mounted arrays. No provisions in the ordinance to consider that. You have to establish a hardship and there was no hardship. We denied request but granted approval for 500 sq.ft. ground mounted solar array on this property. Up to a max of 2500 sq.ft. if application can satisfy additional criteria. 5 acres or larger, 100ft of any property line, use criteria relating to ground mounted being visible from any other properties. Located on portion of property south of home. 2,072. Surrounding properties are owned by the owner of this property. Nearest residential property is approx. .5 miles away. 1,000ft from Hwy 12. No visibility. We came up with 2500 sq.ft. is the max size in MN and still be considered residential. Meets all other criteria. No public comments.

PUBLIC HEARING CLOSED

Thompson recommend approval of Conditional use permit ground mounted solar, Usset seconded. Ayes: Gardner, Thompson, Volkenant, Tearse, Story and Usset. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0

6. **PUBLIC HEARING** - Karen Ann Malinak (Applicant/Owner) is requesting the following action for the property located at 2510 County Road 92 (PID No. 16-118-24-33-0003) in the City of Independence, MN.

a. A conditional use permit to allow an accessory structure greater than 5,000 SF.
Kaltsas - This item is a new item, but a familiar item. Applicant is back in front of us to allow detached accessory structure larger than 5000 sq. ft. Zoned AG, AG, 23 acres in overall size, E of 92. Applicant is seeking CUP to allow expansion. The existing detached is 2880 and wants to add 30x80 5, 280, exceeding it by 280. Greater than 10 acres, no requirement. Applicant has other animals, not the dogs. Located in the middle of the property. The building is centrally located. Do that have any impacts on surrounding properties. We have a limit of 5,000 because there are potential impacts. Visibility impacts, lights, etc. I noted that proposed is consistent with similar properties.

PUBLIC HEARING OPENED

Thompson – in recommendation #4, does that cover the dogs.

Kaltsas – the kennel Conditional Use Permit covers the dog. They have to be housed inside the home. This is more about not being allowed for storage of boats, etc. for bigger storage.

Gardener – it is an existing building, correct?

Story – Coverage?

Kaltsas – fully enclosed space. Same or like materials.

Gardner – we are counting open lean twos?

Kaltsas – we categorize structure. It has permanent footings, floorings. On lean to side, it is easily enclosed. Lean- to's become enclosed. Rarely an issue unless you're pushing your total coverage.

Motion by Story, seconded by Thompson to close the public hearing.

PUBLIC HEARING CLOSED

Motion by Usset, seconded by Volkenant to recommend approval of the application subject to staff recommendations 1-6. Ayes: Gardner, Thompson, Volkenant, Tearse, Story and Usset. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0

7. **PUBLIC HEARING** – Robert Berens (Applicant) and Andrea Berens (Owner) are requesting the following action for the property located at 5845 Lake Sarah Heights Drive (PID No. 02-118-24-12-0012) in the City of Independence, MN.

a. A variance permitting a 10' reduction of the front yard setback (from 85' to 75') to allow the construction of a car port in front of the existing house.

PUBLIC HEARING OPENED

Table and amend this item. Robert to meet with Mark on how to amend.

Motion to table item Usset, seconded by Volkenant Ayes: Gardner, Thompson, Volkenant, Tearse, Story and Usset. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0

8. Open/Misc.

9. Adjourn.

Motion to adjourn at 9:16PM by Story, seconded by Gardner. Ayes: Gardner, Thompson, Volkenant, Tearse, Story and Usset. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0

Respectfully Submitted,

Carrie Solien/Recording Secretary