

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, JULY 7, 2020 –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.

3. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

2. ROLL CALL

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

ABSENT: None

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner, Public Works Supervisor Bode, City Attorney Vose (remote)

VISITORS: (remote) Carol Mueller President (Minnesota Women in City Government), (remote) Lynda Franklin

Johnson introduced Mueller who is the President of MWCG. Mueller presented Betts with the leadership award from MWCG. The award is generally presented at the League of Minnesota Cities conference and Betts will be honored at a future event this fall. Mueller read the nomination letter. Betts served by starting with the Parks Commission in 1994 and continues to serve as a City Council member. Betts is a voting member of the Police Commission and a founding member of the Highway 12 Safety Coalition. Betts was instrumental in the development of Pioneer Park and many other initiatives.

3. \*\*\*\*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 16, 2020 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 19703-19738.
- c. Approval of Election Judges for the August 2020 Primary Election.
- d. 2<sup>nd</sup> Quarter Building Permit Report (for Information).

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

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

5. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

**Spencer attended the following meetings:**

- Planning Commission Meeting
- Minnesota Women in City Government Awards

**Grotting attended the following meetings:**

- Planning Commission Meeting

**McCoy attended the following meetings:**

- Planning Commission Meeting
- Minnesota Women in City Government Awards

**Betts attended the following meetings:**

- Planning Commission Meeting
- Minnesota Women in City Government Awards

**Johnson attended the following meetings:**

**(all meetings were via zoom)**

- Minnesota Women in City Government Awards
- Planning Commission Meeting
- National League of Cities Leadership Conference via zoom
- EENR Committee Meeting
- League of Minnesota Cities meeting

**Horner attended the following meetings:**

- Planning Commission Meeting
- Minnesota Women in City Government Awards

**Kaltsas attended the following meetings:**

- MnDOT and Hennepin County Highway 12 Update Meeting

6. Brett and Paige Broekema (Owner/Applicant) requests that the City consider the following actions for the property located at 6275 County Road 11, Independence, MN (PID No. 11-118-24-22-0002):

- a. **ORDINANCE No. 2020-02:** Rezoning from AG-Agriculture to RR-Rural Residential; and
- b. **RESOLUTION 20-0707-01:** A minor subdivision to allow a lot line rearrangement and two rural view lot subdivisions.

Kaltsas said the subject property is located west of the intersection of County Road 11 and County Road 90 and on the south side of County Road 11. The property has a single-family home and is comprised of upland pasture, woodlands and wetlands. The property has the following site characteristics:

Property Information: **PID No. 11-118-24-22-0002 County Road 11**

Zoning: *Agriculture*

Comprehensive Plan: *Rural Residential*

Acreage Before: *19.92 acres*

Acreage After Parcel A: *9.96 acres*

Acreage After Parcel B: *9.96 acres* This property is zoned AG-Agriculture, but guided RR-Rural Residential by the City's 2030 Comprehensive Land Use Plan. The applicant is seeking rezoning of the property to Rural

Residential which would then allow the subject property to be subdivided. The City allows the subdivision of property in the rural residential zoning district in accordance with the requirements in the City's zoning ordinance.

**Rezoning**

Rezoning this property is consistent with the City's 2030 Comprehensive Plan. Rezoning of this property is also consistent with the zoning of the property to the east, west and south.

**Minor Subdivision**

The City allows the subdivision of property in the rural residential zoning district if it can be shown to meet all applicable criteria of the ordinance. Based on the rural residential lot provisions, the maximum number of lots this property could yield would be four (4). This number is only possible if all applicable requirements were met. It is not anticipated that this property could realize the maximum number of lots due to the unique topography and wetlands and limited public road frontage. One factor that was considered in reviewing the subdivision is the location of the wetlands on the property. The wetlands cover approximately one-half of this property in a manner that appears to limit the future development potential. The City's applicable standards are further defined as follows:

*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)*

*Area of Lot Maximum Number  
of Record of Lots Permitted*

*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.*

In addition to the maximum lot density, the City has the following standards pertaining to Rural Residential lots.

*530.03. Physical Standards.*

*Subd. 3. Physical standards. All lots and construction thereon must meet the following physical standards:*

*(a) Minimum lot area a 2.50 acres buildable land*

*(b) Maximum lot area 10 acres*

*(c) Minimum lot frontage on an improved public road or street:*

*Lot area Minimum frontage*

*2.50 – 3.49 acres b 200 feet*

*3.50 – 4.99 acres b 250 feet 5.00 – 10.00 acres b 300 feet*

*(e) Lot depth. The ratio of lot frontage to lot depth must be no more than 1:4.*

*A lot must be a minimum of 2.50 acres buildable land with a demonstrated capability to accommodate two on-site waste disposal systems. Buildable land must be contiguous and not separated by streams, wetlands, slopes in excess of 10% or other physical impediments.*

*A waiver to permit lots with reduced frontage on a public right-of-way, neck lots or lots with no frontage on a public right-of-way but with frontage on a common driveway may be considered and granted or not granted. If granted, evidence must be provided that all standards established and defined in Section 510.05, Subdivision 20 of this zoning code are met: (Amended, Ord. 2010-06)*

A more detailed breakdown of the proposed individual lots is as follows:

Lot No. Gross Acres Upland Acreage Frontage Lot Frontage/Depth

Parcel A 9.96 acres 5.00 acres 330.52 LF ~1:4

Parcel B 9.96 acres 5.60 acres 330.52 LF ~1:4

The proposed subdivision would create one new lot. The applicant has essentially proposing to split the existing property down the middle. A wetland delineation has been completed and identifies the wetland edge and requisite buffer. Access to both lots would be from CSAH 11. The existing house has a driveway that would remain in place and the County has reviewed and approved the proposed location (indicated on plans) for a new driveway to serve Parcel B. As historically has been done along County Road 11, Hennepin County is requesting an additional 17 feet of right of way for future trail and road expansion. This has been a consistent request for all subdivisions along CSAH 11.

Both lots are proposing to provide the requisite 10-foot perimeter drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2). The proposed development does not trigger the City's stormwater management requirements because there will not be an increase in new impervious surface. The newly created Parcel B will be required to pay the City's requisite park dedication fee. The requisite park dedication fees would be as follows:

Lot No. Gross Acres Park Dedication Amount

Parcel A 9.96 acres Existing Parcel

Parcel B 9.96 acres \$7,070 (\$3,500 plus 4.96 acres at \$750) The total park dedication fee collected will be \$7,070. The park dedication fees will need to be paid prior to the City recording the subdivision.

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

***Other Considerations:***

1. The property is guided rural residential by the City's Comprehensive Plan. The proposed rezoning and subdivision are in keeping with the intent and guidance provided by the Comprehensive Plan.
2. The applicant provided the City with the requisite percolation tests verifying that each lot can accommodate a primary and secondary septic site. The proposed sites are shown on the exhibit.
3. The applicant has prepared a wetland delineation for this property. All wetlands and their requisite buffers will be located within the drainage and utility easements.
4. The existing home on Parcel A will meet all applicable setbacks and standards in the after condition.
5. The applicant shows the building setback lines for Parcel B which demonstrates the ability of the proposed lot to accommodate a residential home and associated accessory structures.
6. The applicant is not proposing any additional public infrastructure as a result of this subdivision. The individual lots will be required to apply for and be granted a grading permit at the time of building permit application. At that time the City will review the individual lot grading.

**Summary:**

The proposed rezoning and subdivision of this property appears to be in keeping with the vision of the comprehensive plan and with the character of the surrounding properties. The proposed lots conform to all applicable criteria for rural residential lots. Given the extensive wetlands on the property and its proximity to adjacent geographic features as well as the surrounding properties, there does not appear to be anything that the City would be preventing for future development. The proposed subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

**Planning Commission Discussion:**

Planning Commissioners reviewed the request and asked questions of staff and petitioner. Commissioners asked about the additional right of way dedication for Hennepin County. Commissioners clarified the location of the second driveway. Planning Commissioners found that the requirements for approving a minor subdivision had been met by the applicant and recommended approval to the City Council.

**Neighbor Comments:**

The City has not received any written or verbal comments regarding the proposed subdivision to permit a rural view lot. No comments were made at the Public Hearing held by the Planning Commission.

**Recommendation:**

The Planning Commission recommended approval of the requested Rezoning and Minor Subdivision to the City Council with the following findings and conditions:

1. The proposed Rezoning and Minor Subdivision meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning and Subdivision Ordinance.
2. City Council approval of the Minor Subdivision is subject to the following:
  - a. The Applicant shall address all comments and applicable requirements pertaining to the proposed subdivision.
  - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
  - c. The Applicant shall comply with all applicable Hennepin County transportation review comments and requirements.
  - d. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
3. The Applicant shall pay the park dedication fees in the amount of \$7,070. The Applicant shall pay for all costs associated with the City's review of the rezoning and minor subdivision.
4. The Applicant shall execute all applicable documents to allow recording of the minor subdivision within six months from the date of the City Council approval.

Johnson asked if there was a way to combine the driveways. Kaltsas said the county approved the plan as there is good visibility so they went with their recommendation. Grotting said it ends up being a trade-off between safety and value.

**Motion by Spencer, second by Betts to approve ORDINANCE No. 2020-02: Rezoning from AG-Agriculture to RR-Rural Residential for the property located at 6275 County Road 11, Independence, MN (PID No. 11-118-24-22-0002): Ayes: Johnson, Betts, McCoy, Grotting and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

**Motion by Spencer, second by Betts to approve RESOLUTION 20-0707-01: A minor subdivision to allow a lot line rearrangement and two rural view lot subdivisions for the property located at 6275 County Road 11, Independence, MN (PID No. 11-118-24-22-0002): Ayes: Johnson, Betts, McCoy, Grotting and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

7. OPEN/MISC.

8. ADJOURN.

**Motion by Betts, second by McCoy to adjourn at 7:10 p.m. Ayes: Johnson, Betts, Grotting, Spencer and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

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Respectfully Submitted,  
Trish Gronstal/ Recording Secretary