

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
SPECIAL MEETING
OCTOBER 19, 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, Gardner & Palmquist. Alternates, Story and Tearse (present for a short time, but did not vote)

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner

ABSENT: Dumas

VISITORS: Jon Dailing, Aaron Ruhland, Tom Koch

3. Approval of Minutes:

- a. September 21, 2021 Planning Commission Meeting
- b. October 5, 2021 City Council Meeting Minutes (For Information Only)

Motion by Thompson to approve the September 21, 2021 Planning Commission minutes, second by Volkenant. Ayes: Thompson, Volkenant, Gardner & Palmquist. Alternate Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved.

4. **PUBLIC HEARING (Tabled Again):** 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.

Motion by Palmquist to table the public hearing for Adam Young/I & K LLC to a future date (TBD), second by Volkenant. Ayes: Thompson, Volkenant, Gardner, & Palmquist. Alternate Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved.

5. **PUBLIC HEARING:** Jon Dailing (Applicant) and David Meyer (Owner) are requesting the following actions for the property located at 475 County Road 92 N (PID No. 32-118-24-13-0001) in the City of Independence, MN:

- a. A Conditional Use Permit Amendment to allow the expansion of the existing training building located on the property.

Property/Site Information:

The subject property is located on the south side of County Road 6, just west of County Road 92. The property is a golf course. The properties have the following characteristics:

Property Information 18 Golf Walk
(Specific Property) Zoning: Agriculture
Comprehensive Plan: Public/Semi-Public
Acreage: ~200 total acreage of golf course

Property 32-118-24-13-0001
Zoning: Agriculture
Comprehensive Plan: Agriculture
Acreage: ~20

Discussion:

The applicant is seeking an amendment to the existing conditional use permit to allow the expansion of the existing training building located in the northeast corner of the golf course property and on the east side of the existing driving range. The existing building serves as storage for the driving range and provides for a small teaching area used by the club professional to provide golf instruction. The proposed expansion would add a bathroom, storage area and covered practice area. The existing building is approximately 900 sf (30' x 30'). The proposed expansion would add a 20' x 20' enclosed addition and a 12' x 32' covered (open sides) practice area. The total enclosed building area in the proposed condition would be 1,300 SF. The existing building is currently accessed via paved path that runs between the parking lot/clubhouse and the building.

In order to consider the expansion of the existing building on the property, an amendment to the conditional is necessary.

520.09 Subd. 8. If a conditional use permit holder wishes to alter or extend the operation or to change the conditions of the permit, the city will evaluate the permit holder's compliance with the existing permit conditions. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued requires an amended conditional use permit. An amended conditional use permit application must be administered in a manner similar to that required for a new conditional use permit.

Commercial golf courses are permitted as conditional uses in the AG - Agriculture zoning district. The golf club has a conditional use permit that was originally approved in 2001 and amended in 2012, 2013 and 2016. The CUP allows a golf course and its associated 29,000 SF club house/pro shop, maintenance building, training garage, guest house and overflow parking north of CSAH 6. The initial Golf Course CUP was issued under 530.01, subd. 4(s) which makes "commercial golf course" a conditionally permitted use.

The existing and proposed building is generally screened from view by an existing berm and vegetation located along CSAH 6 and CSAH 92. The building and proposed expansion are required to be setback 85' from the centerline of CSAH 92. The existing portion of the building is located 89.4 feet from the centerline of CSAH 92 at its closest point. The proposed expansion would be setback 87.1 feet at its closest point from CSAH 92. The proposed building would be constructed of similar materials to the existing building.

Any amendment to an existing CUP must meet the same requirements established for granting a new CUP. The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. *The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.*
2. *The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.*
4. *Sufficient off-street parking and loading space will be provided to serve the proposed use.*
5. *The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city from pollution hazards.*
6. *The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.*
7. *The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.*
8. *The proposed conditional use is consistent with the comprehensive plan of the City of Independence.*
9. *The proposed use will not stimulate growth incompatible with prevailing density standards.*

The existing golf course is relatively secluded from the surrounding properties and County Roads. Golf courses are permitted as a conditional use in the Agriculture zoning district. The property is guided in the Comprehensive Plan as Public/Semi-Public. The expansion of this building will likely result in minimal impacts to surrounding property. The City will need to determine if the proposed expansion of the training building is consistent with the use of the property as a golf course. In addition, the City will need to determine if the proposed amendment to the CUP meets the requirements for granting a conditional use permit.

There are a few additional considerations that should be noted:

1. The new bathroom will be connected to a new drain field that will also be used by the maintenance building to the south. The City will be reviewing and permitting this system. The existing maintenance building is currently connected to a holding tank.

2. The covered (open sided) portion of the proposed expansion will utilize radiant heaters for use in the late fall and early spring.
3. The existing facility is heated.

The Planning Commission will need to determine if the requested amendment to the conditional use permit meets all of the aforementioned conditions and restrictions.

Neighbor Comments:

The City has not received any written comments regarding the proposed amendment to the conditional use permit.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the request for an amendment to the conditional use permit. Should the Planning Commission make a recommendation to approve the requested action, the following findings and conditions should be considered:

1. The proposed conditional use permit amendment meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. This amendment approves the expansion of the existing training building in accordance with the approved plans.
4. Prior to the City granting a building permit for the proposed building expansion, the applicant shall complete the following items:
 - a. Provide the City with a sanitary sewer plan for serving the proposed building.
 - b. Provide the City with cut sheets for any building lighting.
5. The applicant shall pay for all costs associated with the review and approval of the proposed conditional use permit amendment.
6. The applicant shall record the resolution with Hennepin County following City Council approval.

Kaltsas explained this is a request for a conditional use permit to allow the expansion of the existing training building. Any changes to the property are required to have an amendment. Since they already have the training building on the property, they would like to expand this building allowing a bathroom, additional storage, office, covered practice T area. This would require an amendment to the existing conditional use permit. It is located on the very Eastern edge of

the property. It is 900sqft. Adding a 20x20 enclosed addition to the S. side and 12x32 covered practice area with sides and heating. 1300sqft. They would be adding a bathroom that would be tied into a new drain field and service the maintenance building as well to the South of the site. It would have to go through approval with the City first. This could be served with a tank. The building does meet the setbacks with the addition. IT appears to have little impact on existing residences.

Open Public Hearing

Motion by Thompson to approve the CUP for Windsong based on staff's recommendations, second by Palmquist. Ayes: Thompson, Volkenant, Gardner, & Palmquist. Alternate Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved.

6. **PUBLIC HEARING:** Colin Buechel (Applicant) and Aaron Ruhland (Owner) request that the City consider the following action for the property located at 6455 Meadow Ridge (PID No. 15-118-24-14-0007) in Independence, MN:
 - a. A conditional use permit to allow a ground mounted solar array.
 - b. A variance to allow a ground mounted solar array that exceeds the maximum size limitation of 500 square feet.

Aaron Ruhland lives at 6455 Meadow Ridge. He is seeking to install a ground mounted solar photovoltaic (PV) system on the property.

Minnesota §462.357, subd. 6, states that inadequate access to direct sunlight for solar energy systems is a practical difficulty. Due to the orientation of the residence there is limited access to direct sunlight on the rooftop. In order to maximize production of the system on the property, All Energy Solar has designed a ground mounted solar PV system to go on the South end of the property to maximize solar PV production. The solar will be interconnected to a meter that is located at the residence. The array will not be visible from Meadow Ridge.

Due to the largest roof planes of the residence being oriented East and West, the only ideal roof plane to put solar panels is the South facing roof plane on the South end of the house.

Additionally, imposing the required fire access setbacks included in the state building code make the area available for solar panels minimal.

The residence was built in 2005, but purchased by the current owner in 2008, meaning they could not design the residence to optimize a rooftop solar PV system.

Our design meets the 2020 State of Minnesota Building code; however, it does not meet one of the City of Independence's requirements outlined in Sec. 515.11 of Independence's Zoning Ordinance. Specifically Subd 5, letter h which states, "Ground-mounted systems shall have a maximum area of 500 SF.". The current area that the system covers, including the gaps between arrays, is 797 sqft.

This proposed system will not impact the character of the neighborhood and will not affect the welfare, safety or health of the community. The proposed system will help Aaron Ruhland offset his electricity use and contribute to the State of Minnesota's

clean energy goals.

Kaltsas explained that this property is zoned rural residential and is 6.5 acres. The applicant would like to exceed the 5,000sqft limitation for ground mounted solar array. He is asking for 3 arrays to be located on the South side that would be 636sqft. They are seeking a variance to allow 186sqft. We have criteria for these setbacks that they would meet. They have a height of 12'6". The solar panels are located far back and the area they would sit is lower than the rest of the property. They would be visible from County Road 90 but there is a horizontal separation. They are looking to meet their own demands for energy usage for their own property. These would generate approximately 17,500 kilowatts. The average is around 10,000 kilowatts. The criteria for granting a variance is that they would have to find a hardship and that the reason for the hardship is not created from the owner themselves. They did receive a letter from the neighbor supporting the CUP.

Thompson asked if any information can be shared on the historical power usage for this particular home. Kaltsas said that he did not ask and that information is protected and unavailable to the general public. Story asked if the panes are anti-reflective. Kaltsas said his understanding is that they are anti-reflective. They are at a 35-degree angle.

Open Public Hearing

Aaron Ruhland (homeowner) & Colin Buechel (rep) stated that it is ground mounted solar. The reason they are in 3 separate arrays is that they need a clearance on the bottom of those for a snow runoff. They are anti-reflective. The panel surface is over 500. The orientation of the house is not great for a roof-top mount. There is a 20% reduction in production of energy if they put it on the rooftop and that is why they are suggesting ground mounting.

Thompson asked about the current energy consumption on the house historically and what the average consumption is over the last 3 years. Aaron said he does not know the exact average of historical consumption. Thompson stated that a variance is granted for homeowners that are in hardship. He asked what is the practical difficulty related to the size? Aaron said there is a uniqueness to the rooftop. They wanted to put it somewhere that was not visible and there were limitations on this. Thompson said he wanted to hear something that isn't a financial hardship. Story asks if different models generate different amounts of energy. Volkenant said that on roof mounted vs ground mounted the city does not require a CUP so she asked why they are forming an attack on ground mounted. It is ecological. Thompson said that it is in the ordinance and like Mark suggested, maybe we need to take a look at the ordinances. This also could go on the roof. Palmquist asked if they could split the arrays and put some on the roof and some on the ground? Gardiner asked if they would be laying flat on the roof? Colin said that they could be at an angle. Gardiner said that they disappear more in visibility on the roof versus standing out in the yard.

Kaltsas said we are talking about two different items, a CUP and variance which is in regard to the size. They could act separately in a and b. Thompson asked if they want planning commission to split a and b? Aaron said it's a return on investment. Aaron asked if they could come back with other alternatives. Thompson said that they are looking for something that isn't perfectly economical and that is why he's asking for the average historical energy consumption to show that this is necessary or that the roof is not in the structural shape to hold these panels, etc. Kaltsas said that if the applicant can prove their usage will match this, it would look better to planning commission. The prior request for solar panels wanted to sell a lot back to grid. If the need for their house can be proven, they could ask for the variance. The variance is not causing them unreasonable use of the property. This could give us some coverage for not setting precedence. Thompson said that perhaps the ordinances need to be changed to say 500 sqft or whatever is needed to support the home. Gardner asked if they should table this again? Kaltsas asked if they should recommend this to the Council or is there something specific we can change? There is a big difference between roof and ground mounting. We had big discussions. Volkenant asked if they can provide a future use? Aaron says they are also considering

electric vehicles. Thompson asked if the system includes batteries. They do not. Thompson said even if we are talking about average consumption, they are still going to be pulling from the grid.

Story said that ground mounted is ugly. They could screen them or add a berm. Kaltsas asked what the average consumption is. Colin said that we design them for each situation. Gardner said that we chose 500 but that may not be the right number. He said that it is a poor ruler and they should be based off of house usage for measure. Palmquist asked if the evolution of solar panels is becoming more efficient. Colin said there are gains for sure. Kaltsas said that solar shingles are huge right now and this may go away. Colin asked is there specific wording in the ordinance for the surface area. Palmquist said it is the surface area.

Close Public Hearing

Motion by Thompson to close public hearing, second by Palmquist. Ayes: Thompson, Volkenant, Gardner, & Palmquist. Alternate Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved.

Thompson said the ordinance is fairly clear and that we talked about some avenues to provide more information to prove the hardship and usage. He said he is struggling to allow this. Palmquist said he is concurring with Thompson and that council did not change our recommendation last time. He is struggling to grant a variance for the same reasons as Thomson. Palmquist mentioned he has no problems with solar panels or 500sqft, but this is more of a standard request, we need to revisit the ordinances and not rule by exception. Gardner said the goal was for average house with average needs. Thompson asked Kaltsas if there are any other communities that have unique condition in regard to solar panels. Kaltsas said that he has not seen anything in the solar realm. It has either been either in or it's out. We do a lot of things different in Independence than in suburban areas. The consumption is a good barometer to base it off of. Certain criteria could get us out of a variance mode. We are different, we're rural and not urbanized. Story said they are going to be looking at how much am I paying per watt. We are going to see more and more of these requests to help with efficiency. Volkenant asked when the ordinance was put into place. Kaltsas said in 2017. Thompson said he would suggest a CUP for ground mounted at 500sqft or should we table this to allow time for more information to be presented to the planning commission at the next meeting. Aaron asked if they are suggesting a 500sqft and a roof mounted. Kaltsas said roof mounting is permitted.

Motion by Thompson to approve the CUP for ground mounted solar array subject to staff recommendations 1 and a modified condition 2 to allow a 500sqft ground mounted solar system and a strike #3 for granting a variance, Palmquist suggesting expanding motion to work with staff to have suitable screening from Cty Rd 90, second by Palmquist. Ayes: Thompson, Volkenant, Gardner, & Palmquist. Alternate Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved.

7.PUBLIC HEARING: Hennepin County (Applicant) is requesting the following minor subdivisions relating to the Highway 12/County Road 92 improvement project in Independence, MN:

- a. 7455 Hwy 12 (PID No. 16-118-24-43-0002)
- b. 7525 Hwy 12 (PID No. 16-118-24-43-0001)
- c. 7625 Hwy 12 (PID No. 16-118-24-31-0002)
- d. 7735 Hwy 12 (PID No. 16-118-24-34-0002)
- e. 7865 Hwy 12 (PID No. 16-118-24-32-0005)
- f. 7899 Hwy 12 (PID No. 16-118-24-32-0001)
- g. 7950 Egret Dr. (PID No. 16-118-24-32-0003)

Property/Site Information:

The subject properties are generally located at the intersection of County Road 92 N. and Highway 12. The properties all have the following site characteristics:

Property Information: All listed above.

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Discussion:

Hennepin County has been working on the acquisition of properties associated with the Highway 12/CSAH 92 realignment and overpass project. The properties have now been acquired by the County, but a formal approval of the actual subdivision is still required by the City. The subdivisions are unique in that the properties being broken off will be used for right of way (combined with the existing right of way) for the state highway or county road. No new properties are being created as a result of the requested subdivisions.

The City has reviewed the requested subdivisions and found them to be in keeping with the preliminarily reviewed property acquisitions necessary to construct the new road improvements. The detail of each subdivision is provided on the attached surveys for each parcel listed above.

Other Considerations:

1. All of properties to be subdivided are part of the overall Highway 12/County Road 92 N. realignment/overpass project.
2. The City does not have an administrative or other process for considering the subdivision of property. All subdivisions are required to go through the requisite process.
3. No new parcels are being created as a result of the proposed subdivisions. The 7735 Highway 12 property will have excess land

associated with the right of way. This property will be owned by Hennepin County in the after condition.

4. No new non-conformities are being created as a result of the proposed subdivisions. The frontage requirements, applicable setbacks and minimum lot sizes are not being compromised in the after condition as a result of the proposed subdivisions.

Summary:

The requested minor subdivisions of the subject properties do not appear to create any adverse conditions in the after condition. 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 or verbal comments regarding the proposed subdivisions.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested Minor Subdivisions. Should the Planning Commission recommend approval to the City Council, the following findings and conditions should be included:

1. The proposed Minor Subdivisions 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 Minor Subdivision is subject to the following:
 - a. The Applicant shall address all comments and applicable requirements pertaining to the proposed subdivisions which includes the following:
 - Prepare the requisite documents and legal descriptions needed to record all documents with Hennepin County.
3. The Applicant shall execute all applicable documents to allow recording of the minor subdivisions within six months from the date of the City Council approval.

Kaltsas explained that this is a part of the Hwy 12 and County Rd 92 realignment project that is currently underway. Hennepin County has acquired property from the impacted property owners and as a result of that Hennepin County would like to subdivide those properties creating a lot line rearrangement to move the right of way line to incorporate the additional land. These are all impacted by the project. These are all minor except the property with the roundabout.

All subdivisions need City approval Hennepin County will be owning these properties. There were no written comments, and it is somewhat of a formality. They make sense and are consistent.

Public Hearing Open

Public Hearing Closed

Motion by Palmquist to approve the minor subdivision of these 7 properties, second by Story. Ayes: Thompson, Volkenant, Gardner, & Palmquist. Alternate Story. Nays: None. Absent: Dumas. Abstain: None. Motion Approved.

8. *Preliminary Ordinance Amendment Discussion*
 - a. *Subdivision Standards – Rural Residential Cluster Development Standards*

Request:

Following consideration and discussion relating to several recent subdivisions, City Council directed the Planning Commission to review and consider possible changes to a few key standards. In order to start the process of amending the zoning ordinance, staff would like to begin a discussion with the Planning Commission pertaining to the possible amendments. The following are two possible ordinance amendments:

a. Discuss amending zoning ordinance pertaining to Cluster Developments.

The current Cluster Development standards requires two calculations to be made to determine overall density of a development. 50% of the “development” must be preserved as open space and 50% of the open space preserved open space must be useable. The ordinance does not fully detail how the initial 50% of the “development” should be calculated. The question relating to this calculation recently came up during a sketch plan review. The City noted that it has historically taken the gross acreage of the development and multiplied it by 50% to determine the required preservation. The recent application challenged that method by suggesting that the calculation should be made on the net acreage remaining after existing and proposed public road right of ways are subtracted from the total acreage. It was noted that this would allow a number of additional lots to be realized on a given property.

b. Discuss future amendment to zoning ordinance relating to rural residential subdivision density table.

Similar to the issue noted above, the City has been asked to consider changes to the current density table. The City has had a density table that equates a range of acreage to a prescribed number of potential lots that can be realized on a property. The table goes up to 47.5 acres at which point you get one additional lot for each 5 acres of property. The question raised challenges the method for calculating the additional units if there is more acreage than 47.5 acres. Current staff did not develop the adopted table nor fully understands the methodology behind the ranges established. The underlying density of properties zoned rural residential is one unit per 5 acres. The ranges provided are beneficial to some properties and potentially detrimental to some properties.

- c. There are several other minor considerations that staff would also like to discuss relating to the subdivision ordinances as follows:
 - i. Minimum lot width for cluster developments. There is not a currently prescribed minimum lot width for lots developed as a part of a cluster subdivision. The City generally uses 150 as a base minimum for cluster development lots.
 - ii. Ownership of the Outlots created within a development. There has been questions and discussion historically about the ownership, allowable use and maintenance of the outlots and open space created in cluster developments. The City should further discuss requirements relating to the opens space established as a requirement of the cluster developments (i.e., maintenance requirements/responsibilities, allowable uses, ownership (HOA) and what if HOA defaults or is no longer established).

Cluster Developments:

Subd. 6. Cluster development conditional use permit. Cluster development is a conditional use in the rural residential district, subject to the provisions of subsections 520.09, 520.11 and 520.13 of this code.

- (a) *Purpose. The purpose of the cluster development conditional use permit is to promote the creative and efficient use of land. The provisions of this subdivision are intended to:*
 - (1) *Protect natural features in common open space.*
 - (2) *Improve the arrangement of structures, facilities and amenities on a site.*
 - (3) *Preserve the rural character of the community.*
- (b) *Criteria. A cluster development is a residential development in which a number of single family dwelling units are grouped on smaller lots than in conventional developments, while the remainder of the tract is preserved as open space. If the following standards are complied with, density of one unit per four acres is permitted.*
 - (1) *The development parcel must be 40 or more acres in size;*
 - (2) *A minimum of 50% of the development must be preserved as open space, recreational space or agricultural use;*
 - (3) *A minimum of 50% of the preserved open space, recreational space or agricultural use land must be useable. Wetlands, streams, lakes, ponds and lands within the 100 year flood plain elevation are not considered to be useable for the purpose of this subsection;*
 - (4) *Woodland, wetlands and topography must be preserved in a natural state, with modification allowed when no reasonable alternative exists; or, if the site lacks unique features such as woodlands and wetlands, the site must be designed and constructed in such a manner that residential building sites are integrated into a created natural environment including reforestation, wetlands enhancement, and vegetative screening of structures;*
 - (5) *The preliminary plat must show a primary and secondary individual sewage treatment site for each dwelling unit and must be supported with soil test reports indicating the adequacy of each proposed location; provided, that shared treatment systems within a development may be acceptable if the plat identifies two or more suitable sites for the shared system and the city council approves the proposal;*

- (6) *Lots within the development must have a minimum lot size of 1.5 contiguous buildable acres. Buildable acreage must not be separated by streams, wetlands, slopes in excess of 10% or other physical impediments;*
- (7) *Open space must be designated in the development as one or more outlots and must be owned either by a homeowners' association consisting of the owners of all of the residential lots in the development or by the owners of the residential lots, as tenants in common;*
- (8) *The developer must record against the development a declaration of covenants that places responsibility for management of the open space in a homeowners association and provides for the assessment of management costs to the association members;*
- (9) *All utilities must be placed underground;*
- (10) *All residential streets within the cluster development must be paved with a bituminous surface according to the city street standards in effect at the time of the development;*
- (11) *A development agreement must be entered into with the city.*

Rural Residential Developments:

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

Staff will provide an overview of the issues in the ordinance and facilitate additional discussion. Based on the discussion and direction provided, staff will draft an ordinance for further consideration.

Kaltsas said this is a preliminary ordinance amendment discussion. It is about the method in calculating open space in RR and cluster development standards. The city has a cluster standard that allows someone with a min of 40 acres to ask for a reduction in exchange for preserving open public space. The ordinance as it is written, for a cluster dev to be considered, a min of 50% of the development must be used for recreation/agricultural. A Min of 50% of the preserved space must be usable. The question is of the initial 50%, the way that it is written is if that included existing right of way or future right of way. The way that we calculate that 50% is in question. Should we change this calculation? On the RR standards, we have this table to calculate density for RR range of acres. You have to have 7.5 acres of land you get one additional entitlement. At 7.6 you can get a 2nd lot. The table goes through 47.5 acres. Then you get 9 lots and one for each additional 5 acres of land. People would benefit from our ordinance until you get to 41.6 acres. When you get to 45 acres, the advantage goes away. He suggests talking about width for cluster subdivision standards. Also,

when outlots are created by a development, who should own these? Should they be maintained privately, HOA or previous owner? He asked how we are doing these calculations. He wants it to be consistent.

Thompson said maybe we should just make it a flat 1 for every 5 acres. Or 7.6 gets you a second lot, then every 5 acres after that you get 1 more lot. Kaltsas confirmed that you get 2 on 7.6, then after that it is 1 for every 5 acres. Gardner says that people that have lived here all these years are counting on this. It's the language that trips up in this situation.

Thompson asked if there is a difference in existing road that borders their property. He said it may be easier time negotiating optimal road turnarounds, access to say that it is a credit for collective roads, connect through, cul-de-sac in a development. Getting the road right was a long-term investment. Gardner said he is in favor of taking Hennepin County guidelines that tells you to take the gross acreage regardless of the right-of-way. Story asked if there is any way to better define usable open space. Thompson asks about the ownership and access piece. Kaltsas asked what is the long-term ownership structure. Should it default to the city? Thompson asked if we have had issues with ownership or taxes. Kaltsas said no. Palmquist asked can the city deal with this with a professional development agreement. Kaltsas said we can establish retaining walls, etc. Volkenant asked what happens with these dev companies when they default or fold. Gardner said you can levy these individuals but not sure if you would be successful. Palmquist said there's a way to put teeth into this. Gardner said he's not crazy about outlots because they are "no man's land." Kaltsas said this is a good discussion. We will look at the language in cluster developments. In regard to the lot width, 200 is our minimum We require 1:4 frontage. Width need could be 1.5 contiguous. Is 130-150 appropriate width? Rather than do the math each time, let's just set this and clarify this. We want a proportional standard. Palmquist asked what the minimum was on the smallest lot. Palmquist said one of Tom Koch's lots, 150 was the smallest and this looked good. Tom Koch asked if the roads are open space.

7. Open/Misc.

8. Adjourn.

Motion by Thompson, second by Volkenant to adjourn at 9:15 p.m.

Respectfully Submitted,

Amber Simon / Recording Secretary