

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
SPECIAL MEETING
SEPTEMBER 21, 2021 – 7:30 P.M.

1. CALL TO ORDER

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

2. ROLL CALL

PRESENT: Commissioners Thompson, Volkenant. Alternates, Story and Tearse
STAFF: City Administrator Kaltsas, Assistant to Administrator Horner
ABSENT: Gardner, Dumas & Palmquist
VISITORS: Sam Vandeputte, Mary Fehn, John Conlin, Mayor Marvin Johnson

3. Approval of Minutes:

- a. August 12, 2021 Planning Commission Meeting Minutes

Motion by Thompson to approve the August 31, 2021 Planning Commission minutes, second by Volkenant. Ayes: Thompson, Volkenant. Alternates, Story and Tearse. Nays: None. Absent: Gardner, Dumas & Palmquist Abstain: None. Motion Approved.

4. **PUBLIC HEARING (Tabled):** Adam Young / I & K LLC (Applicant/Owner) are requesting the following actions for the property located at 2076 County Road 90 (PID No. 23-118-24-23-0001) in the City of Independence, MN:
 - a. A variance to allow a new building to be constructed using steel siding which does not meet the applicable design standards of the CLI-Commercial Light Industrial zoning district.
 - b. Site plan review to construct a new detached accessory structure and outdoor storage on the property.
5. **PUBLIC HEARING:** Sam Vandeputte (Applicant) and 1985 Co Rd 90 Llc (Owner) are requesting the following actions for the property located at 1985 County Road 90 (PID No. 22-118-24-41-0005) in the City of Independence, MN:
 - a. Site plan review to construct a new principal structure and outdoor storage on the property.
 - b. A commercial conditional use permit to allow an increase in the total allowable impervious surface coverage above 30%.

Property/Site Information:

The property is located on the west side of CSAH 90 just north of the intersection of County Road 90 and Highway 12. The property has an existing single-family home and detached accessory structure that would be removed to allow for this development. There are wetlands and some existing trees located on the property. The property has the following characteristics:

Property Information: 1985 County Road

90 Zoning: CLI - *Commercial Light*

Industrial Comprehensive Plan:

Commercial Light Industrial Acreage:

7.56 acres

Discussion:

The applicant approached the City several years ago after acquiring the property to discuss its possible use and development. The applicant has prepared several different concepts for the development of the site and is now in a position to move forward with the proposed development of two new commercial buildings. The applicant is seeking site plan approval to allow the construction of two new 12,000 square foot buildings (total 24,000 SF) and associated site plan improvements. The site improvements include parking areas, outdoor storage areas and landscaping.

This site presents several challenges for development based on the existing conditions of the property. There are two wetlands located on the property. The applicant has worked with and received approval from the State and City to mitigate the front wetland. It was noted that this area represented a low-quality depression that would considerably impact the ability to develop the property for commercial use. Based on the ability to mitigate the front wetland, the applicant would like to develop the property to accommodate his own business (Sam's Landscape) as well as several new businesses in the northern building). Sam's Landscape is currently located across the street at 1960 County Road 90.

The subject property is zoned CLI – Commercial Light Industrial. Office, warehouse and outdoor storage are permitted within the CLI zoning district. The applicant would initially locate their landscape business on the property. New construction in the CLI zoning district requires the review and approval of the City. The review considers and analyzes how the proposed development meets the requirements of the zoning ordinance (Sections 530.17 and 530.23).

The City has adopted site and design requirements for commercial development. The City has reviewed the plans as they relate to the required standards provided in the zoning ordinance. The following items should be further considered by the Planning Commission:

1. Building Design – The City ordinance provides the following requirement for additions to commercial buildings:
 - a. Allowed materials for principal buildings. Principal commercial or industrial buildings in the commercial/industrial zoning district shall use the following materials on their

exterior facades:

- (1) Brick;
- (2) Natural stone or stone veneers;
- (3) Decorative concrete block (color impregnated with a split faced, robbed, or textured surface;
- (4) Glass curtain wall panels;
- (5) Stucco or synthetic stucco;
- (6) Exterior insulation and finish systems (EIFS).

The applicant is proposing to construct two commercial buildings on the property. It is likely that the applicant would construct the south building first and then construct the north building as demand for the spaces dictates. The proposed buildings would be constructed from tilt up concrete panels or EIFS equivalent panels and metal accents around the front doors. The initial plan indicates that the buildings would have a flat roof; however, the applicant has noted that the final design may include a standing seam metal pitched roof. The applicant has characterized the buildings as being similar to the existing building that he currently owns and constructed across the street. The applicant has prepared several illustrative images which further depict the proposed exterior building elevations and site improvements.

No exterior lighting is shown on the proposed plans. Any site or building lighting would need to comply with all applicable requirements of the City.

2. Parking Requirements - The applicant is proposing to construct new bituminous parking spaces and a loading area to serve the new addition. For industrial and manufacturing type uses, the City requires: one space for each 350 square feet of gross floor area. For office only uses, the City requires one space for each 250 square feet of floor area. The applicant does not fully know the interior space breakdown of each building, noting that it will be somewhat tenant dependent. The City would generally acknowledge that some of the interior square footage would be storage, meeting areas, warehouse, bathrooms, etc. For these reasons, the City would generally consider one space per 350 SF to be a good placeholder for this development. The total building square footage is approximately 24,000 square feet ($24,000/350 = 68$ parking spaces). The proposed plan provides for 69 parking spaces (4 accessible parking spaces). All parking spaces would be paved and would have the requisite concrete curb and gutter perimeter. The number of parking spaces proposed would generally satisfy parking requirements for this site.

1. Setbacks – The City has the following setback requirements for buildings located in the CLI zoning district:

Required	Proposed
a. Front yard setback: 100 feet from centerline of road.	89.67'
b. Side yard setback: 20 feet from side lot line.	21' N/89' S
c. Rear yard setback: 20 feet from rear lot line.	N/A
d. Setback from boundary of agricultural or rural residential dist: 100 feet.	N/A
e. Parking Setbacks: 20 feet from front lot line/10 feet from side lot line.	20'

front/10' side The proposed buildings would meet all applicable setbacks.

2. Landscaping - Landscaping is required for new construction within all requisite setback areas. Minimum landscape requirements in the protective buffer must include one tree (at least 2.5-inch caliper deciduous tree or six-foot-high conifer tree) for each 40 feet of property line. The protective buffer must also contain grass, ground cover or shrubs. No impervious surfaces such as concrete or asphalt may be placed in the protective buffer. The applicant has prepared a landscape plan that depicts proposed landscaping. The plan generally provides perimeter landscaping as well as some interior parking lot landscaping. The City requires 1 tree per every 40 LF of property line. For this property the total perimeter property line lineal footage is 2,796 LF ($2796/40 = 70$). The total required number of perimeter trees would be 70. The applicant is proposing a 57 perimeter trees. The City would like to focus landscaping along the north property line, County Road 90 frontage and a portion of the south property line that is visible from County Road 90. The applicant is proposing 5 interior parking lot landscape islands. These islands would be landscaped with an ornamental tree and corresponding groundcover. The City can continue to work with the applicant to revise the plan to meet applicable requirements. Staff is seeking further direction from the Planning Commission relating to the requisite landscaping. Staff recommends that a condition be added to the site plan approval which requires submittal and approval of a final landscape plan.
3. Storm Water Management – Storm water management is being reviewed by the City. This project will also require the review and approval of the watershed district. The City has reviewed the initial plan and will be seeking additional detail relating to the proposed stormwater plans. These plans can be reviewed and considered prior to City Council consideration of the site plan review. The applicant has provided a stormwater management pond in the southeast corner of the site to accommodate runoff and quality control.
4. Lot Coverage - The maximum impervious lot coverage in the CLI zoning district is 30 percent. The overall site is 7.56 acres or 329,314 square feet. 30 percent of the total site area would allow 98,794 square feet of impervious coverage. The applicant is proposing to cover 53% of the proposed site with impervious surface. The City stipulates the following relating to lot coverage in the zoning ordinance:

Lot coverage. Impervious lot coverage shall not exceed 30 percent of the lot area. Lot coverage of up to 75 percent may be allowed by conditional use permit provided stormwater run-off and surface drainage is no greater than pre-development rates for one-, ten- and 100-year storm events. Stormwater treatment ponding is required for all developments.

The applicant is asking for a CUP to allow additional coverage on the proposed site. The applicant is proposing to meet the applicable stormwater runoff requirements relating to the total site runoff. The City has criteria for granting a conditional use permit. The criteria generally require the City to find that any impacts associated with the proposed conditional use be adequately mitigated by the property owner. The applicant has noted that the additional impervious surface coverage would be mitigated by the landscaping, visible open space and additional stormwater management measures being proposed. It has

been additional noted by the City that the only other limitation on impervious surface coverage in the City is in the shoreland overlay district (25% maximum). Staff is seeking additional direction relating to the proposed impervious surface area and associated conditional use permit.

3. Outdoor Storage - The applicant is proposing to utilize the western portion of the site for outdoor storage. The proposed area would be gravel and enclosed with a chain link fence. All outdoor storage areas are required to be enclosed with a 6' tall opaque fence. Chain link fence would not meet the opacity requirements and would need to be comprised of a different material. In addition, the City requires all loading, parking and other vehicular areas to be paved. The applicant is proposing to provide a gravel outdoor storage area to the west of the proposed buildings.
4. Sanitary Sewer – There is an existing on-site septic system that would be removed as a part of the building/house demolition. The applicant has identified a primary and secondary septic site on the property. The sites are shown on the proposed plans and would be protected and remain unimproved in the proposed development condition.

The proposed development of this commercial property generally meets the intent and applicable requirements of the City's CLI zoning district. There are several items noted in the report that should be further considered by the Planning Commission. Based on direction from the Planning Commission, additional conditions may be required to be added to the recommendation.

Neighbor Comments:

The City has not received any written or verbal comments regarding the proposed site plan review and conditional use permit.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested site plan review and conditional use permit. Should the Planning Commission recommend approval to the City Council, the following findings and conditions should be considered:

1. The proposed Site Plan Review and Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 520.25, Site Plan Approval Procedures, in the City of Independence Zoning Ordinance.
2. The total impervious surface coverage for this property will not exceed 53% of the total lot area. The applicant shall meet the City's requisite mitigation measures relating to the additional impervious surface coverage.
3. The applicant shall submit a final landscape plan and receive City approval prior City Council consideration.
4. The applicant shall comply with all applicable storm water requirements and obtain all

storm water approvals determined necessary.

5. The applicant shall receive approval of the proposed access from Hennepin County.
6. Any new building or site lighting shall comply with the City's applicable standards. The applicant shall submit cut sheets to the City prior to obtaining building permit approval.
7. Any future development or improvements made to this property will need to be in compliance with all applicable standards relating to the Commercial-Light Industrial zoning district.
8. The Applicant shall pay for all costs associated with the City's review of the requested site plan and conditional use permit approval.
9. The resolution shall be recorded against the property.

Kaltsas explains the review to construct two new principle structures and outdoor storage on the subject property and a conditional use permit to allow and increase in the total allowable and impervious coverage above 30% on that property. There is an existing single family home and one detached accessory building. The property is zoned commercial industrial by the city. It is 7.5 acres in size. Any new construction requires site plan review in commercial industrial districts. The applicant owns the two lots directly across County Road 90 as well. The maximum impervious coverage in commercial industrial is 30% so the applicant is seeking a conditional use permit for a property to exceed the 30% which would allow up to 75% coverage. There are several wetlands on the property. Applicants have gone through the process to mitigate the front wetland. They are 2 one-story buildings of concrete or stucco panel similar to what they have on the other side of the street. They would like to construct the South building first and then the other. The parking requirements are one space per 350sqft. The spaces would call for 68 parking spots with 4 being accessible. They would all be paved. The applicant provided building setbacks and landscaping plans. Applicant has sized stormwater to the city's requirements on a 53% impervious surface coverage. The wetland on the back of the property would be better to maintain. Kaltsas suggests screening to the park to the North. He states that they would use an opaque chain link fence around the outdoor storage area. The outdoor storage area would be gravel or pavement. Story asks what the spirit is of the 30% impervious coverage. Kaltsas says that a 30% maximum is a little prohibitive. It just allows for the city to monitor anything greater than that amount. Thompson asks what is the fence issue and if it is a noncompliant site proposal. Kaltsas says this is a large area so does an opaque fence make sense around the entire perimeter. Story asks what about just fencing the street front. Thompson asks about the setback of 100' from centerline of road for the front. Kaltsas says that the building is 119' from the centerline.

Public Hearing Opened

Sam Vandeputte speaks about wanting to develop the property across the street. He would be willing to do any kind of fence that the City is recommending. Currently they have a 6' chain link with the plastic throughout. If the color is picked right it would look fine. On the North side next to the park there are a lot of trees that would help with the buffering. Thompson asks Vandeputte to talk a little bit about the attempt for storage. They have a 13,000sqft building now so they share with other companies. They would like to start the one building as soon as they could and move into that space. It would open up the space they are currently using and market it for lease to another office warehouse. Thompson asks about what they do allow and what do they not allow as far as outdoor storage with the fencing. Vandeputte says look at what he runs now, and he runs a pretty good ship. He plans on owning and maintaining these buildings for decades, not just years. He is fine with a fence around the entire storage area, but he is looking for a fencing option that is not high on maintenance. Tarse asks if we looked at his property at a previous meeting. Kaltsas clarifies which location and business. Story asks if he plans to occupy both sides of the

street. Vandeputte says possibly, but at the time they are full and need more space. Ideally, they would move across the street and do something with the other space in the future. Thompson asks about using the storage for retail storage. Kaltsas says outdoor storage must be associated with the business of the premise it is located on.

Motion to close public hearing by Tearse, second by Volkenant.

Tearse mentions that he thinks the applicant did a great job at presenting the plans. Thompson asks what the thoughts are regarding fencing. Story says that the tree lines on the South side of the park is deciduous and that will be good opacity. Tearse asks about the house that is on the property now. Vandeputte says that the goal would be to demolish the house this Winter or Spring. Kaltsas asks if the north building could slide a little. Sam says the way it is laid out, it would maximize the property. Could stagger the trees and gravel pad but we would have way more green space. Story says that there are 57 trees proposed and add 20 extra trees along the South side and add the North opacity fencing.

Motion made by Tearse to approve the request at 1985 County Road 90, pursuant to all staff recommendation with fence opacity per the ordinance on the north side, second by Story. Ayes: Thompson, Volkenant. Alternates, Story and Tearse Nays: None. Absent: None. Abstain: None. Motion Approved.

6. PUBLIC HEARING: Katie and Brian Roers and Mary Fehn (Applicants/Owners) request that the City consider the following action for the properties located at 2914 and 2030 Lindgren Lane (PID No.s 13-118-24-24-0006 and 13-118-24-24-0031) in Independence, MN:

- a. A minor subdivision to allow a lot line rearrangement between the subject properties.

Request:

Katie and Brian Roers and Mary Fehn (Applicants/Owners) request that the City consider the following action for the properties located at 2914 and 2030 Lindgren Lane (PID No.s 13-118-24-24-0006 and 13- 118-24-24-0031) in Independence, MN:

- a. A minor subdivision to allow a lot line rearrangement between the subject properties.

Property/Site Information:

The subject properties are located at 2914 and 2930 Lindgren Lane. The properties both have shoreland on Lake Independence. There is an existing home and several small sheds located on the property. The property is accessed from Lindgren Lane although the property has no direct frontage on the road. The property access is gained across the City's property. The property is approximately .36 acres. This property is considered a sub-standard lot of record. Substandard lots of record in the shoreland district are allowed to have reduced setbacks of 60% of the required setbacks.

Property Information: 2914 Lindgren Lane
Zoning: Rural Residential
(Shoreland Overlay) Comprehensive

Plan: *Rural Residential Acreage*:
(Before) .36 acres
(After) .75 acres
Impervious Surface Maximum: 25% ~(8,167.5 SF permitted)

Property Information: 2930 Lindgren Lane
Lane Zoning: *Rural Residential (Shoreland Overlay) Comprehensive*
Plan: *Rural Residential Acreage*:
(Before) 1.47 acres
(After) 1.08 acres
Impervious Surface Maximum: ~(11,761 SF permitted / 9,839 SF existing)

Discussion:

The City granted a variance for 2914 Lindgren Lane in 2014 and again in 2019 allowing a reduction to the side yard setbacks to facilitate the construction of a new home on the property. The applicants are getting ready to move forward with the construction of the home and approached the City about the possibility of a lot line rearrangement that would provide public road frontage to the property. Both property owners have now agreed to a proposed lot line rearrangement that would provide access to 2914 from Lindgren Lane.

The proposed minor subdivision would allow the 2914 property to be brought closer towards compliance with applicable lots size and public frontage requirements. 2914 Lindgren Lane currently has access from both the 2930 property to the north and the City's property to the south. Both properties are considered legal non-conforming properties for not meeting all applicable requirements of the City's zoning ordinance.

There are several factors to consider relating to proposed minor subdivision as follows:

2930 Lindgren Lane

- The property does not have the minimum frontage required.
- The property is connected to City sewer.
There is an existing shed located on the south side of the property that does not meet the applicable side yard setback in the before condition. No change conformance would occur as a result of the subdivision in the after condition.
- The existing home does not meet all applicable building setbacks in the before condition. No change in conformance would occur as a result of the subdivision in the after condition.

2914 Lindgren Lane

- The property has no public road frontage in the before condition.
- The property will be connected to City sewer when developed.
- The City granted a variance to allow a reduced side yard setback (north property line).
- Access to the property will remain unchanged as a result of the proposed subdivision.

The proposed minor subdivision to allow a lot line rearrangement generally allows the 2914 Lindgren Lane property to be brought closer towards compliance with applicable standards. There

do not appear to be any adverse impacts resulting from the lot line rearrangement.

Neighbor Comments:

The City was contacted by a neighboring property owner to acquire additional information relating to the proposed lot line rearrangement.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested minor subdivision to allow a lot line rearrangement. Should the Planning Commission Recommend approval, the following findings and conditions should be considered:

1. The proposed minor subdivision request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions and Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The applicant shall pay for all costs associated with the City's review and recording of the requested minor subdivision.
3. The City Council Resolution shall be recorded with the County.

Kaltsas explains that this is a request for a minor subdivision to allow a lot line rearrangement at 2930 and 2913 Lindgren Lane. Both properties are located in the city's Rural Residential and have the shoreland overlay. 2914 is 0.36 acres now and will be 0.75 acres after the rearrangement. It would fall within the city's maximum impervious surface requirements. The property located at 2930 is 1.47 acres currently and would decrease to 1.08 acres after rearrangement. With the existing structures and driveways this property would still fall within the maximum impervious surface. The plans show the new line would bisect and split at the right-of-way 16' and 16'. This essentially would make the small lot a little larger. It takes two legal non-conforming lots and makes them a little less legal non-conforming. The applicants have agreed on this lot line.

Story asks if the Roers are looking to build? Kaltsas says, yes, they were here a few years ago. Thompson asks if this adversely affect us with MetCouncil. Kaltsas says it is net density, so it really doesn't do anything.

Public Hearing Opened

Mary Fehn lives at 2930 Lindgren Lane. The change in the lot is just a wooded lot that is being sold to 2914. This line rearrangement would help her stay in her home longer due to less property taxes. It is an unused area of her lot. Thompson asks if the driveway is staying. Mary says, yes there is no other area to move this to and it is essential for emergency vehicles to get in and out.

Bob Ibler owns 2 properties north of Mary. He states he is fine with the lot line adjustment, but he is concerned with the access. Mary and John get a lot of deliveries. Right now, the trucks will come down one driveway, cut through and go out the other driveway. He would like the Roers to stick to the driveway they have and not to use Mary's. Kaltsas asks if there is an agreement with the Roers on driveway usage. Mary says there is no agreement with the Roers to use the driveway. Mary has to move the propane tank.

Motion to close public hearing by Tarse, second by Story.

Thompson asks about the driveway issues and thoughts. Kaltsas says there is a neighbor agreement. Thompson says the feedback to the applicants is that there should be 1 driveway per house. The city has an easement with John Conlin and licensed 2914 Lindgren Lane. Mary says once the propane tank is moved, it will pretty much block off the access of the shared driveway.

Motion made by Volkenant to approve the minor subdivision and lot line rearrangement at 2915 and 2930 Lindgren lane with the considerate of the issue concerning the driveway access, second by Story. Ayes: Thompson, Volkenant. Alternates, Story and Tarse Nays: None. Absent: None. Abstain: None. Motion Approved.

7. Open/Misc.

8. Adjourn.

Motion by Volkenant, second by Tarse to adjourn at 8:43 p.m.

Respectfully Submitted,

Amber Simon / Recording Secretary