

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, MAY 15, 2018 – 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 Commissioner Gardner at 7:30 p.m.

2. ROLL CALL

PRESENT: Chair Phillips, Commissioners Dumas, Gardner, Thompson and Palmquist

STAFF: City Administrative Assistant Horner, City Administrator Kaltsas

ABSENT: None

VISITORS: Jan Gardner, Lynda Franklin, Patti and Denny Good, Peggy Pouliot, Wayne Johnson, Staci Mushitz, Tyler Hess, Keith Becker, Pat Johnson, Mark Johnson, Brad and Margaret Kietg, Ben Severtson, Paul Soberg, Britt K-Spears, Kelly Dillion, Scott Ficek, Amanda Ficek, Gene Pierson, Lisa Crees, Steve Crees, Sean Keating, Mark Logren, Nick Reynolds, Diane Appelhof, Randy Stinson, Mike McLaughlin, Jeff Peterson, Lisa Phillips, Don Learned, Sarah Learned, Josh and Toni Schafer, Barbara and Monsen Zadeh, Rob Leonard

3. APPROVAL OF MINUTES:

- a. March 20, 2018 Planning Commission Meeting
- b. April 3, 2018 City Council Meeting Minutes (For Information Only)

Motion by Gardner, to approve the March 20th and April 3rd planning minutes, second by Dumas. Ayes: Phillips, Dumas, Gardner and Palmquist. Nays: None. Absent: None. Abstain. Thompson. Motion Approved.

4. Amanda Ficek (Applicant/Owner) requests that the City consider the following action for the property located at 7888 County Road 6 (PID No. 33-118-24-20-0028) in Independence, MN:
 - a. An amendment to the existing conditional use permit which will better reflect the current business use of the property.

Kaltsas said the applicant is seeking an amendment to the existing conditional use permit to align with the current use of the property. The original CUP was granted in 1971 and was updated in 2010 to include the ability to sell baked goods on the premise. Ownership of the property has changed since the last amendment to the CUP was granted in 2010. The current owner of the property has continued to operate a business in keeping with the general provisions of the original CUP. It was noted by the City that the business has evolved and that the CUP should be updated to more closely align with the current use of the property. In addition, the owners have acquired the adjacent property to the east (7876 County Road 6). The original conditional use permit allowed the following use:

“A small wood-working shop for repairing wooden antiques, creating antique reproductions, wood carvings, etc., and merchandising of the same.”

The current business is comprised of a small gift shop creating, repairing and selling furniture, gift items, clothing, and other handmade, repurposed or antique pieces. The applicant also holds public classes to demonstrate and teach repurposing and repairing of items as well as sell paint products used by public for repainting furniture and cabinets at their homes.

The applicant would also like to have approval in the conditional use permit to annually hold one (1) multi-day event where additional vendors in tents are placed in the rear of the property for selling their merchandise. During the multi-day event, food provided by licensed vendors will be offered for sale and live music will be performed during daylight hours. This would be the only regularly scheduled outdoor event held on the property.

The applicant has noted that the regular hours of operation are as follows:

Wednesday, 6-9pm

Thursday, 10am-6pm

Friday, 10am-6pm

Saturday, 10am-6pm

Sunday, 12-5pm (open once per month on the 2nd week)

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

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the 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.

The existing business on this property generates retail customers on a daily basis. The language of the conditional use permit should be updated to remove “small wood-working shop” and add language relating to the current use, parking and proposed annual outdoor event. The outdoor event has been approved as a large assembly permit by the City over the last two years. The proposed conditional use of the property will continue to remain an accessory use to the principal use of the property as a single-family residential home. As the proposed amendment relates to the criteria for granting a CUP, the following items should be noted:

The applicant has prepared an off-street parking plan to show how the property can accommodate regular retail customer parking on site. The City’s zoning ordinance stipulates parking requirements relating to retail space is that a site should provide for 1 parking space per 250 SF of floor area. The useable portion of the retail sales area is approximately 3,000 SF. Using the formula for parking, the site would require approximately 12 parking spaces. The applicant’s site plan shows that the site has the space to park 15-25 cars on the subject property on a daily basis. The applicant has also noted that the rear yard area could accommodate additional parking of approximately 20 spaces. Staff generally concurs with the estimated parking quantity, which would exceed the number of parking spaces required by ordinance. The City has not experienced an issue with parking relating to the daily retail sales operation on the property.

The annual event has posed problems relating to traffic and parking. The event has raised concerns from West Hennepin Public Safety and the City. The applicant would like to include the event as a part of the conditional use permit. The City has historically allowed certain large events as a condition of the CUP along with a requirement for annual notification to the City and surrounding residents. Parking and traffic control are the biggest issues relating to this annual event. The City would recommend that parking associated with the conditional use of this property not be permitted on County Road 6 and County Road 92. The applicant has laid out parking for 70 vehicles on the two properties (the adjacent property does not have a conditional use permit) for vendors, plus 5 handicap spaces for customers. The applicant has noted that they are negotiating with the landowner across the street at 7875 County Road 6 for use of their land for the annual event. The applicant has estimated that the property across the street can accommodate approximately 200 additional vehicles for the annual event. This property combined with the two owned by the applicant would provide approximately 270 parking spaces for the annual event. This number would generally accommodate the demand created by the annual event and would allow for the elimination of parking on County Roads 6 and 92.

The proposed amendment is somewhat of a “house cleaning” item in that the general use of the property by the applicant is close to what has historically been permitted on the property. The amendment should not allow or cause any discernable increase in the amount of noise, offensive odors, fumes dust, or vibrations for the surrounding properties.

The proposed amendment is generally consistent with the existing use of the property. The annual event and continued use of the property for retail sales will need to be closely monitored by the City to ensure that traffic or access on County Road 6 remains safe and that adequate parking is maintained and provided on the property on a daily basis. Staff has prepared additional conditions that could be considered by the Planning Commission to amend the existing CUP.

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

1. The proposed conditional use permit amendment request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. The conditional use permit shall be amended to remove all existing conditions and replace them with the following conditions:
 - a. A retail gift shop will be permitted within the principle structure for the purpose of creating, repairing and selling furniture, gift items, clothing, paint products used for repainting furniture and cabinets, and other handmade, repurposed or antique pieces.
 - b. Within the principle structure and in association with the retail gift shop, public classes will be permitted to demonstrate and teach repurposing and repairing of items. The number of participants shall not exceed the permitted occupancy of the space within the principle structure where the classes occur.
 - c. One (1) multi-day (maximum of 5 consecutive days) event shall be permitted which will allow in addition to the retail sales within the principle structure, vendors in tents that are placed in the rear yard of the property for selling vendor merchandise.
 - i. In association with the one (1) annual event permitted on the property, the following additional conditions shall apply:
 1. During the multi-day event, food provided by licensed vendors can be offered for sale.
 2. Live music will be permitted to be performed during daylight hours only and in accordance with applicable noise ordinances.
 3. Parking will be permitted on the adjacent property located at 7876 County Road 6 with the property owners consent.
 4. Parking will be permitted on the property located at 7875 County Road 6 with the property owners consent.
 5. The property owner will be required to provide traffic control as prescribed and approved
 6. No parking shall be permitted on City owned public streets without the approval of West Hennepin Public Safety. Additional measures may be required by the City relating to posting and signage of permitted parking areas.

7. The owner shall annually notify the City, in writing, thirty-days prior to the first date of the annual event. In addition to the City, the owner shall annually notify all property owners within 350 feet, in writing, thirty days prior to the annual event.
 - d. No parking shall be permitted on County Road 6 and County Road 92 at any time.
 - e. The applicant shall maintain a minimum of 12 parking spaces for retail customers.
 - f. Hours of operation permitted shall be as follows; however, a change in the hours of operation can be administratively approved by the City as long as the proposed change does not allow operation of the business outside of the hours of 7:00 am and 9:00 pm on weekdays and 8:00 am and 6:00 pm on weekends and holidays.
4. The applicant shall pay all costs associated with the review and processing of the conditional use permit amendment application.
 5. The resolution shall be recorded against the property.

Gardner asked if there had been any complaints. Kaltsas said the only complaints are about the traffic congestion and safety due to that congestion. Thompson asked how the event would be permitted each year. Kaltsas said they have had to notify the City and surrounding property owners prior to the event each year. Kaltsas said without securing parking than the event would not be permitted. Palmquist asked if it would be a large assembly permit versus a CUP. Phillips asked if the permit includes the cost of WHPS services. Kaltsas stated it did not.

Public Hearing Open

Motion by Palmquist to close the Public Hearing, second by Phillips.

Public Hearing Closed

Phillips said he lives near this business and the parking is concern as far as public safety. Thompson agreed that the event should be reviewed every year to deal with any changes in circumstances. Kaltsas said it would difficult to anticipate all the issues. He noted a large assembly permit every year would probably be the safest way to go. Phillips asked how the CUP would memorialize the condition of needing to have a large assembly permit for the multi-day event each year. Gardner asked if County Road 6 could be safer. Kaltsas said a dedicated crossing point could make it safer.

Motion by Thompson to adopt the recommendations of staff of items 1-5, striking item 3 “c” relating to the multi-day event to be replaced with directives that a large assembly permit will be required yearly to the existing conditional use permit which will better reflect the current business use of the property located at 7888 County Road 6 (PID No. 33-118-24-20-0028) in Independence, MN, second by Gardner. Ayes: Dumas, Thompson, Phillips, Gardner, and Palmquist. Nays: None. Absent: None. Abstain. None. Motion Approved.

5. **PUBLIC HEARING:** Aaron and Peggy Pouliot (Applicant/Owner) requests that the City consider the following action for the property located at 7388 County Road 11 (PID No.

04-118-24-43-0002) in Independence, MN:

- a. A minor subdivision to allow a lot line rearrangement which would add approximately 10 acres from the adjacent property the subject property.

Kaltsas said the applicant is seeking a minor subdivision to allow a lot line rearrangement to increase the size of the 7388 County Road 11 property and decrease the size of the parcel located at the corner of Count Road 11 and County Road 92. The 7388 County Road 11 property would be increased from approximately 10 acres to 20 acres and the parcel located at the corner of Count Road 11 and County Road 92 would be decreased from 68 acres to 58 acres.

Staff has reviewed the request and offers the following information for consideration by the Planning Commission:

1. Subdivisions are not permitted in the AG-Agriculture zoning district with the exception of rural view lots, lot combinations or lot line rearrangements. The proposed minor subdivision to allow a lot line rearrangement meets applicable criteria.
2. The lot line rearrangement will not have any impacts on the existing buildings located on 7388 County Road 11 relating to setbacks. All buildings located on the 7388 County Road 11 property meet applicable setbacks in the before and after conditions.
3. Both parcels in the before and after conditions have adequate frontages and would meet applicable lot width to lot depth ratios (7388 would have a lot width to depth ration of approximately 1:2 in the after condition).
4. The unassigned address parcel located at the corner of County Road 11 and County Road 92 could potentially be subdivided in the future as it remains larger than 40 acres and this lot combination would not result in the addition of a new building eligibility.
5. The City has historically asked for additional County Road right of way to be dedicated when properties are subdivided. The additional right of way easement that has been requested is 17 feet wide. This subdivision is not creating any new lots or driveway accesses. This is somewhat different than if the applicants were creating a new parcel. Staff is seeking feedback from the Planning Commission relating to whether or not the City should seek additional County right of way when a property owner is not creating a new parcel.
6. There do not appear to be any adverse results of the proposed minor subdivision to permit a lot line rearrangement.

Phillips noted this effort was not to create new lots but rather arrange the lot line differently. Thompson asked what the significance of the additional right-of-way would be. Kaltsas noted this one would not be utilizing that as there is not an additional lot.

Public Hearing Open

Motion by Gardner to close the Public Hearing, second by Phillips.

Public Hearing Closed

Motion by Thompson to approve a minor subdivision to allow a lot line rearrangement which would add approximately 10 acres from the adjacent property to the property located at 7388 County Road 11 (PID No. 04-118-24-43-0002) in Independence, MN; second by Gardner. Ayes: Dumas, Thompson, Phillips, Gardner, and Palmquist. Nays: None. Absent: None. Abstain. None. Motion Approved.

6. **PUBLIC HEARING:** 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. Site plan approval to allow the expansion of the existing commercial building located on the subject property.

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.

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 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;

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. Staff is seeking direction from the Planning Commission relating to the proposed building design.

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. The
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 City discussed landscaping with the applicant and recommended that landscaping be added to the north and east property lines. A landscape plan has not been submitted to the City; however, the requisite landscaping could be added to the site plan. Staff is seeking further direction from the Planning Commission relating to the requisite landscaping and where the City should require landscaping. The City does not have a recent history relating to the application of the landscape standards for a building expansion project. Staff recommends that a condition be added to the site plan approval which requires submittal and approval of a landscape plan.
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 runoff from the impervious surface is directed to the south and there is a significant infiltration area 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 30 percent. The overall site is 293,600 square feet. 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.

Kaltsas said Staff is seeking direction from the Planning Commission pertaining to the aforementioned three (3) items. Based on direction from the Planning Commission, additional conditions may be required to be added to the recommendation.

Phillips asked if the design would require a variance. Kaltsas said if the Planning Commission felt it was a departure from the zoning ordinance than it could require a variance. Kaltsas said the retail front is different.

Open Public Hearing

Stacey Mushitz, Franklin Hills Road, asked how this would impact traffic as it is already a dangerous intersection.

Motion by Thompson to close the Public Hearing, second by Phillips.

Public Hearing Closed

Kaltsas noted in 2020 there will be a roundabout installed with the highway 12 project. This business will be getting a dedicated turn lane when that is installed.

Palmquist asked about the truck pad and wanted to know if the length of the truck there would block cars. Kaltsas said the bays should line up with the drive isles.

Gardner asked about landscaping. Kaltsas said the focus could be on the north elevation and east elevation leaving room for 2.5 “ caliper trees.

Motion by Palmquist for site plan approval to allow the expansion of the existing commercial building located at the subject property at 6511 US Highway 12 (PID No. 22-118-24-44-0011) in Independence, MN subject to the recommendations of staff and variance approval for building materials; second by Gardner. Ayes: Dumas, Thompson, Phillips, Gardner, and Palmquist. Nays: None. Absent: None. Abstain. None. Motion Approved.

7. **Concept Plan Review**: OP Fund 5, LP (Applicant) and Clifford L. Otten Trust (Owner) request that the City consider the following action for the property located at 2236 South Lake Shore Dr. (PID No. 24-118-24-11-0012) in Independence, MN:
 - a. Concept plan review relating to the proposed subdivision of the subject property. The concept plan proposes 96 single-family sewerer residential lots.

Phillips outlined the purpose of the discussion and noted that this was not a public hearing. He said he would like to allow public comments to identify areas of concern not already submitted by residents. Kaltsas stated any plans for development have to align with the Comprehensive Plan. He said the plan could be amended. Kaltsas said the City has been working with the applicant as the Comprehensive Plan is under review as well.

Kaltsas said the applicant is asking the City to consider and provide feedback relating to 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 submittal of any applications for rezoning and preliminary plat. In order for the City to ultimately consider approval of a plan similar to the proposed concept plan, the following steps would be required:

1. Amend the Comprehensive Plan.
 - a. This would change the guided land use from RR-Rural Residential to something that allows a sewerer density that would be more than 1 unit per 5 acres.
2. Prepare and adopt an ordinance amendment, which would allow for the new land use designation of sewerer density. The City would develop the standards for the new zoning district. Standards would include minimum lot size, minimum building setbacks, design standards, minimum home square footage, accessory structure standards and setbacks, landscaping requirements and all other similar and related standards pertaining to development within the zoning district.
3. Rezone the property to the new zoning district.
4. Consider Preliminary Plat approval.
5. Consider Final Plat

Comprehensive Plan Rezoning

The City is in the process of updating the Comprehensive Plan from the 2030 plan to the 2040 plan. The City's 2030 plan identifies this property as Rural Residential with limited sewer service. The rural residential designation allows for a general development density of 1 unit per 5 acres. The portion of the property that is located within the Shoreland Overlay zoning district could potentially be developed in accordance with the requisite shoreland standards.

These standards generally allow for property within the shoreland overlay (1,000 feet from the OHWL) to be developed as one (1) acre lots. The applicant and owner are asking the City to consider regarding this property in the 2040 Comprehensive Plan to allow the property to be developed at a different density than what was considered by the 2030 Comprehensive Plan. The applicant/owner noted that the property is currently served by the existing sewer which runs along two sides of the property (South Lake Shore and Perkinsville Road). The City is in the process of reviewing and developing the 2040 Comprehensive Plan. The City will ultimately need to determine how this parcel is guided moving forward.

The applicant has prepared a concept plan for review by the City. The City has preliminarily reviewed this plan and provided initial comments and feedback to the applicant. One of the initial questions asked by the City was how many lots could be developed on the property based on the current guidance of the property. The current guided designation would allow this property to be rezoned to Rural Residential. The City has discussed the potential subdivision of this property with the owner and applicant for the past 12-18 months. Following the initial request made by the owner and applicant, the City identified several key considerations that would need to be further investigated prior to the applicant moving forward with any consideration by the City. The City identified the need to determine if there was potential and physical sewer capacity to accommodate a development of this type. In addition, the City noted that traffic on County Road 19 and Perkinsville Road should be further evaluated to understand potential development impacts.

The City conceptually reviewed the existing sewer system and met with the Metropolitan Council relating to the possibility of developing this property. The Metropolitan Council noted that there is a limited regional system capacity until 2020 when upgrades to the regional lift station (LS 63) will be online. It was generally acknowledged by the Metropolitan Council that property was included in their future sewered area and was also included in the Metropolitan Urban Service Area (MUSA) in the City's 2030 Comprehensive Plan.

Review of the City's sanitary sewer system identified the potential capacity to service the proposed subdivision. Some upgrades and or system improvements would likely be necessary for this development to occur. The City also reached out to the City of Maple Plain relating to the potential to servicing this property with water services. It was determined that Maple Plain has capacity within their water system to provide water to the subject property.

The initial review of the subdivision contemplates a high-level review only of the proposed concept development plan. A detailed review of the storm water, grading, traffic impacts and infrastructure details will be completed prior to consideration of any future applications. The City does not formally approve or deny a concept plan. The concept plan review will provide direction and comments to the applicant for their use during the preparation of future applications. The following comments should be considered by the City:

1. The initial plan reviewed by the City identified lots that would have direct access onto South Lake Shore Drive. The City noted that access to any development should occur via an internal access road that comes off of Perkinsville Road. The applicant revised the concept plan to show lots with access only from a new internal loop road. The City noted that a development of this size would need to have two points of

access into the development.

2. The proposed concept plan indicates five lots with riparian access (frontage) on Lake Independence. Any lot directly abutting the lake would need to comply with applicable shoreland overlay standards. The shoreland overlay requires a minimum lot size of 1 acre and a minimum shoreland lot width of 100 linear feet. The subject property has approximately 700 linear feet of shore line on Lake Independence. The applicant is proposing five lots along the shoreland that meet the requisite shoreland overlay requirements. Additional review relating to slopes, bluffs and general grading of the proposed riparian lots would be required if the develop moves forward.
3. Staff noted that lots within the 1,000-foot shoreland overlay should generally be larger than those lots located outside of the shoreland overlay. The minimum lot width for lots located within the shoreland overlay is 100 linear feet. The applicant has revised the concept plan to reflect the 100- foot lot width. Direction relating to the lot size for proposed lots within the 1,000-foot shoreland overlay should be provided by the City.
4. The applicant is proposing two different size lots outside of the shoreland overlay boundary. There are thirty-six proposed 65-foot-wide lots. There are nineteen proposed 55-foot-wide lots. The applicant has indicated that the 55-foot-wide lots could possibly accommodate “villa” style association-maintained lots. These lots would generally be targeted towards a 55 plus home buyer. The City would want to further discuss and review lot widths, home styles and general lot standards for the proposed lots within this development.
5. The City initiated and completed a traffic study relating specifically to this concept development plan (see attached traffic study). The traffic study looked at the potential impacts of an approximate 100 unit development on the intersection of Perkinsville Road and County Road 19. The study considered the development of this property into typical single-family homes. Traffic counts were taken on County Road 19 and Perkinsville Road to establish some baseline traffic data. It should be noted that the study only considered the impacts of the development of the subject property and not any future development/redevelopment of the surrounding area. The primary focus looked at the impacts during peak am and peak pm traffic hours. The study found that that peak hour traffic impacts would be minimal based on the level of service currently identified at the intersection. It was indicated in the study that the level of service at the key intersection would be no less than a “B” in the fully developed condition. The City would want to further investigate the impacts of this development on the surrounding areas should further consideration be sought by the applicant. One point that should be noted is that the study considered all of the proposed lots to be typical single-family homes. Should the City consider a “senior villa” type product, the potential number of peak am, and pm trips would likely decrease.

The surrounding area has a mixture of lot types, sizes and densities. The City guided the land south of Perkinsville Road for Urban Residential in the 2030 Comprehensive Plan. The Urban Residential designation allows a minimum

density of 4.3 units per acre. This property could be redeveloped at any time to the higher density. The proposed development has a net density of approximately 2.0-2.5 units per acre. A quick analysis of the approximately 21 surrounding (abutting) properties indicates that the average lot size is close to 1.5 acres with the smallest property being 0.2 acres. The nearby properties located on Lake Independence (within 1,000 feet of the subject property) also range in size with the average lots size being approximately 0.5 acres. The approximate net density of the abutting properties is .75 units per acre. The City should provide general direction relating to lot size, product type and minimum lot standards for this property. It should be noted that the number of lots, minimum lot size, subdivision design and layout will be further reviewed and likely modified should the applicant proceed with additional applications.

6. Many questions have been raised relating to the potential development impacts on Lake Independence water quality. The concept level plan does not provide information or details pertaining to storm water management associated with the subject development. The City and Watershed have standards relating to storm water management and water quality. The City would work to ensure that any development of this property would meet all applicable standards relating to storm water management and water quality.
7. The subject property has a significant natural feature that consists of a wooded “ravine” that runs from west to southeast through the northern portion of the property. This natural feature should be further defined and potentially preserved by any development of this property.
8. The plan identifies five (5) riparian lots and a potential common lot that would have access to Lake Independence. The City should seek clarification from the applicant relating to a potential common lake access and provide direction as to whether the City would consider a common access.
9. The proposed concept subdivision would be subject to the City’s park dedication requirements. No park land dedication is shown on the concept plans. The City should provide feedback relating to possible park dedication on the subject property. Given the number of properties proposed to be developed in the concept subdivision, it may be desirable for the City to consider some park development on this property. In addition, the City may want to incorporate a trail and or sidewalk within the development and to the east to provide access to Baker Park. Discussion relating to park dedication should be provided by the City. The standard park dedication requirement of \$3,500 per lot would otherwise be applicable to all newly developed lots.

Recommendation:

Staff is seeking discussion and feedback from the Planning Commission relating to the concept plan review. No formal action can be taken by the Planning Commission on the concept plan. There are many steps that will need to be taken for any development of this property to occur. Should the City determine that this property be developed utilizing sanitary sewer does not in and of itself obligate the City to prescribe a minimum density, lot size or housing type on this

property. The City would need to balance any decision relating to the density development of this property with an offset density development in another portion of the City. Based on the comments and discussion, the applicant can choose to have the Council review the concept plan.

Phillips asked if Lake Independence has an impairment designation as it has had in the past. Kaltsas confirmed the impairment designation and noted the standards for water quality would still have to be met. Kaltsas drew attention to the ravine for the Planning Commissioners to pay attention to as the development is researched. Phillips asked where the ravine would fit in on the plan. Kaltsas said it would be between lots 9 and 10.

Thompson asked for clarification on the “Urban Residential” classification. Kaltsas said we have standard in our zoning ordinance that describe that zoning designation. Kaltsas said there was discussion that if any area was to be developed with services it would be around the Maple Plain border. There was a lot of discussion with Met Council and the Lindgren Lane area. Urban Residential is designated as 4.3 units per acre. Phillips said that the lake being impaired prompted the City to want to provide sewer to those homes on the lake which in turn prompts Met Council to require a certain density to be met.

Phillips said he had a huge problem with a common lakeshore lot. He said it would be hard to do in this bay and would be very harmful to this prime area for habitat. Phillips said a ravine would be pretty traumatic to scrape over as well.

Gardner asked what would happen if someone came in and wanted 10 five-acre lots. Kaltsas said that could be done under the current zoning and increment guidance.

Phillips invited residents to make two-minute comments.

Ben Schmidt (Excelsior Group) introduced himself and stated he worked for the applicant. He noted this is a concept plan and has items that need flushing out. Schmidt said the 96 lots are in an area that was originally platted to have an access lake lot. He said there would be an access lot for only five of the lake lots and the other five lake lots would have their own docks. Schmidt said there would be no other access for the remaining lots in the development. He said they fully intend to address neighbor’s concerns and that they have already help one neighborhood meeting to do so.

Mark Kroskin, 6000 Providence Curve and President Providence Association, said he contacted 18 residents and they would like to see this developed as Rural Residential. He asked if anyone has looked at the pollution this large of development would have on the land. Traffic is also a concern for many residents with everyone emptying out onto County Road 6 and Highway 12 specifically.

Stacy Mushitz, Franklin Hills, asked what the pros of this project would be and how the decision is made to proceed.

Kelly Dillion, 2976 Dylan Lane, asked how this development would meet the Met Council’s threshold for new affordable housing requirements. Kaltsas said these home would be above that threshold.

Rob Leonard, South Lakeshore Drive, said he has a problem with the comment that the sewer will “likely” be able to handle this. He said the citizens of Independence do not want a development like this as reflected in the summary results of the 2030 Comp Plan Survey.

8. Open/ Misc

9. Adjourn.

Motion by Gardner, second by Palmquist to adjourn at 9:54 p.m. Ayes: Gardner, Phillips, Thompson, Palmquist and Dumas. Nays: None. Absent: None. Abstain: None. Motion approved.

Respectfully Submitted,

Trish Bemmels/ Recording Secretary

DRAFT