



PLANNING COMMISSION MEETING AGENDA
TUESDAY SEPTEMBER 21, 2021

6:30 PM REGULAR MEETING

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. August 31, 2021 Planning Commission Meeting
 - b. September 7, 2021 City Council Meeting Minutes (For Information Only)
4. **PUBLIC HEARING (Tabled):** Adam Young / I & K LLC (Applicant/Owner) are requesting the following actions for the property located at 2076 County Road 90 (PID No. 23-118-24-23-0001) in the City of Independence, MN:
 - a. A variance to allow a new building to be constructed using steel siding which does not meet the applicable design standards of the CLI-Commercial Light Industrial zoning district.
 - b. Site plan review to construct a new detached accessory structure and outdoor storage on the property.
5. **PUBLIC HEARING:** Sam Vandeputte (Applicant) and 1985 Co Rd 90 Llc (Owner) are requesting the following actions for the property located at 1985 County Road 90 (PID No. 22-118-24-41-0005) in the City of Independence, MN:
 - a. Site plan review to construct a new principal structure and outdoor storage on the property.
 - b. A commercial conditional use permit to allow an increase in the total allowable impervious surface coverage above 30%.
6. **PUBLIC HEARING:** Katie and Brian Roers and Mary Fehn (Applicants/Owners) request that the City consider the following action for the properties located at 2914 and 2030 Lindgren Lane (PID No.s 13-118-24-24-0006 and 13-118-24-24-0031) in Independence, MN:
 - a. A minor subdivision to allow a lot line rearrangement between the subject properties.

7. Open/Misc.

8. Adjourn.

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
SPECIAL MEETING
AUGUST 31, 2021 – 6:30 P.M.
(In-Person for Commissioners and staff, Virtual for Residents)

1. 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 6:30 p.m.

2. ROLL CALL

PRESENT: Commissioners Gardner, Dumas, Thompson, Palmquist, Volkenant. Alternates, Story and Tearse
STAFF: City Administrator Kaltsas, Assistant to Administrator Horner
ABSENT: None
VISITORS: Bryant Johnson, Steve Grotting, Mark Kobilka, Jessie Koch and Gary Gardner (all virtual)

3. Approval of Minutes:

- a. August 12, 2021 Planning Commission Meeting Minutes

Motion by Thompson to approve the August 12, 2021 Planning Commission minutes, second by Volkenant. Ayes: Gardner, Thompson and Palmquist. Nays: None. Absent: None Abstain: None. Motion Approved.

4. **PUBLIC HEARING:** Adam Young / I & K LLC (Applicant/Owner) are requesting the following actions for the property located at 2076 County Road 90 (PID No. 23-118-24-23-0001) in the City of Independence, MN:

- a. A variance to allow a new building to be constructed using steel siding which does not meet the applicable design standards of the CLI-Commercial Light Industrial zoning district.
- b. Site plan review to construct a new detached accessory structure and outdoor storage on the property.

Property/Site Information:

The subject property is located along the east side of County Road 90 just north of US Hwy 12. There is an existing home and two (2) detached accessory structures located on the property. There is an existing wetland that borders the entire east side of the property. The property has the following site characteristics:

Property Information: 2076 County Road 90 (PID No. No. 23-118-24-23-0001)

Existing Zoning: *CLI-Commercial-Light Industrial*

Comprehensive Plan: *CLI-Commercial-Light Industrial*

Acreage: *10.23*

Discussion:

The applicant has approached the City about the possibility of adding an additional building to the subject property. The applicant currently operates a landscape business on the property.

There are two existing buildings located on the property. The property was rezoned from A- Agricultural to CLI-Commercial/Light Industrial in 2013. At that time the City considered and approved a new building to be constructed on the property. That building and associated site improvements were never constructed. The applicant would like the City to again consider allowing the construction of a new building on the property. The proposed building does not meet all applicable requirements pertaining to the exterior building materials for new buildings in the CLI zoning district.

The applicant is proposing to locate the new building along the south property line in an effort to utilize the high side of the property. The City's zoning ordinance has the following setback requirements for properties zoned CLI-Commercial Light Industrial:

Subd. 3. Setbacks. All buildings and structures must meet or exceed the following setbacks:

- | | |
|---|---|
| <i>a. Front yard setback</i> | <i>100 feet from centerline of road</i> |
| <i>b. Side yard setback</i> | <i>20 feet from side lot line</i> |
| <i>c. Rear yard setback</i> | <i>20 feet from rear lot line</i> |
| <i>d. Setback from boundary of agricultural</i> | <i>100 feet from residential district</i> |

The applicant is proposing to construct a 5,760 SF commercial proposed building would meet applicable building setbacks for CLI properties.

Front Yard:	131' from CL
Side Yard:	21' from south property line
Rear Yard:	N/A

The proposed building would be used for equipment storage. The building would have garage doors on the west and north sides to provide access into the building. The building is proposed to be sided with steel and would have a steel roof. The existing building on the property is comprised of steel siding and predates the City's current architectural standards for CLI properties.

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.

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.

a. 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 building would not meet the applicable building materials standards established by the City. The applicant has prepared several illustrative images which shows the proposed exterior elevations of the building. The City has discussed the building material requirement with the applicant and provided examples of local buildings that meet all applicable requirements. Due to the cost of complying with the building material requirements, the applicant is requesting a variance to allow the construction of the building as proposed. The applicant also noted that the existing building located on the site is constructed of similar materials. The applicant would also like the City to consider allowing the existing building to be resided with new steel to match the proposed building. The applicant has noted that the existing building is in need of being resided due to the condition of the existing steel.

The issue of building materials has come up several times in the last few years. The City allowed PTS Products to add onto the existing building using steel siding to match the existing siding. The City has had a handful of similar inquiries relating to both principal and accessory buildings that would be constructed in the CLI zoning district. The City has had the architectural materials standards in place since 2006. It is anticipated that the City will consider similar commercial building requests in the near future based on current applications. Staff would like to have a discussion and obtain direction relating to building material requirements for properties located within the CLI zoning district. There are several considerations that could be considered for this discussion:

- Could the City consider different material and architectural requirements for front or public facing building facades?
- Could the City consider accessory buildings different than principal buildings?
- The City has both compliant and non-compliant buildings located on property that is zoned CLI within the City.

In order for the City to consider approval of a new building that does not meet the applicable architecture material standards, a variance is required.

There are several factors to consider relating to granting a v 's ordinance has established criteria for consideration in granting a 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 applicants are proposing to use the property in a manner generally deemed to be consistent with the Commercial Light Industrial district. The applicants have located the building to meet the side yard setbacks for Commercial Light Industrial property.

- b. The character of the surrounding area is a commercial. The adjacent property has buildings that are constructed out of steel.

Site plan requirements are summarized as follows:

1. All new buildings must be constructed of approved materials. Approved materials are generally, brick, stone, decorative masonry block and similar materials.
2. Driveways and parking areas must be paved and defined by a concrete curb.
3. Adequate parking must be provided for all new uses.
4. New buildings and uses must be screened from adjacent residential zoning districts.
5. New buildings must meet minimum landscaping requirements. This includes one (1) 2.5 inch caliper shade tree or 6' ht. evergreen per 40 lineal feet of property line.

The proposed building and associated site improvements have been reviewed in additional detail.

1. The applicant is proposing to pave both existing access points into the site. The northern access point is the primary access; however, the applicant has approval to utilize the southern access driveway for the new building from Hennepin County. Both access points will need to meet the City's requirements for drive aisle width. The plan currently shows a narrower drive aisle than required. The applicant will need to revise the plans so that the proposed drive aisles are a minimum of 25 feet.
2. It should be noted that the City requires bituminous pavement and concrete curb and gutter for all commercial developments. The City previously granted a variance for this property to not require concrete curb and gutter when a similar site plan review was considered in 2013. The applicant has noted that they would like to leave the existing gravel parking and loading areas in place and pave just the entrance driveways along with three parking spaces (see image below). This site is somewhat unique in that there is an existing building and site improvements that do not meet all applicable criteria of the City. The City will want to consider to what extent the site should be brought into compliance with applicable standards.
3. The City has identified an employee parking need that exceeds the three proposed spaces. The applicant did not provide employee information to the City, but it has been identified that there are approximately 10-12 employee vehicles on site during normal business hours. Staff is seeking the direction of the Planning Commission relating to the proposed pavement, parking spaces and lack of curb and gutter.
4. The applicant will be required to submit a grading plan to the City detailing the proposed site improvements and building elevations. The City will want to review the grading plan to ensure that drainage from the bituminous pavement and proposed building does not impact the adjacent property and is mitigated prior to running into the adjacent wetland.
5. The applicant had previously installed a berm and landscape screening along the County Road 90 right of way (see image provided in this report). There is an existing evergreen tree row located along the south property line. Staff is seeking additional direction from the Planning Commission relating to the adequacy of the existing landscaping berm and plantings.

6. The total impervious surface coverage for this property cannot exceed 30% of the total lot area. The lot is 445,628 SF. The total impervious surface coverage in the proposed condition is 43,008 SF. The proposed existing and proposed improvements would comprise approximately 10% impervious surface coverage.

Neighbor Comments:

There have been no other written or verbal comments provided to the City.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the request for a Variance and Site Plan Approval with the following findings and conditions:

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The proposed Site Plan approval request meets all applicable conditions and restrictions stated in Chapter V, Section 520.25, Site Plan Approval Procedures, in the City of Independence Zoning Ordinance.
3. 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.
4. The applicant shall submit a site grading and construction plan and receive City approval prior to issuance of a building permit for the proposed improvements. The plan shall indicate the dimensions of the parking and driveway areas. The proposed dimensions shall meet the minimum ordinance requirements.
5. The variance will allow the construction of a new building using exterior materials (matching steel panels) that match the existing building and in accordance with the approved building elevations attached hereto as Exhibit C. The existing building will be permitted to be resided used matching steel panels.
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.
7. The Applicant shall pay for all costs associated with the City’s review of the requested variance and site plan approval.

8. 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.

Kaltsas states the applicant, Adam Young, is requesting a variance for site plan approval and a new building to be located on the property at 2076 County Rd 90. The building does not meet all applicable design standards of the CLI Commercial Industrial Zoning District. For New Commercial Construction in the City of Independence, the City reviews all development under site plan review, which is required. Applicant is seeking a variance to allow a new building and to use steel siding which does not meet our current standards for Commercial Industrial District. The property is zoned by the City's plan as commercial, light industrial and it is approximately 10 acres overall in size. It is located in the Northern most boundary of our Commercial Industrial District.

The City rezoned the property in 2013, which was previously Rural Residential, the City reviewed and approved the site plan for the building at that time. The applicant is now back with a new plan being proposed for the building and a variance. The new building will be used for storage for the existing landscape business. The proposed building does meet setbacks. The applicant is also proposing a bituminous driveway that would come in off County Road 90. Kaltsas notes Hennepin County does not have a record with an approved South driveway. They would need to pave the front part of the driveway and to provide parking spaces for customers. In 2013, they only had 3 employees, however, now they have more employees which would require more parking spaces. Kaltsas asked for direction from the planning commission on parking and bituminous amount.

The variance for the building to be built out of steel and to replace the siding on the existing shed with steel as well. The applicant has noted they have a financial hardship which is why they are requesting steel. We did allow a variance to PTS to continue their building in steel. However, Kaltsas pointed out that surrounding commercial buildings are compliant with the City's design standards. Kaltsas asked for direction on what they would like the City to have as standards since this issue is more likely to come up again in the future. The applicants are fine regarding impervious.

Thompson asks about the rezoning from Ag to CLI and if it enabled the 2nd building. Ag zoning would have precluded it from being commercial use. Story asks if there are other steel buildings in the works. Kaltsas answers that there are 3 more buildings asking for steel. Steel is cheaper so everyone is going to be asking for that material. Palmquist asks how CLI parking is determined. Kaltsas states it is based off employee count. Dumas asks Kaltsas if this was approved, why wouldn't it be approved everywhere? Gardner states that it is to dress up the new buildings. Kaltsas says it comes down to the image that the City wants to portray. Story says there is a big difference between building for storage or for business.

Open Public Hearing Opened

Thompson motioned to close the Public Hearing, second by Palmquist.

Gardner notes the applicant is not insulating, no plumbing, and no electric. Volkenant asks should we specify these ordinances on what is allowed in the city? Thompson says he agrees with Volkenant that there needs to be more in an ordinance, but he does not agree that we need to grant a variance. This is not a matter of financial hardship. We may need to address the ordinance or lead way for an architect committee. Dumas says we need to improve the standards. Do we keep junk from going up or do we keep the City looking nice? Kaltsas says sometimes when they have public facing sides, you could have a hybrid where

you have steel on the sides but not facing the public. Story says that he wants to re-side the existing building and he should match it to the new one, but there needs to be something in the ordinance that specifies this. Palmquist says we haven't talked much about site plan which seems insufficient such as parking, gutters, curb, and the driveway may or may not be allowed. Kaltsas says they need a curb and gutter in CLI. Palmquist says the proximity to Pioneer Creek is worrisome with the possibility of chemicals spilling into the Creek. Kaltsas says if it is cost prohibitive to the City so people will stop coming to the City to open commercial properties. Thompson says he asked about 2013 because there was a trade made, but he was moving into this space. He says they need to come back with a nicer exterior and maybe we'll waive no gutter and curb. Thompson says there was a clear delineation made to say no to many businesses, but we may need to reexamine these ordinances. Volkenant asks if this should be tabled since we just heard back from Hennepin County about the driveway issue? Kaltsas says the applicant is genuinely trying to figure out how to move forward with direction from the City. He thinks we should table this for now and continue conversation after speaking with the applicant. Story says the City runs a gamut by not allowing steel siding. Kaltsas says we need to table this conversation for now and have the applicant propose a better public appearance.

Motion made by Thompson to table and continue the Public Hearing at the next meeting, second by Palmquist. Ayes: Gardner, Volkenant and Dumas. Nays: None. Absent: None. Abstain: None. Motion Approved.

5. **PUBLIC HEARING:** Bryant Johnson (Applicant) and Hilltop Farm, Inc. (Owner) is requesting the following actions for the property located between CSAH 90 and CSAH 83 and identified as PID No. 2611824130001.

- a. A minor subdivision to split the property into two parcels.
- b. Rezoning from AG-Agriculture to RR-Rural Residential.
- c. Preliminary Plat to allow a 13-lot subdivision to be known as Hilltop Prairie Subdivision

Property/Site Information:

The property is located on the east side of CSAH 90, north of the future Turner Road and south of Main Street. There is a grass air strip on the property and several detached airplane hangars. The property is comprised primarily of agriculture land with some woodlands.

Property Information: PID No. 26-118-24-13-0001 Zoning:

Agriculture

Comprehensive Plan: Rural Residential (2040 Plan – designates part of the property to be sewer residential)

Acreage: ~150 acres (60 acres considered for subdivision with 90 remaining)

Discussion

The applicant is asking the City to consider an application for rezoning and preliminary plat to allow a 13 lot subdivision. The City initially reviewed a concept plan for the proposed subdivision and provided feedback and comments pertaining to the development. The applicant has prepared a revised set of plans and the City has prepared a more detailed review of the proposed development.

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. The rural residential designation allows for a general development density of 1 unit per 5 acre Plan guides the eastern portion of this property for sewer residential.

Proposed Subdivision

The 2030 and 2040 Comprehensive Plan both guide the western portion of this property for RR-Rural Residential. Rural Residential properties can realize the following number of lots:

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)

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

Based on a traditional Rural Residential subdivision, it is estimated that western portion of this property guided for RR can yield 12 lots (9, plus $(62.6-47.5 = 15.1)$ $(15.1/5 = 3)$).

The applicant is asking the City to consider a different interpretation of how to apply the density table which would yield 13 lots. The applicant is noting that there is a potential "penalty" or loss of land area based on the range provided in the ordinance. The rationale for the additional lot is that if the property were 42.6 acres, the applicant would get 9 lots for the 42.6 acres and $(62.6-42.6 = 20)$ $(20/5 = 4)$. The City would have to approve this interpretation of how to apply the provisions in the ordinance. It should be noted that the City has historically calculated density using the first method.

Preliminary Plat Considerations:

The City has discussed the potential subdivision of this property with the applicant. The City discussed a couple of key considerations relating to the future development of this property and adjacent properties. The City noted that the Metropolitan Council has identified a potential future (beyond 2040) sewer expansion area which encompasses this property.

The City has completed a detailed review of the subdivision and preliminary plat, including storm water, grading, wetlands and infrastructure. The following comments should be considered by the City:

1. The City had considerable discussions relating to access to this development. The City discussed potential access to this development using the Turner Road right of way easement located along the south property line. The City has further reviewed the possibility of Turner Road. Due to the existing trees, existing homes that back up to Turner Road, future need for the road to accommodate potential through traffic, wetlands and other similar limitations, it was recommended that other access options be explored. The applicant, City and Hennepin County discussed the possibility of providing access to the property from a location across from Quass Cut Off. This location would provide an access that could be used in the future to provide access to/from the remaining property to the east. This location would also provide a road that would create separation between the commercial property to the north and the subject residential property.

There are several potential issues with this location that would have to be resolved. The applicant is proposing to maintain a 50' wide drainage and utility easement along the north property line. In order to provide for a future road, the City would want to maintain a minimum of a 66' wide road easement to facilitate a future road to serve the property to the east. The alignment of the proposed road and Quass Cut Off do not match in the proposed condition, the City would want to work with the applicant (also owns the property on the west side of County Road 90) to realize the necessary alignment of the two roads.

2. The proposed plan shows lots that would be accessed via a new cul-de-sac that would be connected to the County has reviewed the initial layout and provided feedback and direction relating to the proposed preliminary plat. The applicant will need to obtain approval from Hennepin County. This includes approval of the proposed turn lanes (both northbound and southbound turn lanes). In addition, the applicant is proposing to dedicate 50 feet of right of way along County Road 90. The County will need to approve the proposed dedication and width.
3. The proposed development does not consider the use of the existing right of way known as the unimproved portion of Turner Road to the south. At a minimum, the City may want to consider requiring dedication of the additional 33 feet of right of way for a to be determined distance from County Road 90 heading east. This would allow for a future road to be developed which could provide access to the property to the south.
4. The property abuts an industrial property to the north. The proposed road will provide separation between the two land uses; however, the City is recommending that the applicant provide a berm and landscaping along the north property line of Lot 1. Similarly, the future road along the north property line would likely carry traffic into and out of the adjacent development to the east. The City is recommending that the applicant provide a berm and landscaping along the north property line of Lots 1-3 to screen the potential impact of a future collector type street.
5. There is an existing powerline easement that now runs along the northeast side of the property. This power line and associated easement provides the proposed separation between this subdivision and the remaining property to the east.
6. The applicant has prepared a wetland delineation for the property. The City is in the process of reviewing the delineation
7. The applicant has confirmed that all lots meet the minimum of 2.5 acres of upland (buildable) area. In addition, the applicant has confirmed that all lots can accommodate a primary and secondary septic site.

8. The minimum lot frontage requirements have been reviewed and found to meet applicable requirements. The minimum frontage required on a public street for lots is as follows:

2.5 acres – 3.49 acres – 200 LF

3.5 acres – 4.99 acres – 250 LF

5.00 acre plus -- 300 LF

9. It is anticipated that the proposed homes would be custom built.

10. The proposed grading plan indicates a drainage swale located on the south side of the proposed road along Lots 11-13 that is located outside of the right of way and drainage and utility easement.

The City is recommending that the applicant provide a drainage and utility easement to cover the drainage swales that convey water from the proposed street to the ponds.

11. The City has completed a more detailed review of the grading and stormwater. The comments provided by the City's engineers will need to be reviewed and addressed by the applicant. The City did not identify any significant issues relating to the more detailed and technical review. Please see the engineers review letters attached for more information.

12. In order to facilitate the development of this property, the City will need to approve the minor subdivision of the overall property into two parcels. The applicant has prepared a minor subdivision application and exhibit which depicts this property being split into Parcel A and Parcel B. The City has reviewed this subdivision and finds that it would meet all applicable criteria of the City's subdivision ordinance.

Park Dedication

The proposed subdivision is subject to the City's park dedication requirements. Based on the concept plan discussion, the City is not requesting a trail and or park to be dedicated in this development. Instead, the City will require the standard park dedication as cash in lieu of land. The park dedication is broken down as follows:

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

The park dedication fee requirement for this development is an (13 lots x \$3,500 = \$45,500, plus 2.5 additional acres for Lot 13, Block 1 (\$1,875).

Recommendation:

Staff is seeking a recommendation from the Planning Commission pertaining to the request for a Minor Subdivision, Rezoning and Preliminary Plat. Should the Planning Commission recommend approval of the development, the following findings and conditions should be included:

1. The proposed Minor Subdivision, Rezoning and Preliminary Plat meet all applicable conditions and restrictions stated Chapter V, Planning and Land Use Regulations and Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.

2. City Council approval of the Minor Subdivision, Rezoning and Preliminary Plat shall be subject to the following:

- a. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
- b. The Applicant shall address all comments and applicable requirements pertaining to the water resources and as outlined in the water resources review letter from Hakanson Anderson Associates, dated August 26, 2021.
- c. The Applicant shall address all comments and applicable requirements made in the City Engineer's review letter dated, August 13, 2021 (Bolton & Menk, Inc.).
- d. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Creek Watershed Management Organization and receive all applicable approvals.
- e. The Applicant shall comply with all applicable regulations and conditions prescribed by Hennepin County and receive all applicable approvals.
- f. The Applicant shall enter into a development agreement with the City for this development.
- g. The Applicant shall provide a letter of credit as established by the development agreement for all public improvements associated with this development.
- h. 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 accordance with the terms defined in the Development Agreement.

4. The Applicant shall pay for all costs associated with the City's review of the rezoning and preliminary plat.

5. The applicant shall submit the final plat to the City within ninety (90) days of the City Council approval of the Preliminary Plat.

Kaltsas states the applicant, Bryant Johnson, is requesting to split the property into 2 pieces. They are asking to develop the piece that is considered Rural Residential. There would be 60 acres developed with roughly 90 acres remaining. Some concerns are, what is the long-term use of the property and what is the access into and through the property. Turner Road is a 33' unimproved easement. We question if Turner Road should go all the way through to County Road 83. A road on the North side with Quass cut-off could be an option. Hennepin County would like to see it line up. This road would end up being a busy street with the amount of homes being built. Kaltsas also states that if the 90-acre piece of property is to be developed at some point as sewer residential, an access point is going to be critical. One access point off County Road 83 is not going to be adequate. Main street is also not adequate because it has poor visibility, and it is a gravel road.

The applicant has proposed a new preliminary plat that takes into account an access point on the North side that can be built all the way through and ends in a cul-de-sac. There could be a future connection point to Quass Cut off.

Another question here is, how do we interpret our density guidelines? The density table shows that nine lots plus 1 more for each additional 5 acres of land. It would yield 12 lots. The applicant feels he is being cut short and losing a lot by the mathematics of this. It is in line with where long-term sewer service areas are located. Kaltsas is requesting a 66' right-of-way and that the city should also look at berming, buffering and screening for the properties along the main road to minimize sound. Hennepin County did agree with the location of the access point if we can secure the connection to realign Quass cutoff. They are going to require turn lanes and the applicant would have to comply with these requirements. Kaltsas asks if they should require additional right-of-way for future access to the properties?

Thompson says it leaves a lot of options open for future growth and improvements. He asks if there has been any feedback on this. Kaltsas says he has not received any feedback. Thompson asks about County Road 83. Gardner says the North Road could go to Parkview with an agreement. Kaltsas says you still have to get through to County Road 90. The power line is the logical point that should separate the proposed development. These lots would be a minimum of 2.5 acre lots. The applicant would like to revise the plat for lots 8-11 and straighten the lines out, but then one lot would be over 5 acres which would require more frontage. There is a swale shown on the south side of Gustavus Dr.

Park dedication payments would be just over \$45,000.

Open Public Hearing Opened

Bryant Johnson comments that the number of lots and interpretations are not very clear. They have made the changes for the city and county and will be providing easements for future development. The only way they would ask for realignment of the lots would not be by variance, but by use of a cul-de-sac. They are not going to be pushing too hard on this realignment; it would just be nice for residents and the lots in general. The most important thing they are asking for is the 13 lots versus 12. Palmquist says that the city has made a lot of points and asks Bryant Johnson if he is on board with the staff's recommendations and what additional items would be needed to move forward. Bryant says yes, absolutely. He states that in regard to the connection to Quass, they are at an advantage since their family does own the properties that would need to be altered in order to connect these two points. Palmquist asks about the access point on County Road 90 and making it into a T. Johnson says that he sent a sketch that would make this a boulevard. Gardner asks about running the cul-de-sac into the property lines. It takes 66' off there somewhere. Kaltsas says in exchange for the connection, they are seeking the 66' on the North side without needing to connect the cul-de-sac.

Steve Grotting, lives on Drake Drive. He asks about the acquisition at County Road 90 and Turner Road heading to the East. Would Turner Road go all the way through? The neighborhood would not be in favor of having 100 lots connecting Turner Road to County Road 90. Kaltsas says it would be the South half of right-of-way. There is a little wetland so he is unsure how far.

Mark Kobilka lives in Maple Plain and his property backs up to the 60-acre piece that is going to be developed and he is concerned with the busy road that would be put in. Kaltsas said the road would run off County Road 90 to a point where it can be brought into this site. Most likely this road would come in and dip into the property. It is unlikely that it would go right on the North property line.

Motion made by Thompson to close the Public Hearing, second by Palmquist. Ayes: Gardner, Volkenant and Dumas. Nays: None. Absent: None. Abstain: None. Motion Approved.

Thompson says he can see what they are saying about being shorted on a lot. If the City is getting quite a few things from them that are being requested, it seems like they should be granted the tradeoff. Kaltsas says we can talk about clusters. We do need clarification. It is the collector street model.

Motion made by Palmquist to approve for Hilltop Farm for minor subdivision and rezone from Ag to RR and prelim plat for 13 lots subject to recommendations in staff report. Narrative has a variety of requests, second by Thompson. Ayes: Gardner, Volkenant and Dumas. Nays: None. Absent: None. Abstain: None. Motion Approved.

6. **PUBLIC HEARING:** Jessie Koch (Applicant) and Christopher Leines (Owner) are requesting the following actions for the property generally located near the northwest corner of County Road 11 and Lake Sarah Drive and identified by (PID No. 02-118-24-34-0003) in the City of Independence, MN:

a. A minor subdivision to permit the creation of a new lot on the subject property.

Property/Site Information:

The subject property is generally located at the northwest corner of the intersection of County Road 11 and Lake Sarah Drive S. The property has no existing structures and is comprised of upland pasture, woodlands, and wetlands. The property has the following site characteristics:

Property Information: PID No. 02-118-24-34-0003 - County Road 11

Zoning: Rural Residential Comprehensive Plan:

Rural Residential Acreage Before: 31.17 acres

Acreage After – East Parcel: 5.25 acres

Acreage After – West Parcel: 25.92 acres

Discussion:

The subject property is zoned RR-Rural Residential and guided RR-Rural Residential by the City's Comprehensive Land Use Plan. The applicant is seeking a minor subdivision of the property to create two lots. The City allows the subdivision of property in the rural residential zoning district in accordance with the requirements in the City's zoning ordinance.

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 six (6). 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 without the construction of a new public road due to the limited public road frontage. 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)

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

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:*

<u>Lot area</u>	<u>Minimum frontage</u>
2.50 – 3.49 acres	^b 200feet
3.50 – 4.99 acres	^b 250feet
5.00 – 10.00 acres	^b 300 feet

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

^a 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.

^b 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
East Parcel	5.25 acres	~5.00 acres	457.81 LF	~1:1
West Parcel	25.92 acres	~23.7 acres	822.02 LF	~1:4

The proposed subdivision would create one new lot in addition to the existing. The applicant is proposing to subdivide the property so that the new lot would have access on Lake Sarah Drive S. The existing and remainder lot would still have frontage on CSAH 11. The applicant is also proposing to maintain a 66-foot-wide access point to Lake Sarah Drive S.

The 66-foot-wide access would provide the applicant with a potential access for a new road to be constructed to serve the remainder property. The City would generally support the concept of maintaining a future connection to Lake Sarah Drive to serve the remaining property.

As historically has been required, 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. The additional right of way is not currently shown on the plans and would need to be added.

In addition, the proposed east parcel would be required to provide the requisite 10-foot perimeter drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2).

The newly created east parcel will be required to pay the City's requisite park dedication fee. The total park dedication fee collected will be \$3,695.00. 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 is in the process of providing the City with the requisite percolation tests verifying that each lot can accommodate a primary and secondary septic site. It should be noted that there is an existing sanitary sewer that runs along Lake Sarah Dr. S. This property is not included in the current service area for sewer.

Summary:

The proposed subdivision of this property appears to be in keeping with the comprehensive plan and with the character of the surrounding properties. The proposed lot being created conforms to all applicable criteria for rural residential lots. The proposed subdivision would not prevent the future development of the remainder property and provides for an additional access to the property from Lake Sarah Drive S. The proposed subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

Neighbor Comments:

The City has not received any written or verbal comments regarding the proposed subdivision to permit a rural view lot.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested Minor Subdivision. Should the Planning Commission recommend approval to the City Council, the following findings and conditions should be included:

1. The proposed 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. This includes, but is not limited to the following:
 - Prepare the requisite documents and convey the perimeter drainage and utility easements.
 - Submit and receive approval from Hennepin County.
 - Prepare the requisite documents and convey the additional 17 feet of right of way to the City as requested by Hennepin County.
 - Provide verification of a primary and secondary septic site for each property.
 - 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 \$3,695.00.
4. The Applicant shall pay for all costs associated with the City's review of the minor subdivision.
5. 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.

Kaltsas explains that the applicant, Jessie Koch is requesting to split the lot to create a new lot. It is zoned Rural Residential and is 31 acres in overall size. After the proposed split the eastern part would be just over 25 acres and the smaller area is 5 acres. Because of the zoning it can be subdivided. The owner will preserve the 66' right-of-way in case a large parcel was to subdivide and they would need the access. We would accept that 66' easement. Hennepin County is requesting an additional 17'. They will be paying

park dedication fees of \$3,600. Applicants are proposing primary and secondary septic. The sewer line runs down the street, but they won't be able to use it. Dumas says it seems pretty simple.

Public Hearing Opened

Jessie Koch thanks the Planning Commission for reviewing the plans. Gary Gardner, a neighbor asks if there is space for a road North of his property? What are the future plans for the property to the West? Kaltsas says there is a potential subdivision, but there is nothing formal right now. Gardner asks how much property is left? The total used to total 39 acres and I got 8 areas. Mine has been picked away and how many homes could go on the piece that's left? Kaltsas says that 22.6 acres could get 5 lots with that. Thompson says that it is pretty safe to get 5 lots but there would need to be a public road.

Motion made by Thompson to close the Public Hearing, second by Palmquist. Ayes: Gardner, Volkenant and Dumas. Nays: None. Absent: None. Abstain: None. Motion Approved.

Gardner says this sounds pretty simple. Thompson asks if there is a downside to the City to grant easements? Kaltsas says no. The question on this is, is this the right spot? It is a preference to the owner.

Motion made by Palmquist to approve minor subdivision to create new lot, second by Thompson. Ayes: Gardner, Volkenant and Dumas. Nays: None. Absent: None. Abstain: None. Motion Approved. They will try to take this to the September 7th City Council.

7. Open/Misc.

Thompson asks what we need to talk about regarding Cluster Development? Kaltsas states that we need to figure out how to calculate density and roads. Also, there is no standard on road frontage. Gardner asks what about the quality of preserved property. Kaltsas says we are going to open it up and talk about this. Palmquist asks if there is an update on the Comp Plan? Kaltsas says by the end of the year. Thomson asks if 34 is coming back? Kaltsas says, yes, around Late Fall.

8. Adjourn.

Motion by Thompson, second by Palmquist to adjourn at 8:30 p.m.

Respectfully Submitted,

Amber Simon / Recording Secretary

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, SEPTEMBER 7, 2021 – 6:30 P.M.
Police Dept. Conference Room

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, Betts and Grotting
ABSENT: McCoy
STAFF: City Administrator Kaltsas, Assistant to Administrator
Horner, Attorney Bob Vose

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 August 17, 2021, Regular City Council Meeting.
- b. Approval of City Council Minutes from the August 25, 2021, City Council Workshop.
- c. Approval of Accounts Payable; (Batch #1 Checks Numbered 20673-20683, Batch #2 Checks Numbered 20685-20719, Check # 20684 was voided).
- d. Approval of Pay Application #9 from Rochon Corporation.

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

Betts attended the following meetings:

- City Budget Workshop
- Police Commission
- Highway 12 Coalition

Spencer attended the following meetings:

- City Budget Workshop

- Special Planning Commission Meeting

Grotting attended the following meetings:

- City Budget Workshop
- Special Planning Commission Meeting

Johnson attended the following meetings:

- WH Museum Annual Meeting at Calvin Presbyterian
- Congressman Phillips
- One of the assistant MnDOT commissioners
- Orono School Board Meeting
- City Budget Workshop
- Signed Mylars
- Police Commission Meeting
- Highway 12 corridor Coalition Meeting

Horner attended the following meetings:

- City Budget Workshop
- Special Planning Commission Meeting

Kaltsas attended the following meetings:

- Preconstruction Meeting for Hwy 92 & 12
- Substantial completion October 2022
- Special Planning Commissions
- City Budget Workshop

Johnson asks about a ribbon cutting for Highway 12/90. Kaltsas says that is something they can talk about.

7. Jessie Koch (Applicant) and Christopher Leines (Owner) are requesting the following actions for the property generally located near the northwest corner of County Road 11 and Lake Sarah Drive and identified by (PID No. 02-118-24-34-0003) in the City of Independence, MN:

- a. **RESOLUTION No. 21-0907-01:** Considering approval of a minor subdivision to permit the creation of a new lot on the subject property.

Kaltsas explains that this is a request for a minor subdivision. It would create a new lot on the property. It is zoned RR and guided by the city's comprehensive plan as RR. There is an Eastern parcel about 5.25 acres and west parcel just under 26 acres. We have allowable density based on the size. There could be 6 potential new lots. Applicant proposing an easement for a future right-of-way. They have a park dedication fee of \$3,600. A nearby resident was concerned about the road between their property and the other lot. Commissioners discussed plan and thought it was a good idea. They did not prepare a ghost plat. The property is generally developable. Commissioners approved it with subject to all our typical conditions, drainage, utility, septic sites. Johnson asks if the western boarder is the RR border? Kaltsas says it does go over one. The line for the Western edge of our Rural Residential goes over another ¼ section and a half. Kaltsas says we will need to have the legals of before and after to record. Betts asks what is on the property now. Kaltsas says there is nothing currently on the property. The SE lot is a separate lot. Vose says the east lot should be 66' right-of-way easement for future developmental plans. By doing an easement it will help to create less odd shaped lots. Betts

asks what is the advantage of doing it this way over a cartway. Vose says you don't want to rely on a cartway lot. Kaltsas says it was proposed as a flag lot. He says he is calling it a 66' ROW. Johnson asks if they are comfortable with the resolution as it is. Vose says it doesn't require dedication of the 66' easement because it is a flag lot subdivision. We would have to add a conditional resolution with the 66' easement if council decides this is the best decision. This would increase the park dedication fees. Betts says now is a good time to put the easement in. Kaltsas says it doesn't plan into the size. Spencer asks if someone purchased the 25 acres and did not subdivide but put a driveway across the easement, would it be better to have an easement or a flag lot? Vose says it doesn't matter anymore because of where we have dedicated easements for public roads. Johnson asks where the access to this property is with the division. Kaltsas says the new access will be somewhere on lake Sarah and we would have to permit this. Spencer says there is a hill that will be rough on site lines but points out two possible spots. Spencer states that he isn't too concerned with it being a flag lot since the city has them all over. Grotting says it is not your traditional flag lot. Kaltsas says if they are wanting access, they could get an easement now from the owner.

Motion by Spencer, second by Betts to approve Resolution No. 21-0907-01 of a minor subdivision to permit the creation of a new lot on the subject property. Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: McCoy. None. Abstain. None. MOTION DECLARED CARRIED.

8. PUBLIC HEARING: Consideration of Conduit Bond Issuance.

- a. RESOLUTION 21-0907-02:** Considering the authorization of the issuance, sale, and delivery of charter school lease revenue bonds for New Brighton Global Academy in New Brighton.

Kaltsas explains that we have become a hot commodity with conduit bond issuance. They have a new 16 million bond issuance request. There may be a third request coming through as well because of the previous one. He says we have Gina from Kennedy Graven who handles the bonds on the city's behalf. Johnson says he thought that 10 million was the top amount in any given year, but we can issue them more, it is just not bank qualified. Gina Fiorini says the 10 million comes from "qualified bonds" each year, but cities can issue more than 10 million, but they are allowed to go over that amount. The Spiro Academy and the other request this year are not needing to be bank qualified, so we were able to work with them at the higher amount. Johnson asks if Hilltop was being paid off for earlier issuance? Gina says yes. In 2018 the Global ABC purchased some land in New Brighton and improved an existing building as their charter school so they will be paying off their taxable loans and expanding their existing facility. Johnson asks anyone on the call to speak to this. Helen Fisk, director of Global Academy thanked the Council for considering the proposition. They opened in 2008 and can pay off 1st debt and add a 2nd gym to the school. Johnson asks how many students in the school? Helen says 450 kids from the metro area. They are a K-8 charge school. Johnson asks if there are any emphasis on subjects? Helen says they are an international baccalaureate global citizenship. They encourage them to think well and are well informed in technology. They have a high population of immigrants and have a very interesting student body. Johnson states that the last few bonds have been to schools. Spencer clarifies that we do this as a service, not as a debt. Gina says that is true. The borrower is sole obligation to pay debt, not the City. There is no debt to the city and will not impact the city's credit. Johnson says we can't do this in a year where the city is bonding. Kaltsas says that is correct.

Motion by Betts, second by Grotting to close the public hearing

Motion by Spencer, second by Betts to approve Resolution No. 21-0907-02 the authorization of the issuance, sale, and delivery of charter school lease revenue bonds. Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: McCoy. None. Abstain. None. MOTION DECLARED CARRIED.

9. Consideration of the State of Minnesota Department of Transportation and Hennepin County and City of Independence Cooperative Construction Agreement for the County Road 90 and TH 12 Roundabout Construction Project.

- a. **RESOLUTION 21-0907-03:** The City Council is being asked to approve the cooperative agreement and authorize the Mayor and City Administrator to execute the agreement.

Johnson asks Kaltsas if the plans are similar to County Road 90 and Highway 12. Kaltsas says they have a cooperative agreement come up for accommodating stormwater. MnDot and Hennepin County helped incorporate some language into the cities hand in stormwater issues. Johnson says watching the one big one down here, they put fabric under the whole thing and if we were responsible for cleaning that up would be a huge burden and stormwater management is expensive. Spencer asks if there are any issues with mowing the center of the roundabouts. Kaltsas says it is rock and decorative grass now so less maintenance. Both roundabouts will be consistent. Spencer asks if there is still pedestrian crossing? Kaltsas says it is for people coming down the highway that are bicycling and need to get from one side of the road to the other. The provision is the same as with County Road 90. Vose says nice work to Mark since they are not particularly agreeable or flexible on the policies. Grotting asks about lighting. Kaltsas says there is lighting on the local legs along the highway strip.

Motion by Johnson, second by Spencer to move Resolution No. 21-0907-03. Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: McCoy. None. Abstain. None. MOTION DECLARED CARRIED.

10. Open/Misc.

Johnson asks if we have a firm grasp on who is responsible for the wetlands and housing developments. Kaltsas says we require a stormwater maintenance to be signed by the developer or owner. We have also adopted a stormwater ordinance if an HOA doesn't take care of it. Kaltsas says that some common land will be put on another level. We can assess some of the cost to the property owners. Cities that have been growing, these ponds are a real cost. Ponds can be \$250,000 just to clean the sediment. You can excavate it but any material you pull out you have to pay to dispose of contaminated materials because it is pollutants. Vose says that some cities assume ownership of the costs, but the debts come due all at once. Kaltsas says we want to stop erosion and assess every year. Betts asks about using some pumps to water their lawn with contaminated water. Kaltsas says the reuse system has a new set of criteria. We require an electrical outlet to plug in and aerate the lawn.

Johnson asks about the ribbon cutting for the road construction. Nathan from MnDOT says he will try to get a huge pair of scissors. Johnson says he would like to do this to say the project is completed. Nathan says he will talk with MnDOT about making this happen and for Hwy 12 and County Road 92 also.

Grotting asks if there will no longer be a whistle blowing at Valley and 92. Kaltsas says there will not be a whistle there or at 92 because the train will run under 92.

11. Adjourn.

Motion by Spencer, second by Grotting to adjourn at 7:35 p.m. Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: McCoy. None. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Amber Simon / Recording Secretary

DRAFT

DRAFT

City of Independence

Request for Site Plan Review and Conditional Use Permit for the Property located at 1985 County Road 90

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	September 21, 2021
<i>Applicant:</i>	Sam's Landscape, Inc.
<i>Owner:</i>	1985 Co Rd 90 LLC
<i>Location:</i>	1985 County Road 90

Request:

Sam Vandeputte (Applicant) and 1985 Co Rd 90 Llc (Owner) are requesting the following actions for the property located at 1985 County Road 90 (PID No. 22-118-24-41-0005) in the City of Independence, MN:

- a. Site plan review to construct a new principal structure and outdoor storage on the property.
- b. A commercial conditional use permit to allow an increase in the total allowable impervious surface coverage above 30%.

Property/Site Information:

The property is located on the west side of CSAH 90 just north of the intersection of County Road 90 and Highway 12. The property has an existing single-family home and detached accessory structure that would be removed to allow for this development. There are wetlands and some existing trees located on the property. The property has the following characteristics:

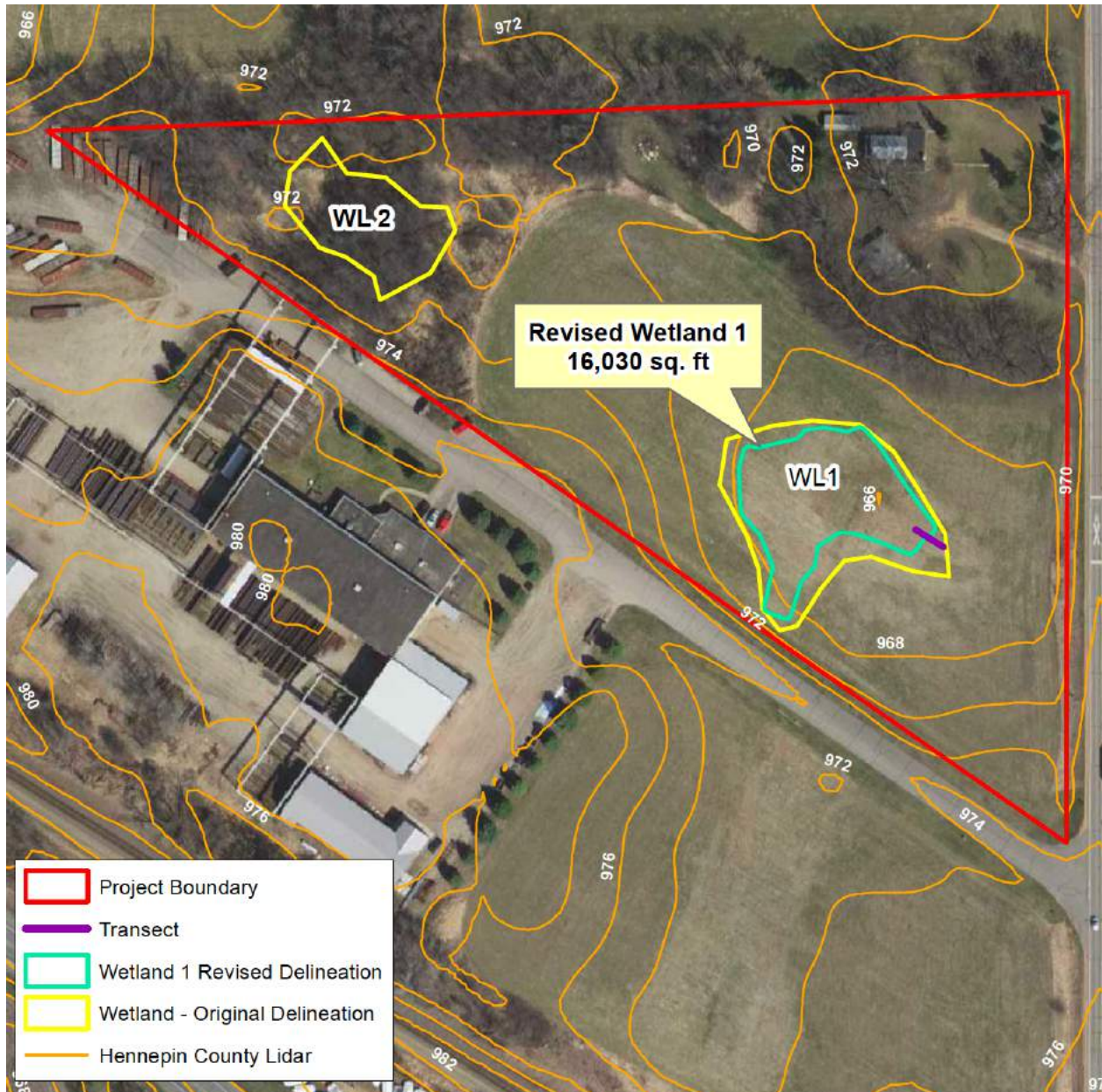
Property Information: 1985 County Road 90
Zoning: CLI - *Commercial Light Industrial*
Comprehensive Plan: *Commercial Light Industrial*
Acreage: 7.56 acres



Discussion:

The applicant approached the City several years ago after acquiring the property to discuss its possible use and development. The applicant has prepared several different concepts for the development of the site and is now in a position to move forward with the proposed development of two new commercial buildings. The applicant is seeking site plan approval to allow the construction of two new 12,000 square foot buildings (total 24,000 SF) and associated site plan improvements. The site improvements include parking areas, outdoor storage areas and landscaping.

This site presents several challenges for development based on the existing conditions of the property. There are two wetlands located on the property. The applicant has worked with and received approval from the State and City to mitigate the front wetland. It was noted that this area represented a low-quality depression that would considerably impact the ability to develop the property for commercial use. Based on the ability to mitigate the front wetland, the applicant would like to develop the property to accommodate his own business (Sam's Landscape) as well as several new businesses in the northern building). Sam's Landscape is currently located across the street at 1960 County Road 90.



The subject property is zoned CLI – Commercial Light Industrial. Office, warehouse and outdoor storage are permitted within the CLI zoning district. The applicant would initially locate their landscape business on the property. New construction in the CLI zoning district requires the review and approval of the City. The review considers and analyzes how the proposed development meets the requirements of the zoning ordinance (Sections 530.17 and 530.23).

The City has adopted site and design requirements for commercial development. The City has reviewed the plans as they relate to the required 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. 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 applicant is proposing to construct two commercial buildings on the property. It is likely that the applicant would construct the south building first and then construct the north building as demand for the spaces dictates. The proposed buildings would be constructed from tilt up concrete panels or EIFS equivalent panels and metal accents around the front doors. The initial plan indicates that the buildings would have a flat roof; however, the applicant has noted that the final design may include a standing seam metal pitched roof. The applicant has characterized the buildings as being similar to the existing building that he currently owns and constructed across the street. The applicant has prepared several illustrative images which further depict the proposed exterior building elevations and site improvements.

No exterior lighting is shown on the proposed plans. Any site or building lighting would need to comply with all applicable requirements of the City.

2. Parking Requirements - The applicant is proposing to construct new bituminous parking spaces and a loading area to serve the new addition. For industrial and manufacturing type uses, the City requires: one space for each 350 square feet of gross floor area. For office only uses, the City requires one space for each 250 square feet of floor area. The applicant does not fully know the interior space breakdown of each building, noting that it will be somewhat tenant dependent. The City would generally acknowledge that some of the interior square footage would be storage, meeting areas, warehouse, bathrooms, etc. For these reasons, the City would generally consider one space per 350 SF to be a good placeholder for this development. The total building square footage is approximately 24,000 square feet ($24,000/350 = 68$ parking spaces). The proposed plan provides for 69 parking spaces (4 accessible parking spaces). All parking spaces would be paved and would have the requisite concrete curb and gutter perimeter. The number of parking spaces proposed would generally satisfy parking requirements for this site.

3. Setbacks – The City has the following setback requirements for buildings located in the CLI zoning district:

Required	Proposed
a. Front yard setback: 100 feet from centerline of road.	89.67'
b. Side yard setback: 20 feet from side lot line.	21' N/89' S
c. Rear yard setback: 20 feet from rear lot line.	N/A
d. Setback from boundary of agricultural or rural residential dist: 100 feet.	N/A
e. Parking Setbacks: 20 feet from front lot line/10 feet from side lot line.	20' front/10' side

The proposed buildings would meet all applicable setbacks.

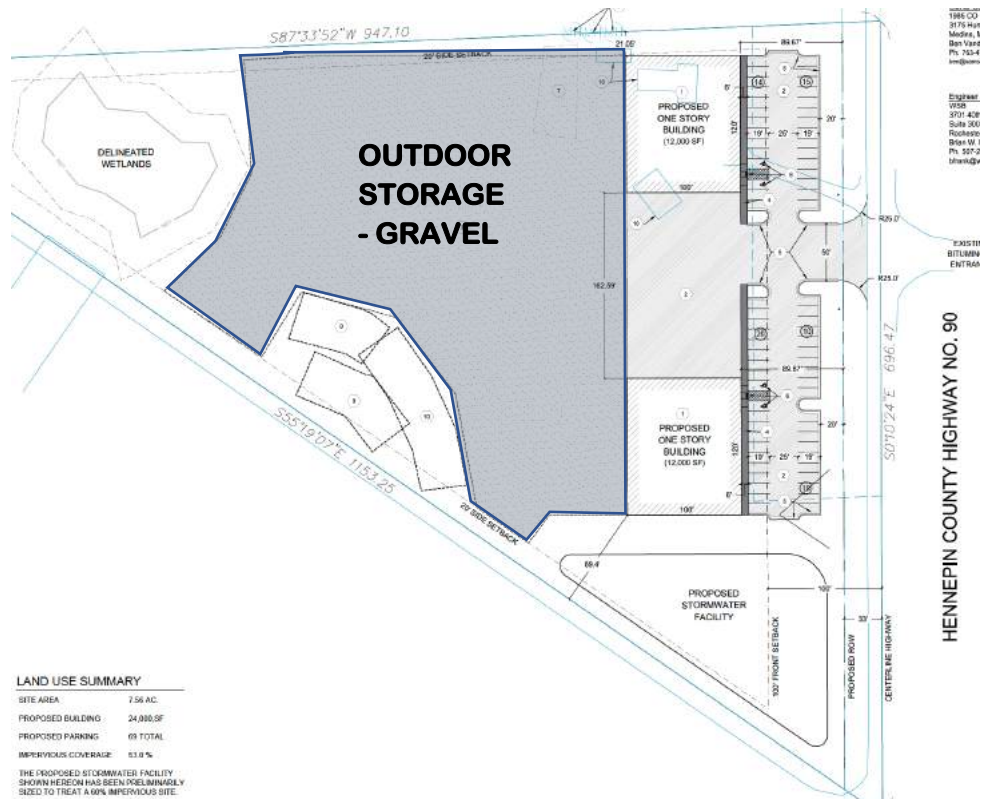
4. Landscaping - Landscaping is required for new construction within all requisite setback areas. Minimum landscape requirements in the protective buffer must include one tree (at least 2.5-inch caliper deciduous tree or six-foot-high conifer tree) for each 40 feet of property line. The protective buffer 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 prepared a landscape plan that depicts proposed landscaping. The plan generally provides perimeter landscaping as well as some interior parking lot landscaping. The City requires 1 tree per every 40 LF of property line. For this property the total perimeter property line lineal footage is 2,796 LF ($2796/40 = 70$). The total required number of perimeter trees would be 70. The applicant is proposing a 57 perimeter trees. The City would like to focus landscaping along the north property line, County Road 90 frontage and a portion of the south property line that is visible from County Road 90. The applicant is proposing 5 interior parking lot landscape islands. These islands would be landscaped with an ornamental tree and corresponding groundcover. The City can continue to work with the applicant to revise the plan to meet applicable requirements. Staff is seeking further direction from the Planning Commission relating to the requisite landscaping. Staff recommends that a condition be added to the site plan approval which requires submittal and approval of a final landscape plan.
5. Storm Water Management – Storm water management is being reviewed by the City. This project will also require the review and approval of the watershed district. The City has reviewed the initial plan and will be seeking additional detail relating to the proposed stormwater plans. These plans can be reviewed and considered prior to City Council consideration of the site plan review. The applicant has provided a stormwater management pond in the southeast corner of the site to accommodate runoff and quality control.
6. Lot Coverage - The maximum impervious lot coverage in the CLI zoning district is 30 percent. The overall site is 7.56 acres or 329,314 square feet. 30 percent of the total site area would allow 98,794 square feet of impervious coverage. The applicant is proposing to cover 53% of the proposed site with impervious surface. The City stipulates the following relating to lot coverage in the zoning ordinance:

Lot coverage. Impervious lot coverage shall not exceed 30 percent of the lot area. Lot coverage of up to 75 percent may be allowed by conditional use permit provided stormwater run-off and

surface drainage is no greater than pre-development rates for one-, ten- and 100-year storm events. Stormwater treatment ponding is required for all developments.

The applicant is asking for a CUP to allow additional coverage on the proposed site. The applicant is proposing to meet the applicable stormwater runoff requirements relating to the total site runoff. The City has criteria for granting a conditional use permit. The criteria generally require the City to find that any impacts associated with the proposed conditional use be adequately mitigated by the property owner. The applicant has noted that the additional impervious surface coverage would be mitigated by the landscaping, visible open space and additional stormwater management measures being proposed. It has been additionally noted by the City that the only other limitation on impervious surface coverage in the City is in the shoreland overlay district (25% maximum). Staff is seeking additional direction relating to the proposed impervious surface area and associated conditional use permit.

7. Outdoor Storage - The applicant is proposing to utilize the western portion of the site for outdoor storage. The proposed area would be gravel and enclosed with a chain link fence. All outdoor storage areas are required to be enclosed with a 6' tall opaque fence. Chain link fence would not meet the opacity requirements and would need to be comprised of a different material. In addition, the City requires all loading, parking and other vehicular areas to be paved. The applicant is proposing to provide a gravel outdoor storage area outdoor storage to the west of the proposed buildings.



8. Sanitary Sewer – There is an existing on-site septic system that would be removed as a part of the building/house demolition. The applicant has identified a primary and secondary septic site on the property. The sites are shown on the proposed plans and would be protected and remain unimproved in the proposed development condition.

The proposed development of this commercial property generally meets the intent and applicable requirements of the City's CLI zoning district. There are several items noted in the report that should be further considered by the Planning Commission. Based on direction from the Planning Commission, additional conditions may be required to be added to the recommendation.

Neighbor Comments:

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

Recommendation:

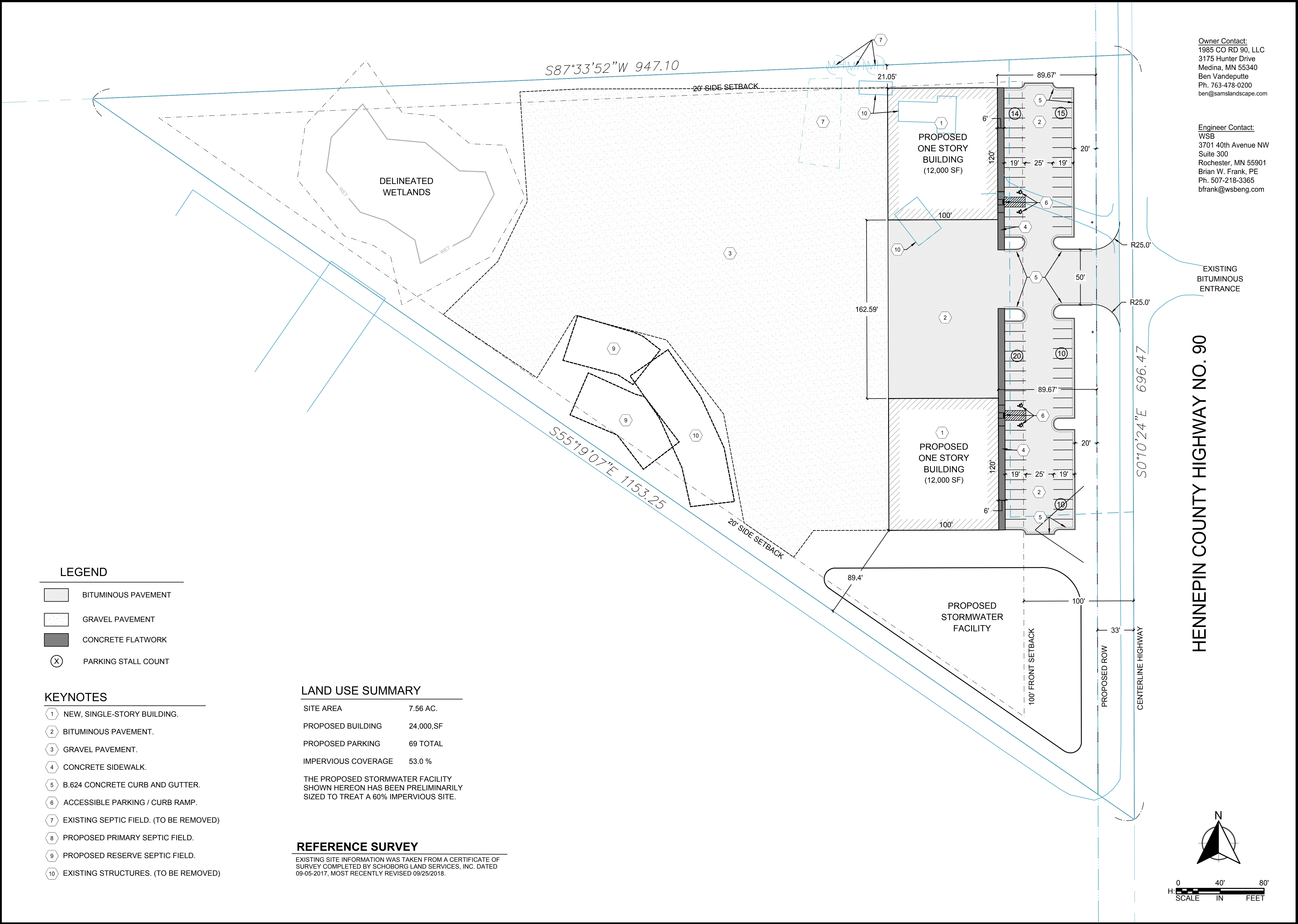
Staff is seeking a recommendation from the Planning Commission for the requested site plan review and conditional use permit. Should the Planning Commission recommend approval to the City Council, the following findings and conditions should be considered:

1. The proposed Site Plan Review and Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 520.25, Site Plan Approval Procedures, in the City of Independence Zoning Ordinance.
2. The total impervious surface coverage for this property will not exceed 53% of the total lot area. The applicant shall meet the City's requisite mitigation measures relating to the additional impervious surface coverage.
3. The applicant shall submit a final landscape plan and receive City approval prior City Council consideration.
4. The applicant shall comply with all applicable storm water requirements and obtain all storm water approvals determined necessary.
5. The applicant shall receive approval of the proposed access from Hennepin County.
6. 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.

7. 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.
8. The Applicant shall pay for all costs associated with the City's review of the requested site plan and conditional use permit approval.
9. The resolution shall be recorded against the property.

Attachments:

1. Application
2. Site Plan
3. Landscape
4. Building Elevations
5. Site Images



Owner Contact:
1985 CO RD 90, LLC
3175 Hunter Drive
Medina, MN 55340
Ben Vandeputte
Ph. 763-478-0200
ben@samlandscape.com

Engineer Contact:
WSB
3701 40th Avenue NW
Suite 300
Rochester, MN 55901
Brian W. Frank, PE
Ph. 507-218-3365
bfrank@wsbeng.com



WSB PROJECT NO.:
018085-000

SCALE: AS SHOWN
DESIGN BY: BWF
PLAN BY: PJM
CHECK BY: BWF

REVISIONS	
NO	DESCRIPTION

HENNEPIN COUNTY HIGHWAY NO. 90

SAM'S LANDSCAPING
INDEPENDENCE, MINNESOTA

CONCEPTUAL
SITE PLAN

CS100

LEGEND

- BITUMINOUS PAVEMENT
- GRAVEL PAVEMENT
- CONCRETE FLATWORK
- PARKING STALL COUNT

KEYNOTES

- 1 NEW, SINGLE-STORY BUILDING.
- 2 BITUMINOUS PAVEMENT.
- 3 GRAVEL PAVEMENT.
- 4 CONCRETE SIDEWALK.
- 5 B.624 CONCRETE CURB AND GUTTER.
- 6 ACCESSIBLE PARKING / CURB RAMP.
- 7 EXISTING SEPTIC FIELD. (TO BE REMOVED)
- 8 PROPOSED PRIMARY SEPTIC FIELD.
- 9 PROPOSED RESERVE SEPTIC FIELD.
- 10 EXISTING STRUCTURES. (TO BE REMOVED)

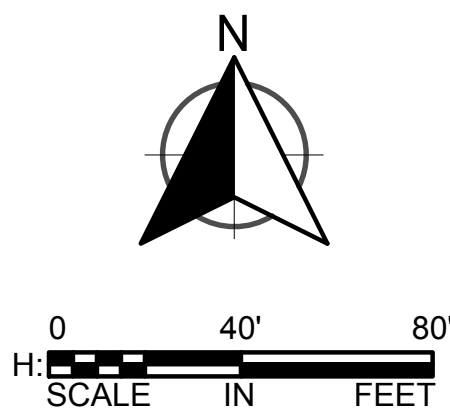
LAND USE SUMMARY

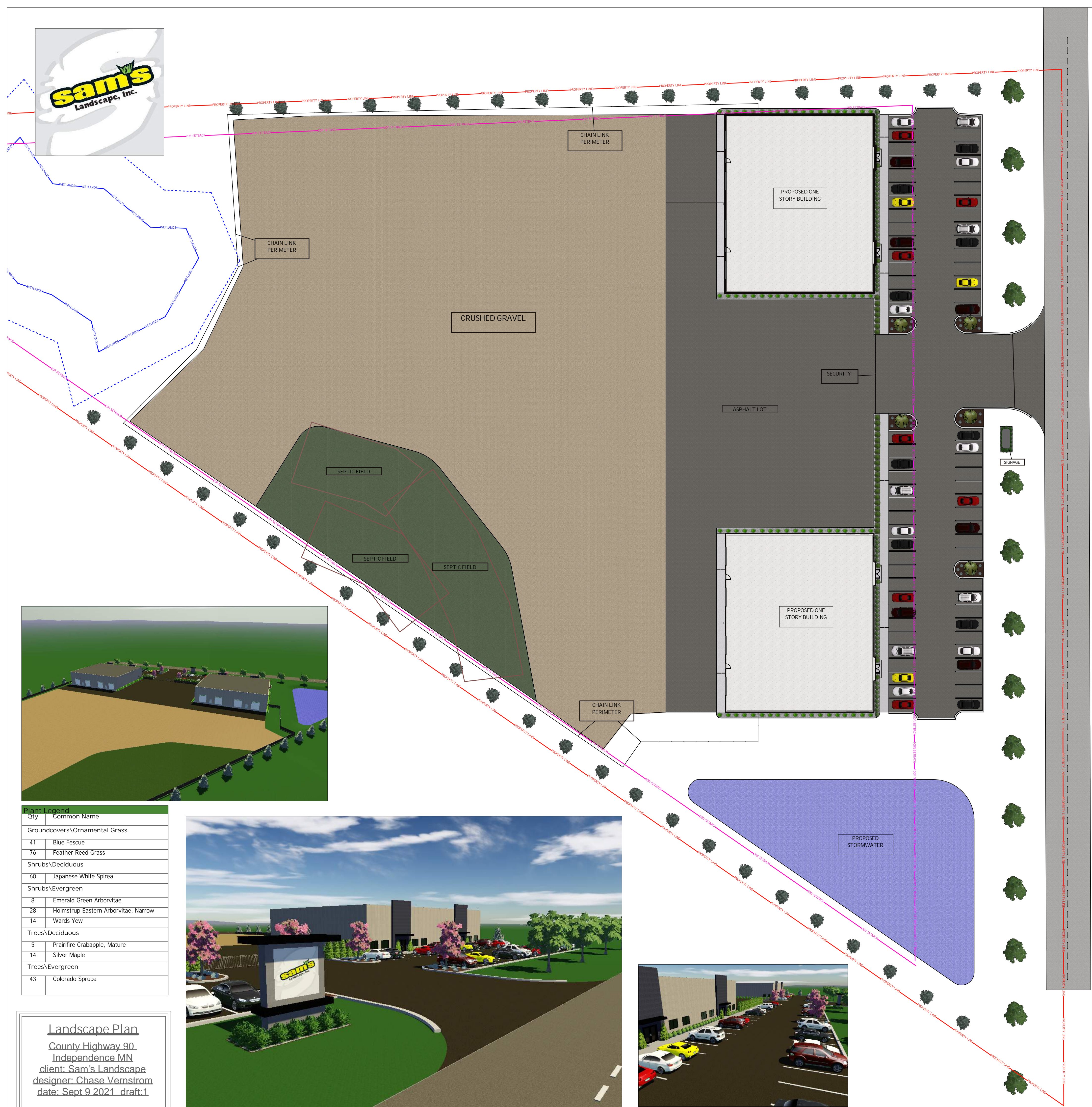
SITE AREA	7.56 AC.
PROPOSED BUILDING	24,000,SF
PROPOSED PARKING	69 TOTAL
IMPERVIOUS COVERAGE	53.0 %

THE PROPOSED STORMWATER FACILITY
SHOWN HEREON HAS BEEN PRELIMINARILY
SIZED TO TREAT A 60% IMPERVIOUS SITE.

REFERENCE SURVEY

EXISTING SITE INFORMATION WAS TAKEN FROM A CERTIFICATE OF
SURVEY COMPLETED BY SCHOBORG LAND SERVICES, INC. DATED
09-05-2017, MOST RECENTLY REVISED 09/25/2018.





Plant Legend	
Qty	Common Name
Groundcovers\Ornamental Grass	
41	Blue Fescue
76	Feather Reed Grass
Shrubs\Deciduous	
60	Japanese White Spirea
Shrubs\Evergreen	
8	Emerald Green Arborvitae
28	Holmstrup Eastern Arborvitae, Narrow
14	Wards Yew
Trees\Deciduous	
5	Prairifire Crabapple, Mature
14	Silver Maple
Trees\Evergreen	
43	Colorado Spruce



Landscape Plan

County Highway 90
Independence, MN
client: Sam's Landscape
designer: Chase Vernstrom
date: Sept 9 2021 draft:1















City of Independence
**Request for a Minor Subdivision to Allow a Lot Line Rearrangement
for the Property Located at 2914 Lindgren Lane**

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: September 21, 2021
Applicant: Katie and Brian Roers and Mary Fehn
Owner: Katie and Brian Roers and Mary Fehn
Location: 2914 Lindgren Lane

Request:

Katie and Brian Roers and Mary Fehn (Applicants/Owners) request that the City consider the following action for the properties located at 2914 and 2030 Lindgren Lane (PID No.s 13-118-24-24-0006 and 13-118-24-24-0031) in Independence, MN:

- a. A minor subdivision to allow a lot line rearrangement between the subject properties.

Property/Site Information:

The subject properties are located at 2914 and 2930 Lindgren Lane. The properties both have shoreland on Lake Independence. There is an existing home and several small sheds located on the property. The property is accessed from Lindgren Lane although the property has no direct frontage on the road. The property access is gained across the City's property. The property is approximately .36 acres. This property is considered a sub-standard lot of record. Substandard lots of record in the shoreland district are allowed to have reduced setbacks of 60% of the required setbacks.

Property Information: **2914 Lindgren Lane**

Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential*

Acreage: (Before) .36 acres

(After) .75 acres

Impervious Surface Maximum: 25% ~(8,167.5 SF permitted)

Property Information: **2930 Lindgren Lane**

Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential*

Acreage: (Before) 1.47 acres

(After) 1.08 acres

Impervious Surface Maximum: ~(11,761 SF permitted / 9,839 SF existing)

2914 Lindgren Lane (bottom lot), 2930 Lindgren Lane (top lot)



Discussion:

The City granted a variance for 2914 Lindgren Lane in 2014 and again in 2019 allowing a reduction to the side yard setbacks to facilitate the construction of a new home on the property. The applicants are getting ready to move forward with the construction of the home and approached the City about the possibility of a lot line rearrangement that would provide public road frontage to the property. Both property owners have now agreed to a proposed lot line rearrangement that would provide access to 2914 from Lindgren Lane.

The proposed minor subdivision would allow the 2914 property to be brought closer towards compliance with applicable lots size and public frontage requirements. 2914 Lindgren Lane currently has access from both the 2930 property to the north and the City's property to the south. Both properties are considered legal non-conforming properties for not meeting all applicable requirements of the City's zoning ordinance.

There are several factors to consider relating to proposed minor subdivision as follows:

2930 Lindgren Lane

- The property does not have the minimum frontage required.
- The property is connected to City sewer.
There is an existing shed located on the south side of the property that does not meet the applicable side yard setback in the before condition. No change conformance would occur as a result of the subdivision in the after condition.
- The existing home does not meet all applicable building setbacks in the before condition. No change in conformance would occur as a result of the subdivision in the after condition.

2914 Lindgren Lane

- The property has no public road frontage in the before condition.
- The property will be connected to City sewer when developed.
- The City granted a variance to allow a reduced side yard setback (north property line).
- Access to the property will remain unchanged as a result of the proposed subdivision.

The proposed minor subdivision to allow a lot line rearrangement generally allows the 2914 Lindgren Lane property to be brought closer towards compliance with applicable standards. There do not appear to be any adverse impacts resulting from the lot line rearrangement.

Neighbor Comments:

The City was contacted by a neighboring property owner to acquire additional information relating to the proposed lot line rearrangement.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested minor subdivision to allow a lot line rearrangement. Should the Planning Commission Recommend approval, the following findings and conditions should be considered:

1. The proposed minor subdivision request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions and Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The applicant shall pay for all costs associated with the City's review and recording of the requested minor subdivision.
3. The City Council Resolution shall be recorded with the County.

Attachments:

1. Site Survey – Depicting both the Before and After Conditions



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: Katie Roers

Address: 2324 Copeland Rd
Independence, Minnesota
55359

Primary Phone: 612-308-0666

Email: katieroers@outlook.com

Owner Information

Name: Katie Roers

Address: 2324 Copeland Rd
Independence, Minnesota
55359

Primary Phone: 612-308-0666

Email: katieroers@outlook.com

Property Address:

PID:

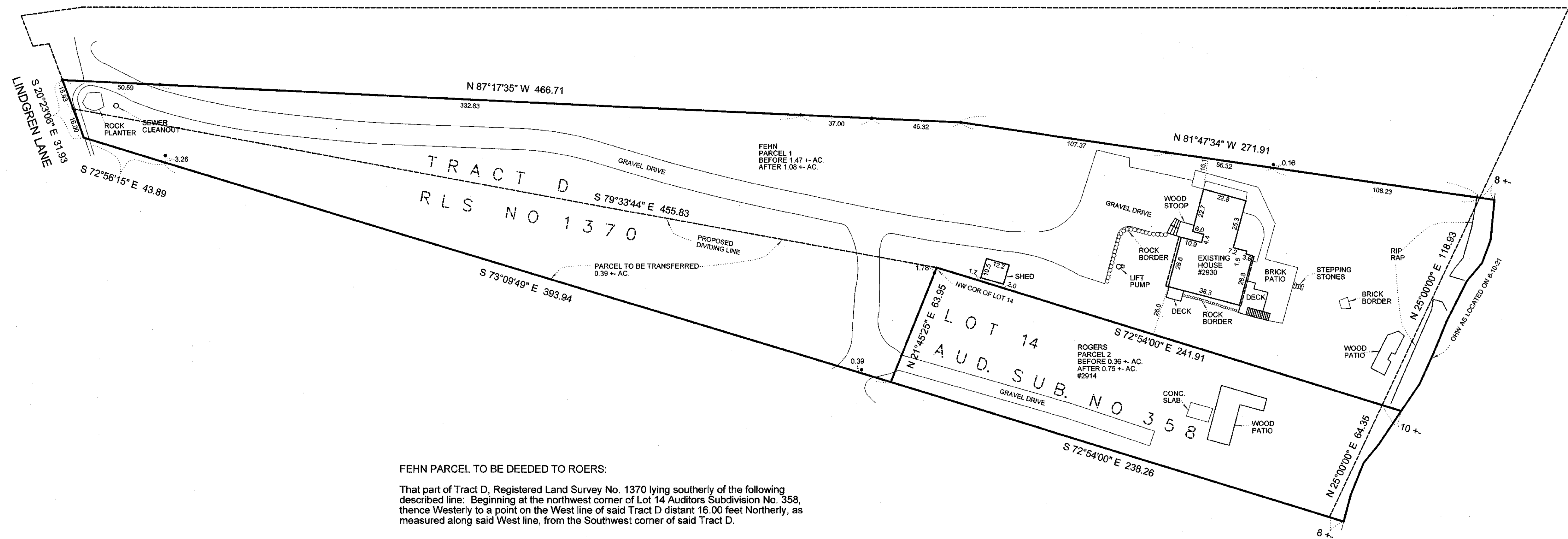
Planning Application Type: Other

Description:

Supporting Documents: Site Survey (Existing Conditions), Site Survey (Proposed Conditions)

Signature:

CERTIFICATE OF SURVEY AND LOT LINE REARRANGEMENT FOR
MARY FEHN AND BRIAN ROERS
IN TRACT D, R.L.S. NO. 1370 AND LOT 14, AUD. SUB. NO. 358
HENNEPIN COUNTY, MINNESOTA



FEHN PARCEL TO BE DEEDED TO ROERS:

That part of Tract D, Registered Land Survey No. 1370 lying southerly of the following described line: Beginning at the northwest corner of Lot 14 Auditors Subdivision No. 358, thence Westerly to a point on the West line of said Tract D distant 16.00 feet Northerly, as measured along said West line, from the Southwest corner of said Tract D.

PROPOSED LEGAL DESCRIPTIONS:

Parcel 1: (Fehn)

Tract D, Registered Land Survey No. 1370 EXCEPT that part lying southerly of the following described line: Beginning at the northwest corner of Lot 14 Auditors Subdivision No. 358, thence Westerly to a point on the West line of said Tract D distant 16.00 feet Northerly, as measured along said West line, from the Southwest corner of said Tract D.

Parcel 2: (Roers)

Lot 14, Auditors Suidivision No. 358 AND that part of Tract D, Registered Land Survey No. 1370 lying southerly of the following described line: Beginning at the northwest corner of Lot 14 Auditors Subdivision No. 358, thence Westerly to a point on the West line of said Tract D distant 16.00 feet Northerly, as measured along said West line, from the Southwest corner of said Tract D.

EXISTING LEGAL DESCRIPTIONS:

Parcel 1: (Fehn)

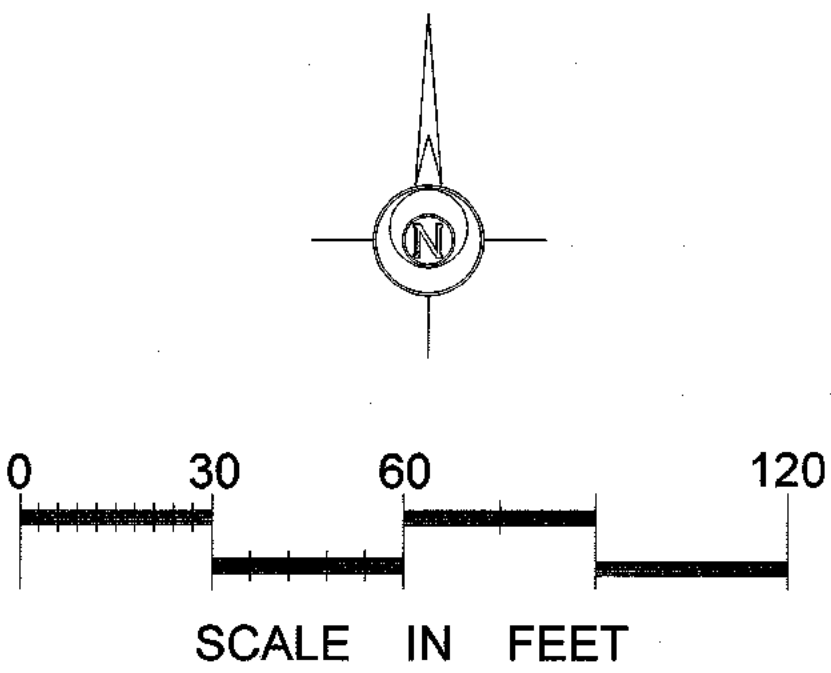
Tract D, Registered Land Survey No. 1370

Parcel 2: (Roers)

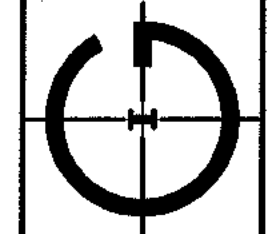
Lot 14, Auditors Subdivision No. 358

● : Denotes found iron marker

This survey intends to show the boundaries of the above described properties, an existing house, building, drive, and visible hardcover. It does not purport to show any other improvements or encroachments.



GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435



DATE	BY	DATE	BY
6-10-21	MG	6-10-21	MG

DESIGNED	DRAWN	CHECKED

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor or under the laws of the State of Minnesota.
Mark J. Gronberg
DATE 6-10-21 MINN. LICENSE NUMBER 12755

REVISIONS	REMARKS
DATE	