

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JUNE 19, 2018 –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 Mayor Johnson at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Grotting, Betts and McCoy

ABSENT: City Attorney Vose

STAFF: City Administrator Kaltsas, Administrative Assistant Horner

VISITORS: Bob Volkenant, Bonnie Kuka, Mike Kuka

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 June 5, 2018 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 18044-18076.

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

- Wright County Meeting

Grotting attended the following meetings:

- LMCC Meeting

McCoy attended the following meetings:

- Orono High School Graduation

Betts attended the following meetings:

- West Hennepin Chamber of Commerce Meeting

Johnson attended the following meetings:

- Highway 12/ County Road 92 Design Committee Meeting
- National League of Cities Event phone calls
- Highway 55 Open House
- Orono High School Graduation
- Orono Retirement Event for Principal Benson
- National League of Cities Interview
- West Hennepin Chamber of Commerce Meeting
- Guest Speaker at Fox and Hounds Meeting
- Northwest League Meeting
- Toured the new Bell Museum in St. Paul

Horner attended the following meetings:

- West Hennepin Chamber of Commerce Meeting
- Met with LMC Insurance Agent

Kaltsas attended the following meetings:

7. PTS Products, Inc. (Applicants/Owners) requests that the City consider the following action for the property located at 6511 US Highway 12 (PID No. 22-118-24-44-0011) in Independence, MN:
 - a. **RESOLUTION 18-0619-01** - Consideration of site plan approval and a variance to allow the expansion of the existing commercial building located on the subject property. The expansion of the building will be permitted to be comprised of the same building materials as the existing building.

Kaltsas said the applicant is seeking site plan approval to allow the expansion of the existing building. The applicant moved their manufacturing business to Independence in 2015 to facilitate future growth. The business is nearing capacity in the current facility and the owner would like to expand the facility. The existing building is approximately 12,800 SF in overall size. The applicant is proposing to expand the building by another 12,800 SF for a total of 25,600 SF. The applicant has noted that the proposed expansion will require approximately 15 additional jobs. The subject property is zoned CLI – Commercial Light Industrial. Manufacturing is a permitted use within the CLI zoning 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 there are several provisions within the commercial standards that are applicable to the proposed building expansion. be considered:

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.

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 provides the following requirement for additions to commercial buildings:

- a. 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.
- b. 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 proposed addition increases the gross floor area of the building by more than 15 percent (100 percent). The applicant has prepared several illustrative images which shows the proposed exterior elevations of the expansion. The primary material proposed is standing seam metal which is consistent with the majority of the existing building. There is a low split face block base that would be added to the base of the addition. The east facing façade of the existing building has a brick/stone finish. The applicant is asking the City to consider allowing the proposed addition to be constructed of materials similar to the existing building noting that the majority of the addition will be located behind the existing building. The applicant also noted that the existing building located to the east of this building is constructed of similar materials. In order for the City to consider approval of the expansion utilizing materials that match the existing building, a variance is required.

2. Parking Requirements - The applicant is proposing to construct new bituminous parking spaces and a loading area to serve the new addition. For wholesale and warehousing uses, the City requires: one space for each 2,000 square feet of gross floor area. The total building square footage is approximately 26,000 square feet and would therefore require 13 parking spaces. The existing site has approximately 30 parking spaces. The proposed parking lot expansion would add an additional 20 parking spaces for a total of 50 parking spaces. The number of parking spaces proposed combined with the existing would satisfy parking requirements for this site.

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: 20 feet from rear lot line.
- d. Setback from boundary of agricultural or rural residential district: 100 feet.

The proposed building expansion would meet all applicable setbacks. The closest setback would be from the west (side) property line. The proposed addition would be approximately 55 feet from the west (side) property line. There is one existing accessible parking space. One additional accessible parking space will be required. Staff will work with the applicant to locate the additional accessible space.

4. Landscaping - Landscaping is required for new construction within all requisite setback areas. Minimum landscape requirements in the protective buffer must include one tree (at least 2.5-inch caliper deciduous tree or six-foot-high conifer tree) for each 40 feet of property line. The protective buffer must also contain grass, ground cover or shrubs. No impervious surfaces such as concrete or asphalt may be placed in the protective buffer. The applicant has worked with the City to develop a landscape plan that meets the intent of the landscaping ordinance.

5. Storm Water Management – Storm water management is being reviewed by the City. The project does not appear to meet the one-half acre threshold for site improvements. The plan will need to comply with all applicable standards relating to storm water. The City does recognize that the prior to the water getting to the wetland area at the south end of the property.

6. Lot Coverage - The maximum impervious lot coverage in the CLI zoning district is thirty (30) percent. The overall site is 293,600 square feet. Thirty (30) percent of the total site area would allow 88,000 square feet of impervious coverage. After construction of the proposed building addition and site improvements it is calculated that the total impervious surface area would be

61,300 square feet. The proposed addition and site improvements would be below the maximum coverage area.

7. Sanitary Sewer - There is an existing septic system located to the north of the building on the subject property. Staff has discussed the expansion of the building and how and if this will require additional septic capacity. The City will work with the applicant to ensure the proposed building expansion is accommodated by the existing system or expanded system. There is adequate space on site to expand the existing drain field.

In addition to the site plan review, the City's ordinance has established criteria for consideration in granting 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 character of the surrounding area is CLI.

C. The proposed variance to allow the expansion of the existing building on this property is in keeping

with the City's comprehensive plan.

- d. The applicant is proposing to locate the expansion to the rear of the existing building which will mitigate potential impacts from Highway 12.
- e. The applicant is proposing to screen the existing building and expansion with new landscaping.
- f. The buildings in the surrounding area are generally constructed of similar building materials.
- g. The proposed building addition will meet all other requisite requirements for this property.

The City will need to determine if the requested variances meet the requirements for granting a variance.

Planning Commission Discussion:

Planning Commissioners reviewed the request and held a public hearing relating to the application. Commissioners generally agreed that the variance to allow the applicant to construct a building addition that matches the existing building should be granted. Commissioners noted that landscaping should be provided in accordance with the landscape plan. Commissioners recommended approval of the request for site plan review and a variance.

Neighbor Comments:

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

Recommendation:

The Planning Commission recommended approval of the requested site plan review and variance with the following findings and conditions:

1. The proposed Site Plan approval and Variance 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 expansion of the building in accordance with the approved site plan prepared by Wenck Associates and attached hereto as Exhibit B.
3. The total impervious surface coverage for this property will not exceed 30% of the total lot area.
4. Landscaping shall be installed and maintained in accordance with the approved landscape plan attached hereto as Exhibit C.
5. The variance will allow the expansion of the existing building to use exterior materials (matching steel panels) that exactly match the existing building.
6. 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 character of the surrounding area is commercial or guided for commercial development.
 - c. The proposed expansion of the building is generally in keeping with the City's comprehensive plan.
 - d. The additional landscaping will provide a buffer between the highway and the existing and proposed building.
 - e. The variance will allow the expansion of the commercial business and number of employees

on the property.

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

Motion by Grotting, second by McCoy to approve RESOLUTION 18-0619-01 - Consideration of site plan approval and a variance to allow the expansion of the existing commercial building located on the subject property. The expansion of the building will be permitted to be comprised of the same building materials as the existing building for the property located at 6511 US Highway 12 (PID No. 22-118-24-44-0011). Ayes: Johnson, Grotting, Betts McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

8. Approval of the 2017 Financial Audit.
 - a. Fourth Quarter Financial Report

Motion by Betts, second by Spencer to approve to approve the 2017 Financial Audit. Ayes: Johnson, Grotting, Betts McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

9. Open/Misc.

10. Adjourn.

Motion by Spencer, second by McCoy to adjourn at 6:51 p.m. Ayes: Johnson, McCoy, Grotting, Betts and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Trish Gronstal/ Recording Secretary
