

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
TUESDAY, JANUARY 15, 2019 – 7:30 P.M.

1. Oath of Office – Robert Gardner
2. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Gardner at 7:30 p.m.

3. ROLL CALL

PRESENT: Commissioners Thompson, Gardner and Palmquist  
STAFF: City Administrator Kaltsas, Administrative Assistant Horner  
ABSENT: Chair Phillips, Commissioner Dumas  
VISITORS: Kati Johnston, Michael & Sharon Glover, Karyn O'Brien, Garrett and Jane Sarkinen, Jim Ostvig, Carrie Fleisenhacker, Kathy & John Theissen, Clint & Nita Bergman, Ray Johnson, Oda Carlson, Roland Carlson, Harold Haavisto, Daryl and Carrie Froemming

4. APPROVAL OF MINUTES:

- a. December 18, 2018 Joint City Council/Planning Commission Meeting
- b. December 18, 2018 City Council Meeting Minutes (For Information Only)

**Motion by Thompson to approve the December 18 Joint City Council and Planning Commission Minutes, second by Palmquist. Ayes: Thompson, Gardner and Palmquist. Nays: None. Absent: Dumas and Phillips. Abstain. None. Motion Approved.**

5. **PUBLIC HEARING:** Kati Johnson (Applicant) and Kathleen Theissen (Owner) request that the City consider the following actions for the property located at 3035 Lake Sarah Road, Independence, MN (PID No. 16-118-24-11-0001):

- a. A conditional use permit allowing the following:
  - i. A commercial riding stable.
  - ii. An accessory building which is greater than 5,000 square feet.

Kaltsas said the Applicant approached the City about purchasing the subject property and continuing to operate the existing commercial riding stable. The existing horse farm was granted a conditional use in 1979 to operate a commercial riding stable for 38 horses on the subject property. One of the conditions attached to the CUP stated, "A permit is granted to the person & expires when the property is under new management or ownership". The City reviewed the conditions with the potential buyer and noted that the best way to proceed was to seek a new conditional use permit to operate the facility on the property. It was also noted that there was an existing bunkhouse historically used on the property for a care takers quarters that was not specifically permitted in the 1979 CUP approval. In addition to taking over operations of the existing commercial riding stable, the applicant noted that they would like to construct a covered (not enclosed) riding arena over the existing outdoor arena. A conditional use permit would be required as a result of the proposed structure being larger than 5,000 square feet. Commercial riding stables are a conditional use in the Agriculture zoning district. The subject property is zoned Agriculture. The City

generally allows 1 animal unit on the first two acres and then 1 additional animal unit for each additional acre of property. The existing CUP granted approval for 38 horses on the property based on the notion that they had approximately 39 gross acres. The subject property is comprised of approximately 39 acres including the cartway easement which provides access to this property and future access to the adjacent properties to the north and east. Of the 39 acres, approximately 36 acres is useable upland based on the national wetland inventory. Applying the City's typical standard, the site would accommodate 38 animals using the gross acreage or 35 animals using the upland acreage.

The City has historically required that the applicants maintain a manure management plan, maintain all applicable permits relating to the management of manure on the property and maintain 1/3 acre of open pasture per animal unit. In December 2018, City Council adopted a Manure Management Policy for the City. The policy provides regulations relating to the management of manure associated with commercial horse operations in the City. This property would be subject to the new Manure Management Policy. The subject property is wooded along the north property line and has a small wetland in the southwest corner. There are approximately 16 acres of open pasture without the removal of existing woodlands. The open pasture areas on this property in the existing condition would accommodate 48 horses using the City's standard of 1/3 acre per horse which is more than the number that would be permitted. The applicant noted that the horses are not dependent on pasture grazing as all horses are boarded inside the stall barn and receive hay and feed supplements.

The proposed commercial boarding stable would have the additional following characteristics:

NOTE: Applicants narrative attached to this report may have several discrepancies from the report. The information in this report is the most current information and should be considered.

1. The existing horse barn/indoor riding arena is generally one-story with a hay loft, 19,500 SF in size and has a total of 44 stalls.
2. The proposed covered riding arena would be 22,000 sf and would not be fully enclosed. The space would cover the existing outdoor arena.
3. There is an existing 1-bedroom bunkhouse in the existing detached garage. The applicant is proposing to raze the existing detached garage and construct a new garage and bunkhouse in the same location (exact location may be adjusted slightly to accommodate existing conditions).
4. There are currently 3 full time and 3 part time employees.
5. There are currently 38 horses on the subject property and the applicant is proposing to maintain a maximum of 38 horses boarded on the property at any time.
6. The Applicant would have regular deliveries of shavings which typically come via a single-axel truck weekly or less.
7. There is a total of 3 ferrriers that come to the site to shoe the horses on a regular basis. This results in approximately one visit per week.
8. There would be regular weekly garbage service to the property.
9. Manure is proposed to be collected on-site and stored in a new concrete manure enclosure. The

manure would be hauled off-site on a monthly basis.

10. Hay is delivered to the property once per month in the winter and once per every two months in the summer.

11. The applicant noted that there are typically no more than 5-10 guests coming to the property at any given time and usually less. The current conditional use permit allows for no more than 2 events per year.

12. The Applicant has put together a sketch of the existing and proposed conditions.

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 City has visited the site and discussed the operation of the proposed commercial riding stable with the applicant. The following considerations should be noted by the City:

- This property has historically been operated as a commercial riding stable.
- The proposed continued use as a commercial riding stable generally fits into the character of the surrounding area and is in keeping with the City's Comprehensive Land Use Plan.
- Any new building constructed on this site will be subject applicable building codes,

applicable setbacks as well as to any additional approvals from the Pioneer Sarah Creek Watershed Management Commissions.

- All proposed building lighting will need to fully comply with applicable standards including being full cut-off type lighting. The City will work with the applicant to obtain the cut sheets and detailed plan for all proposed lighting. The City typically reviews building and site lighting during the building permit review process.
- The existing home on the property is served by an on-site septic system. The system was replaced in 2018 and is fully compliant. The system does accommodate the existing bunkhouse.
- The applicant shall fully comply with the City's recently adopted Manure Management Policy. This will include maintaining the prescribed buffer from the existing wetland located in the southwest corner of the property and constructing a new manure containment area.

Given the location of the property, the orientation of the buildings and their relationship to the surrounding properties and the existing use of the property as a commercial riding stable, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit to allow a commercial riding stable. Staff is seeking a recommendation from the Planning Commission pertaining to the request for a conditional use permit with the following findings and conditions:

The proposed conditional use permit requests meet all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Ordinances.

2. The conditional use permit will include the following conditions:

- a. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
- b. Any new signage shall comply with all applicable standards of the City's ordinance and require a sign permit.
- c. No more than 38 horses shall be boarded on the property.
- d. The applicant and facility must operate in compliance with the City of Independence Manure Management Policy.
- e. The hours of operation are: 7:00 am – 10:00 pm.
- f. No parking shall be permitted on public roadways. g. Two (2), one day, horse related events will be permitted per year and shall comply with the following provisions:
  - The horse related events shall occur during the permitted hours of operation.
  - No more than 50 participants shall be permitted at each event.
- h. No renting of hack horses shall be permitted.
- i. No riding on adjacent private land unless authorized by owners.
- j. Must utilize appropriate management practices to control flies and odor.

- k. No riding on adjacent private land unless authorized by owners.
- l. No future expansion of the barn or covered riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.

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

4. City Council approval of the conditional use permit is subject to the following:

- a. If applicable, the applicant shall obtain all requisite approvals from the Pioneer Sarah Watershed Management Commission for the proposed site work and disturbance.

- b. The applicant shall provide the City with information and details pertaining to any and all building and site lighting. All lighting will be required to comply with the City's applicable lighting standards.

5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Palmquist asked if the existing detached garage were raised would the applicant have to come back? Kaltsas said it would be noted as part of site plan and as long as it was within reason they would not have to come back. It is typically defined within the site plan.

Thompson asked if the bunkhouse would be defined within the CUP so it could not be used as a rental. Kaltsas said that was correct and it could not be rented out.

#### Public Hearing Open

Jane Sarkinen asked if the CUP would expire if the property was sold and if any new signage, lighting and traffic stipulations would apply. Gardner noted things have changed since the original in 1979. A lot is determined by is it a nuisance or not. There was no sign or lighting ordinance back in 1979. Kaltsas said the City can no longer put a time frame on a CUP like could be done in the past. CUP's are now memorialized with the land.

Harold Haavisto asked if there was a limit on the size of an event and Kaltsas said if there were more than 49 people attending an event a large assembly permit would need to be approved.

Gary Sarkinen said he appreciated this process and wondered how big the detached garage would be and what the setbacks would be. Kaltsas noted it would not exceed 5000 square feet and the 15' setbacks would apply.

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

#### Public Hearing Closed

**Motion by Palmquist to approve a conditional use permit allowing the following: (i) A commercial riding stable and (ii) An accessory building which is greater than 5,000 square feet for the property located at 3035 Lake Sarah Road, Independence, MN (PID No. 16-118-24-11-0001) per staff recommendations; second by Thompson. Ayes: Gardner, Thompson, and Palmquist. Nays: None. Absent: Phillips and Dumas. Abstain. None. Motion Approved.**

9. **PUBLIC HEARING:** Verizon Wireless (Applicant) and Wesley Bendickson (Owner) request that the City consider the following actions for the property located at 6705 State Highway 12, Independence, MN (PID No. 22-118-24-44-0001):

- a. A Conditional Use Permit to allow a new 159' tall telecommunications tower on the subject property.

The applicant made application to the City to construct a wireless telecommunications tower on the adjacent property (owned by the applicant) in 2015. At that time the City found that the proposed tower did not meet the criteria for granting approval due to the tower and associated base equipment not being adequately screened from the views of surrounding residential property. The Planning Commission recommended moving the tower further to the south on the adjacent property to aid in screening and reduce impacts on the surrounding properties. Ultimately, the application was withdrawn by the applicant and no further action was taken by the City. The applicant has now made a new application to the City seeking a conditional use permit and site plan approval to allow a new telecommunications tower and associated ground equipment to be located on the property that is essentially adjacent to the property previously considered by the City. The City has criteria relating to the location (setbacks), site improvements and landscaping for new telecommunications tower development.

The proposed tower is a monopole type structure proposed to be 159 feet in height (to the tip of the highest antenna, pole is 150'). The required setback from the property line is equal to the height of the tower. The maximum height allowed for a telecommunications tower is 185 feet. For a tower that is 159' tall, the tower may be located no closer than 159 feet from any property line. The proposed tower location meets the requisite setbacks from the nearest property line (see attached site plan). The applicant is proposing to construct a gravel access drive to the proposed site from the existing driveway that provides access to the 6705 Highway 12 property. The proposed location on the property is currently farmed. The applicant is proposing to provide ground mounted base equipment associated with the tower. The equipment would be located within a fenced area comprised of approximately 1350 SF. A free-standing generator would be located within this area and not inside of a building. This is a departure from the last plan presented to the City in which all equipment was located within a fully enclosed structure. The City has criteria that should be considered relating to telecommunications towers.

The criteria provided in the ordinance are as follows:

- (a) To regulate the location of telecommunication towers and facilities;*
- (b) To protect residential areas and land uses from potential adverse impacts of telecommunication towers and facilities;*
- (c) To minimize adverse visual impacts of telecommunication towers and facilities through design, siting, landscaping, and innovative camouflaging techniques;*
- (d) To promote and encourage shared use and co-location of telecommunication towers and antenna support structures;*
- (e) To avoid damage to adjacent properties caused by telecommunication towers and facilities by ensuring that those structures are soundly and carefully designed,*

*constructed, modified, maintained and promptly removed when no longer used or when determined to be structurally unsound;*

*(f) To ensure that telecommunication towers and facilities are compatible with surrounding land uses; (g) To facilitate the provision of wireless telecommunications services to the residents and businesses of the city in an orderly fashion.*

There are several factors that should be considered relating to the conditional use permit and site plan approval. The following issues should be noted by the City:

1. The City requires that all towers and associated structures accessory to the tower must be of stealth design landscaped and or screened and blend into the surrounding environment.

*“Stealth” means designed to blend into the surrounding environment; examples of stealth facilities include, without limitation, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to appear other than as a tower, such as light poles, power poles, and trees.*

*Subd. 8. Landscaping. Landscaping on parcels containing towers, antenna support structures or telecommunications facilities must be in accordance with landscaping requirements as approved in the site plan. Utility buildings and structures accessory to a tower must be architecturally designed to blend in with the surrounding environment and to meet setback requirements that are compatible with the actual placement of the tower. Ground mounted equipment must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood.*

*Subd. 11. Design. Towers must be of stealth design as approved in the site plan unless the city determines that such design is infeasible due to the lack of comparable vertical structures in the vicinity of the proposed site.*

The proposed tower is a monopole type tower with the low-profile antennas integrated with the tower rather than “hanging” off of the tower. This design appears to be different than other towers located in the City in that it is more streamlined. The ground mounted equipment is proposed to be located within a fenced area. The proposed fence is 10 feet in height and of an opaque composite fence design. The City will need to determine if the proposed tower is of a stealth type design. The City requires towers to be of stealth design and further defines stealth as “towers designed to appear other than a tower, such as light poles, power poles and trees”.

Staff is seeking additional direction from Planning Commissioners relating to the design of the tower.

2. The applicant has provided the City with verification of the need for the proposed tower (see attached letter and coverage map).

3. The City requires all towers to be able to accommodate colocation. The applicant has provided a letter from an engineer verifying that the proposed tower can accommodate additional antennas on this tower. In addition, the proposed tower elevations show the potential locations for colocation along with a lease area that appears to be suitable for accommodating additional providers.

4. The applicant is proposing to screen the ground mounted tower base equipment utilizing a 10-foottall

opaque fence and eleven (11) 6-foot-tall evergreen trees around the north and east sides of the proposed site. While the proposed fence and associated landscaping will provide a visual barrier from Highway 12 to the proposed ground mounted equipment, the proposed screening could be vastly improved by installing a more complex and complete landscape and berming plan. The City recommends that the applicant provide a combination of an earthen berm and a more diverse and dense landscape screening plan around the north, east and west sides of the proposed tower base. This plan would need to be revised and resubmitted to the City.

5. The applicant has provided the City with a lighting fixture cut sheet for the proposed building lighting. All lighting will need to comply with the City's lighting ordinance. The proposed light does not appear to meet the cut-off requirements of the City as the light source appears to angle outwards from the head. Staff will work with the applicant to specify a compliant light fixture. The location of the proposed lights are noted on the building plans.

6. The applicant has provided the City with a copy of relevant portions of a lease signed by the applicant and property owner(s), requiring the applicant to remove the tower and associated telecommunications facilities upon cessation of operations on the leased site, or, if a lease does not yet exist, a written agreement to include such a provision in the lease to be signed.

7. The City received correspondence from the Pioneer Sarah Creek Watershed Commission that is has reviewed and approved the proposed site improvements associated with the telecommunications tower. The proposed telecommunications tower and associated ground mounted equipment is similar to those located within the City. The proposed site improvements will help to screen the new equipment required to support the antennas on the tower. Landscaping will further mitigate the impacts of the proposed equipment and building. It should be noted that the adjacent properties to the north (across Highway 12) east, south and west are guided for Commercial/Light Industrial by the City's 2030 Comprehensive Plan and Draft 2040 Comprehensive Plan. The proposed location in an area of the City that is guided for commercial development appears to be less impactful than if located in or adjacent to an area that was guided for or zoned residential. The tower will likely be visible from residential properties to the west and possible to the east. The closest existing residential structure that is zoned and guided for residential is approximately 1,450 feet from the base of the tower. There is a rental residential property located on the adjacent property to the east.

The applicant has provided several photo simulations that attempt to demonstrate views of the tower from several adjacent vantage points. The photo simulations show both the existing and proposed conditions from the designated vantage points. Staff has reviewed the photo simulations and noted that the base screening and landscaping is shown in a fully mature form and is not representative of the screening at the time the tower would be constructed.

In the AG-Agriculture zoning district, telecommunication towers are permitted as a conditional use. Resulting traffic, noise, and other measurable impacts (other than the height of the tower) should not be incrementally amplified as a result of the proposed telecommunications tower and associated base site improvements. The Planning Commission will need to determine if the requested conditional use permit and site plan meet all of the aforementioned conditions and restrictions as well as the criteria for granting a conditional use permit and approving a wireless communications tower.

Staff is seeking a recommendation from the Planning Commission for the request for a conditional use permit and site plan approval. Should the Planning Commission make a recommendation to approve the requested actions, the following findings and conditions should be considered:



1. The proposed conditional use permit and site plan review meet 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. This conditional use permit will approve a monopole tower with a maximum height of 159 feet and the associated site improvements, ground mounted equipment and landscaping (as indicated on the approved site plan).
4. Prior to consideration by the City Council, the applicant shall complete the following items:
  - a. Completion of all comments and conditions made by the Planning Commission during their review of the Conditional Use Permit and Site Plan.
  - b. Revision to the landscape and screening plan to include an earthen berm and more divers and dense landscape screening plan.
5. The applicant shall pay for all fees associated with the City's processing and review of the Conditional Use Permit and Site Plan Review.

Palmquist asked how many towers were in the City today. Kaltsas stated there were four towers at Windsong, Delano Church, Pioneer Creek and Jacobs property. Kaltsas said the criteria has been updated since the time these were installed. Palmquist said the biggest concepts to be met are to limit the adverse visual impact and use of surrounding land taken into effect.

### **Open Public Hearing**

Karyn O'Brien addressed the stealth code element saying this was a good design with the antennas having a low profile. She stated all the equipment would be stored internally. Thompson asked about the screening. O'Brien said there was not screening on the west side as it is so far back it is not visible. The South side would be screened.

Roland Carlson said this should be on City property and then all the residents would benefit from the income and then resident's property values wouldn't be affected. Kaltsas said Verizon looked at the City property but could not come to an agreeable contract with the City. O'Brien stated the City wanted more money that Verizon thought was reasonable and not as much ground space as well. Palmquist asked if Pioneer Park was looked at as a potential location. Kaltsas said that impacted to many residents so that is why the City Hall site was selected.

Kathleen Blatz, 7075 Highway 12, said she lives right next door and was here in 2015 when this was presented last time. She said people are tired of this issue and wonders if this is the best site for the City to allow the tower. Blatz said her viewpoint is that it is not the best location. She noted this was not discussed with the neighbors. Blatz felt there should be more an effort to work with concerned residents on this issue and she is concerned as she will have to look at this everyday out her front window. She felt it should be on a commercial industrial site. Palmquist said the proposal in 2015 was for a location further west. He noted this proposal is closer to his house and he will see it. Blatz said it is going in the right direction but

wonders if due diligence is being done. O'Brien said due diligence was done and this site works well as there is enough room. She said they will be able to meet code at this location and have greater coverage.

Jim Ostvig- 1575 County Road 90, said he will always see the tower from his place, but he is in favor of it, but his main concern is that if he needs to dial 911 he wants coverage and coverage out here currently is spotty.

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

### **Public Hearing Closed**

Thompson noted all the other towers were on private land and not public. He said compared to the other designs this one is dramatically different and much more stealth. He noted besides Windsong all the towers are relatively close to residential properties. He visited companies and asked about their coverage and all noted they do not have great coverage and it makes it difficult. Thompson thought the screening could be improved but overall feels this application satisfies the ordinance. Gardner said it is sad that they can't make everyone happy.

Palmquist said he feels conflicted and the Planning Commission is kind of in a box. He feels this proposal is vastly different from the prior proposal with being more stealth and the location is better. He felt the landscaping could be improved to the West. He noted he is impacted by this location but also by service coverage. Palmquist asked about lights. O'Brien said they follow FAA requirements and so far, it has been determined lighting is not needed.

**Motion by Thompson to approve a Conditional Use Permit to allow a new 159' tall telecommunications tower on the property located at 6705 State Highway 12, Independence, MN (PID No. 22-118-24-44-0001) subject to movement either east and or/ height adjustments, improved screening/ landscaping and lighting requirements addressed as recommended by Staff; second by Palmquist. Ayes: Gardner, Thompson, and Palmquist. Nays: None. Absent: Phillips and Dumas. Abstain. None. Motion Approved.**

#### 10. Planning Updates:

- a. Ordinance Updates 2019
- b. Miscellaneous Planning Items

Kaltsas stated there will be ordinance updates coming forward addressing structure height and non-typical requests. He will put a list together with historical data and updates needed for clarification. Kaltsas said Highway 12 planning has an update for the County Road 90 intersection that was presented at the Open House. More complete information is expected in the coming months and it will be a round-about type intersection. County Road 92 will also be coming up and that is Hennepin County led.

#### 11. Open/Misc.

#### 12. Adjourn.

**Motion by Thompson, second by Palmquist to adjourn at 9:27 p.m.**

Respectfully Submitted,  
Trish Gronstal/ Recording Secretary