

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MAY 18, 2020 – 7:30 P.M.
(Virtual Meeting)

1. CALL TO ORDER

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

2. ROLL CALL (all virtual)

PRESENT: Commissioners Gardner, Dumas, Thompson and Palmquist
STAFF: City Administrator Kaltsas, Assistant to Administrator Horner
ABSENT: Commissioner Volkenant
VISITORS: Brent Foster, Heidi Foster, Randy Kyrola, Nate Bjerga, Elmer Scheffers, Paul Otto

3. Approval of Minutes:

- a. April 20, 2021 Planning Commission Meeting
- b. May 4, 2021 City Council Meeting Minutes (For Information Only)

Motion by Thompson to approve the April 20, 2021 Planning Commission minutes as amended, second by Dumas. Ayes: Gardner, Dumas, Thompson and Palmquist. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved.

4. **PUBLIC HEARING:** Brent Foster (Applicant/Owner) is requesting the following actions for the property located at 4755 Lake Sarah Heights Cir. (PID No. 02-118-24-12-0007) in the City of Independence, MN:

- a. A variance to allow a reduced side yard setback for a detached accessory structure on the property located at 4755 Lake Sarah Heights Cir.

Kaltsas said the owner's property is located at 4755 Lake Sarah Heights Circle which is on the west side of the road on Lake Sarah. The property is approximately .44 acres. This property is considered an existing lot of record. Existing lots of record in the shoreland district are allowed to have reduced setbacks of 60% of the required setbacks. The applicant is seeking a variance from the south - side yard setback to allow the placement of a detached accessory structure (shed) to be located on the property. The applicant located the new 10' x 12' shed on the property last year. The City notified the property owner that the shed needed to be permitted and did not meet the applicable side yard setback. In addition, it was noted that the impervious surface calculation would need to be updated for the property.

The applicant has an existing shed that is legal non-conforming located in the same area on the site. The applicant thought that he would be able to add a new (120 SF or less) shed to the same location without a need for an additional permit. The applicant is now asking the City to consider a variance to allow the shed to remain in its current location and directly in-line with the existing shed (see survey below). The required side yard setback for detached accessory structures is nine (9) feet. The existing shed is setback 4.4 feet from the side property line and the applicant is seeking a variance to allow the new shed to also be setback 4.4 feet from the side property line. The proposed shed would require a five (5) foot variance.

The property can have a maximum of 25% impervious surface coverage. This property would be permitted to have 4,872 square feet of coverage. The current site has a total impervious coverage of 6,566 square feet or 33% coverage. This impervious surface calculation includes the new 120 SF shed. The City has been working with the applicant relating to the impervious coverage issue. As a result, and in order to bring the property into compliance, the applicant is proposing to replace the existing driveway (1,766 SF) with a new pervious paver driveway. This would result in a reduction in the impervious surface coverage to 4,800 SF or 24.6%.

There are several factors to consider relating to the City's consideration of granting a variance. The City's ordinance has established criteria for consideration in granting a variance.

520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variances in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)

Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)

Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)

520.23. Conditions and restrictions. The board of adjustments may recommend, and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)

Consideration of the criteria for granting a variance:

- a. Residential use of the property is consistent with the Rural Residential/Shoreland Overlay District. The applicant is seeking a variance to allow a second detached accessory structure on the property. The existing structure and the proposed structure are similar in architecture, siding, color, etc.
- b. The character of the surrounding area is residential. Many of the surrounding properties (not the property to the south) have detached accessory structures similar to that of the proposed. The City has historically provided some relief to properties in the Shoreland Overlay District.
- c. There is an existing detached accessory structure located behind the house on the subject property. The overall size of this structure is approximately 120 SF. The City allows a maximum of 1,850 SF for the total permitted for all detached accessory structures on properties less than 2.5 acres. The total SF in the after condition would be 240 SF which is less than the maximum permitted.
- d. The proposed location allows access to the rear yard from the driveway. Locating the shed further north would likely prohibit access to the rear yard.
- e. The applicant was granted a variance approximately 10 year ago for a deck stairway on the north side of the property line when adding an addition onto the existing home.

f. Any approval would need to be subject to the applicant replacing the existing driveway with an approved permeable paver driveway. The City has received verbal comments from an adjoining property owner who was concerned about the impact of the additional detached structure.

Staff is seeking a recommendation from the Planning Commission pertaining to the request for a variance. Should the Planning Commission consider granting a variance, the following findings and conditions should be considered.

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant.

Specifically, the City finds the following:

- a. Residential use of the property is consistent with the Rural Residential/Shoreland Overlay District. The applicant is seeking a variance to allow a second detached accessory structure on the property. The existing structure and the proposed structure are similar in architecture, siding, color, etc.
 - b. The location of the shed on the property is in line with the existing shed. The alignment, matching architecture and materials does mitigate some of the potential impacts of the proposed structure.
 - c. The character of the surrounding area is residential. The proposed detached accessory structure would be in keeping and consistent with the surrounding uses found in this neighborhood.
3. The variance will permit a 5-foot reduction (from 9 feet to 4 feet) of the south side yard setback to allow the proposed detached accessory structure as depicted on the site plan and building plans attached hereto as Exhibit A. Any modification changes or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.
 4. The approval of a variance is subject to the applicant replacing the entire concrete driveway with an approved permeable paver driveway. The installation of the permeable paver driveway shall be in accordance with the approved detail and plan provided to the City and attached hereto as Exhibit B.

Thompson asked if the old shed was granted a variance. Kaltsas said that was historically on the property and is a legal non-conforming structure. It has been redone and updated.

Gardner opened the Public Hearing.

Public Hearing Opened

Kyrola said he votes to leave it as it is, or it is going to look odd from his side as a neighbor.

Brent Foster noted the access area is important to them as they host three community events noted as annually “Night to Unite”, a hockey rink for the lake residents and Heidi Foster hosts an event for an inner-city club. The storage and access are very important for these events.

Thompson motioned to close the Public Hearing, second by Dumas.

Public Hearing Closed

Gardner said it makes sense to have the access as it is a tight lot. Thompson asked Kaltsas about making sure the accountability over the permeability factors. Kaltsas said he has worked with Foster and he is

looking at putting in the driveway soon. Kaltsas noted it would bring the property into compliance and this is needed to for the variance.

Motion by Thompson, second by Palmquist to approve a variance to allow a reduced side yard setback for a detached accessory structure on the property located at 4755 Lake Sarah Heights Circle with item (4) to be amended to note completion by October 15, 2021. Ayes: Thompson, Dumas, Palmquist and Gardner. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved.

5. **PUBLIC HEARING:** Nate Bjerga (Applicant/Owner) is requesting the following action for the property located at 4991 Perkinsville Rd. (PID No. 24-118-24-41-0010) in the City of Independence, MN:

a. A variance to allow a reduced side yard setback to expand the legal non-conforming house on the subject property.

Kaltsas said the subject property is located at 4991 Perkinsville Road. The property is on the south side of Perkinsville Road at the intersection of South Lake Shore Drive and Perkinsville Road. There is an existing home on the subject property.

Property Information: **4991 Perkinsville Road**

Zoning: *Rural Residential*

Comprehensive Plan: *Rural Residential*

Acreage: 1.04 acres (43,365 square feet)

The applicant is seeking approval to construct an addition onto the existing home. The addition includes living space as well as a new garage. The existing home is currently a legal non-conforming structure that does not meet all applicable setbacks for this property. The home does not meet either side yard setback (30 feet required). The applicant is asking the City to consider granting a variance from the side yard setback (west property line) to allow an expansion of the existing home that is in line with the existing side yard setback. The City requires a side yard setback of 30 feet for properties zoned RR-Rural Residential. The existing home is located 21 feet from the west side property line. The applicant is proposing to construct the home addition to extend north so that the side yard setback is 21 feet from the side property line rather than 30 feet as required. The resulting variance to the side yard setback would be 9 feet. The required setbacks for properties zoned RR-Rural Residential are as follows:

Front Yard Setback:

Required: 85 feet from centerline or 51 feet from the ROW

Existing: 210 feet from centerline

Rear Yard Setback:

Required: 40 feet

Existing: 203 feet

Side Yard Setback (West Side):

Required: 30 feet

Existing: 21 feet

Proposed: 21 feet (variance of 9 feet) There are several factors to consider relating to granting a variance.

The City's ordinance has established criteria for consideration in granting a variance.

520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where:

1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)

Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:

(a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;

(b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;

(c) the variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)

Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)

520.23. Conditions and restrictions. The board of adjustments may recommend, and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)

Consideration of the criteria for granting a variance:

a. Residential use of the property is consistent with the Rural Residential District.

b. Many of the surrounding properties do not appear to be in compliance with all applicable principle or accessory structure setbacks.

c. The character of the surrounding area is residential. The proposed expansion and remodel of a single-family home is in keeping with the surrounding area.

There are several additional items that could be considered by the City:

1. Staff discussed alternative options for expanding the existing home with the applicant. They noted that if they were to construct the garage further to the east, it would significantly impact the front entrance. They also noted that they would like to maintain the general interior configuration of the home. The proposed addition that stays in line with the existing structure allows for the best reuse and remodel layout of the existing home.

2. The applicant could locate a detached accessory structure on this property and meet applicable setbacks (15 feet). The applicant noted that they would like to maintain an attached garage.

3. The applicant is purposing to construct an addition that does not increase the non-conforming setback of the existing structure.

4. The proposed remodel of the existing home would likely increase the value of and bring an update to this property.

5. The proposed home/garage addition is a two-story addition which will be taller than the portion of the existing structure that is currently located on this side of the property.

Ultimately the City will need to find that the criteria for granting a variance have been met by the applicant. Due to the configuration of the house on the property and the layout of the existing house itself, there are limited ways to expands the structure that would not require a significant departure to the internal and external use of the existing home. The setback of the proposed addition from Perkinsville Road and the natural screening and buffering that exists to the surrounding property appear to help mitigate the potential impacts.

Public Comments:

The City has had several inquiries regarding the proposed addition/remodel, but no formal comments prior to the time this report was prepared.

Staff is seeking a recommendation or direction from the Planning Commission pertaining to the request for a variance. Should the Planning Commission consider granting a variance, the following findings and conditions should be considered.

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
 - a. Residential use of the property is consistent with the Rural Residential District. The applicant is seeking a variance to allow a building addition to the existing home on the property. The location of the proposed addition/remodel is in line with the existing home and building setback from the west property line. The alignment, updated building architecture and exterior finishes appears to mitigate some of the potential impacts resulting from the addition.
 - c. The character of the surrounding area is residential. The proposed building addition and remodel would be in keeping and consistent with the surrounding uses found in this neighborhood.
3. Prior to City Council consideration of the proposed variance, the applicant shall provide the City with a survey of the property and proposed building addition.
4. The variance will permit a 9-foot reduction (from 30 feet to 21 feet) of the west side yard setback to allow the proposed addition to the existing structure as depicted on the site plan and building plans attached hereto as Exhibit A. Any modification changes or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.

Gardner noted the 100' wide lot and Kaltsas said that is large for normal subdivisions but in Independence it is not.

Gardner opened the Public Hearing.

Public Hearing Opened

Jessica Bjerga said Kaltsas did a great job outlining what they are looking to do, and they are not going over the line. She said the neighbors wished them luck.

Thompson motioned to close the Public Hearing, second by Dumas.

Public Hearing Closed

Dumas asked what was next to the garage in the picture. Bjerga said it was a 5th wheel camper.

Motion by Thompson, second by Palmquist to approve a variance to allow a reduced 9' side yard setback to expand the legal non-conforming house on the subject property located at 4991 Perkinsville Rd. (PID No. 24-118-24-41-0010) in the City of Independence, MN: Ayes: Thompson, Dumas, Palmquist and Gardner. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved.

6. **PUBLIC HEARING:** Elmer Scheffers (Applicant/Owner) is requesting the following actions for the property located at 3590 Independence Road (PID No. 12-118-24-32-0003) in the City of Independence, MN:

- a. Rezoning from AG-Agriculture to RR-Rural Residential in accordance with the Comprehensive Land Use Plan.
- b. Preliminary Plat for a 3-lot subdivision of the subject property.
- c. Final Plat for a 3-lot subdivision of the subject property.

Kaltsas said the property is located on the east side of Independence Road, just north of Pete Drive. There is an existing home and a detached accessory structure located on the property. The house is accessed off of Independence Road. The property is a combination of rolling hills, tillable acreage, and wetlands.

The applicant approached the City about the possibility of subdividing the subject property to realize several additional lots. The City has had multiple conversations with the applicant regarding the layout, number of lots and access to the proposed lots. The applicant has prepared a preliminary plat and is seeking Rezoning, Preliminary and Final Plat approval for a three (3) lot subdivision to be known as Scheffers Hills Subdivision.

The proposed subdivision would split the existing 24-acre parcel into three lots. There is an existing home located on the north edge of the property just off of Independence Road. The existing home would remain in the after condition and be located on one of the three lots. The property is currently zoned Ag – Agriculture and is guided by the City’s Comprehensive Plan as a Rural Residential property (See Map – Green = Agriculture, Light Green = Rural Residential). Rezoning this property is consistent with the City’s 2030 and 2040 Comprehensive Plan. There are several lots in close proximity to the subject property which are similar in nature to the proposed lots.

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. 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)

*Area of Lot Maximum Number
of Record of Lots Permitted*

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) Minimum lot frontage on an improved public road or street:

Lot area Minimum frontage

2.50 – 3.49 acres b 200 feet

3.50 – 4.99 acres b 250 feet

5.00 – 10.00 acres b 300 feet

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

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.

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

Block 1 Area Upland Acreage Frontage Lot Frontage to Lot Depth

Lot 1 15.6 acres 5.3 acres 811 LF 1:1

Lot 2 3.17 acres 2.5 acres 481/286 LF 1:1.5

Lot 3 5.57 acres 2.5 acres 531 LF 1:1

The applicant has prepared a preliminary plat and site plan that shows the proposed lots, applicable building setbacks, possible home site locations and all requisite easements. The two new lots would be connected to the City's sewer (force main) located on Independence Road. Each of the homes would have to install an individual connection to the existing sewer line. The City identified several issues relating to the proposed subdivision that are further described as follows: The applicant and City discussed access to the proposed lots at length. Staff recommended that the applicant provide access to the lots off of Pete Drive rather than Independence Road. The site lines on Independence Road are compromised in the vicinity of the proposed lots and potential driveways. In addition, if the lots were laid out in the current configuration, the new property owners would likely want to use Pete Drive for access to the principal structure and or accessory structures.

The issue with Pete Drive access is that Pete Drive does not meet the City's current gravel road standards for the road and right of way widths. The existing road is approximately 12 feet wide, and the existing right of way is 33 feet. The City requires new roads to be 26 feet wide and right of way of 66 feet. The City recommended that the applicant provide an additional 33 feet of right of way on the subject property and reconstruct a fully compliant Pete Drive.

- The applicant has agreed to construct the new section of road and provide the City with the requested road easement for the length of the property. The City would only require the construction of the additional road width up to a point where the existing wetland makes further expansion prohibitive (see below). This would provide for an improved section of Pete Drive up to the point where the additional driveways (traffic) would access/use the public road. The widened section of road would be blended back into the existing road as it narrows to the east. The City does maintain Pete Drive beyond the wetlands to the east.

The applicant would like the City to credit a portion of the proposed Pete Drive right of way/easement towards the upland portion of the property. This credit would allow the proposed lots to meet the applicable 2.5-acre minimum lot size. The City's current ordinance excludes right of way in the lot area for this type of subdivision.

500.57. Lots.

Subd. 1. Location. Lots may have no less than 200 feet of frontage on a street or road, except lots fronting on the terminus of a cul-de-sac shall have no less than 50 feet of frontage and must meet minimum width requirements at the building setback line.

Subd. 2. Size. Lot size requirements for divisions and subdivisions shall be governed by the zoning code or section 705, or both. All dimensions and lot area shall exclude right-of-way.

Staff is seeking direction from the City relating to the possibility of crediting the applicant for a portion of the additional (33 feet) Pete Drive right of way/easement? If the City does not allow the additional right of way to be credited towards the upland portion of the property, the northern property line would need to be adjusted. This could potentially limit the future subdivision of the Lot 1, Block 1 (currently has ~5.3 acres of upland).

- There are several significant wetlands located on this property which make the subdivision more difficult. The applicant and the City have reviewed the location and boundaries of the wetlands on this property. A wetland delineation has been completed and approved by the state, watershed, and City. The applicant will be required to maintain the requisite wetland buffer around the wetlands.
- When the City installed the sewer on Independence Road it estimated the potential subdivision of properties located along the sewer line. It was estimated that this property could realize up to 4 lots (see attached exhibit). Each new sewer connection will be subject to the sewer assessment fee and all applicable connection charges.

The proposed lot configuration takes advantage of the best possible home locations on the southern portion of the property. Access to Pete Drive provides for a better solution to access for both properties given the limited site lines and topography along Independence Road. The properties to the east on Pete Drive have the potential to redevelop in the future. There are currently three parcels located to the east of the wetland. It is possible that the properties to the east could subdivide in the future depending on their ability to bring Pete Drive up to a full City street.

The City will require a detailed plan for bringing Pete Drive into compliance with applicable standards. This plan would be required to be submitted and reviewed prior to City Council consideration. It is anticipated that the City and applicant would enter into a Developers Agreement for the proposed public improvements. 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. Park Dedication

The proposed subdivision is subject to the City's park dedication requirements. The park dedication requirements is broken down as follows:

Park dedication fee \$3,500 per lot up to 4.99 acres, plus \$750 per acre for each acre over 5.

Lot 1 includes the existing home and will not be subject to additional park dedication fees.

Lot 2 – 3.17 acres = \$3,500

Lot 3 – 5.57 acres = \$3,500 + 428 (\$3,928)

The total amount of the park dedication is \$7,428 for the two (2) new lots.

The City has received several questions and comments from adjacent property owners. Adjacent property owners had questions relating to the road improvements, number of lots and access. Neighboring property owners wanted to ensure that the proposed homes and associated traffic would not impact Pete Drive in a way that negatively impacts their respective properties.

Staff is seeking a recommendation from the Planning Commission for the requested rezoning, preliminary plat, and final plat. Should the Planning Commission make a positive recommendation, the applicant would be required to enter into a development agreement and satisfactorily complete all requisite requirements of the City prior to final plat consideration by the City Council. The Planning Commission can approve both preliminary and final plat or ask for final plat to be considered separately at a future date. Should the Planning Commission make a positive recommendation to the City Council, the following findings and conditions should be considered:

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 Ordinance.
2. Approval of the Preliminary and Final 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 Creek Watershed Management Commission.
 - d. The Applicant shall enter into a development agreement with the City for this development. The Applicant shall provide a letter of credit as established by the development agreement for all improvements associated with this development, if required.
3. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.
4. The Applicant shall pay the applicable sewer assessment and connection fees.
5. The Applicant shall pay for all costs associated with the City's review of the rezoning, preliminary and final plats.
6. The Applicant shall submit the final plat and associated documents to the City within six (6) months of approval of the Preliminary Plat.

Dumas asked if the 2.5 acres went away if connected to sewer. Kaltsas said along shoreline it can be an acre but outside of that it is 2.5-acre requirement. Kaltsas noted the centerline road measurement on properties that are 5 acres or greater. Gardner said that needs to be reviewed as it seems inconsistent.

Palmquist asked about section 705 and if would be creating a precedent. Kaltsas said he was not aware of this in past history and noted it is the difference between Ag subdivisions versus more modern subdivisions. Thompson noted they would be fine if they were not giving the City 30' for the ROW.

Dumas asked the point of high ground if you are on sewer versus just land. Kaltsas noted the 2.5 is a minimum but the average is 5 acres as far as density in the City. Dumas said he thought developers had to pave gravel roads not just "improve" the gravel road. Kaltsas said two driveways does not really need an upgrade to a paved road from gravel.

Gardner opened the Public Hearing.

Public Hearing Opened

Otto said they are essentially asking for a waiver on the 30' ROW.

Motion by Palmquist to close the Public Hearing, second by Dumas.

Public Hearing Closed

Motion by Thompson, second by Palmquist to approve the Rezoning from AG-Agriculture to RR-Rural Residential in accordance with the Comprehensive Land Use Plan, the Preliminary Plat for a 3-lot subdivision of the subject property and the Final Plat for a 3-lot subdivision of the subject property for the property located at 3590 Independence Road (PID No. 12-118-24-32-0003) in the City of Independence, MN. Ayes: Thompson, Dumas, Palmquist and Gardner. Nays: None. Absent: Volkenant. Abstain: None. Motion Approved.

7. Open/ Misc.

Palmquist asked about if additional commissioners had gotten any traction. Kaltsas said the Council did approve the addition of two alternate members. He are noting they are waiting to interview the applicants in person after Covid19 safety measures. Kaltsas said that should be coming up soon.

Palmquist asked updates on the final Comp Plan. Kaltsas said he should have an update by the next meeting.

8. Adjourn.

Motion by Palmquist, second by Dumas to adjourn at 8:40 p.m.

Respectfully Submitted,

Trish Gronstal/ Recording Secretary