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PLANNING COMMISSION MEETING AGENDA  
REGULAR MEETING  
TUESDAY, OCTOBER 17, 2017

**7:30 PM Regular Meeting**

1. Call to Order
2. Roll Call
3. Approval of Minutes:
  - a. September 19, 2017 Planning Commission Meeting
  - b. October 3, 2017 City Council Meeting Minutes (For Information Only)
4. Marilyn Hamilton (Applicant) and Hamilton Bros. (Owners) request that the City consider the following action for the properties located at/adjacent to 385 County Road 110 N (PID No.s 35-118-24-41-0001 and 35-118-24-41-20002) in Independence, MN:
  - a. Concept plan review for the proposed subdivision of the subject properties.
5. Comprehensive Plan - 2040 Plan Preparation
  - a. Land Use Discussion (continued)
    - i. Review of Rural Residential/Agriculture Boundary
    - ii. Urban Residential
6. Open/Misc.
7. Adjourn.

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
TUESDAY, SEPTEMBER 19 – 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 Chair Phillips at 7:30 p.m.

2. ROLL CALL

PRESENT: Chair Phillips, Commissioners Gardner, Thompson  
STAFF: City Administrative Assistant Horner, City Administrator Kaltsas  
ABSENT: Commissioners Dumas, Palmquist  
VISITORS: Jan Gardner, John Peterson, Steve Poole, Morton Builders Rep (did not give name)

3. Approval of minutes:

- a. August 15, 2017 Planning Commission Meeting
- b. September 5, 2017 City Council Meeting Minutes (For Information Only)

**Motion by Thompson, to approve the minutes of the June 20, 2017 Planning Commission Meeting, second by Phillips. Ayes: Phillips and Thompson. Nays: None. Absent: Dumas and Palmquist. Abstain: Gardner. Motion approved.**

4. PUBLIC HEARING: Morton Buildings, Inc. (Applicant) and Virgil and Theresa Marple (Owners) request that the City consider the following action for the property located at 7825 County Road 11 (PID No. 09-118-24-22-0003) in Independence, MN:

- a. A conditional use permit allowing an expansion to an existing accessory building which would cause it to be greater than 5,000 square feet.

Kaltsas said the property is located south of County Road 11 and just west of The County Road 11/County Road 92 intersection. There are two houses on the subject property and approximately 12 detached accessory buildings. The property has a CUP allowing for the two homes to be located on the property.

The applicants are seeking a conditional use permit to allow the expansion of an existing building which will exceed 5,000 sf in overall size. The proposed building expansion will add approximately 1,200 SF to the existing 5,000 SF accessory building. The expansion area will be to the south of the existing building and internal to the property. All applicable setbacks will be met by the proposed addition. The existing building is used for the private storage of the owners. There are several additional accessory buildings located on this property. The owners live in the existing home on this property.

The maximum size of any accessory structure on a property is 5,000 SF. Any accessory structure greater than 5,000 SF requires a conditional use permit. In this particular case, the

proposed existing building will be expanded which will result in a building greater than 5,000 SF. The City has established criteria for granting a conditional use permit.

The City has the following criteria for granting a Conditional Use Permit:

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.*
9. *The proposed use will not stimulate growth incompatible with prevailing density standards.*

Properties greater than 10 acres do not have a limitation on the total square footage of accessory buildings permitted on the properties. The applicant could construct an additional accessory structure on the property that is detached from the existing building. The proposed expansion would include the residing and reroofing of the entire building. The requested Conditional Use Permit appears to meet all of the aforementioned conditions and restrictions. Allowing the expansion of the existing building does not appear to have any adverse effects on this property or the surrounding properties.

Staff is seeking a recommendation from the Planning Commission for both the request for a Conditional Use Permit with the following findings:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. No future expansion of the accessory building 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 reviewing the application and recording the resolution.

Thompson asked if it was called out that, there could be no commercial use of the building. Kaltsas said it is prohibited by ordinance and could be written in, as a condition to make sure it is understood. Kaltsas noted the current CUP has had no issues.

#### Public Hearing Open

Marple reiterated that this was for personal storage and not for commercial use.

#### **Motion by Thompson to close the Public Hearing, second by Gardner.**

#### Public Hearing Closed

**Motion by Phillips, second by Thompson to approve a conditional use permit allowing an expansion to an existing accessory building which would cause it to be greater than 5,000 square feet for the property located at 7825 County Road 11 (PID No. 09-118-24-22-0003) in Independence, MN. Ayes: Thompson, Gardner and Phillips. Nays: None. Absent: Dumas and Palmquist. MOTION DECLARED CARRIED.**

5. **PUBLIC HEARING:** John Peterson (Applicant) and LE Peterson Living Trust (Owner) request that the City consider the following action for the properties located at the east end and south of Burr Oak Lane (PID No.s 08-118-24-42-0001 and 08-118-24-31-0001) in Independence, MN:
  - a. A lot line rearrangement which would move the existing lot line between the two properties further to the west.

The applicant is seeking a minor subdivision to expand the smaller property from 10 acres to 20 acres and include frontage on the existing right of way of Burr Oak Lane. The smaller property located to the east of the larger property does not currently have access onto the Burr Oak Lane right of way. The applicant would like to expand the smaller property to allow for a more saleable parcel with a more suitable building site. There is a wetland that is located at the east of the of the existing right of way that would restrict access into the smaller parcel. The proposed lot line rearrangement would provide the requisite 300 LF of frontage on a public right of way. The larger parcel will be reduced by 10 acres and still maintain approximately 30 acres in overall acreage. The larger property to the west has the ability to realize an additional building eligibility through the rural view lot provisions in the before condition. In the after condition, the property will no longer be eligible for an additional building eligibility as it will no longer be an original quarter-quarter section. The applicant is aware of this condition. The applicant has demonstrated that both properties have a minimum of 2.5 acres of buildable upland and the requisite primary and secondary septic site locations.

The City allows up to three properties to be developed off of a private driveway. The applicant is proposing to work with the property owner to the north to share the existing p



private driveway to provide access to both of the subject properties. The City could at anytime decide to extend Burr Oak Lane to the east. In order to ensure emergency vehicle and public works access to these properties, staff is recommending that the City require the applicant to construct a turn around and provide the necessary easement at the east end of the improved part of Burr Oak Lane (See Image Below). The City has a standard cul-de-sac detail that would stipulate the dimensions. The cul-de-sac would allow emergency and public works vehicles a turnaround point prior to the private driveway.

The proposed lot line rearrangement is generally in keeping with the City's zoning and subdivision regulations. The applicant is proposing to make the smaller property arguably better due to the inclusion of the requisite frontage on a public right of way. The proposed minor subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

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

1. The proposed 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. The Applicant shall provide the City with an easement description and plan for the cul-de-sac to be located at the eastern end of the improved portion of Burr Oak Lane. The construction of the cul-de-sac will be required prior at the time of issuance of a building permit for either parcel.
3. The Applicant shall provide a legal description for the required drainage and utility easements, as required by the City. The Applicant shall execute the requisite conveyance documents pertaining to the easements.
4. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
5. The Applicant shall record the subdivision, easement and City Council Resolution with the county within six (6) months of approval.

Phillips asked where the cul-de-sac would be and Kaltsas noted there is a 66' right of way. Gardner asked if the 66' could be expanded to 120'. Kaltsas said there would be an easement description written into the plan. Gardner noted the easement specs should be added the language.

Phillips asked about the neighbors to the west of the property. He noted the cul-de-sac would be near that property. Kaltsas said the onus falls to the petitioner property. Thompson asked how they would future proof this road idea. Kaltsas noted Burr Oak is substandard but is a public road. He said the burden balance would be on this property owner and in the future could involve assessments. Kaltsas said the City has the right-of-way but public safety aspects need to be considered and how many houses would be allowed on a road like this.

### Public Hearing Open

Poole said he is adjacent to this property on the north side. He said he has no issue with the lot line but rather the Burr Oak expansion. He wondered about assessments and private drives being added in the future. Kaltsas said he would recommend the standard 120 easement.

### **Motion by Garnder to close the Public Hearing, second by Thompson.**

### Public Hearing Closed

Phillips said this is a better proposition for the City and considers it a good move. Gardner said it keeps it more in line with rural residential and would be an improvement.

**Motion by Gardner, second by Thompson to approve a lot line rearrangement which would move the existing lot line between the two properties further to the west for the property located at the east end and south of Burr Oak Lane (PID No.s 08-118-24-42-0001 and 08-118-24-31-0001) in Independence, MN with modifications made to line item (2) per City specifications. Ayes: Thompson, Gardner and Phillips. Nays: None. Absent: Dumas and Palmquist. MOTION DECLARED CARRIED.**

7. Open/ Misc.

8. Adjourn.

Motion by Gardner, second by Thompson to adjourn at 8:00 p.m. Ayes: Thompson, Gardner and Phillips. Nays: None. Absent: Dumas and Palmquist. MOTION DECLARED CARRIED.

Respectfully Submitted,

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Trish Bemmels  
Recording Secretary

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, OCTOBER 3, 2017 –6:30 P.M.

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Councilor Betts at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Councilor Betts led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Councilors Betts, Grotting and McCoy

ABSENT: Mayor Johnson, Councilor Spencer, City Administrative Assistant Horner

STAFF: City Administrator Kaltsas, Police Chief Gary Kroells

VISITORS: Don and Winnie Baird

4. \*\*\*\*Consent Agenda\*\*\*\*

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council minutes from the September 19, 2017 Regular City Council Meeting.
- b. Approval of City Council minutes from the September 19, 2017 City Council Workshop.
- c. Approval of Accounts Payable; Checks Numbered 17437-17467.
- d. Approval of the Mayor's Attendance at the National League of Cities Annual Conference, November 14-18, 2017, in Charlotte, NC.
- e. Approval of a Large Assembly Permit for an Auction to be Held on the Property Located at 2020 County Road 90 on October 7<sup>th</sup>, 2017.
- f. Cancellation of the November 7<sup>th</sup>, 2017 City Council Meeting Due to the Election.

**Motion by Grotting, second by McCoy to approve the Consent Agenda items. Ayes: McCoy, Grotting and Betts. Nays: None. Absent: Johnson, Spencer. MOTION DECLARED CARRIED.**

5. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

**Spencer attended the following meetings:**

**Grotting attended the following meetings:**

**McCoy attended the following meetings:**

- Doug Brooks Retirement Party
- Joyce Larson Funeral
- Community Concert at Christ Lutheran

**Betts attended the following meetings:**

- Doug Brooks Retirement Party
- Police Commission Meeting

**Johnson attended the following meetings:**

**Horner attended the following meetings:**

**Kaltsas attended the following meetings:**

- Meeting with Mayor Johnson and Met Council Representative Katie Rodriguez about eligibility for the I&I Grant Program
7. Morton Buildings, Inc. (Applicant) and Virgil and Theresa Marple (Owners) request that the City consider the following action for the property located at 7825 County Road 11 (PID No. 09-118-24-22-0003) in Independence, MN:
- a. **RESOLUTION NO. 17-1003-01** - Granting a conditional use permit which would allow an expansion to an existing accessory building which would cause it to be greater than 5,000 square feet.

Kaltsas said the property is located south of County Road 11 and just west of The County Road 11/County Road 92 intersection. There are two houses on the subject property and approximately 12 detached accessory buildings. The property has a CUP allowing for the two homes to be located on the property.

The applicants are seeking a conditional use permit to allow the expansion of an existing building which will exceed 5,000 sf in overall size. The proposed building expansion will add approximately 1,200 SF to the existing 5,000 SF accessory building. The expansion area will be to the south of the existing building and internal to the property. All applicable setbacks will be met by the proposed addition. The existing building is used for the private storage of the owners. There are several additional accessory buildings located on this property. The owners live in the existing home on this property.

The maximum size of any accessory structure on a property is 5,000 SF. Any accessory structure greater than 5,000 SF requires a conditional use permit. In this particular case, the proposed existing building will be expanded which will result in a building greater than 5,000 SF. The City has established criteria for granting a conditional use permit.

The City has the following criteria for granting a Conditional Use Permit:

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.*
  - 9. The proposed use will not stimulate growth incompatible with prevailing density standards.*

Kaltsas noted properties greater than 10 acres do not have a limitation on the total square footage of accessory buildings permitted on the properties. The applicant could construct an additional accessory structure on the property that is detached from the existing building. The proposed expansion would include the residing and reroofing of the entire building. The requested Conditional Use Permit appears to meet all of the aforementioned conditions and restrictions. Allowing the expansion of the existing building does not appear to have any adverse effects on this property or the surrounding properties.

Commissioners reviewed the request and asked questions of staff and the applicant. Commissioners asked why the applicant was adding on to an existing building versus building another standalone building. The applicant noted that they wanted to re-side and roof the existing building so it made sense to just add onto that building. Commissioners asked if there would be any commercial use of the building and the applicant noted that this was for the private use of the homeowner. Commissioners recommended adding a condition that no commercial use of the building would be permitted. Commissioners ultimately recommended approval of the conditional use permit to the City Council.

The Planning Commission recommended approval of the Conditional Use Permit with the following findings and conditions:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. No future expansion of the accessory building shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.

3. No commercial use of the building shall be permitted.
4. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

**Motion by Grotting, second by McCoy to approve RESOLUTION NO. 17-1003-01 - Granting a conditional use permit which would allow an expansion to an existing accessory building which would cause it to be greater than 5,000 square feet for the property located at 7825 County Road 11 (PID No. 09-118-24-22-0003). Ayes: Grotting, McCoy and Betts. Nays: None. Absent: Johnson and Spencer. MOTION DECLARED CARRIED.**

8. Open/Misc.

9. Adjourn.

**Motion by McCoy, second by Grotting to adjourn at 6:40 p.m. Ayes: Grotting, McCoy and Betts. Nays: None. Absent: Johnson and Spencer. MOTION DECLARED CARRIED.**

Respectfully Submitted,

Trish Bemmels/ Recording Secretary

City of Independence  
Concept Plan Review for a Proposed 28 Unit  
Subdivision on the Subject Properties

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<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	October 17, 2017
<i>Applicant:</i>	Marilyn Hamilton
<i>Owner:</i>	Hamilton Bros Inc.
<i>Location:</i>	385 County Road 110 N

***Request:***

Marilyn Hamilton (Applicant) and Hamilton Bros. (Owners) request that the City consider the following action for the properties located at/adjacent to 385 County Road 110 N (PID No.s 35-118-24-41-0001 and 35-118-24-41-20002) in Independence, MN:

- a. Concept plan review for the proposed subdivision of the subject properties.

***Property/Site Information:***

The property is located on the west side of County Road 110 N and just south of the Luce Line Trail. There is an existing home and several accessory buildings located on the property. The property is comprised of densely wooded areas, wetlands and tillable acreage.

Property Information: 385 County Road 110 N (PID No. 25-118-24-41-0001)

Zoning: *Agriculture*

Comprehensive Plan: *Rural Residential/Agriculture Preserve*

Acreage: ~ 106 acres

Property Information: Unaddressed Parcel (PID No. 25-118-24-41-20002)

Zoning: *Agriculture*

Comprehensive Plan: *Rural Residential/Agriculture Preserve*

Acreage: ~ 92 acres



### Subject Property Aerial



#### *Discussion:*

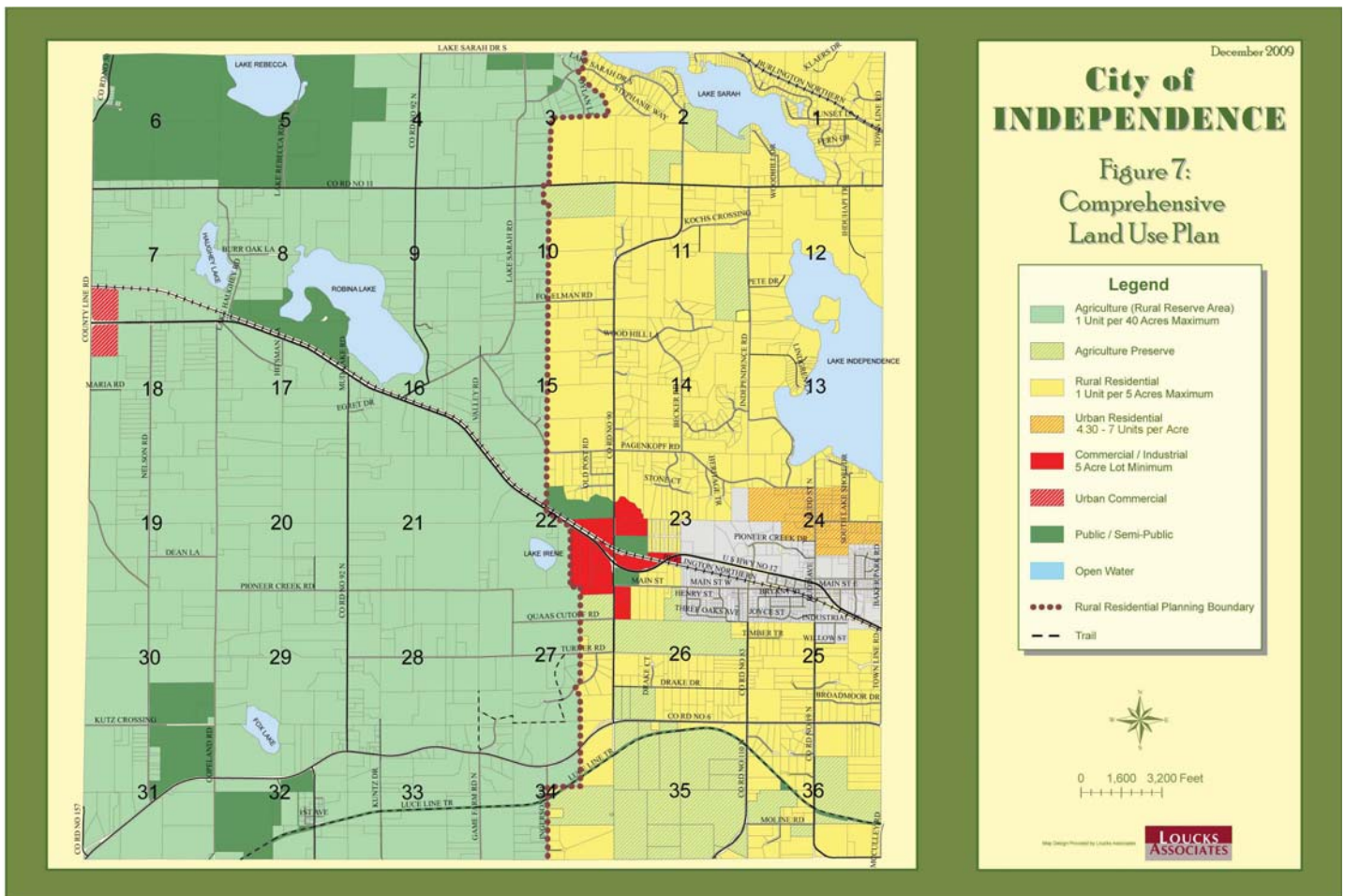
The applicant is asking the City to consider a concept plan for the proposed subdivision of the subject properties. A concept plan allows the City the opportunity to initially review the proposed subdivision and provide feedback and comments to the applicant prior to the formal submittal of a preliminary plat. This property will ultimately require rezoning, conditional use permit, comprehensive plan amendment and a preliminary and final plat.



The applicant is proposing to develop the property as Cluster Development. Cluster Developments are permitted as a conditional use in the Rural Residential zoning district. The City has specific criteria relating to Cluster Developments which must be considered and adhered to by the development.

### Comprehensive Plan/Rezoning

Rezoning this property from AG-Agriculture to RR-Rural Residential is consistent with the City's 2030 Comprehensive Plan. The City's plan indicates the portion of the City that is guided for Rural Residential zoning. The subject property is located within that area guided for Rural Residential with the Agriculture Preserve overlay.



### Proposed Subdivision Concept Plan

The applicant has prepared a concept plan for review by the City. The City has preliminarily reviewed this plan and provided some comments to the applicant. The applicant will likely seek final approval of the subdivision in several phases which have not been finalized at this time.

As noted, the applicant is proposing to utilize the Cluster Development provisions rather than the standard subdivision criteria. The City allows Rural Residential property to subdivide based on the following table in the City's zoning ordinance.

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

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

Based on a traditional subdivision, this property could potentially yield a total of 39 lots (199 acres total, the first 47.5 acres yields 9 lots; the remaining 151.5 acres divided by 5 equals and additional 30 lots). In order for the City to consider approving a Cluster Development, the established criteria will need to be satisfied. The City has the following criteria pertaining to 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.*

Cluster developments can assist in preserving the rural character of the community by keeping large areas of open space undeveloped and protecting natural site features and amenities. Lots in a Cluster Development are typically smaller than lots in a standard subdivision and grouped in a manner that maximizes the preservation of open space within a development. In order for a property owner to seek approval of the Cluster Development, the following key criteria must be met:

1. Property must be a minimum of 40 acres
2. 50% of the property must be preserved as open space.
3. 50% of the open space (50% of the 50%) must be useable upland.
4. All lots proposed in the development must be a minimum of 1.5 contiguous acres.
5. Maximum density of 1 unit per 4 acres.

The proposed development has the following characteristics:

1. Property Acreage – 199 acres
2. Open Space Required – 99.5 acres  
Open Space Proposed – 99.5 acres
3. Useable Open Space Required – 47.8 acres  
Useable Open Space Proposed – 50.4 acres
4. Minimum Lot Size Proposed 1.5 acres
5. Proposed Density – 1 unit per 7 acres

Based on the information provided by the applicant, the proposed development appears to meet the minimum criteria established for considering a Cluster Development on this property. The City has approved Cluster Developments in the past (i.e. Providence, Serenity Hills). The City has several

additional requirements which should be considered in addition to the Cluster Development criteria. Verification must be provided to the City that all proposed lots can accommodate a primary and secondary septic location. The applicant will have to provide this information to the City at the time of preliminary plat application. The applicant is in the process of completing a wetland delineation for the property. This information will be incorporated into any future application and may minimally impact lot configuration. The applicant will also need to verify that all lots can accommodate a building pad that will allow all applicable building setbacks to be met. There are no minimum road frontage standards defined in the Cluster Development standards with the exception of at least 50 feet of frontage on a cul-de-sac bulb. The lots proposed appear to meet all applicable criteria relating to the subdivision and zoning standards.

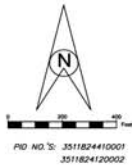
#### Additional Considerations:

The City has initially reviewed the concept site plan. In addition, the City has discussed the concept plan with Hennepin County. Hennepin County provided preliminary review comments relating to the development. The initial review of the subdivision contemplates a high-level review only of the proposed development. A detailed review of the storm water, grading and infrastructure details will be completed prior to consideration of the preliminary plat by the City. The City does not formally approve or deny a concept plan. The review will provide direction and comments to the applicant for their use during the preparation of a preliminary plat application. The following comments should be considered by the City:

1. The applicant is proposing to essentially develop two different cul-de-sacs. One that would provide access to the north property and one that would provide access to the south property. The City and County have both commented that the connection of the two cul-de-sacs would be preferred. A single access development with potentially 20 lots (south cul-de-sac) is not ideal and raises concerns relating to public safety (emergency vehicle access if the road is blocked). The City asked the applicant to look at opportunities to connect the two sides of the development. In reviewing a possible connection, the applicant has noted that a connecting road would inflict considerable damage to the natural resources that they are seeking to protect through the cluster development provisions. The applicants engineer prepared an exhibit that shows the grading limits of a connecting road. The extent of the grading is extensive due to the steep slopes. The grading would cause a significant loss of the existing Maple/Basswood forest located on the west side of the property. In addition, there is a wetland (extents of which have not been finalized) that would have to be mitigated in order to make the road connection. The City has not engaged the watershed district at this time, but would need to understand whether or not the substantial mitigation of the wetland would be considered. In addition to looking at the possibility of connecting the properties to the west, staff discussed the possibility of making the connection further to the east. This would have to be a future connection as the applicant does not have control of the properties in-between the two subject parcels. This connection may be possible, but would significantly impact the existing homes located on those properties. The City has also asked the applicant to consider a second connection that would go to the south and could possibly provide a secondary point of access (see below).

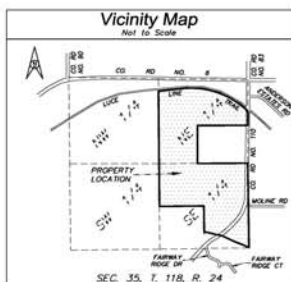


# Concept Plan

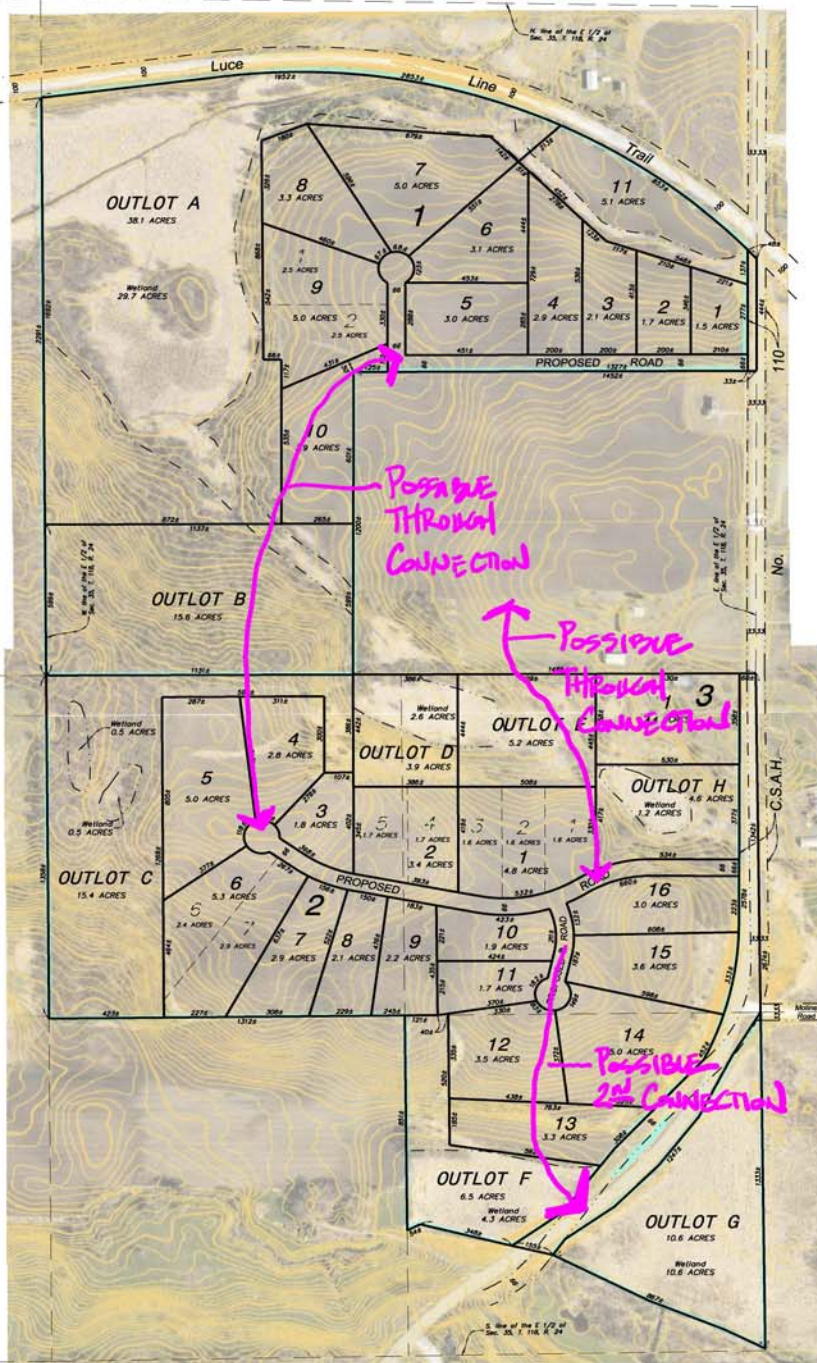


TOTAL PROPERTY AREA = 199± ACRES  
 EXISTING ZONING = AG  
 PROPOSED ZONING = RR (RURAL RESIDENTIAL CLUSTER DEVELOPMENT)

--- denotes Edge of Wetland



DENSITY CALCULATIONS:  
 199 ACRES - 47.5 ACRES (9 LOTS) = 151.5 ACRES  
 151.5 ACRES / 5 ACRES PER LOT = 30 LOTS  
 TOTAL LOTS ALLOWED = 39 LOTS  
 TOTAL LOTS PROPOSED = 28 LOTS  
 MIN. OPEN SPACE REQUIRED = 99.5 ACRES  
 OPEN SPACE PROVIDED = 99.9 ACRES  
 USABLE OPEN SPACE REQUIRED = 47.8 ACRES  
 USABLE OPEN SPACE PROVIDED = 50.4 ACRES



Concept Plan on part of the E 1/2 of  
 Section 35, Township 118, Range 24,  
 Hennepin County, Minnesota.

I hereby certify that this survey, plan, or  
 report was prepared by me or under my  
 direct supervision and that I am a duly  
 Licensed Land Surveyor under the laws  
 of the State of Minnesota.

Requested By:

**Don Hamilton**

Date:

3-30-16

Drawn By:

T.J.B.

Scale:

1"=200'

Checked By:

P.E.O.



www.ottoassociates.com  
 9 West Division Street  
 Buffalo, MN 55313  
 (763) 682-4727  
 Fax: (763) 682-3522

● denotes iron monument found  
 ○ denotes 1/2 inch by 14 inch iron pipe  
 set and marked by License #40062

Project No.

16-0121

2. The north cul-de-sac could connect to the property to the south and ultimately connect back to CSAH 110 in the future. The applicant has provided the City with a conceptual “ghost plat” of the properties in-between the subject parcels. Staff is seeking discussion from the Planning Commission relating to the general road configuration.
3. Lot 11, Block 1 (north side) would have to access CSAH 110 N. This lot would be separated from the remaining development and direct access onto the County Road may not be permitted. The applicant has also noted that this lot could be dedicated to the City for a future park given its proximity to the Luce Line Trail. The City can further discuss whether or not a park at this location would be beneficial. In addition, access to a park from CSAH 110 would also be difficult and may not be permitted.
4. Lot 10, Block 1 has frontage on the public right of way, but is not a traditionally configured lot. The applicant has noted that this lot is a highly desirable lot due to the proximity to the woods on the west side of the property. The City has initially commented on the configuration and believes that this lot may require additional review.
5. The applicant is showing how several of the larger lots in the development could be subdivided into smaller lots in the future and still meet all applicable requirements of the initial subdivision requirements. The City will need to further consider how this could occur in the future.
6. The applicant is showing a unique configuration of outlots on the proposed concept plan. The applicant would like to preserve the ownership and long-term maintenance of the outlots by having them owned by individual lot owners. The City will need to further review whether or not this ownership and organization is acceptable. In addition, further information detailing the intended management of the area will need to be provided by the applicant.
7. Hennepin County has offered the following comments pertaining to the development:
  - a. We recognize that the two proposed access driveway locations are acceptable. The northerly access appears to have no other options that would provide more preferable access spacing. The southerly access may have more preferable access spacing locations, such as aligning with Moline Rd, however due to the curve the sight distance would be worse.
  - b. We recommend making provisions for internal circulation should either/both properties in between these bookended subdivisions be redeveloped in the future. We certainly would be looking to combine accesses when/where available and believe that reasonable accommodations can be made now in order to provide for potential internal circulation in the future. Perhaps a 'ghost plat' of such future internal site connections would be mutually beneficial.
  - c. We suggest providing an internal trail connection for both subdivisions to connect to the Luce Line Trail. This could possibly be located within Outlot A? This would be safer and

more direct for most residents than walking along CSAH 110. Also, might increase property values.

- d. On the southerly development there appears to be a 60' sliver of land between lots 14 and 1,2 and 3. Is this providing for future internal street connection for development to the south?
- e. Upon platting we will likely request 5' of row to accommodate future roadway enhancements. A north-south off-road trail along CSAH 110 may be very desirable in the future given the adjacency of the Luce Lone Trail. A trail easement, preferably 10' wide along both properties on the inside of the 5' row dedication would be requested.
- f. On the far southern end of the southerly development there is a sliver of land still in private ownership surrounded by roadway ROW remaining from the straightening of the roadway. We request this land be dedicated to the county.

#### Park Dedication

The proposed subdivision is subject to the City's park dedication requirements. The applicant has noted that they would be interested in possible dedicating land to the City for the purpose of a park. In addition, Hennepin County noted that they would like the City to consider requiring a trail easement along CSAH 110 N. Given the number of lots and the proximity to the Luce Line Trail, it may also be desirable for the City to consider requiring a trail that would connect both the north and south developments to the Luce Line Trail. Staff is seeking further discussion from the City relating to trails within this development. The City will need to further discuss the possibility of park dedication within this development. The standard park dedication requirement of \$3,500 per lot would otherwise be applicable.

#### ***Recommendation:***

Staff is seeking discussion and feedback from the Planning Commission relating to the concept plan review. No formal action is taken by the Planning Commission on the concept plan. Based on the comments and discussion, the applicant can choose to have the Council review the concept plan and or bring back a formal application for preliminary plat of the proposed subdivision.

#### ***Attachments:***

- 1. Property Pictures
- 2. Concept Site Plan
- 3. Ghost Plat Exhibit
- 4. Grading Extents Exhibit for Connecting Road



View Looking West

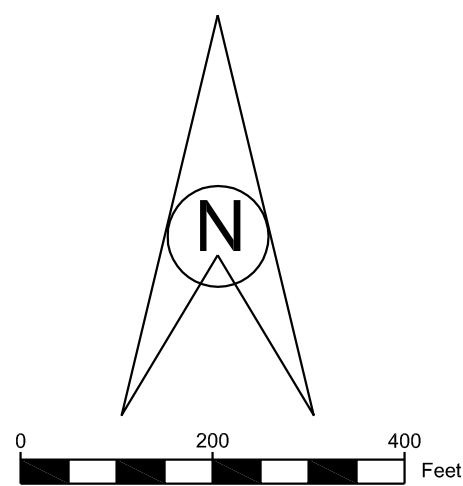


View Looking South





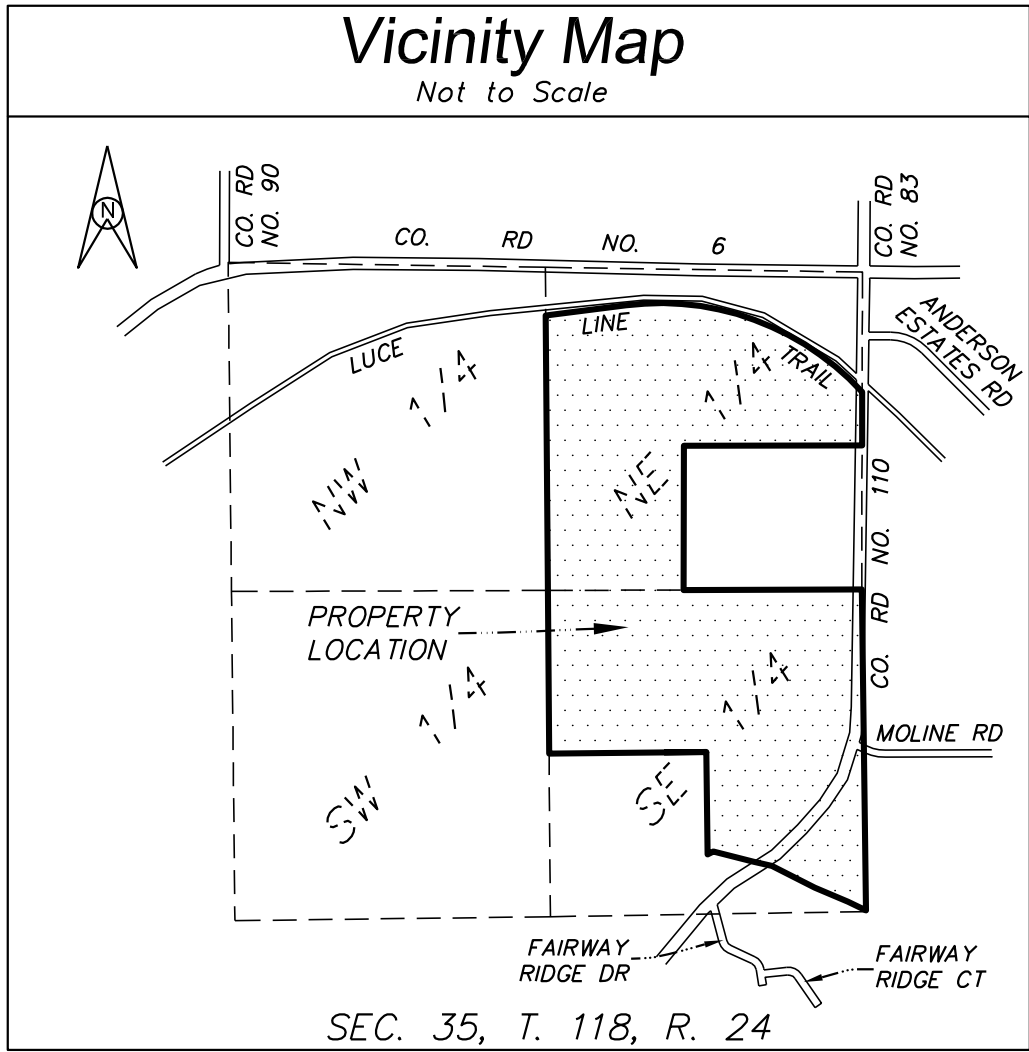
Concept Plan



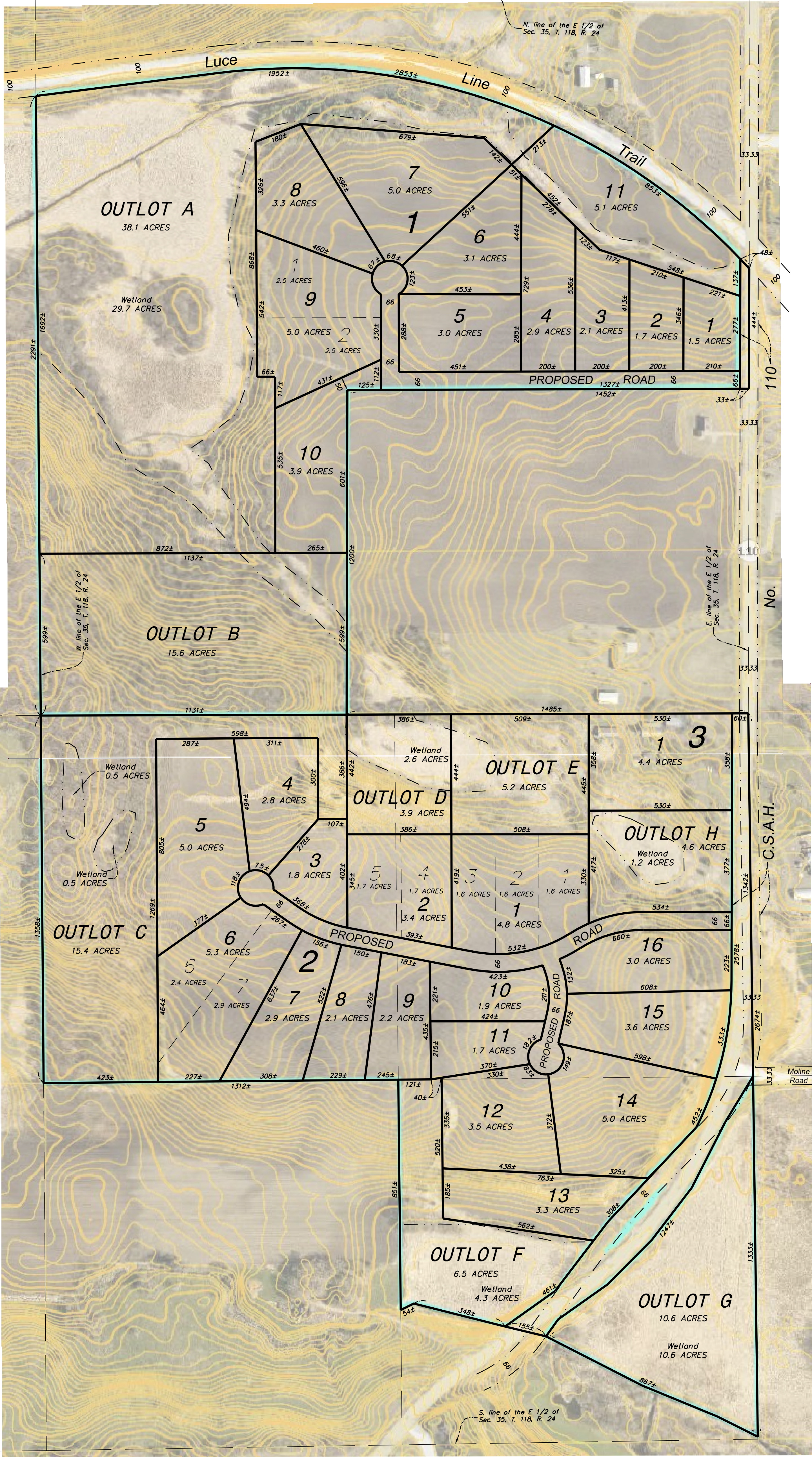
PID NO.'S: 3511824410001  
3511824120002

TOTAL PROPERTY AREA = 199± ACRES  
EXISTING ZONING = AG  
PROPOSED ZONING = RR (RURAL RESIDENTIAL CLUSTER DEVELOPMENT)

--- denotes Edge of Wetland



DENSITY CALCULATIONS:  
199 ACRES - 47.5 ACRES (9 LOTS) = 151.5 ACRES  
151.5 ACRES / 5 ACRES PER LOT = 30 LOTS  
TOTAL LOTS ALLOWED = 39 LOTS  
TOTAL LOTS PROPOSED = 28 LOTS  
MIN. OPEN SPACE REQUIRED = 99.5 ACRES  
OPEN SPACE PROVIDED = 99.9 ACRES  
USABLE OPEN SPACE REQUIRED = 47.8 ACRES  
USABLE OPEN SPACE PROVIDED = 50.4 ACRES



Concept Plan on part of the E 1/2 of  
Section 35, Township 118, Range 24,  
Hennepin County, Minnesota.

Revised: UPDATE LOTS 6-22-17  
UPDATE LOTS 7-7-17  
UPDATE LOTS 8-1-17  
UPDATE LOTS 9-22-17

I hereby certify that this survey, plan, or  
report was prepared by me or under my  
direct supervision and that I am a duly  
Licensed Land Surveyor under the laws  
of the State of Minnesota.

*Paul E. Otto*  
Paul E. Otto  
License #40062 Date: 9-22-17

Requested By:

Don Hamilton

Date:

3-30-16

Drawn By:

T.J.B.

Scale:

1"=200'

Checked By:

P.E.O.



Engineers & Land Surveyors, Inc.

www.ottoassociates.com

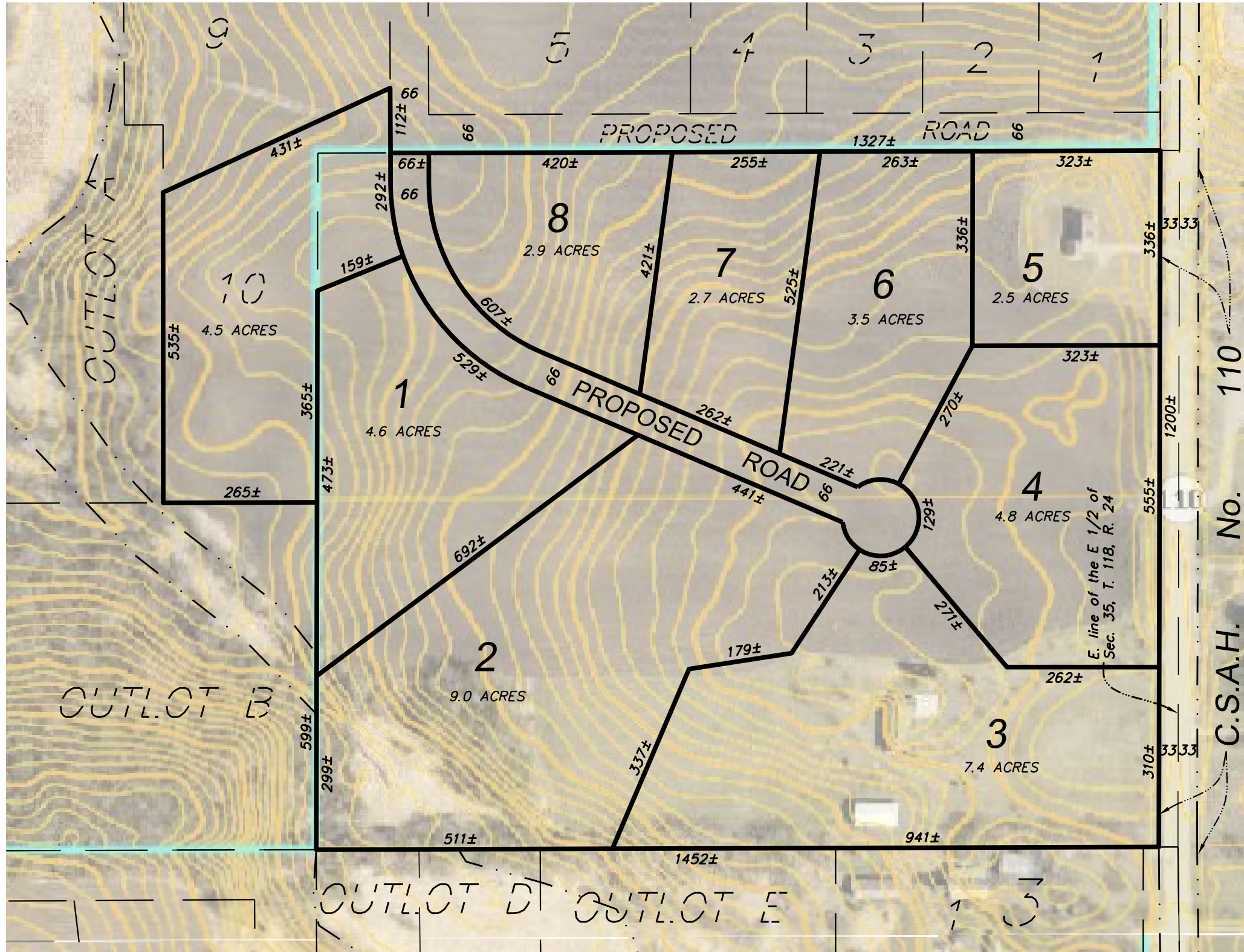
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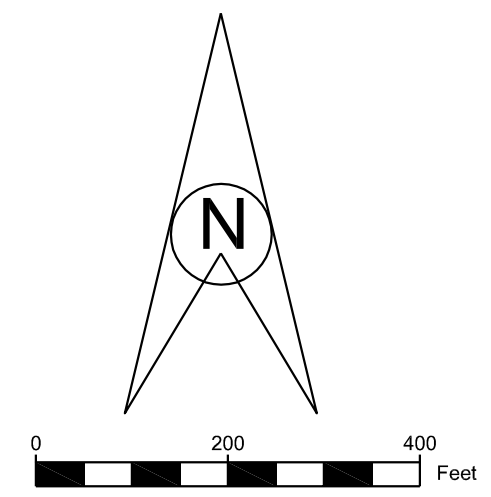
Project No.

16-0121

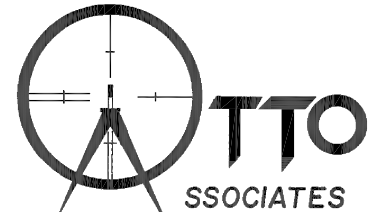




# Concept Plan (Future Phase)



PID NO.'S: 3511824140001  
3511824140002

<ul style="list-style-type: none"><li>● denotes iron monument found</li><li>○ denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062</li></ul>	<p>I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.</p> <p><i>Paul E. Otto</i> Paul E. Otto License #40062 Date: 9-22-17</p>	Requested By: <b>Don Hamilton</b>				 <p>www.ottoassociates.com 9 West Division Street Buffalo, MN 55313 (763)682-4727 Fax: (763)682-3522</p> <p>Engineers &amp; Land Surveyors, Inc.</p>	Revised:
		Date: 9-22-17	Drawn By: T.J.B.	Scale: 1"=200'	Checked By: P.E.O.		Project No. 16-0121



# Concept Plan

## (Future Road)



<div><div></div><div>denotes iron monument found</div></div> <div><div></div><div>denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062</div></div>				Requested By:		Revised:	
<div>Don Hamilton</div>				Date:	10-4-17	Project No.	16-0121
<div></div>				Drawn By:	T.J.B.	Checked By:	
<div></div>				Scale:	1"=200'		
<div><div></div><div>SSOCIATES</div><div>Engineers &amp; Land Surveyors, Inc.</div></div>				<div>www.dtoaassociates.com</div> <div>9 West Division Street Buffalo, MN 55313 (763)682-4727 Fax: (763)682-3522</div>			