

City of Independence

Request for a Preliminary Plat to Permit a Seven (7) Lot Subdivision on the Property located at 4150 Lake Sarah Drive South

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	March 15, 2016
<i>Applicants:</i>	Lake West Development
<i>Owner:</i>	Donna Hendley
<i>Location:</i>	4150 Lake Sarah Drive South

Request:

Lake West Development (Applicant) and Donna Hendley (Owner) request that the City consider the following action for the property located at 4150 Lake Sarah Dr. S., Independence, MN (PID No. 02-118-24-43-0003):

- a. Rezoning from A-Agriculture to RR-Rural Residential.
- b. A Preliminary Plat to permit a seven lot subdivision.

Property/Site Information:

The subject property is located at the northeast intersection of County Road 11 and Lake Sarah Drive South. The property has an existing home and several detached accessory structures. There is an existing Conditional Use Permit on the property for a Commercial Riding Stable. The property is heavily wooded with a diverse terrain and widespread wetlands. The property has the following site characteristics:

Property Information: 4150 Lake Sarah Drive South

Zoning: Agriculture

Comprehensive Plan: Rural Residential

Acreage: 62.54 acres



Discussion:

At the January, 2016 Planning Commission Meeting, the City reviewed a request for rezoning and preliminary plat to subdivide this property into five lots. The Planning Commission recommended approval of the rezoning and subdivision to the City Council. Following the meeting, the applicant received an offer from a developer to purchase the entire property and subsequently asked the City to hold the application. The applicant granted the City additional time to consider the application and has now brought back a revised proposed subdivision of the property. The applicant would now like the City to consider a seven lot subdivision versus the previously considered five lot subdivision. This represents an increase of two additional lots.

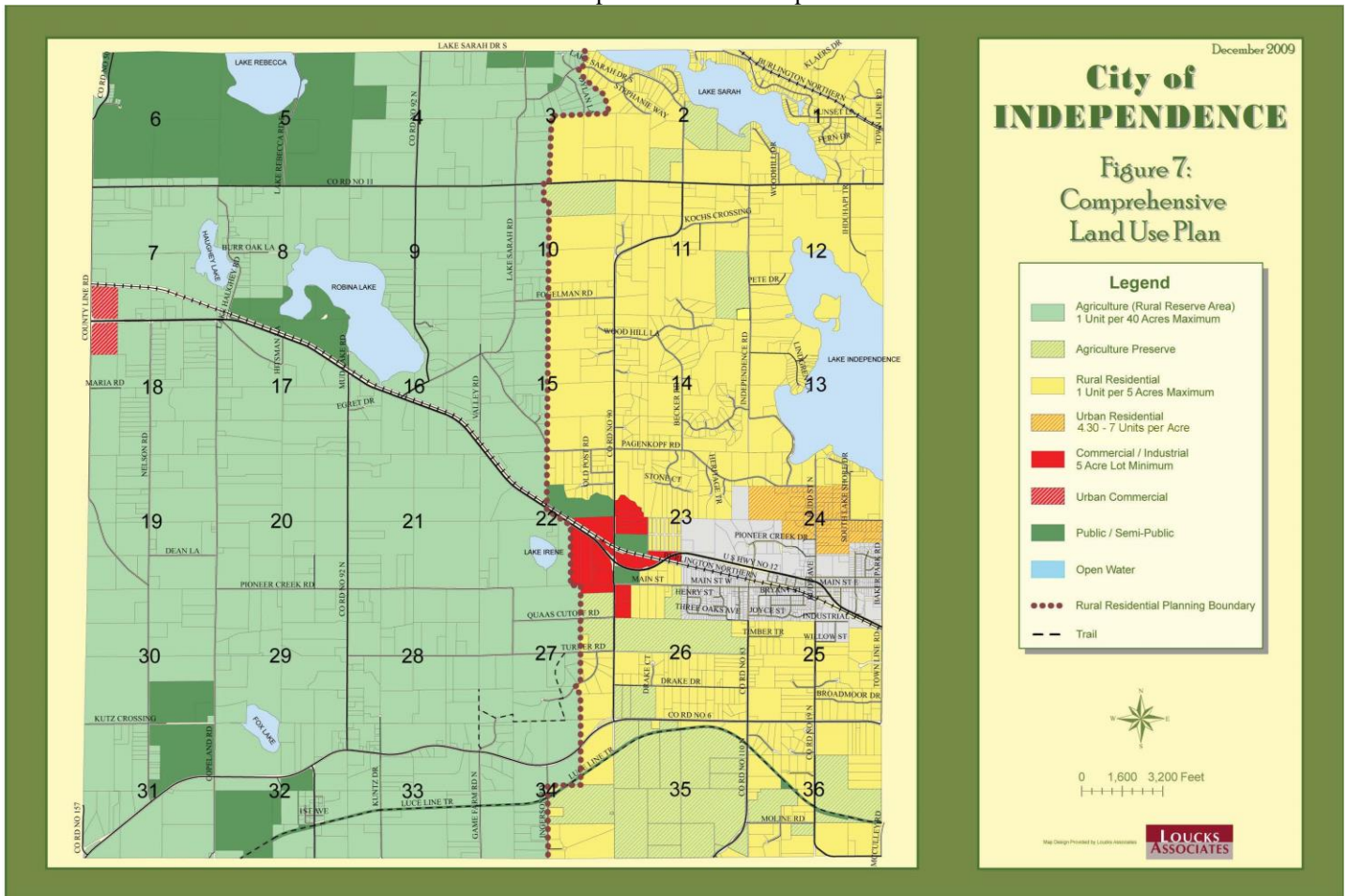
This property was recently subdivided in 2014 in order to separate two existing homes that had historically occupied this property (One of the homes was used as a caretaker's house - home located near the stables in the northwest corner of the property and accessed off of Lake Sarah Drive South and the other as the principal home of the owner - located in the middle of the property with access off of County Road 11). The previous subdivision was permitted under the provisions of the rural view subdivision ordinance. At the time of that subdivision, the City required the applicant to submit a ghost plat of the remaining property in order to ensure that the surrounding property could be subdivided in the future. The owner is now interested in rezoning the property to Rural Residential which would allow the subdivision of six new lots in addition

to the existing lot. Following consideration for rezoning, the applicant is requesting that the City consider the proposed preliminary plat.

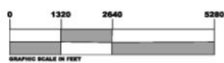
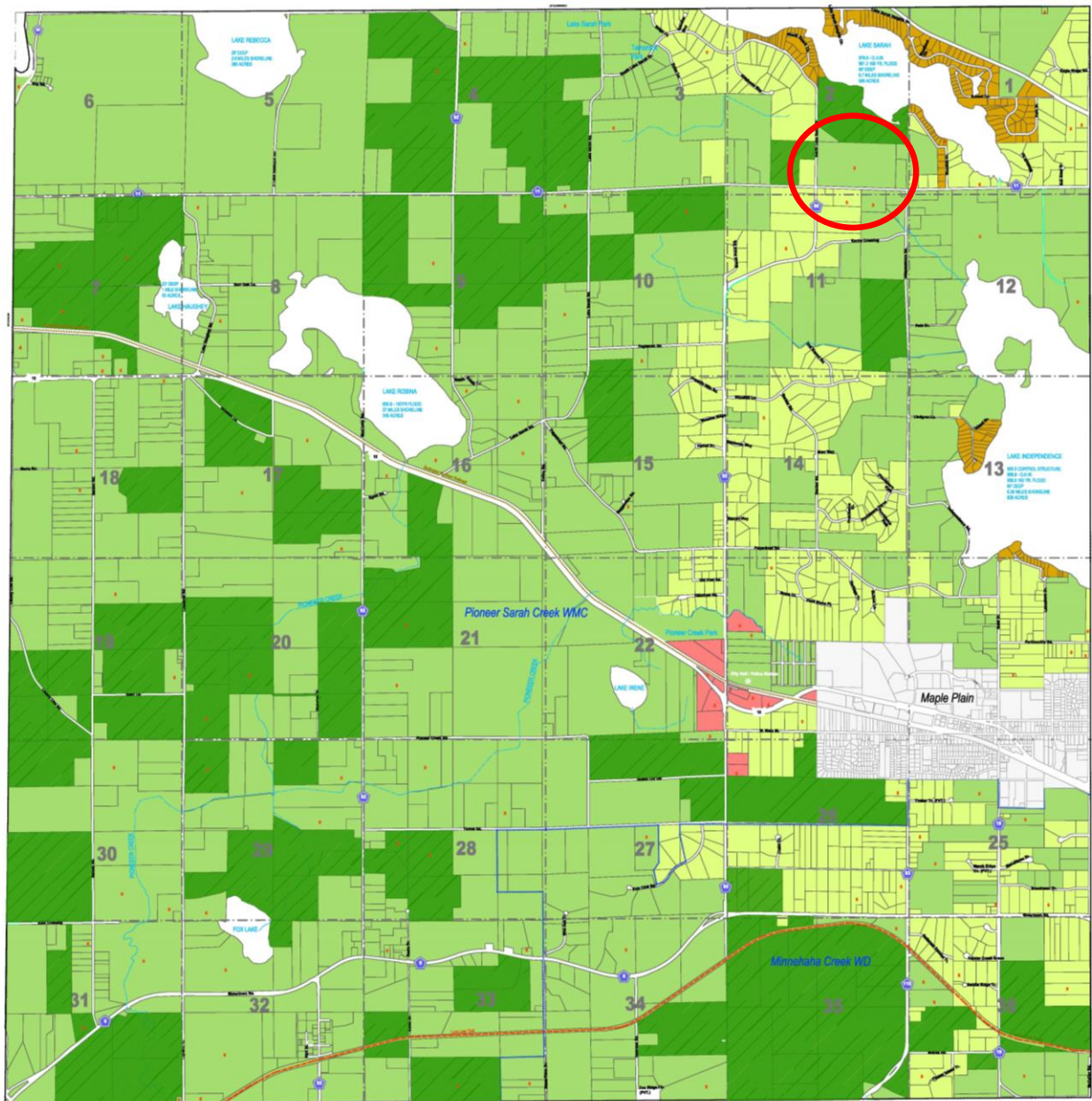
Rezoning

Rezoning this property is consistent with the City's 2030 Comprehensive Plan. Rezoning of this property is also consistent with the zoning of the property to the west and south (see Comprehensive Plan map below).

Comprehensive Plan Map



Zoning Map



Data Sources:
 Hancock County: Parcels
 Missouri: Wetlands
 Kansas: Roads
 Kansas: School Districts
 Missouri: Watersheds

TERRAMARK
 Landscape Architecture Urban Design Land Planning

CITY OF INDEPENDENCE ZONING MAP

March 2014



LEGEND

ZONING DISTRICTS	
 Agriculture	 Railroad
 Commercial/Light Industrial	 Waterway
 Rural Residential	 Watershed
 Unincorporated Residential	 Lake Line Trail
 Agriculture Preserve	 M&DOT Section Line
 * Conditional Use Permit	

Preliminary Plat

The City allows the subdivision of property in the rural residential zoning district if it can be shown to meet all applicable criteria of the ordinance. Based on the rural residential lot provisions, the maximum number of lots this property could yield would be twelve (12). This number is only possible if all applicable requirements were met. It is not anticipated that this property could realize the maximum number of lots due to the unique topography and wetlands. One factor that was considered in reviewing the preliminary is the location of the wetlands on the property. The wetlands bisect this property in a manner that appears to limit the future development potential. The City's applicable standards are further defined as follows:

Subd. 3. Density. Lots of record in the rural residential district may be divided or subdivided into the following maximum number of lots, said maximum number to include the lot for any existing dwelling unit or other principal use: (Amended, Ord. 2010-01)

<u>Area of Lot of Record</u>	<u>Maximum Number of Lots Permitted</u>
7.5 acres or less	One
7.6 through 12.5 acres	Two
12.6 through 17.5 acres	Three
17.6 through 22.5 acres	Four
22.6 through 27.5 acres	Five
27.6 through 32.5 acres	Six
32.6 through 37.5 acres	Seven
37.6 through 42.5 acres	Eight
42.6 through 47.5 acres	Nine, plus one addn. lot for every five addn. acres of land.

In addition to the maximum lot density, the City has the following standards pertaining to Rural Residential lots.

530.03. Physical Standards.

Subd. 3. Physical standards. All lots and construction thereon must meet the following physical standards:

- (a) *Minimum lot area* ^a 2.50 acres buildable land
- (b) *Maximum lot area* 10 acres
- (c) *Minimum lot frontage on an improved public road or street:*

<u>Lot area</u>	<u>Minimum frontage</u>
2.50 – 3.49 acres	^b 200 feet
3.50 – 4.99 acres	^b 250 feet
5.00 – 10.00 acres	^b 300 feet

(e) Lot depth. The ratio of lot frontage to lot depth must be no more than 1:4.

^a A lot must be a minimum of 2.50 acres buildable land with a demonstrated capability to accommodate two on-site waste disposal systems. Buildable land must be contiguous and not separated by streams, wetlands, slopes in excess of 10% or other physical impediments.

^b A waiver to permit lots with reduced frontage on a public right-of-way, neck lots or lots with no frontage on a public right-of-way but with frontage on a common driveway may be considered and granted or not granted. If granted, evidence must be provided that all standards established and defined in Section 510.05, Subdivision 20 of this zoning code are met: (Amended, Ord. 2010-06)

A more detailed breakdown of the proposed individual lots is as follows:

Lot No.	Gross Acres	Upland Acreage	Frontage	Lot Frontage/Depth
Lot 1	4.84 acres	3.34acres	250.00 LF	1:2
Lot 2	4.48 acres	2.56 acres	263.33 LF	1:2
Lot 3	4.23 acres	2.50 acres	286.64 LF	1:2
Lot 4*	20.00 acres	9.78 acres	491.19 LF	1:4
Lot 5	11.85 acres	4.52 acres	498.32 LF	1:4
Lot 6	8.92 acres	3.77 acres	300.03 LF	1:4
Lot 7	8.93 acres	7.35 acres	300.03 LF	1:4

***Existing House Located on Property**

The proposed subdivision would create six new lots along with the existing lot. The applicant has worked to develop the property in a manner that would respect the natural topography and wetlands, capture the best building site locations and limit construction of additional public infrastructure. The newly proposed configuration eliminates the “land locked” island that was considered in the five lot version of the proposed subdivision. The six new lots would be mostly similar in size and configuration to the recently subdivided 5 acre lot (4850 County Road 11) with access to County Road 11 and Lake Sarah Drive South. The applicant is proposing to maintain a larger, approximately 20 acre parcel, with the existing home and barns in order to continue to accommodate the use of the barn for horses. There are approximately 30 stalls in the existing barn. Based on the City’s animal unit provisions, this property would need to be at least 31 acres to fully accommodate the existing barn. It is possible that the use of the barn would not be desired in the future. If the use of the barn were limited, the property could potentially yield an additional lot.

Access to Lots 1, 2, 3 and 4 would be from Lake Sarah Drive South. The applicant is proposing to utilize a shared driveway access and corresponding easement to provide access to Lot 1. Lot 1 has the requisite frontage on Lake Sarah Drive S., but access is prohibited due to the location of an existing wetland. The City’s Public Works is in favor of a shared driveway to reduce access

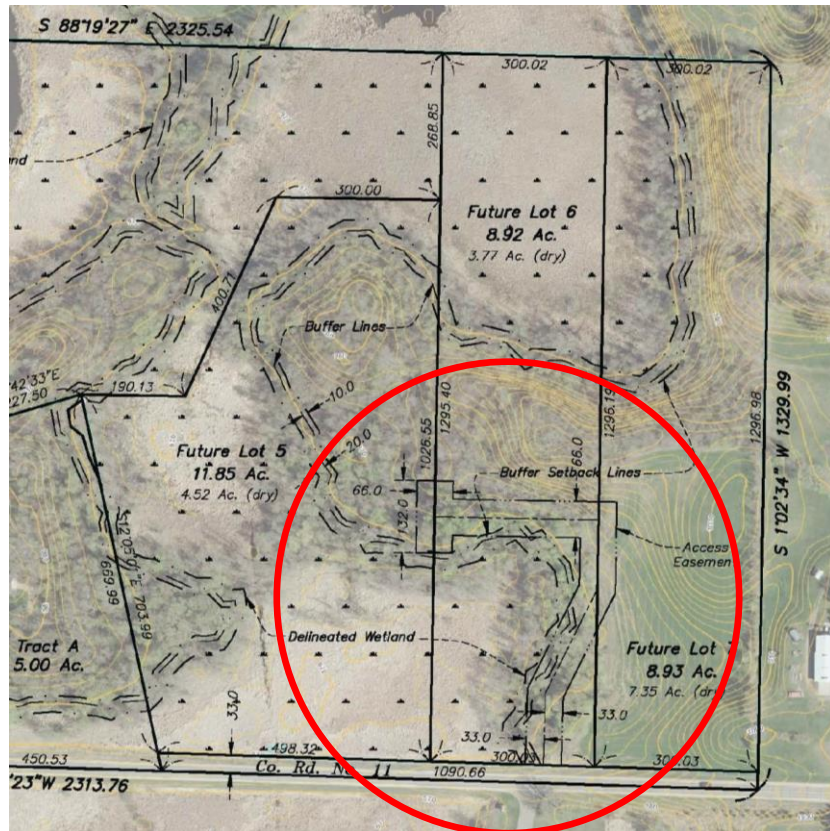
points onto the City's street. All of the proposed lots along Lake Sarah Drive South meet the minimum frontage requirements.

Lots 5, 6 and 7 have now been designed to utilize a common driveway. The City has established criteria in the zoning ordinance which can be used to consider approval of a common driveway. The criteria for considering a common driveway are as follows:

Subd. 20. "Driveway, common." An easement encumbered by a common driveway agreement that provides for access, construction, maintenance and financing of private vehicular and pedestrian access to not more than three lots. A common driveway shall be considered if evidence of the following standards is met: (Added, Ord. 2010-06)

- (a) Extension of a public street is not physically feasible as determined by the city. If the city determines that there is need for such extension, this provision shall not apply, and the right-of-way for a public street shall be provided by dedication in the plat; or (Added, Ord. 2010-06)*
- (b) The city determines that a public road extension would adversely impact natural amenities, including wetlands or stands of mature trees containing deciduous trees greater than 12 inches in diameter or coniferous trees greater than 25 feet in height; or (Added, Ord. 2010-06)*
- (c) There is no feasible present or future means of extending right-of-way from other directions; and (Added, Ord. 2010-06)*
- (d) Covenants which assign driveway installation and future maintenance responsibility are submitted and recorded with the titles of the parcels which are benefitted. The city will not provide maintenance or snow plowing for common or shared access driveways; and (Added, Ord. 2010-06)*
- (e) Common driveways shall be constructed in accordance with the provisions established in the City of Independence Manual of Standards. (Added, Ord. 2010-06)*

Due to the sensitive and extensive ecological features on this property, it is not feasible to extend a public road through this property. The applicant is proposing to construct a common driveway that would meet the applicable standards required by the City. Generally, the City requires a common driveway to have a 66 foot easement and be constructed to a minimum width of 20 feet. The City would require the developer of this property to construct the common driveway in accordance with the approved plans.

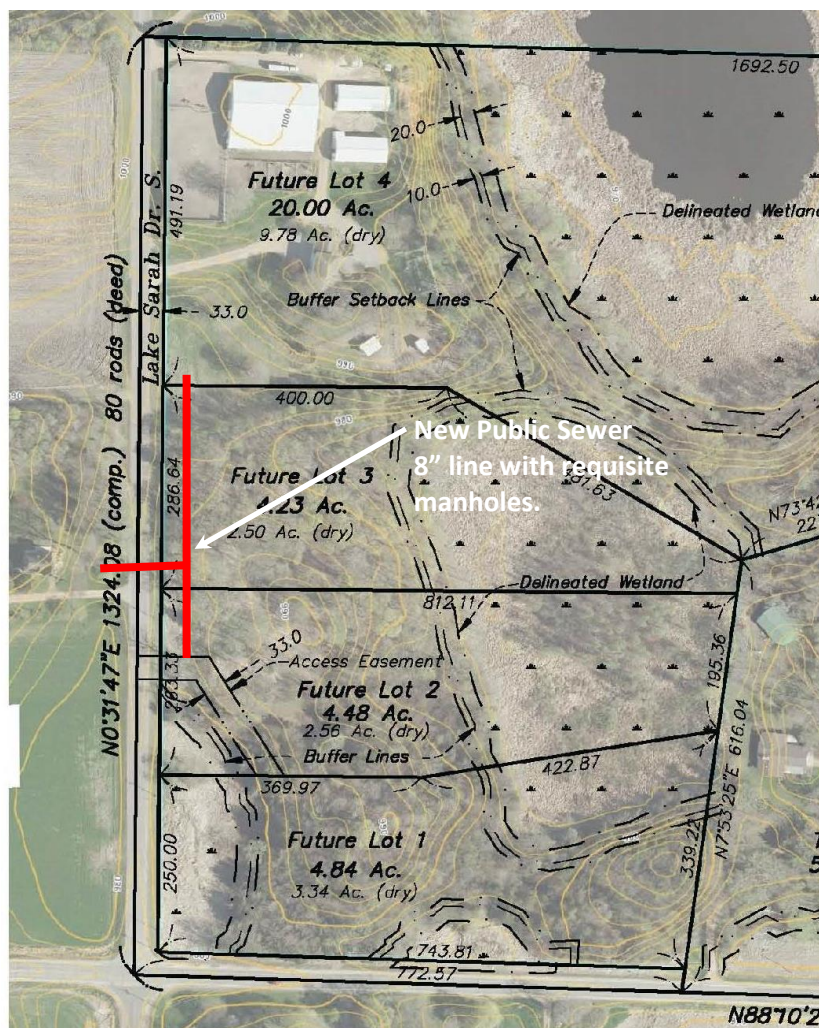


The proposed subdivision was reviewed by Hennepin County. The County recommended that the access to serve Lots 4 and 5 be located across from the existing church access driveway on the south side of County Road 11 (see image below).



The City is also requesting that the applicant reserve additional right of way along CSAH 11. The applicant previously reserved an additional 17 feet of right of way along County Road 11. The 17 feet will allow for the future expansion of County Road 11.

The City has sanitary sewer running along County Road 11 and Lake Sarah Drive South. This property is fully included in the metropolitan urban service area and can be connected to the City's sewer system. All lots within the proposed subdivision are proposed to be connected to the City's sewer. Due to the reconfiguration of the property, addition of two more lots and the fact that the sewer runs beneath the road, the City will require the applicant to construct a public sewer extension along Lake Sarah Drive South. The City has a 4" sewer line stubbed to the property from the existing lift station located on Lake Sarah Drive South. The City will require the applicant to construct a new 8" line under Lake Sarah Drive South and then provide a gravity line to serve Lots 1, 2, 3 and 4 (see depiction below).



Lots 5, 6 and 7 can be served with sewer in two ways. The applicant can connect the lots directly to the force main that runs on the north side of CSAH 11, or the applicant can provide a common connection to the gravity line and lift station that is located on the south side of CSAH 11 and just west of the church's driveway. The applicant will be required to provide the City with detailed design drawings depicting the requisite public sewer improvements prior to final plat consideration. The City will charge all applicable sewer connection fees along with the initial assessment amount for all lots in the proposed development.

All existing and proposed lots will be required to provide a 10 foot perimeter drainage and utility easement as required by ordinance (Section 500.15, Subd.'s 1 and 2). The proposed development does not appear to trigger the City's stormwater management requirements because there will be a minimal increase in new impervious surface. The City will review the plans for the common driveway to ensure proper drainage and erosion control is provided.

The 4 newly created lots will be required to pay the City's requisite park dedication fee. The requisite park dedication fees would be as follows:

<u>Lot No.</u>	<u>Gross Acres</u>	<u>Park Dedication Amount</u>
Lot 1	4.84 acres	\$3,500
Lot 2	4.48 acres	\$3,500
Lot 3	4.23 acres	\$3,500
Lot 4	20.00 acres	Existing Home
Lot 5	11.85 acres	\$8,750
Lot 6	8.92 acres	\$6,500
Lot 7	8.93 acres	\$6,500

The total park dedication fee collected will be \$32,250. The park dedication fees will need to be paid prior to the City 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*

Other Considerations:

1. The property is guided rural residential by the City's Comprehensive Plan. The proposed subdivision is keeping with the intent and guidance provided by the Comprehensive Plan.
2. The existing 5 acre property (5850 County Road 11- in the middle of the property) along with the subject property will be rezoned to Rural Residential as noted during the approval of the initial minor subdivision.

3. The applicant has prepared a wetland delineation for this property. All wetlands and their requisite buffers will need to be located within the drainage and utility easements.
4. The applicant will be required to prepare formal plans which further detail and delineate the public sewer and common driveway improvements. The City will memorialize all improvements and common driveway maintenance in a development agreement.
5. The individual lots will be required to apply for and be granted a grading permit at the time of building permit application. At that time the City will review the individual lot grading

Summary:

The proposed subdivision of this property appears to be in keeping with the vision of the comprehensive plan and with the character of the surrounding properties. The proposed lots conform to all applicable criteria for rural residential lots. The proposed plan is generally in keeping with the previously submitted ghost plat that was reviewed by the City. Given the extensive wetlands on the property and its proximity to adjacent geographic features as well as the surrounding properties, there does not appear to be anything that the City would be preventing for future development. The proposed subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

Neighbor Comments:

The City has not received any written comments regarding the proposed subdivision to permit a rural view lot.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested Rezoning and Preliminary Plat. Final Plat will need to be considered following submittal of and satisfaction of all requirements contained in the findings and conditions. Should the Planning Commission recommend approval to the City Council, the following findings and conditions should be included:

1. The proposed Rezoning and Preliminary Plat meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning and Subdivision Ordinance.
2. City Council approval of the Preliminary Plat is subject to the following:

- a. The Applicant shall address all comments and applicable requirements pertaining to the development.
 - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
 - c. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Watershed District.
 - d. The Applicant shall enter into a development agreement with the City for this development.
 - e. The Applicant shall provide a letter of credit as established by the development agreement for all improvements associated with this development, if required.
 - f. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common driveway.
 - g. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
3. The Applicant shall pay the park dedication fees in the amount of \$32,500 in accordance with the terms defined in the Development Agreement.
 4. The Applicant shall pay for all costs associated with the City's review of the rezoning and preliminary plat.
 5. The Applicant shall submit the final plat and associated documents to the City within one year of approval of the Preliminary Plat.

Attachments:

1. Property Pictures
2. Proposed Preliminary Plat (with and without aerial)
3. Previously Considered Ghost Plat

Attachment #1

4150 Lake Sarah Drive South (looking north)



4150 Lake Sarah Drive South (looking east)

