

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
NOVEMBER 16, 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 Gardner at 7:30 p.m.

2. ROLL CALL

PRESENT: Commissioners Thompson, Volkenant, Dumas, Gardner & Palmquist. Alternates, Story and Tearse (present for a short time, but did not vote)

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner

ABSENT: None

VISITORS: Charlie Johnson, Tom Koch, Marty Chilstrom

3. Approval of Minutes:

- a. October 19, 2021 Planning Commission Meeting
- b. November 3, 2021 City Council Meeting Minutes (For Information Only)

Motion by Thompson to approve the October 19, 2021 Planning Commission minutes, second by Palmquist. Ayes: Thompson, Volkenant, Dumas, Gardner & Palmquist. Alternate Story. Nays: None. Absent: None. Abstain: None. Motion Approved.

4. PUBLIC HEARING: Charlie Johnson and Hard Knocks LLC (Applicant/Owner) is requesting the following actions for the property located at 1470 County Road 90 (PID No. 26-118-24-22-0008) in the City of Independence, MN.

- a. A commercial conditional use permit to allow an increase in the total allowable impervious surface coverage above 30%.
- b. 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.
- c. A variance to allow a reduced rear yard setback for the proposed accessory building.
- d. Site plan review to construct a new detached accessory structure and outdoor storage on the property.

Request:

Charlie Johnson and Hard Knocks LLC (Applicant/Owner) is requesting the following actions for the property located at 1470 County Road 90 (PID No. 26-118-24-22-0008) in the City of Independence, MN.

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2. 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.
3. A variance to allow a reduced rear year setback .
4. Site plan review to construct a new detached accessory structure and outdoor storage on the property.

Property/Site Information:

The property is located on the east side of County Road 90 just south of the intersection of County Road 90 and Main Street. The property has an existing commercial building and parking lot. The property has the following characteristics:

Property Information: 1470 County Road 90
Zoning: CLI - *Commercial Light Industrial*
Comprehensive Plan: *Commercial Light Industrial*
Acreage: 4.77 acres

Discussion:

The applicant is seeking site plan approval to allow a detached accessory building to be constructed on the subject property. The proposed accessory structure is 11,200 SF (140' x 80') and would be used for storage by the property owner. The building would be located to the east side (rear) of the existing commercial building on the property. In order for the City to consider allowing the development of a detached accessory building, there are several processes and additional requests that would have to be considered as follows:

- All expansion and or new construction on CLI – Commercial Light Industrial properties require site plan review and approval by the City. The proposed accessory building and associated improvements initiate the requirement for site plan review and approval.
- The applicant is proposing to construct the new detached accessory building with steel siding that does not meet the applicable design standards for buildings in the CLI – Commercial Light Industrial zoning district. The applicant is seeking a variance to allow the construction of an accessory building not meeting the applicable design standards.
- The existing site currently exceeds the maximum allowable impervious surface coverage (30%). The applicant is proposing to increase the impervious surface coverage by approximately 10% in the proposed condition. The maximum allowable impervious surface coverage for commercial properties can be increased to a maximum of 75% as a conditional use permit.

Subd. 7. 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 subject property is zoned CLI – Commercial Light Industrial. Storage and warehousing is a permitted use within the district. New construction and expansion of existing buildings in the CLI zoning district requires the review and approval of the City. The extent of the review is based on the intensity of the proposed development along with the ability of the proposed development to meet the requirements of the zoning ordinance (Sections 530.17 and 530.23).

The City has adopted site requirements for commercial development and there are several provisions within the commercial standards that are applicable to the proposed building expansion.

530.23. - Building design requirements.

Subd. 1. *Standards established.* Building design standards are hereby established to ensure commercial and industrial buildings meet acceptable aesthetic standards.

Subd. 2. *Applicability.* The design standards in this section shall apply to the following:

- (a) All facades of new principal buildings;
- (b) All facades of new accessory buildings;
- (c) Remodeling of existing buildings that result in "refacing" more than one side of an existing building or refacing of the wall oriented towards the nearest public road.
- (d) Additions to buildings that increase the gross floor area by more than 15 percent for commercial or retail buildings, or 25 percent for industrial buildings. Additions not exceeding these thresholds may be constructed using exterior materials that match or are compatible with the existing building materials.

530.17. - Site development standards.

Subd. 3. *Setbacks.* All buildings and structures must meet or exceed the following setbacks:

- (a) Front yard setback: 100 feet from centerline of road.
- (b) Side yard setback: 20 feet from side lot line.
- (c) Rear yard setback: 20 feet from rear lot line.
- (d) Setback from boundary of agricultural or rural residential district: 100 feet.

The City has reviewed the plans as they relate to the standards provided in the zoning ordinance. The following items should be further considered by the Planning Commission:

1. Building Design – The City ordinance states that accessory structures in the CLI zoning district shall conform to the design standards noted in the CLI section of the zoning ordinance (530.23).
For this reason, accessory structures are treated the same as principal 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 has prepared building elevations which show the proposed exterior of the new building. The primary material proposed is standing seam metal which is not consistent with the existing principal building. The principal building is constructed of pre-formed concrete panels. The applicant is asking the City to consider allowing the proposed accessory building to be

constructed of materials similar to the existing building noting that the majority of the addition will be located behind the existing building. In order for the City to consider approval of the accessory building utilizing materials that match the existing building, a variance is required.

The applicant is proposing new building mounted lighting as depicted on the building elevations. The City will need to confirm that the proposed lighting meets the applicable standards. The applicant will need to submit lighting cut sheets and a photometric plan with a revised submittal.

2. Site Design and Parking Requirements - The applicant is proposing to construct a bituminous driveway to access the proposed building off of the existing parking lot.

For wholesale and warehousing uses, the City requires: one parking space for each 2,000 square feet of gross floor area. For industry and manufacturing, the City requires: one space for every 350 square feet. The total existing building square footage is approximately 29,000 square feet. The City does not have an exact breakdown of the interior uses but has considered a breakdown of 50% wholesale and warehousing and 50% industry and manufacturing (14,500/14,500). This would equate to 8 parking spaces for wholesale and warehousing and 41 spaces for industry and manufacturing (total of 49 spaces). The existing site has 92 parking spaces. The proposed new building would add 11,200 square feet of warehouse space and require an additional 6 parking spaces for a total of 55 spaces. The number of existing parking spaces would satisfy parking requirements for this site even with the proposed new accessory storage building.

3. Setbacks – The City has the following setback requirements for buildings located in the CLI zoning district:
 - a. Front yard setback: 100 feet from centerline of road.
 - b. Side yard setback: 20 feet from side lot line.
 - c. Rear yard setback: 40 feet from rear lot line.
 - d. Setback from boundary of agricultural or rural residential district: 100 feet.

The proposed new accessory storage building does not meet all applicable setbacks. The proposed setbacks are as follows:

- a. Front yard setback: N/A
- b. Side yard setback: 20 feet from side lot line.
- c. Rear yard setback: 40 feet from rear lot line.
- d. **Setback from boundary of agricultural or rural residential district: 40 feet.**

The applicant is seeking a variance from the setback from a boundary of an AG/RR zoning district. The property to the east is zoned RR-Rural Residential. The requisite setback is 100 feet. The requested variance is to allow a 60 foot reduction in the setback to 40 feet. In an effort to mitigate the potential impacts, the applicant is proposing to provide a proposed berm and landscape screen.

4. Landscaping/Screening – The applicant has provided a landscape plan for the proposed accessory building. The City has the following standards relating to screening and landscaping of commercial properties:

Subd. 5. Landscape standards.

- (a) *Setback areas must be landscaped and maintained as a protective buffer and may not be used for parking, internal driveways, off-street loading, storage; nor may any structure or*

building be placed thereon, other than a fence.

- (b) 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.*
- (c) Minimum landscape requirements for each curbed island must include one tree (at least 2.5-inch caliper deciduous tree or six-foot-high conifer tree). The curbed island must also contain grass, ground cover or shrubs. No impervious surfaces such as concrete or asphalt may be placed in a curbed island.*
- (d) When a commercial or industrial development is located adjacent to any "R" zone, an eight-foot opaque fence or wall must be erected to provide screening of the commercial or industrial use.*
- (e) Subd. 6. Lot screening. All commercial-light industrial uses must be screened from adjacent residential properties with berms, fencing, hedges, or other landscape materials. Earth berms shall not exceed a slope of 3:1. The screen shall be designed to provide an effective visual barrier during all seasons. Height of plantings shall be measured at the time of installation.*

There is limited landscaping on the existing site. The proposed landscaping is comprised of an earthen berm and 12 evergreen trees in the northeast corner of the property. The size of the trees would need to be further defined by the applicant. The City requires a minimum of 1 tree per 40 lineal feet of property line. The City looked at the eastern perimeter of the property (north, south and east property lines up to the eastern edge of the building) which is approximately 875 LF (see below). If the City took that measurement divided by 40, 22 trees would be required to be planted. The property to the south is zoned commercial and the properties to the east and north are zoned RR-Rural Residential.

The City requires a minimum of 6' ht. evergreen trees. In addition to landscaping, the City requires properties adjacent to residential zoning districts to be screened with an 8-foot opaque fence. No fencing is currently proposed by the applicant. The City will need to provide additional direction relating to the proposed landscaping/screening and whether or not it meets the intent of the landscaping/screening requirements provided in the ordinance.

- 5. Storm Water Management –The applicant is asking the City to consider additional impervious surface on the property. As a result, the applicant has provided a proposed stormwater management plan that includes three infiltration/retention basins. The City is in the process of completing a review of the proposed stormwater management plans. The plan will need to comply with all applicable standards relating to storm water.
- 6. Lot Coverage - The maximum impervious lot coverage in the CLI zoning district is thirty (30) percent. The overall site is 217,797 square feet. Thirty (30) percent of the total site area would allow 65,339 square feet of impervious coverage. The total existing impervious surface area today is 101,404 square feet or 46.6% impervious coverage. The proposed new building and associated site improvements would add an additional 20,707 square feet of impervious surface for a total of 122,111 square feet or 56.1%. This total exceeds the maximum coverage area permitted.

Subd. 7. 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 proposing to establish three infiltration/retention basins that would offset the additional impervious surface proposed. The City would need to find that the impacts of the additional impervious surface is adequately being mitigated by the applicant.

In addition to the site plan review, 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. The applicant is proposing to use the property in a manner consistent with the Commercial Light Industrial District - CLI.
- b. The applicant is proposing to locate the new building to the rear of the existing building which will help to mitigate potential impacts from County Road 90. The neighboring residential property to the east has a similar steel sided pole barn.
- c. The applicant can screen the proposed building with new landscaping and berming to further mitigate any visual impacts from the surrounding properties.
- d. The proposed building addition will meet all other requisite requirements for this property.

The applicant would like to construct a new accessory building for the purpose of storing equipment inside

on the property. The applicant currently utilizes approximately 4,000 SF inside of the existing building and has 5 employees. The applicant anticipates that this building would eventually be heated and could house additional office/shop space for their business. The City has had discussions relating to the use of steel siding on buildings constructed in the CLI zoning district. This site is somewhat different than the other properties that we have considered in that this building abuts residential properties on two sides. The proposed accessory building will require a variance from the building materials requirements, setback requirements and impervious surface requirements. The City will need to provide direction relating to the proposed building and requested actions. The City could provide direction and or have additional discussion relating to all three actions and whether or not additional mitigation measures could be used to reduce impacts on surrounding properties.

Neighbor Comments:

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

Recommendation:

Staff is seeking a recommendation from the Planning Commission relating to the site plan review, a variance and conditional use permit. Should the Planning Commission make a positive recommendation to the City Council, the following findings and conditions should be considered:

1. The proposed site plan approval, variance and conditional use permit request meet all applicable conditions and restrictions stated in Chapter V, Section 520.25, Site Plan Approval Procedures and Chapter V, Section 520.19, Procedures on Variances, in the City of Independence Zoning Ordinance.
2. Site plan approval shall allow the construction of the new detached storage building in accordance with the approved site plan and attached hereto as Exhibit B.
3. The total impervious surface coverage for this property will not exceed 56.1% of the total lot area. Landscaping shall be installed and maintained in accordance with the concept landscape plan. The applicant shall prepare a more detailed landscape plan prior to consideration by the City Council. The plan shall provide more detail relating to the type and size of the proposed trees.
4. Landscaping shall be installed and maintained in accordance with the concept landscape plan. The applicant shall prepare a more detailed landscape plan prior to consideration by the City Council. The plan shall provide more detail relating to the type and size of the proposed trees.
5. The variance will allow the construction of a new building using exterior materials (steel panels) in accordance with the approved building elevations attached hereto as Exhibit C.
6. The setback variance will allow the proposed accessory building to have a reduced setback of 60 LF so that the required setback would be 40 LF from the rear property line.
7. The City finds the following existing conditions of the property support the request for a variance and are consistent with the criteria for granting a variance:
 - a. The applicants are proposing to use the property in a manner consistent with the Commercial Light Industrial – CLI zoning district.
 - b. The additional landscaping will provide a buffer between the existing residential properties and the proposed accessory building.

c. The variance will allow the expansion of a commercial business in the City's CLI zoning district. The City's approval of the requested applications will be beneficial in supporting its local businesses and protecting valuable jobs within the City.

8. Any change in use shall be subject to the City review and approval.
9. No outdoor storage is permitted on the property.
10. The applicant shall comply with all applicable storm water requirements and obtain any additional storm water approvals if determined necessary.
11. Any new building or site lighting shall comply with the City's applicable standards. The applicant shall submit cut sheets and a photometric plan to the City prior to obtaining building permit approval.
12. 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.
13. The Applicant shall pay for all costs associated with the City's review of the requested site plan, variance and conditional use permit approval.
14. The resolution shall be recorded against the property.
15. The applicant shall pay all applicable fees associated with the City processing the application for site plan review, variance and conditional use permit.

Kaltsas explained that the applicant is applying for a commercial CUP, a variance to allow a new building with steel, a variance for reduced yard setback and site plan review for a detached accessory structure. This would be an 11,000sqft building to be used for indoor storage. Steel siding is currently not allowed according to the ordinance. This property is zoned CLI, it is approximately 4.77 acres. There is an existing commercial building on the site. There are multiple tenants in the building. The site setbacks that is applicable is the residential property setback from the East property line. It abuts the property on the N and E increasing setback from 40' to 100' rear yard setback. Maximum impervious surface is 30% but applicant is asking for 10% more. The maximum is 75% which could be granted with stormwater management. The property to the South of this property is also CLI. The properties to the N are two residential properties and to the E is another residential. Applicant is looking to add a detached accessory building to the rear side or East side of the existing site. Stormwater management would come off the parking lot. The 11,000sqft building would be on the East side of the site, further away from Hwy 12, but closer to the residential/agricultural properties. This is a mixed-use building. The building would need about 49 parking spaces. It is currently up to 90 spaces. They would not need additional parking than what is on site. The setback from the South property line and the East property line is 20' and from the S is 20'. The East is proposed for 40' and it is needs to be 100' from the property that is agricultural. Landscaping and screening would include a berm and evergreen trees. It is 1 tree per 40 lineal feet so it would be about 22 trees. There are existing trees on the property to the North. They would need to have an 8' opaque fence and that is not included in the application. They would also need an infiltration system for stormwater maintenance to allow the additional impervious coverage request. Applicant's existing site is 100,000sqft which equals 46% and they want to increase another 20,000 sqft which is more than the 30% maximum. They would need to meet the criteria or show hardship. The applicant is proposing to use the site as CLI and will screen/berm to the residential properties. This would be cold storage initially and eventually heated with office space and indoor storage. This abuts to residential properties versus other commercial. They would put wainscoting along the bottom but otherwise would be steel. The ordinance does not allow steel. Kaltsas noted a few other properties that requested steel recently that have been granted.

Thompson asked with the 60' variance and then dig up for water retention, is that something we have seen before? Kaltsas

said no we just haven't had that many instances with the smaller CLI in the city. There is limited space for screening due to the infiltration system. Dumas asked if that is the area that could be sewered with the other homes going up in that area. Kaltsas said it is not in our 2040 plans. It would be South of Quass. Thompson asked if there were any written comments. Kaltsas said no. Gardner said they only have access to two sides in the storage building.

Public Hearing Opened

Charlie Johnson lives in Orono on Town Line and County Rd 6. He has been a tenant since 2006 in the building and recently he has purchased the building. Looking at the property, there was so much unused land in the back of the property. The building he is proposing is secondary to the primary building and would be set back and be screened. He met with the Fossey's and they were excited to have additional screening with the new trees. Gardner asked if the variance for steel is to save money. He asked if they thought about adding onto the existing building versus building a new building. Charlie said he would run into issues with the mound system. Gardner asked if he had any samples of the architectural steel that they were proposing. Charlie said he doesn't have it with him but could show it to them.

Thompson pointed out that Charlie was asking for a very large variance for the rear yard setback and according to the plan there is no screening. That is a big ask. Charlie said he would be happy to do more screening, but right now it is only trees and farms. There are no residential homes back there. Gardner asked why there is a need for the 100' setback. 40' is the standard. Kaltsas said the cities increase separation between commercial and residential. All commercials have wetlands. Gardner said he was unsure what Reuter would do with his property and if it would be split in the future. Thompson said there is a piling on element with the requests. He said we should work with the applicant on screening and finish we are interested in granting a variance to. Thompson asked what Charlie's response is to meeting halfway in an architectural finish. Charlie said he is willing to work with the city. It will be built as a pole barn with cement flooring.

Story said he has some concern regarding the residential views. He asked what the height of the building is and Charlie responded 18'. Story asked if there is any chance to berm the North side. Charlie said he could build berms. Thompson asked how tall the main building is. Charlie said about 20'. Gardner said he is trying to enforce the ordinances. Kaltsas said the only example we have is the building next door. That is a spray on finish after the adoption of these standards years ago. Standing seam or other options can bring a different element. Gardner said the wainscotting is good. Story asked if Charlie could meet in the middle. Charlie said there is a board and batton material and that may be a possibility. Dumas asked why they can't put trees in the wet part or 20' back. You should be able to put trees there. Kaltsas said if there was some direction with impervious surface which is okay, and the setback is okay, they could work through the screening and alternates of siding.

Close Public Hearing

Motion by Thompson to table the discussion until the December 21 planning commission meeting, second by Story. Ayes: Thompson, Volkenant, Dumas, Gardner, & Palmquist. Alternate Story. Nays: None. Absent: None. Abstain: None. Motion Approved.

5. PUBLIC HEARING: Bellissimo Farms, LLC (Applicant/Owner) requests that the City consider the following action for the property located at 7220 Turner Road (PID No. 28-118-24-14-0006) in Independence, MN:

- a. A conditional use permit amendment to allow the expansion of a building used by the commercial riding stable on the subject property.

Request:

Bellissimo Farms, LLC (Applicant/Owner) requests that the City consider the following action for the property located at 7220 Turner Road (PID No. 28-118-24-14-0006) in Independence, MN:

- a. A conditional use permit amendment to allow a building addition associated with an commercial riding stable on the subject property.

Property/Site Information:

The property is located on the north side of Turner Road between CSAH 90 and CSAH 92. The property is comprised of an existing home, barn and several additional detached accessory structures. The property has pasture areas, paddocks and a small wetland. The property has the following characteristics:

Property Information: 7220 Turner Road

Zoning: *Agriculture Comprehensive Plan:*

Agriculture Acreage: 21.46 acres

Discussion:

The applicant currently has an existing home with large barn and indoor riding arena on the subject property. The applicant received a conditional use permit to allow commercial boarding on the property in 2018. The applicant is now asking the City to consider allowing an expansion of the existing barn to accommodate additional stalls, tack space, washing area and other similar uses. The proposed building addition would add an additional 1,824 SF to the existing building. Because the property has an existing conditional use, any expansion of the use or buildings requires an amendment.

The applicant is noting that the additional space is for their personal use and is not seeking the ability to increase the number of horses allowed to be boarded on the property. It is noted that this site can accommodate a total of 20 animals. The existing CUP allows for a total of 7 horses to be commercially boarded along with the balance of allowable animal units for personal use.

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 proposes 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 form 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 condition use is consistent with the comprehensive plan of the City of Independence.

The City has discussed the proposed plans with the applicants representative. The proposed expansion of the existing building does not appear to intensify the use of the property and would not add to the commercial use. The proposed building addition would meet all applicable setbacks (does not extend beyond the existing building). Given the location of the property off of Turner Road, the orientation of the buildings and their relationship to the surrounding properties, and the existing use of the property, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit amendment of the commercial riding stable. It should be noted that the CUP has been in compliance with all applicable standards and there are no known deficiencies.

Neighbor Comments:

The City has not received any written or oral comments regarding the proposed conditional use permit.

Recommendation:

Staff is seeking a recommendation from the Planning Commission pertaining to the request for a conditional use permit amendment with the following findings and conditions:

1. The proposed conditional use permit amendment request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. All conditions of the initial conditional use permit shall remain in full force:
 - a) The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
 - b) Any new signage shall comply with all applicable standards of the City's ordinance.
 - c) No more than 7 horses shall be boarded on the property.
 - d) The applicant and facility must operate in compliance with manure management permit from MPCA. A copy of the valid MPCA permit is to be attached to and become a part of the conditional use permit.
 - e) A minimum of 1/3 acre or green covered open space, excluding wetland, is required within the horse facility, for each horse allowed by this permit. Grass shall be maintained and be the primary groundcover in all pasture areas.
 - f) The hours of operation are: summer 9:00 am – 10:00 pm.
 - g) Four (4) horse training clinics will be permitted per year and shall comply with the following provisions:
 - The horse clinics shall occur during the permitted hours of operation.
 - No more than 10 participants shall be permitted at each clinic.
 - h) No renting of hack horses.
 - i) No riding on adjacent private land unless authorized by owners.
 - j) No parking on public roads.

k) Utilize appropriate management practices to control flies and odor.

l) o future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.

3. The applicant shall pay for all costs associated with the review and recording of the resolution.

Kaltsas explained that Bellissimo Farms is requesting a CUP for an expansion of an existing building used for commercial riding stable. The property is approximately 20 acres, and they are requesting an additional 824sqft to the existing horse barn. They would like to add a washroom and a couple additional stalls. They would keep the same number of boarded horses on the property. Story asked if there are any auditing of how many horses are boarded there. Kaltsas said they are reviewed annually but it is usually bi-annually. Dumas stated that only 7 can be boarded commercially.

Public Hearing Opened

Public Hearing Closed

Motion by Thompson to approve the updated CUP amendment, second by Story. Ayes: Thompson, Volkenant, Dumas, Gardner, & Palmquist. Alternate Story. Nays: None. Absent: None. Abstain: None. Motion Approved.

6. PUBLIC HEARING: Anita Branson (Applicant/Owner) requests that the City consider the following actions for the property generally located near 1730 County Line Rd SE (PID No. 19-118-24-34-0002) in Independence, MN:

- a. A variance to permit the subdivision of property zoned AG-Agriculture that does not meet the minimum of 40 acres to qualify for a rural view lot subdivision.
- b. A minor subdivision to permit the subdivision of the subject property into two parcels based on the bisection created by County Line Road.

Request:

Anita Branson (Applicant/Owner) requests that the City consider the following actions for the property generally located near 1730 County Line Rd SE (PID No. 19-118-24-34-0002) in Independence, MN:

1. A variance to permit the subdivision of property zoned AG-Agriculture that does not meet the minimum of 40 acres to qualify for a rural view lot subdivision.
2. A minor subdivision to permit the subdivision of the subject property into

Property/Site Information:

The subject property is located on the west side of Nelson Road and is bisected by County Line Road (property on both sides). There are no structures located on the property. The property has the following site characteristics:

Property Information: PID No. 19-118-24-34-0002

Zoning: *Agriculture*

Comprehensive Plan:

Agriculture Acreage

(Before): *30.41 acres*

Acreage (After – Tract A): *20.26 acres*

Acreage (After – Tract B): *10.05 acres*

Discussion:

The applicant is seeking a variance to allow the minor subdivision of a property that does not meet the minimum lot size requirements of 40 acres for properties zoned AG-Agriculture.

This property is one of the handful of properties that the City has been previously identified as being bisected by an existing right of way. The separation of the property by right of way places some limitations on the use of the property, and the City has discussed that these properties are generally perceived to be subdivided even though they are still a single parcel. This parcel is approximately 30 acres in size and does not qualify for a rural view lot subdivision (min. of 40 acres). The applicant is asking the City to consider granting a variance to allow the subdivision of a property that is less than 40 acres and a minor subdivision to allow the two sides of the property to be formerly subdivided.

Two parcels would be created as a result of the proposed

subdivision: Tract A: 20.26 acres

Tract B: 10.05 acres

The City has reviewed the request and offers the following considerations in addition to the criteria for granting a variance which are note below:

- Both properties have adequate frontage (more than 300 LF) to meet the requisite minimum lot frontage requirements.
- Both properties have some wetlands, but considerably more than 2.5 acres of buildable upland.

- The City has not received verification of a primary and secondary septic system, but will require its submittal prior to City Council consideration.
- The City will require the dedication of the requisite perimeter drainage and utility easements.

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. The applicant is proposing to use the property in a manner that is consistent with the AG- Agriculture zoning district.
- b. The property conditions were not created by the applicant and were essentially an existing condition of the property.
- c. The size of the parcels proposed to be created is in keeping with the character, size and general conditions of the surrounding area.

The newly created Tract B will be required to pay the City’s requisite Park Dedication fee.

For the proposed property, the park dedication requirement is \$7,287.50. This fee will need to be paid prior to recording the subdivision.

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

The proposed rural view lot subdivision appears to meet all applicable standards of the City. The proposed subdivision is in keeping with the character of the surrounding area and will allow the development of both lots in a manner that can accommodate a future residential structure. The proposed variance to allow a minor subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

Neighbor Comments:

The City has not received any written comments regarding the proposed variance and minor subdivision.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested variance and minor subdivision with the following findings:

1. The proposed variance and minor subdivision for a lot line rearrangement meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. City Council approval of the rural view lot subdivision is subject to the following:
 - a. The Applicant shall pay the park dedication fees in the amount of \$7,287.50, for the newly created Tract B, prior to the applicant receiving final approval to record the subdivision by the City.
 - b. The Applicant shall provide the City with verification that both Tract A and Tract B can accommodate a primary and secondary on-site septic system.
3. The Applicant shall pay for all costs associated with the City's review of the requested variance and minor subdivision.
4. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
5. The Applicant shall execute and record the requisite drainage and utility easements with the county within six (6) months of approval.

Kaltsas explained that Anita Branson has a property that is bisected by a public right-of-way. The owners would like to seek a subdivision of this property and split the property in two. There is no existing home or building on the subject property. In the existing condition it is

zoned AG and is 30 acres overall. They would like to split the property in two on both sides of County Line Rd. On the North side of the road the property would be 10.05 acres and to the South side of the road, it would be 20.26 acres. Rural view lot subdivision is allowed for properties greater than 40 acres and we allow 1 rural view lot for each 40 acres or we allow lot line rearrangement. If a property is subdivided by a right-of-way we would consider granting this. It doesn't meet the 40 areas but applicant is asking for this to be considered. They have a hardship of the right-of-way bisecting the property. Both properties would meet the criteria and should have a primary and secondary septic site in the near future. The applicants would use the property consistent with the RR. They would be looking at Nelson Road and surrounding areas that the property fits in. We would require park dedication fees for the creation of the new lot. One person has stopped in to the City to review the plans, but there has not been any other comments.

Dumas asked what the history is with the 40-acre piece with a carved out chunk. Was it recently split off? Kaltsas said no. Dumas said it seemed reasonable.

Open Public Hearing

Close Public Hearing

Thompson said this seems super straight forward and makes sense.

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

7. PUBLIC HEARING: Jeremy and Sadie Kolbe (Applicants/Owners) are requesting the following action for the property located at 3110 County Road 90 (PID No. 14-118-24-22-0004) in Independence, MN:

- c. A variance for a reduced side yard setback to allow the expansion of the existing home in alignment with and using the same setback as the existing home.

Request:

Jeremy and Sadie Kolbe (Applicants/Owners) are requesting the following action for the property located at 3110 County Road 90 (PID No. 14-118-24-22-0004) in Independence, MN:

- a. A variance for a reduced side yard setback to allow the expansion of the existing home in alignment with and using the same setback as the existing home.

Property/Site Information:

The subject property is located on the east side of County Road 90, just north of Wood Hill Lane. There is an existing home and detached accessory building on the subject property.

Property Information: 3110 County Road 90
Zoning: AG-Agriculture

Discussion:

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. Specifically, the home does not meet the south side yard setback (30 feet required).

The applicant is asking the City to consider granting a variance from the side yard setback (south 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 AG-Agriculture. The existing home is located 28.55 feet from the south side property line and the proposed addition would be located 28.87. The applicant is proposing to construct the home addition to extend west and in line with the existing home. The proposed expansion would be setback slightly more than the existing home. The existing home is not perfectly parallel to the south property line. The resulting variance to the side yard setback would be 1.13 feet. The required setbacks for properties zoned AG-Agriculture are as follows:

Front Yard Setback:

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

Existing: ±211 feet from centerline

Rear Yard Setback:

Required: 40 feet

Existing: ±78 feet

Side Yard Setback (West Side):

Required: 30 feet

Existing: 28.55 feet

Proposed: 28.87 feet (variance of 1.13 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;*

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 AG-Agriculture Zoning District.
- b. The existing house is currently a legal non-conforming structure.
- 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. The proposed addition stays in line with the existing structure and allows for the remodel of the existing home without jogging the house 1.13 feet to the north to comply with applicable setbacks.
2. The applicant is purposing to construct an addition that does not increase the non-conforming setback of the existing structure.
3. The proposed remodel of the existing home would likely increase the value of and bring an update to this 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 expand the structure without jogging the addition. The setback of the proposed addition has limited visibility from the surrounding properties and there is a berm and screening to the southeast on the adjacent property which appears to help mitigate the potential impacts.

Public Comments:

The City did receive correspondence from the neighboring property owner to the southeast.

Recommendation:

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 AG-Agriculture District. The applicant is seeking a variance to allow a building addition to the existing home on the property.
 - b. The location of the proposed addition/remodel is in line with the existing home and building setback from the south 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.
 - d. Prior to City Council consideration of the proposed variance, the applicant shall provide an updated survey depicting the full proposed building addition.
3. The variance will permit a 1.3-foot reduction (from 30 feet to 28.87 feet) of the south 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.
 4. The Applicant shall pay for all costs associated with the City's review of the requested variance.
 5. The Applicant shall record the City Council Resolution with the county within six (6) months of approval.

Kaltsas explained that there is a request for a variance for a reduced side yard setback to allow for an expansion of an existing home in alignment with and using the same setback as the existing home. It is 1.3 areas in overall size. They would like to expand on the West side of the home. The requirement is a 30' setback and they are proposing 28.87' setback from the South side of the property line. As the expansion goes to the West it gets better and further from the property line. It is just the South side property line that is causing an issue.

Gardner said they are his neighbors and that they are only encroaching on a huge pile of dirt full of trees. He also suggested making it a 1.3' to a 1.5' variance. Thompson asked why this lot is crooked. Gardner said it was built in the 1960s so there were no building inspectors watching this.

Open Public Hearing

Close Public Hearing

Gardner said the owners are present. Thompson said this is the right thing to do. He asked if we just make the variance 1.5'. Kaltsas said it doesn't help since anything they would do in the future would mean they would have to come back to do a variance anyway.

Motion by Thompson to approve a variance of 1.5 feet, a setback of 28.5', second by Story. Ayes: Thompson, Dumas, Volkenant, & Palmquist. Alternate Story. Nays: None. Absent: None. Abstain: Gardner. Motion Approved.

8. PUBLIC HEARING: Ordinance Amendment Consideration.

d. Subdivision Standards – Rural Residential Cluster Development Standards

- i. Consider an amendment to Section 530.05 Rural Residential District established., Subd. 3. *Density* and Section 530.05 Rural Residential District established., Subd. 4. *Cluster development conditional use permit*.

The amendment will consider clarifying the table for determining density calculations as well as the way that open space is calculated for cluster developments.

Request:

Subdivision Standards – Rural Residential Cluster Development Standards

- Consider an amendment to Section 530.05 Rural Residential District established., Subd. 3. *Density* and Section 530.05 Rural Residential District established., Subd. 4. *Cluster development conditional use permit*.

The amendment will consider clarifying the table for determining density calculations as well as the way that open space is calculated for cluster developments.

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. The Planning Commission reviewed the ordinances and discussed possible amendments at their last meeting. The following proposed language changes are presented for further consideration:

1. **Section 530.05 Rural Residential District established., Subd. 4. Cluster development conditional use permit:** The current Cluster Development standard 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. Planning Commission recommended that the City consider clarifying that the calculation be taken with the exception of State, County and Existing City right of way. New streets that would be required to serve the proposed lots would not be excluded from the calculation.
 - a. In addition to the density calculation, Planning Commissioners discussed the minimum lot width for lots developed under the cluster development provisions. Commissioners recommended a minimum of 150 feet.
 - b. One additional point of clarification has been brought to the City’s attention and pertains to the provision in the ordinance designating steep slopes. The cluster development standards (b, 6.) designates slopes in excess of 10% as “steep”. The City defines steep slopes in the Shoreland Overlay section of the ordinance (505.05, subd. 33) as slopes having an average of 12% or greater. Staff is seeking direction from the Planning Commission relating to the question of steep slopes and whether or not the City should make it consistent with other areas of the ordinance?

2. **Section 530.05 Rural Residential District established., Subd. 3. Density.** 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. The Planning Commission recommended keeping the density “bonus” and then going to a straight calculation for each additional 5 acres of property.

- a. 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. Commissioners recommended that the City enter into an agreement with the developer designating the City’s ability to assess the property owners in the development for maintenance of the Outlot should the HOA not maintain them to an acceptable level. The current ordinance language has been amended to clarify this point.

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 gross acreage of the subject property, excluding right of way dedicated for State, County and Existing City Roads, ~~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 12~~0~~% or other physical impediments;
- (7) Lots within the development must have a minimum of 150 feet of frontage on a on an improved public road or street, except lots fronting on the terminus of a cul-de-sac shall have no less than 50 feet of frontage.

*****RENUMBER REMAINING*****

- (8) 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;
- (9) 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 and memorialized in an agreement with the City;
- (10) All utilities must be placed underground;
- (11) 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;
- (12) 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>
7.5 acres or less	One
7.6 through 12.5 acres	Two
<u>One additional lot for every five additional acres.</u>	
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.

Planning Commission Consideration/Action:

Staff is seeking direction and a recommendation from the Planning Commission relating to the proposed ordinance amendments. Should the amendments be recommended for approval to the City Council, staff will prepare the requisite ordinances.

Kaltsas explained that we intended on sending out a notice for the public hearing for this meeting tonight, but after looking at the publications, they did not get the notice out about this ordinance amendment so they will send notice for this discussion at the next meeting. This is a consideration for subdivisions for RR and cluster developments. This came up when the City considered a recent RR subdivision that was being done off of Turner Rd and Co Rd 90. The applicant and owners questioned the density table in the ordinance. They wanted to clarify some provisions and how density is calculated on the gross acreage. They won't take action tonight, but it will be discussed at the public hearing next month. He asked if the language provided is in line with how the planning commission is thinking. Cluster developments are a conditional use in the RR zoning district. The CUPs gives a slight increase in open space. They dedicate 50% of development of open space then 50% of the 50% open space to be usable open space. Then they can cluster to allow more open space. The question is how is this calculated. He asked if they should subtract right-of-way or created right-of-way as a part of the subdivision. He asked if the existing right-of-way can be subtracted from the total if it was asked. Can you take roads that are going to be dedicated as future right of way be subtracted? Rather than 50% of the gross acreage of the property, it would exclude the existing right-of-way of state, city or county roads existing roads. New roads would not be excluded. The Serenity plan and the Providence plan deducted existing road row and row on Independence Road, but not the new roads being added.

We also don't have a clear property width in cluster developments. It was discussed that it should maybe be 150'. Designation of steep slopes says that in excess of 10% are too steep and unusable. Other cities use 12% or higher. The definition of steep slopes is 12% in other areas of our ordinance. Dumas asked if you had a 30' deep house, you couldn't even have a walk-out. Gardner said on the little lots it is appropriate. Thompson said it should all match. Kaltsas said 10% is insignificant since there are steep slopes in AG. Thompson said roads that are already there and roads that are not there don't seem to line up. Kaltsas said we take surveyed number, then it is platted or metes and bounds. Kaltsas used the example of Serenity Hills. This could kick them up. The map for Providence, they took gross acreage and did not subtract existing road. Providence shows 200' width. Their building setback has to be 200'. There needs to be clarification. It is not a direct impact on density, but we have to have preservation of open space. Gardner said 150' seems to be working out without any problems coming up. Gardner said all the outlots are all highland with very little wetland. Thompson asked how many requests have we seen that have turned into non development rather than RR in the time that we have done these two cluster developments. Kaltsas said two. Thompson said the purpose of cluster development is not greater density. Kaltsas said the purpose is preservation of contiguous open space. Thomson said there are not enough bonus lots to make this compelling.

We limit the density to 1:4. Gardner said Providence has a ton of open space, way over 50% was not usable. There is a huge difference in the outlot quality in Providence than Serenity Hills. Story asked if other clusters have efficient use of open space. Kaltsas said no. They are 1-1 ½ acre lots with broader neighborhood land.

Lynn Betts said in Providence there was a usable space that had a nice trail but was not maintained by homeowners. Thompson said we will have a public hearing next meeting with these guidelines. Kaltsas asked what is the number that planning commission would recommend for width and what is a reasonable standard for a 1 ½ acre lot versus a 2 ½ acre lot. When there are bigger homes on the lot, the perception of open space changes. Gardner said that 150' sounds like a good number and anything smaller than that would not be good. Dumas said if anyone wanted something different, they could come in for a variance. Kaltsas said we can revisit that number.

Kaltsas also mentioned the RR cluster. Thompson asked where the bonus is and where is the delay. There is a 10-acre cost of lot number 3. Kaltsas said we could take 7.6 acres plus 5 and that gets rid of the goofiness. Thompson asked what the goal is here. Kaltsas said let's keep the bonus.

9. Open/Misc.

Marty Chilstrom lives at Woodhill and Brei Kessel. He came because of the proposed PH of adjusting the bonuses. He discussed breaking into Brei Kessel cul-de-sac. He said that over time it seems the lots are getting smaller and smaller. The idea of connecting to Brei Kessel is going to add a lot of traffic to this area. I don't think this is necessary for emergency services. They don't want more traffic and the bigger issue could be a pedestrian danger. Thompson said more lots are not more money. Brei Kessel has always been a temporary cul-de-sac. Cluster development is going to be spoken about. There is no proposal here. Ordinance is on the books, and we will continue to discuss this. Gardner said there is an intent to break through Brei Kessel. If we want to expand the city, we have to expand the infrastructure. Marty says he would like to see the standards to decrease in size. Tom Koch said that his dad sold the Brei Kessel property years ago and the cul-de-sac was intended to go through to the cluster development that is proposed. If we do cluster, he is struggling with getting to 28-30 lots we can't get there and whether or not it is worth it.

10. Adjourn

Motion by Dumas, second by Volkenant to adjourn at 9:45 p.m.

Respectfully Submitted,

Amber Simon / Recording Secretary

